

SB

83

(File 1)

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 8, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/14/97

The FINANCE Committee considered:

CSSB 83(FIN) am

CS FOR SENATE BILL NO. 83(FIN) am

SUPPLEMENTAL & OTHER APPROPRIATIONS

"An Act making and amending appropriations; amending an appropriation from the constitutional budget reserve fund under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date."

recommends it be replaced with the following committee substitute HCS CSSB 83 (Fin) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Mark Hanley</i>	Hanley	X			
<i>Robert Mulder</i>	Mulder	X			
<i>Robert Foster</i>	Foster	X			
<i>John Martin</i>	Martin	X			
<i>David Moses</i>	Moses	X			
<i>Vic Kohring</i>	Kohring				X
<i>Barry Gussendorf</i>	Gussendorf				X
<i>John Davis</i>	Davis	X			
<i>Pat Kelly</i>	Kelly	X			
<i>Tom Theriault</i>	Theriault	X			

CHAIR'S SIGNATURE *Mark Hanley* *Tom Theriault*
Hanley Theriault

AMENDMENT # 1

CSSB 83 (FIN) am

Adopted

BY: Rep. Hanley

Page 7, delete section 15 (b) (lines 27 - 31) and replace with the following:

(b) The sum of \$280,000 is appropriated from the general fund to the Department of Natural Resources for refunds owed by the veterans' land discount land program (AS 38.05.940) for the fiscal year ending June 30, 1997. The appropriation made by this subsection may not be used for administrative purposes. The Department may not expend money from this appropriation to settle a claim unless the state has received a release for the claim settled.

(c) The sum of \$20,000 is appropriated to the Department of Natural Resources for the fiscal year ending June 30, 1997, for costs of administering the refunds owed to veterans by the veterans' land discount program (AS 38.05.940) appropriated under (b) of this section.

AMENDMENT # 2

CSSB 83 (FIN) am

BY: Rep. Hanley

Adopted

Page 7, Section 15, line 24,

Delete: [\$3,668,300]

Insert: \$3,788,300

Discussion: Restores the fire suppression supplemental to the Governor's request level and the level funding in HB113.

AMENDMENT # 3

CSSB 83 (FIN) am

Adopted

BY: Rep. Hanley

Page 8, Section 15, line 28, insert a new sub-section as follows:

() The sum of \$100,000 is appropriated from the general fund to the Department of Natural Resources for the removal of existing buildings and other associated facilities at the Old Eagle School site for the fiscal year ending June 30, 1997.

AMENDMENT # 4

Adopted

BY: Rep. Hanley

CSSB 83 (FIN) am

Page 4, Section 9, line 9, insert a new sub-section as follows:

(b) The sum of \$115,000 is appropriated from the general fund to the Department of Fish and Game for ongoing litigation costs for the fiscal year ended June 30, 1997.

AMENDMENT # 5

CSSB 83 (FIN) am

no lobby
Adopted

BY: Rep. Hanley

Public Defender's

Page 1, line 11 is amended as follows:

Delete [100,000]

Insert 185,000

Page 2, line 1 is amended as follows:

Delete [47,000]

Insert 132,000

Adopted

AMENDMENT 6

OFFERED IN THE HOUSE

BY REPRESENTATIVE HANLEY

TO: CSSB 83(FIN) am

1 Page 1, lines 5 - 7:

2 Delete "The sum of \$993,700 is appropriated from the general fund to the Department
3 of Administration for the leasing and facilities program for the fiscal year ending June 30,
4 1997."

