

House Research Act Summary

CHAPTER: 439

SESSION: 2000 Regular Session

TOPIC: Equal Access to Justice Act

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Analyst: Mark Shepard, 651-296-5051

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Overview

Amends the Equal Access to Justice Act, which regulates recovery of costs and attorney fees from the state. The basic standard for awarding fees and expenses is not changed. That is, a prevailing party in a civil action or contested case proceeding (other than a tort action) brought by or against the state can recover fees and expenses from the state if the prevailing party shows that the position of the state was not substantially justified.

Section

- 1 **Expenses.** Includes reasonable costs of any study, analysis, engineering report, test or project in costs that can be recovered under the act.
- 2 **Attorney fees.** Increases the maximum hourly rate for attorney fees that may be awarded from \$100 to \$125.
- 3 **Party.** Increases the size limits on businesses that can recover costs and fees under this act. The limit on number of employees is increased from 50 to 500. The limit on annual revenues is increased from \$4 million to \$7 million.
- 4 **Fees and expenses.** Provides that a party seeking an award must submit an application to the court or administrative law judge within 30 days of final judgment. Specifies information that must be included in this application.
- 5 **Effective date.** Effective August 1, 2000, and applies to any civil action or contested case proceeding commenced on or after that date.