

COMMITTEE REPORT

5/7/75

SENATE

Mr. President:

Date

5/8/75

The Committee on FINANCE has ^{CSHB 81} and _____

supplemental appropriation to the Department of Law 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:

Bill Kay _____
Steve Obenshain _____
Steve Obenshain _____

Members NOT concurring in the Majority report:

_____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:

Bill Kay Chairman

MB 81

MEMORANDUM

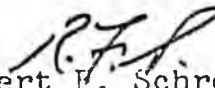
State of Alaska

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

DATE: January 29, 1975

FILE NO:

TELEPHONE NO:

FROM: 
 Robert F. Schroeder
 Legal Administrator
 Department of Law

SUBJECT: FY75 Supplemental Budget
 Request - Cook Inlet Pricing
 Case Litigation

The Department of Law requests a supplemental appropriation of \$107,900 to the FY75 Legal Services operating appropriation. The funds requested are for costs expected to materialize during the remainder of conducting the state's portion of the Cook Inlet Pricing case. (A period including FY75, and in all likelihood, the first half of FY76). The Department does not have sufficient funds available in its FY75 budgets to cover these costs. Neither are those costs expected to occur in FY76 reflected in the FY76 budget request.

The Cook Inlet Pricing Case is a case involving disputes between the state and eleven oil companies and the purchaser of the state's royalty oil. The matters involved in the lawsuit are complex, but essentially the case involves the price of oil upon which both royalties and taxes are to be calculated, and whether certain deductions from this price are allowable in computing the state's royalty and taxes.

This case has reached a critical stage in which it is necessary to incur additional costs to complete the state's discovery of important documents and information. These costs are compounded by the fact that the case covers events extending back into the early 1960's and involves persons and businesses situated throughout the United States.

The \$107,900 requested is composed of \$17,100 for personal services, \$41,000 for travel, \$48,000 for contractual services, \$1,500 for commodities and \$300 for equipment.

Personal Services

This case currently requires full time attention by two attorneys and part time attention by another attorney in addition to most of the time of one legal secretary. All are on the Department's present staff. For the duration of the case, including the impending trial in the state Superior Court in Anchorage, this same level of personal services will be needed. In addition to the present commitment of personnel, the Department estimates that, with twelve other parties opposing the state, an overwhelming amount of legal documents and written communications between the state and the opposition will necessitate the hiring of another legal secretary on a permanent full time basis for the duration of the case and a temporary clerk typist for six months on an as needed basis.

January 29, 1975

- 2 -

Travel

During the course of taking depositions essential to the state's case, it will be necessary for the state's attorneys to travel to the locations of pertinent persons and businesses, and almost all of these are outside of Alaska. Based upon past experiences with cases of similar nature, the department estimates 30 weeks of travel will be necessary at an average cost of \$500 per week. This amount includes transportation and per diem.

Contractual Services

The amount requested here is to pay for approximately eighty depositions and transcripts at \$300 each - \$24,000; anticipated costs of Services of experts - \$14,000; cost to produce necessary copies of pertinent documents - \$3500. Cost of communication services, postage, office rent and office machines rent - \$6,500.

Commodities

Consumable office supplies - stationary, etc.

Equipment

Typist desk and chair.

RFS:jdg

MEMORANDUM

State of Alaska

TO: Ron Lind, Deputy Director
Division of Budget and Management
Department of Administration

DATE: December 10, 1974

FILE NO:

TELEPHONE NO:

R.F.S.
FROM: Robert F. Schroeder
Legal Administrator
Department of Law

SUBJECT: 1975 Miscellaneous Claims

Attached are three statements from the law firm of Baker and Botts for the contracted services of Thomas M. Phillips, attorney consultant in the Lower Cook Inlet case. These are for services from December 1973 through June 30, 1974. Because we did not lapse sufficient funds in Contractual Services in the Legal Services Program for FY 1974, we are asking that the statements, totaling \$12,350.00, be included in the Miscellaneous Claims.

Enclosed is a copy of a letter from former Attorney General, Norman C. Gorsuch to Mr. Phillips and his reply. This is the culmination of our long drawn out effort to get periodical billings from Baker and Botts so that payments can be made in compliance with state fiscal periods. The attached billings are the first positive results we have achieved even though they are not timely.

This case has been proceeding for a few years with this firm representing the state. We have passed the point of terminating their services without seriously jeopardizing the outcome of the case but we will make every other effort to obtain timely billings from them for the duration of this case.