5 Insert "The unexpended and unobligated balance, not to exceed \$1,341,000, of the
6 appropriation made in sec. 30, ch. 117, SLA 1996, page 12, line 11 (Longevity bonus grants -
7 \$74,152,600) is reappropriated to the Department of Administration, for the fiscal year ending
8 June 30, 1997, in the amounts and for the purposes stated:

9	PURPOSE	APPROPRIATION AMOUNT
10	(1) Leasing and facilities program	\$ 993,700
11	(2) Settlement of ABBA, Inc. v. State	243,300
12	(IJU-96-1773 CI), relating to a	
13	procurement dispute concerning	
14	a state lease	
15	(3) Costs associated with adjudicatory	104,000
16	claims relating to the Department	
17	of Environmental Conservation	
18	laboratory"	

19 Page 2, lines 6 - 11:

20 Delete all material.

21 Adjust funding information accordingly.

AMENDMENT # 7

CSSB 83 (FIN) am

Adopted

BY: Rep. Hanley

Page 4, Section 8, line 6, insert a new sub-section to read:

(c) The sum of \$200,000 is appropriated from the general fund to the Department of Health and Social Services for emergency communications equipment.

Discussion: Adds project at the Governor's request level.

Adopted

0-LS0537FA.1
Cramer
4/10/97

AMENDMENT 8

OFFERED IN THE HOUSE

TO: CSSB 83(FIN) am

BY REPRESENTATIVES MARTIN

AND MULDER

1 Page 11, following line 15:

2 Insert a new bill section to read:

3 **"* Sec. 22. DESIGNATED GRANT.** The sum of \$50,000 is appropriated from the
4 general fund to the Department of Military and Veterans' Affairs for payment as a grant
5 under AS 37.05.316 to the Alaska Chapter of the Air Force Association for Air Show Alaska
6 1997."

7 Page 11, lines 20 - 21:

8 Delete "and 21"

9 Insert "21, and 22"

10 Adjust funding information accordingly.

Adopted

AMENDMENT 9

OFFERED IN THE HOUSE

BY REPRESENTATIVE FOSTER

TO: CSSB 83 (FIN)

1 ~~8~~ 9
Page ~~2~~, Line 24:

2 Delete "\$650,000"

3 Insert "\$800,000"

4 ~~8~~ 10
Page ~~2~~, Line ~~23~~, after "mineral inventory project"

5 Insert "and an aeromagnetic study to identify natural gas deposits in
6 the Holitna Basin."

ADDITIONAL FUNDING REQUEST FOR ON-GOING STUDIES

The following is a request for additional funding to continue conducting aero-magnetic studies for natural gas in southwest Alaska. For the past two years the Legislature has provided money to the Department of Natural Resources to conduct aero-magnetic studies along the lower part of the Kuskokwim River. The proposed project would be the third phase of the aero-magnetic study and would focus on a new area of the region. This area of the state is quite vast and has been identified as having oil and gas potential, however, little work has been done to determine if economic deposits of oil and gas exist in southwest Alaska. The aero-magnetic studies conducted in 1995 and 1996 have provided useful information about the oil and gas potential of a large unexplored region of the state. The third study would continue to add information to this new established data base.

• Aeromagnetic Study to Identify Natural Gas Deposits in the Holitna Basin - Amount Requested - \$200,000

This study would be a continuation of previous aero-magnetic studies completed by the Department of Natural Resources to determine the presence of natural gas in southwest Alaska in the area of the Bethel basin. This aero-mag study would help identify favorable targets for natural gas exploration within the Holitna Basin south of the central Kuskokwim River in interior southwest Alaska.

The central Kuskokwim area is undergoing increasing interest and activity by the mineral industry. The area is remote and far removed from state power grids. Energy, or the lack of it, will be a major player in the development of mineral properties in the region. A geophysical program to look at the potential of the Holitna Basin for natural gas deposits will help define resources that can be utilized to generate power for both village and industrial needs.

#

AMENDMENT 10 Adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE HANLEY

TO: CSSB 83(FIN) am

1 Page 5, following line 24.

2 Insert a new subsection to read:

3 "(l) The sum of \$43,500 is appropriated from Mental Health Trust Authority receipts
4 to the Department of Health and Social Services for relocation and renovation of the Aniak
5 Mental Health Center."

