

"An Act making a supplemental appropriation to the Department of Law for miscellaneous court awards; effective date."

# COMMITTEE REPORT

2/20 '76

HOUSE

Mr. Speaker:

Date 2/25/76

The Committee on FINANCE has had HB 738

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

(x) recommends it BE REPLACED WITH CS FOR HB 738 AND THAT

CS FOR HB 738 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

HB 738

February 6, 1976

M E M O R A N D U M

TO: The Honorable Jay S. Hammond  
Governor

FROM: Avrum M. Gross  
Attorney General

RE: Attached supplemental appropriation to  
Department of Law

Attached is a supplemental appropriation bill, requested by this department and approved by the Budget Review Committee, to pay miscellaneous court awards. Also attached is Wil Condon's January 23 memo to Kent Dawson, explaining the request in more detail. Here is a draft transmittal letter:

D R A F T

In accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill making a supplemental appropriation to the Department of Law to pay miscellaneous court awards. Decisions in five cases have resulted in state obligations as follows:

<u>United States v. Alaska</u>	\$10,426.00
<u>State of Alaska v. Pankratz</u>	5,872.67
<u>Abrams, et al. v. State, et al.</u>	5,082.00
<u>Park v. Lowell Thomas</u>	751.83
<u>Douglas v. Williamson</u>	1,000.00

Introduced: 2/11/76  
Referred: Judiciary and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 CS HOUSE BILL NO. 738

(Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the  
7 Department of Law for miscellaneous court awards;  
8 and providing for an effective date."

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

10 \* Section 1. The sum of <sup>#37,633</sup>~~\$35,900~~ is appropriated from the general fund  
11 to the Department of Law for the purpose of paying miscellaneous court  
12 awards.

13 # Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
14 10.070(c).

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## MEMORANDUM

4A

TO: 

V. Kent Dawson  
 Director  
 Division of Budget  
 & Management  
 Department of Administration

DATE : January 23, 1976

FROM:

Wilson L. Condon  
 Deputy Attorney General

SUBJECT: Supplemental  
 Appropriation -  
 Legal Fees and  
 Court Costs

The following judgment for costs and attorney's fees have been entered against the State. The Department of Law does not have sufficient funds to pay these judgments and therefore we request that supplemental appropriations be sought to cover these amounts.

1.	<u>United States v. Alaska</u>	\$10,426.00
2.	<u>State of Alaska v. Pankratz</u>	5,872.67
3.	<u>Abrams, et al. v. State, et al.</u>	5,082.00
4.	<u>Park v. Lowell Thomas</u>	751.83
5.	<u>Douglas v. Williamson</u>	1,000.00

1. In the case of the United States v. Alaska, the dispute centered on ownership of Lower Cook Inlet. The federal government prevailed and has been awarded the costs set forth above by the United States Supreme Court.

2. In the case of Pankratz, the dispute centered on who owned a gravel bar in the Chené River directly contiguous to an island owned by Pankratz. The State filed a lawsuit to support its contention that the gravel bar was state-owned. Pankratz prevailed in the Supreme Court and has been awarded costs and attorney's fees.

3. In Abrams, the dispute concerned the constitutionality of ch. 145, SLA 1974 which concerned the Eagle River-Chugiak Borough. Abrams prevailed in the case and was awarded court costs and attorney's fees.

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4. The Park case was brought when Dail Park was denied the issuance of a notary seal because he was an alien. Park prevailed and portions of AS 44.50.020 were found unconstitutional. He was awarded costs and attorney's fees of \$751.83.

5. The Douglas case concerned the validity of certain emergency regulations reducing the kinds of drugs available under the General Relief Medical Program of the Department of Health and Social Services. The regulations were determined to be invalid due to the lack of any emergency and plaintiff was awarded \$1,000 in costs and attorney's fees.

Another award of costs and attorney's fees for which we certainly will have to seek funds was granted in the case of Stevens, et al v. McGinnis, et al. This case, which dealt with procedures in correctional institutions and prisoners' rights, was recently decided by our Supreme Court. The final award of costs has not yet been made; we estimate it will be \$12,800. To keep supplemental requests to a minimum, we suggest that you may want to request the \$12,800 for this case at this time also.

If any further information is needed, please notify the Department of Law at 465-3600.

WLC:jeh

*Council*

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT JUNEAU

H.C.R. STEVENS, and all other persons  
presently imprisoned, in custody, or in  
any manner detained under the authority  
of the Commissioner of the Department of  
Health and Social Services,

Plaintiffs,

v.

FREDERICK P. MCGINNIS, Commissioner of  
the Department of Health and Social  
Services; and CHARLES G. ADAMS, JR.,  
Director of the Division of Corrections,  
Department of Health and Social Services,

Defendants.

RECEIVED

Department of Law

FEB 19 1976

Office of the Attorney General  
Anchorage Branch  
Anchorage, Alaska

RECEIVED

Department of Law

FEB 23 1976

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No. 71-330

ORDER

Upon hearing argument of counsel and examination of the record and  
the court being fully advised, IT IS HEREBY ORDERED that this Court's award of  
TWELVE THOUSAND EIGHT HUNDRED FORTY-TWO DOLLARS AND SIXTY-TWO  
CENTS (\$12,842.62) attorney's fees and costs is affirmed and that plaintiff is  
further awarded interest thereon at the rate of eight percent (8%) from July 25,  
1974 until paid.

DATED this \_\_\_\_\_ day of February, 1976.

VICTOR CARLSON  
JUDGE OF THE SUPERIOR COURT

*T.C. vs. Wagstaff 2/23  
pay issue judgment was  
interest at our best appropriate  
later*

WAGSTAFF & MIDDLETON  
500 L STREET  
ANCHORAGE, ALASKA  
277-0282  
272-9811