RFS:jdg

Attachments

12,400

83,900

BAKER & BOTTS
ATTORNEYS AT LAW
ONE SHELL PLAZA
HOUSTON, TEXAS 77002

November 27, 1974

State of Alaska
Attn.: Attorney General Norman Gorsuch
Pouch K
Juneau, Alaska 99801

Re: United States of America v. State of Alaska

To fee for services rendered from December 1, 1973 through December 31, 1973, including: long distance conferences with Bradley and thereafter with Cranston; continued study of Government's brief; study of record, revised draft of supplemental brief; work on brief; long distance calls to printer and Clerk in California; letter to Cranston recommending preparation and filing of supplemental brief; extended long distance conference with Cranston; agreed to take responsibility for preparing final draft of supplemental brief; study of material from Cranston for incorporation in supplemental brief; study of all briefs filed thus far in this matter; drafting, revising and drawing final draft of motion for leave to file supplemental brief; work on draft of brief; completed final draft of supplemental brief; long distance calls to printer and Clerk; letters to Cranston, Bradley and Gorsuch; letter to printer, review of supplemental brief.

39 Hours

\$3,900 00

BAKER & BOTTS
ATTORNEYS AT LAW
ONE SHELL PLAZA
HOUSTON, TEXAS 77002

November 27, 1974

State of Alaska
Attn.: Attorney General Norman Gorsuch
Pouch K
Juneau, Alaska 99801

Re: United States of America v. State of Alaska

To fee for services rendered from January 1, 1974 through March 31, 1974, including: long distance conference with Clerk in California re filing of brief; correspondence on same; long distance telephone call to Clerk re receipt of motion for leave to file supplemental brief; letter on same; review all briefs filed in trial court and Court of Appeals preparatory to arguing case in Ninth Circuit; long distance conference with Cranston re presentation of oral arguments in Court of Appeals; legal research between difference between "acquiescence" and "tolerate"; preparation for oral argument; January 12 through January 14 in San Francisco; in further preparation for oral argument conferred with Cranston and coordinated our arguments; appeared in Ninth Circuit Court on submission of case and made Appellee's opening argument; returned to Houston; review of Master's Report filed by Federal Government; long distance conference with Stockwell re status of Louisiana tidelands case; correspondence with Cranston; letter to Olive Stone; study legislative history; telephone conference with Oliver Stone; memorandum to file; letter to Stone; study of Court of Appeals' Opinion; letters to Cranston and Stone.

49.5 Hours

\$4,950 00

BAKER & BOTTS
ATTORNEYS AT LAW
ONE SHELL PLAZA
HOUSTON, TEXAS 77002

November 27, 1974

State of Alaska
Attn.: Attorney General Norman Gorsuch
Pouch K
Juneau, Alaska 99801

Re: United States of America v. State of Alaska

To fee for services rendered from April 1, 1974 through June 30, 1974, including: long distance conference with Cranston re proposed meetings with Department of Interior personnel in Washington; calls, conferences and correspondence with our Washington office re making appointment for conference; long distance conference with Bradley; call to Department of Interior and made appointment with Solicitor Frizzell; long distance conference with Attorney General Gorsuch; outlined presentation to be made to Solicitor Frizzell; study of file and completing arrangements and plans for presentation to Solicitor Frizzell; April 21 through April 22, in Washington, D. C.; there conferred with Solicitor Frizzell and Deputy Solicitor Lindgren; letter to Attorney General Gorsuch reporting results of conference with Dept. of Interior personnel; letter to Frizzell, Solicitor; long distance conference with Cranston re preparation of brief in opposition to petition for writ of certiorari; began study of petition for writ of certiorari; began draft of opposition brief to petition for writ of certiorari with review of file and briefs.

35 Hours

\$3,500 00

2500
11420
5000
17350

November 21, 1974

Mr. Thomas W. Phillips
Attorney at Law
Baker & Potts
One Shell Plaza
Houston, Texas 77002

Re: Billing in Cook Inlet Case

Dear Tom:

Before delving into the subject matter of this letter, I want to once again acknowledge the State's appreciation for the unique and invaluable work you have performed in the Cook Inlet Case. The State's favorable posture in the case at this moment is directly related to your efforts.

However, your billing practices are creating extreme problems for the Department of Law. The department operates on a fiscal year basis beginning July 1 and ending on the following June 30. As you know, your contract running from July 1, 1973 to June 30, 1974, requires billing on a monthly basis. The July 1, 1974 to June 30, 1975 contract requires billing on a calendar quarter. The purpose of such billing provisions is to insure that all charges attributable to a particular fiscal year are presented to the department during that fiscal year. The department does not have the latitude to intermingle funds of different fiscal years. For FY '74, this department lapsed about approximately \$10,000. If your billing for services rendered in FY '74 had been timely presented, the lapsed \$10,000 would have been used to pay your bill. Further, in FY '73, your bill for services rendered in that fiscal year was not presented in time to encumber FY '73 monies. As a result, some \$13,000 which the department had allocated to your contract lapsed. The department was able to pay the FY '73 bills with FY '74 monies. However, in order to do so, the department went through some very tense belt-tightening (which involved a reduction in both the quantity and quality of our services to the citizens of Alaska) and for awhile, the department anticipated a FY '74 deficit.