6 Page 11, line 18, following "10(k),":

7 Insert "10(l),"

8 Adjust funding information accordingly.

Withdraw

= 12

AMENDMENT

OFFERED IN THE HOUSE

BY Kelly

TO: CSSB 83 (FIN)

Page 5, line 22, following "of":

Delete "\$838,800"

Insert "\$1,247,400"

Page 5, line 24, following "Center":

Insert "and Fairbanks Youth Facility"

amendment #11

Adopted
no lobby

AMENDMENT

OFFERED IN THE HOUSE FINANCE COMMITTEE

BY Hanley

TO: SB 83

*Sec. A. The sum of \$550,000 is appropriated from the general fund to the Department of Community and Regional Affairs for payment as a grant under AS 37.05.316 to Arctic Power for education efforts to open the Coastal Plain of the Arctic National Wildlife Refuge for oil & gas exploration and production.

*Sec.B. The sum of \$100,000 is appropriated from the general fund to the Office of the Governor to promote and facilitate oil and gas development on the North Slope, including the Arctic National Wildlife Refuge and National Petroleum Reserve.

Note: Sections A and B are capital appropriations

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

TONY KNOWLES, GOVERNOR

P.O. BOX 110020
JUNEAU, ALASKA 99811-0020
PHONE: (907) 465-4600
FAX: (907) 465-3008

April 14, 1997

Representative Mark Hanley, Co-chair
House Finance Committee
Alaska State Legislature
State Capitol Bldg.
Juneau, Alaska 99801-1182

Senator Drue Pearce, Co-Chair
Senate Finance Committee
Alaska State Legislature
State Capitol Bldg.
Juneau, Alaska 99801-1182

Dear Representative *Mark* Hanley and Senator *Drue* Pearce:

The Administration requests the inclusion of \$645,000 in SB 83, the supplemental appropriation bill, to advance opportunities for development of oil and gas on the North Slope, specifically including the Arctic National Wildlife Refuge. This request is pursuant to the discussions, in recent weeks with you and other legislators on the need to continue our efforts to build constituencies and Congressional support for opening ANWR.

We can be successful by promoting our philosophy of "doing it right", which describes how economic development can be implemented responsibly in arctic regions. The opening of ANWR can happen if it is based on the three principles of: 1) sound science to ensure the protection of air, water, and habitat; 2) good management including hiring Alaskans; and 3) a public process that provides opportunities for Alaskans to participate in planning and development.

This funding request is based on discussions with Arctic Power, the Governor's DC Office, the Alaska Congressional Delegation and the Legislature. Funding would include grassroots/grasstops educational promotion of Alaska's "doing it right"

philosophy, ANWR Congressional tours, media development and placement, Congressional contacts in Washington, D.C. and communication materials. Budget details are available through this office and Arctic Power.

Suggested language for SB 83:

Sec. __ The sum of \$495,000 is appropriated to the Department of Commerce and Economic Development for payment as a grant under AS 37.05.316 to Arctic Power for education and promotional efforts to open the Arctic National Wildlife Refuge to oil and gas development.

Sec. __ The sum of \$150,000 is appropriated to the Office of the Governor to promote and facilitate oil and gas development on the North Slope, including the Arctic National Wildlife Refuge and National Petroleum Reserve.

I recommend that these be non-lapsing capital appropriations.

Sincerely,

A handwritten signature in black ink, appearing to read "Annalee", with a long horizontal flourish extending to the right.

Annalee McConnell
Director

cc: Representative Gene Therriault, Co-Chair of House Finance
Senator Bert Sharp, Co-Chair of Senate Finance
Representative Gail Phillips, Speaker of the House of Representative
Senator Mike Miller, President of the Senate

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

TONY KNOWLES, GOVERNOR

P.O. BOX 110020
JUNEAU, ALASKA 99811-0020
PHONE: (907) 465-4660
FAX: (907) 465-3008

Adopted

April 14, 1997

Sections

11 (b)

13

The Honorable Mark Hanley
The Honorable Gene Therriault
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear House Finance Committee Co-Chairs:

As you review SB 83, the supplemental appropriations bill, please consider the amendments described below.

