

COMMITTEE REPORT

SENATE

3/29/76

Mr. President:

Date

4/30/76

The Committee on Finance has had CSHB 738 ^{supp. approp. to Dept. of Law for miscellaneous court awards} 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)
- recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

| | | |
|-----------------|--------------------|--------------|
| <u>Bill Kay</u> | <u>_____</u> | <u>_____</u> |
| <u>_____</u> | <u>_____</u> | <u>_____</u> |
| <u>_____</u> | <u>R. F. _____</u> | <u>_____</u> |
| <u>_____</u> | <u>_____</u> | <u>_____</u> |

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Bill Kay Chairman

Original sponsor: Rules Committee by
request of the Governor

Offered: 3/15/76
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 738

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; and
8 providing for an effective date."

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

10 * Section 1. The sum of \$37,633 is appropriated from the general fund to
11 the Department of Law for the purpose of paying miscellaneous court awards.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
13 070(c).

Original sponsor: Rules Committee by
request of the Governor

Offered: 3/15/76
Referred: Rules

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THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST
 Bill No. HB 738
 Title: Supplemental Appropriation to the Dept. of Law for misc court
 Requested by: awards Date: _____
 Return Date Requested: _____
 Agency: Dept. of Law Program: General Government

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Legal Services

A. EXPENDITURES: (Thousands of dollars)

| OBJECT | FY 76 | FY 77 | FY 78 | FY 79 | FY 80 | FY 81 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | 35.9 | | | | | |
| TOTAL | 35.9 | | | | | |

B. FUNDING: (Thousands of dollars)

| | | | | | | |
|---------------|------|--|--|--|--|--|
| GENERAL FUND | 35.9 | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |

C. POSITIONS:

| | | | | | | |
|---------------------|---|---|---|---|---|---|
| PERMANENT/TEMPORARY | / | / | / | / | / | / |
| MAN MONTHS (P./T.) | / | / | / | / | / | / |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

To pay miscellaneous court awards as follows:

| | |
|---------------------------------|------------------|
| United States v. Alaska | 10,426.00 |
| State of Alaska v. Pankratz | 5,872.67 |
| Abrams, et al. v. State, et al | 5,082.00 |
| Park v. Lowell Thoms | 781.83 |
| Douglas v. Williamson | 1,000.00 |
| Stevens et al v. McGinnis et al | 12,800.00 |
| | <u>35,932.50</u> |

IV. ATTACHMENTS

V. DATE: 3-30-76 PREPARED BY: Richard I. Pegues,
Legal Administrator

Original: Legislative Finance ✓
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HB 738

HB 738

February 11, 1976

The Honorable Mike Bradner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

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 |

Another case, Stevens et al. v. McGinnis et al., has been decided by the Alaska Supreme Court, but the final award of costs has not yet been made. We estimate that it will be \$12,800.

Sincerely,

Jay S. Hammond
Governor

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

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 738

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 \$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

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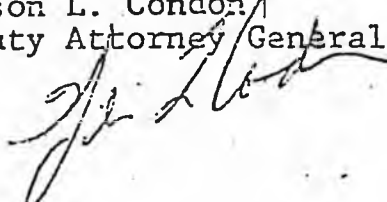
TO:

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 Chenega 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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January 23, 1976

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. 14,468

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

WLC:jeh