In accord with the above, the department is returning your November 4, 1974 billing in the amount of \$19,021.33 and requesting that the charges contained in this billing be separated out on a calendar quarter basis. This will result in

Mr. Thomas W. Phillips
Houston, Texas

November 21, 1974

- 2 -

separate amounts for the hours you worked on the case and expenses incurred for the periods of December 1, 1973 through December 31, 1973, January 1, 1974 through March 31, 1974, April 1, 1974 through June 30, 1974, July 1, 1974 through September 30, 1974, and October 1, 1974 through December 31, 1974. (The Department realizes that your November 4, 1974 billing includes October 1974 and not November and December. I recommend that those charges incurred in October be removed from the billing and become an ingredient of your October, November, December bill.)

In the long run, it is hoped that the above procedures will permit the State to provide timely compensation for your services and not excessively inconvenience you. Your cooperation in this matter will be appreciated.

Sincerely yours,

Herman C. Gorsuch
Attorney General

HCG:cjs

STATE OF ALASKA

all
JAY S. HAMMOND, Governor

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUGH K - STATE CAPITOL
JUNEAU 99801

April 2, 1975

The Honorable Hugh Malone
Chairman
House Finance Committee
Alaska State Legislature
State Capitol, Pouch V
Juneau, Alaska 99811

Re: House Bill 81 - Supplemental Budget
Request to the Department of Law

Dear Representative Malone:

At a recent hearing on HB 81, you requested detailed information about the travel funds for the state's discovery program in the Cook Inlet Pricing Case and questioned the amount budgeted for travel. We have thoroughly analyzed our transportation and per diem needs to pursue the case and find we need approximately \$15,963. This breaks down to \$5,748 for air fares, \$1,295 for surface transportation, and \$9,920 for per diem. The following table details the basis for these numbers:

City	Single Fare from Preceding City	Stay (days)	Per Diem (\$40/day)	Cost For 2	Cabs, Buses, etc.	Total
Anchorage	--	--	--	--	--	--
San Francisco, Ca.	\$153	14	\$560	\$1,426	\$ 80	\$1,506
Bakersfield, Ca.	32	3	120	304	25	329
Anchorage	185	--	--	370	--	370
SUBTOTAL	\$370	17	\$680	\$2,100	\$105	\$2,205
Anchorage	--	--	--	--	--	--
Los Angeles, Ca.	\$173	21	\$840	\$2,026	\$115	\$2,141
Anchorage	173	--	--	346	--	346
SUBTOTAL	\$346	21	\$840	\$2,372	\$115	\$2,487
Anchorage	--	--	--	--	--	--
Denver	\$189	28	\$1,120	\$2,618	\$150	\$2,768
Anchorage	189	--	--	378	--	378
SUBTOTAL	\$378	28	\$1,120	\$2,996	\$150	\$3,144
Anchorage	--	--	--	--	--	--
Dallas	\$229	14	\$560	\$1,578	\$ 80	\$1,658
Midland, Texas	40	3	120	320	25	345
San Antonio, Texas	37	5	200	474	39	509
Anchorage	233	--	--	466	--	466
SUBTOTAL	\$539	22	\$880	\$2,838	\$140	\$3,078

The Honorable Hugh Malone
Chairman
House Finance Committee

April 2, 1975

Re: House Bill 51 - Supplemental Budget
Request to the Department of Law

City	Single Fare from Preceding City	Stay (days)	Per Diem (\$40/day)	Cost For 2	Cabs, Buses, etc.	Total
Anchorage	--	--	--	--	--	--
Tulsa, Okla.	\$220	7	\$280	\$1,000	\$ 45	\$1,045
Bartlesville, Okla.	--	10	400	800	160*	960
Tulsa, Okla.**	--	--	--	--	100*	100
Anchorage	220	--	--	440	--	440
SUBTOTAL	3440	17	\$680	\$2,240	\$305	\$2,545
Anchorage	--	--	--	--	--	--
Toledo, Ohio **	\$224	1	\$ 40	\$ 528	\$ 10	\$ 538
Findlay, Ohio	--	7	280	560	145*	705
Toledo **	--	--	--	--	100*	100
New York, N.Y.	55	8	320	750	50	800
Anchorage	243	--	--	486	--	486
SUBTOTAL	3522	16	\$640	\$2,324	\$305	\$2,629
TOTAL FOR DISCOVERY BY THE STATE	\$2,595	121	\$4,840	\$14,870	\$1,120	\$15,995
City	Single Fare from Preceding City	Stay (days)	Per Diem (\$40/day)	Cost For 1	Cabs, Buses, etc.	Total
Anchorage	--	--	--	--	--	--
San Francisco, Ca.	\$153	3	\$120	\$273	\$ 25	\$ 298
Anchorage	153	--	--	153	--	153
SUBTOTAL	\$306	3	\$120	\$426	\$ 25	\$ 451
Anchorage	--	--	--	--	--	--
Woodburn, Oregon	\$126	3	\$120	\$246	\$150***	\$ 396
Anchorage	126	--	--	126	--	126
SUBTOTAL	\$252	3	\$120	\$372	\$150	\$ 522
TOTAL FOR DISCOVERY BY OTHER PARTIES	\$558	6	\$240	\$798	\$175	\$ 973
GRAND TOTAL -- ALL DISCOVERY	\$3,153	127	\$5,080	\$15,668	\$1,295	\$16,963