* Amend sec. 1(c), DEPARTMENT OF ADMINISTRATION, Public Defender at page 2 line 1 to read
General Fund [\$ 47,000] \$215,900

This would add \$168,900 to bring the total supplemental appropriation for the Public Defender Agency back to the requested amount. This increase is offset by the reduction made in new section 1(g) proposed below. The Senate fund source change of \$53,000 from general funds to general fund program receipts would stay unchanged.

* Add new sec. 1(g) to read as follows:

The appropriation made in sec. 30, ch. 117, SLA 1996, page 12, line 11 is amended to read:

	APPROPRIATION ITEMS	GENERAL FUND	OTHER FUNDS
Longevity Bonus Grants	<u>72,539,000</u> [74,152,600]	<u>72,539,000</u> [74,152,600]	

The Department of Administration's latest projections for the longevity bonus grants program indicate that about \$1,613,600 can be reduced from the FY 97 appropriation and used for other purposes. We propose to use it to offset the needed increase to the Public Defender supplemental and to fund the power cost equalization appropriation.

* Amend sec. 4, DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS, power cost equalization, by inserting a new section (a) as follows:

(a) The sum of \$1,500,000 is appropriated from the general fund to the power cost equalization and rural electric capitalization fund (AS 42.45.100).

This restores the appropriation to the PCE fund made in HB 113.

* Delete sections 10(f) and 10(g), DEPARTMENT OF HEALTH AND SOCIAL SERVICES, reduction of \$300,000 to Public Assistance Admin/Eligibility determination.

* Add to sec. 10, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, a new subsection as follows:

() The unexpended and unobligated balance of the appropriation made in sec. 30, ch. 117 SLA 1996, page 31, line 18 (Public Assistance Administration, \$39,769,900) lapses into the general fund on June 30, 1998.

Adopted

* Amend sec. 11(b), DEPARTMENT OF LAW, judgments and claims, at page 6 line 10 as follows:
General fund [\$1,347,589] \$ 1,532,314

duf

This reflects two additional claims relating to *McCabe v. State*.

Adopted

* Amend sec. 13, MISCELLANEOUS CLAIMS, at page 7 line 11 as follows:
Transportation and Public Facilities [903] 928

duf

This reflects an additional miscellaneous claim submitted by the department.

* Delete sec. 14(b), Perseverance Trail with conditional language.

* Add new sec. 15(m), DEPARTMENT OF NATURAL RESOURCES, as follows:

(m) The sum of \$120,000 is appropriated from the general fund to the Department of Natural Resources for emergency repairs to the Perseverance Trail.

This is identical to the language in HB 113 as passed by the House. This removes the conditional language added by the Senate requiring the City and Borough of Juneau to take over the trail. As with our roads, it's not appropriate to insist that a local government take over a trail when we know there are major repairs still needed.

April 14, 1997

* Amend sec. 23, capital projects lapse section, to reflect the changes related to the Perseverance Trail appropriation.

If you have any questions, please call me or our chief budget analyst, Dan Spencer.

Sincerely,

A handwritten signature in cursive script, reading "Annalee McConnell". The signature is written in black ink and is positioned above the printed name and title.

Annalee McConnell
Director

cc Senator Drue Pearce
Senator Bert Sharp
Mike Greany, Legislative Finance

MEMORANDUM **RECEIVED** STATE OF ALASKA

6071


APR 09 1997

TO: **Annales McConnell, Director
Office of Management and Budget
Office of the Governor**

DATE: **Tuesday, April 8, 1997**

FILE NO.:

FROM: **Guy Bell, Director**
Division of Administrative Services
Department of Commerce and
Economic Development



PHONE NO.: **465-2505**

SUBJECT: **Request for capital supplemental
for capitalization of Small
Business Economic Development
Revolving Loan Fund**

The Department of Commerce and Economic Development, Division of Investments requests a capital budget item be added in the supplemental bill or capital budget to authorize receipt of a Federal funds for the purpose of capitalization of the Small Business Economic Development Revolving Loan Fund.

