

Introduced: 2/8/84
Referred: Judiciary and Finance

1 IN THE HOUSE

BY TISCHER

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HOUSE BILL NO. 588

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act providing for the award of costs and attorney fees to persons who prevail in certain state administrative proceedings; and providing for an effective date."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 09.50 is amended by adding a new section to read:

12 ARTICLE 7. COSTS AND ATTORNEY FEES IN ADMINISTRATIVE PROCEEDINGS.

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Sec. 09.50.410. AWARD OF COSTS AND ATTORNEY FEES TO RESPONDENT

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IN ADMINISTRATIVE PROCEEDING. (a) If action by a state agency results in an administrative proceeding to impose a civil penalty or tax on a person or to revoke, suspend, limit, or condition a person's right, authority, license, or privilege and the respondent prevails in the administrative proceeding, the hearing officer or other official who presides over the proceeding shall allow the respondent to recover from the state the respondent's costs of defense, including attorney fees.

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(b) The amount of costs and attorney fees that may be awarded under this section shall be determined by reference to the Alaska Rules of Civil Procedure, Rules 54(d), 79, and 82, as if the action had been brought in a state court.

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(c) An award of costs or attorney fees made under this section may be appealed to the superior court.

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(d) In this section "state agency" means a department, office, agency or other instrumentality of the state, including the University

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1 of Alaska.

2 * Sec. 2. This Act applies only to administrative proceedings that are
3 commenced after the effective date of this Act.

4 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).