* Includes \$100 car rental, assuming rental of \$25/day, \$0.25/mile and \$25 drop-off fee for driving one way, one day, 200 miles.

** City en route to another where there is either a change in transportation mode (i.e., rented car to airplane or vice versa) or an

*** Includes \$150 car rental, assuming rental of \$25/day and \$0.25/mile for driving round trip, three days, 300 miles.

The Honorable Hugh Malone
Chairman
House Finance Committee

- 3 -

April 2, 1975

Re: House Bill 81 - Supplemental Budget
Request to the Department of Law

In addition, please disregard Commissioner of Administration Warwick's memorandum of February 28, 1975, which requested \$54,100 for a billing from the law firm of Ferguson and Burdell. A settlement has been made in the State of Alaska, et al v. Chevron Asphalt Company case and all fees due Ferguson and Burdell will be paid from the settlement as set forth in the contract between them and the State of Alaska.

Sincerely,

WILSON L. CONDON
DEPUTY ATTORNEY GENERAL

By *Robert F. Schroeder*
Robert F. Schroeder
Legal Administrator

WLC:RFS:pg

COPY -
FILE IN BILL FOLDER

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C-JUNEAU ~~99001~~ ⁹⁹⁸¹¹

February 28, 1975

Honorable Bill Ray
Chairman - Senate Finance Committee
Alaska State Legislature
State Capitol - Pouch V
Juneau, Alaska 99811

Re: Revision to Supplemental Budget Request - House Bill
No. 81

Dear Senator Ray:

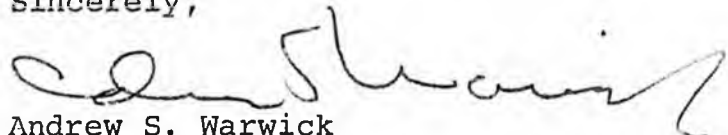
The Department of Administration requests that House Bill
No. 81 "An Act making a supplemental appropriation to the
Department of Law" be amended as follows:

Line 10, delete: \$120,300
insert: \$174,400

Line 11, delete: two
insert: three

This change is necessary due to an unexpected billing for
\$54,074.07 from the law firm of Ferguson and Burdell under a contract
entered in on October 27, 1970. This case, State of Alaska, et al
V. Chevron Asphalt Company, is an antitrust suit in which the State
of Alaska has joined with Arizona, California, Oregon, and
Washington and cities and counties in these states for the common
good. Our pro-rated share of the expenses is 13% and we expect to
receive some \$1,000,000 net from this action.

Sincerely,



Andrew S. Warwick
Commissioner

ASW/mjc

Original sponsor: Rules Committee by request
of the Governor

Offered: 4/14/75
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 81

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act making a supplemental appropriation to the

7

Department of Law; and providing for an effective date."

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

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* Section 1. The sum of \$96,300 is appropriated from the general fund

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to the Department of Law to provide funding for two major pending law suits

11

in which the state is a party and for specialized legal services, to be

12

allocated as follows: \$83,900 for Cook Inlet Price Case; \$12,400 for Lower

13

Cook Inlet Case.

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* Sec. 2. The appropriation made by this Act is to provide continuing

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funding for more than one year and is not subject to the lapse provisions

16

of AS 37.25.010.

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* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

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070(c).

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Original sponsor: Rules Committee by request
of the Governor

Offered: 4/14/75
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1 IN THE HOUSE

BY THE FINANCE COMMITTEE

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CS FOR HOUSE BILL NO. 81

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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NINTH LEGISLATURE - FIRST SESSION

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A BILL

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Original sponsor: Rules Committee by request
of the Governor

Offered: 4/14/75
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 81

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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Introduced: 1/27/75
Referred: Judiciary and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 81

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17 10.070(c).

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