The Division of Investments has just received a Financial Assistance Award of \$300.0 from the United States Department of Commerce, Economic Development Administration for capitalization of the Small Business Economic Development Revolving Loan Fund. The funds are received under authority of AS 44.88.420(1), and administered by the Division of Investments under authority of AS 44.88.420(3). A copy of the award is attached.

The award requires a \$100.0 State match. That match is being provided by the Division of Trade and Development from the Economic Development Matching Grant Program capital project. This allows the State to leverage Federal funds 1:3, as outlined in the award agreement.

We suggest the following language:

Adopted
L

Section ____ . The sum of \$300,000 in federal receipts from the US Department of Commerce, Economic Development Administration, is appropriated to the Department of Commerce and Economic Development to capitalize the Small Business Economic Development Revolving Loan Fund.

Please call me if you have any questions.

*Capital Amend back section
to reflect.*

FINANCIAL ASSISTANCE AWARD

GRANT COOPERATIVE AGREEMENT

ACCOUNTING CODE
DD87702200291100

RECIPIENT NAME **State of Alaska, Division of Investments**

AWARD NUMBER
07-39-03062.02

STREET ADDRESS **P.O. Box 34159**

FEDERAL SHARE OF COST
\$ **300,000**

CITY, STATE, ZIP CODE
Juneau, AK 99803

RECIPIENT SHARE OF COST
\$ **100,000**

AWARD PERIOD
Three year period beginning on date of grant acceptance

TOTAL ESTIMATED COST
\$ **400,000**

DEPARTMENT OF COMMERCE OPERATING UNIT
Economic Development Administration

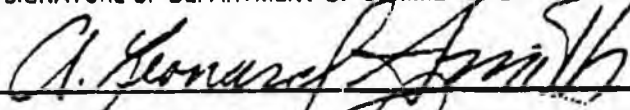
AUTHORITY
Public Works and Economic Development Act of 1965, as amended. 42 USC Section 3243

PROJECT TITLE
Revolving Loan Fund Recapitalization

This Award approved by the Grants Officer is issued in duplicate and constitutes an obligation of Federal funding. By signing the two documents, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, one signed Award document shall be returned to the Grants Officer and the second document shall be retained by the Recipient. If not signed and returned by the Recipient within 15 days of receipt, the Grants Officer may declare this Award null and void.

- Department of Commerce Financial Assistance Standard Terms and Conditions
- Special Award Conditions
- Line Item Budget
- OMB Circular A-21, Cost Principles for Educational Institutions
- OMB Circular A-87, Cost Principles for State and Local Governments
- OMB Circular A-110, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations Uniform Administrative Requirements
- OMB Circular A-122, Cost Principles for Nonprofit Organizations
- 15 CFR Part 24, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 15 CFR Part 29a, Audit Requirements for State and Local Governments
- 15 CFR Part 29b, Audit Requirements for Institutions of Higher Education and Other Nonprofit Organizations
- Other(s): Title IX Revolving Loan Fund Grants Standard Terms and Conditions - March 15, 1993

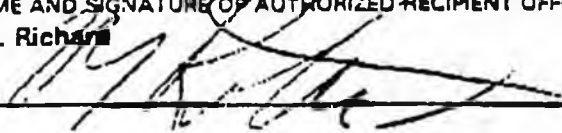
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER



TITLE
Regional Director

DATE
MAR 31 1997

TYPED NAME AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL
Martin J. Richards



TITLE
Director

DATE
4/4/97

U.S. Department of Commerce
Economic Development Administration

Special Award Conditions of Financial Assistance Award
for Title IX Economic Adjustment Assistance
under Section 903 of the
Public Works and Economic Development Act of 1965,
P.L. 89-136, as Amended

Award Number: 07-39-03062.02
Recipient: State of Alaska, Division of Investments
Address: P.O. Box 34159
Juneau, AK 99803

A. PROGRAM TITLE: REVOLVING LOAN FUND.

Long-Term Economic Deterioration
42 USC Section 3243 (b)(1)(B)

B. AWARD CONTACTS:

.01 The Recipient Contact's name, address, and telephone number are:

Greg Winegar
State of Alaska, Division of Investments
P.O. Box 34159
Juneau, AK 99803

(907) 465-2510

.02 The Federal Program Officer is responsible for the programmatic, technical and/or scientific aspects of this award. The Federal Program Officer's name, address, and telephone number are:

Darrell van Ness
Economic Development Administration
Seattle Regional Office
Jackson Federal Building, Room 1856
915 Second Avenue
Seattle, WA 98174

(206) 220-7676

SPECIAL TERMS AND CONDITIONS
EDA Project No. 07-39-03062.02

.03 The Grants Officer is responsible for all administrative aspects of this award and is authorized to award, amend, suspend, and terminate financial assistance awards. Grants Officer's name, address, and telephone number are:

A. Leonard Smith
Regional Director
Economic Development Administration
Seattle Regional Office
Jackson Federal Building, Room 1858
915 2nd Avenue
Seattle, WA 98174

(206) 220-7660

.04 The Grants/Cooperative Agreement Specialist is responsible for administrative coordination and liaison with the Recipient. This individual receives appropriate material from the Federal Program Officer and/or the Recipient for administrative processing. The Grants/Cooperative Agreements Specialist's name, and telephone number are:

Marle Friederichs

(206) 220-7678

C. AUTHORIZED TOTAL BUDGET.

		Previous	Total
Federal Contribution	\$300,000 (75%)	\$ 781,371	\$1,081,371
Recipient Contribution	\$100,000 (25%)	\$ 436,700	\$ 536,700
Total Project Cost	\$400,000	\$1,218,071	\$1,618,071

D. BUDGET CATEGORIES.

Revolving Loan Fund Capital	\$400,000
Audit	\$
Total Eligible Expense	\$400,000

E. SUBMISSIONS.

All reports and correspondence related to this project are to be submitted to the Federal Program Officer:

Darrell van Ness
Economic Development Administration
Seattle Regional Office
Jackson Federal Building, Room 1858, 915 Second Avenue
Seattle, WA 98174

F. ELIGIBLE AREAS.

Areas eligible for Title IX assistance through this RLF project include: Bethel Census Area, Kenai-Cook Inlet Area, Ketchikan Gateway Borough, Kobuk Area, Matanuska-Susitna Census Area, Nome Census Area, Northwest Arctic Borough, Palmer-Talkeetna Area, Prince of Wales-Outer Ketchikan, Seward Area, Skagway-Yakutat-Angoon, Southeast Fairbanks Area, Wade Hampton Census Area, and Yukon-Koyukuk Census Area.

SPECIAL TERMS AND CONDITIONS
EDA Project No. 07-39-03062.02

Eligible areas include the land granted to Native Alaskans that remain in the ownership of the Village Corporations, the twelve Alaskan Regional Corporations and the traditional Alaskan Villages. These terms are defined under the Alaskan Native Claims Settlement Act, as amended, and 13 CFR Part 301.2

The Grant may be amended with the approval of the Economic Development Administration (EDA) to add new eligible LTED areas in the future.

G. REVOLVING LOAN FUND PLAN.

The Recipient agrees to operate the revolving loan fund (RLF) in accordance with the RLF Administrative Plan submitted as part of its Special Adjustment Assistance Application, dated January 15, 1997, as amended. Any changes to Part I of the Plan must be approved by EDA in writing. Changes to Part II of the Plan shall be made in accordance with Section VIII of the RLF Administrative Manual. In the case of any conflicts between the RLF Plan and the terms and conditions governing this project, the terms and conditions shall prevail.

H. ADMINISTRATIVE EXPENSES.

Administrative costs for the operation of this revolving loan fund project are not included as eligible expenses in the authorized budget. The Recipient agrees to cover the administrative expenses for this project without relying on additional EDA assistance, except as expressly approved by EDA.

I. CASH CONTRIBUTION.

The Recipient agrees to provide the cash contribution for eligible project expenses to be loaned and reloaned in accordance with the RLF Plan and the terms of this award. The Recipient's cash contribution must be available at the time needed for loan closing.

J. GRANT DISBURSEMENT SCHEDULE

For the purposes of this award, the Grant Award Date in Standard Term and Condition D.07, Grant Disbursement Schedule, will be defined as the date upon which the Financial Assistance Award is executed by the Recipient.

K. DRUG-FREE WORKPLACE ACT.

The Recipient understands that it is subject to the Drug-free Workplace Act of 1988, P. L. 110-690, Title V, Subtitle D, and 15 CFR Part 26 (55 FR 21678, May 25, 1990) for projects approved on or after March 18, 1989.

M. DISCLOSURE OF FEDERAL PARTICIPATION.

In compliance with this section, no amount of this Award shall be used to finance the acquisition of goods or services (including construction services) for the Project unless the Recipient agrees to:

- (1) specify in any solicitation for offers to procure such goods or services (including construction services) the amount of Federal funds that will be used to finance the acquisition for which such offers are being solicited; and
- (2) express the amount specified pursuant to paragraph (1) as a percentage of the total cost of the planned acquisition.

The foregoing requirements shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than \$500,000.

O. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

Recipients are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-317, Section 607 (a) and (b).

P. WAIVER OF DISBURSEMENT REQUIREMENTS IN SECTION IX.C. OF THE RLF ADMINISTRATIVE MANUAL

During the disbursement phase of this Financial Assistance Award, the Recipient may retain up to \$300,000 in RLF principal repayments from the initial capitalization grant (07-39-03062) or the first recapitalization grant (07-39-03062.01), in order to have sufficient funds on hand to make loans in areas not eligible under this recapitalization. Principal repayments received from loans made with funds from this Financial Assistance Award are not included in this waiver and cannot be included in the \$300,000 setaside.

Q. PERFORMANCE MEASURES.

The recipient acknowledges its responsibility to submit to EDA: (a) prior to final disbursement, the information identified as "Performance and Outcomes at Project Completion", and (b) two years and four years thereafter, the information identified as "Project Outcomes at 2 years and 4 years after Completion", set forth as Core Performance Measures in Addendum to Economic Development Administration Revolving Loan Fund Standard Terms and Conditions, Attachment 1. EDA will advise the Recipient in writing, not less than 90 days prior to the time for submission, in the event there are any modification in the information required to be submitted

**STANDARD TERMS AND CONDITIONS
REVOLVING LOAN FUND GRANTS
EDA PROJECT NO. 07-39-03062.02
ATTACHMENT 1**

**ADDENDUM
to
ECONOMIC DEVELOPMENT ADMINISTRATION
STANDARD TERMS AND CONDITIONS**

Title IX Revolving Loan Funds (RLF)

Core Performance Measures

- A. Performance and Outcomes at Project Completion - Revolving Loan Fund Projects**
1. Implementation schedule for disbursement of RLF dollars met.
 2. Jobs created and retained (actual) through RLF Loans.
 3. Number of businesses assisted by the RLF.
 4. Non-EDA dollars invested.
 - a. Private sector dollars invested.
 - b. Other dollars invested.
 5. RLF capital base (grant + local share + net income generated - write offs).
- B. Project Outcomes at 2 and 4 Years after Completion - Revolving Loan Fund Projects**
1. Jobs created and retained (actual) through RLF Loans.
 2. Number of businesses assisted by the RLF.
 3. Non-EDA dollars invested.
 - a. Private sector dollars invested.
 - b. Other dollars invested.
 4. RLF capital base (grant + local share + net income generated - write offs).

Delete
pg 2 line
Change line 17 to \$23.0M.

Amended
Delete (K)

0-LS0537\F.a

pg 5, line 22

CS FOR SENATE BILL NO. 83(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/4/97

Offered: 4/3/97

Funding Information:	General Fund	\$14,836,710
	Other Funds	<u>48,903,728</u>
		\$63,740,438

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act making and amending appropriations; amending an appropriation from
 2 the constitutional budget reserve fund under art. IX, sec. 17(c), Constitution of
 3 the State of Alaska; and providing for an effective date."

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

5 * **Section 1.** DEPARTMENT OF ADMINISTRATION. (a) The sum of \$993,700 is
 6 appropriated from the general fund to the Department of Administration for the leasing and
 7 facilities program for the fiscal year ending June 30, 1997.

8 (b) The sum of \$210,500 is appropriated from the general fund to the Department of
 9 Administration, office of public advocacy, for operating costs for the fiscal year ending
 10 June 30, 1997.

11 (c) The sum of \$100,000 is appropriated to the Department of Administration, public
 12 defender agency, for operating costs for the fiscal year ending June 30, 1997, from the
 13 following sources:

1 General fund \$ 47,000

2 General fund program receipts 53,000

3 (d) The sum of \$65,600 is appropriated from the general fund to the Department of
4 Administration for the elected public officers retirement system for the fiscal year ending
5 June 30, 1997.

6 (e) The sum of \$243,300 is appropriated from the general fund to the Department of
7 Administration to pay for settlement of ABBA, Inc. v. State (1JU-96-1773 CI), relating to a
8 procurement dispute concerning a state lease for the fiscal year ending June 30, 1997.

9 (f) The sum of \$104,000 is appropriated from the general fund to the Department of
10 Administration to pay costs associated with adjudicatory claims relating to the Department of
11 Environmental Conservation laboratory for the fiscal year ending June 30, 1997.

12 * Sec. 2. ALASKA AEROSPACE DEVELOPMENT CORPORATION. (a) The sum of
13 \$5,000,000 is appropriated from the earnings reserve of the Alaska science and technology
14 endowment (AS 37.17.020(a)) to the Alaska Science and Technology Foundation for payment
15 as a grant under AS 37.17.090(k)(1) to the Alaska Aerospace Development Corporation for
16 the Kodiak launch complex.

17 (b) The sum of \$²³28,000,000 is appropriated to the Alaska Aerospace Development
18 Corporation revolving fund (AS 14.40.841) for construction of the Kodiak launch complex
19 from the following sources:

20 Federal receipts \$ 18,000,000

21 Alaska Science and Technology Foundation grant made

22 under (a) of this section 5,000,000

23 ~~Corporate receipts 5,000,000~~

24 * Sec. 3. DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT. The
25 sum of \$4,300 is appropriated from general fund designated program receipts to the
26 Department of Commerce and Economic Development for travel costs for staff of the division
27 of measurement standards to attend the National Conference of Weights and Measures for the
28 fiscal year ending June 30, 1997.

29 * Sec. 4. DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS. (a) The sum
30 of \$1,500,000 is appropriated from the power cost equalization and rural electric capitalization
31 fund (AS 42.45.100) to the Department of Community and Regional Affairs for the power cost

1 equalization program for the fiscal year ending June 30, 1997. It is the intent of the
2 legislature to appoint a volunteer task force of consumers, electric utility and municipal
3 officials, and legislators to review and make recommendations regarding the power cost
4 equalization program. The task force shall make its report available to the legislature by
5 January 12, 1998.

6 (b) The sum of \$50,000 is appropriated from federal receipts to the Department of
7 Community and Regional Affairs, division of community and rural development, for the Head
8 Start program for the fiscal year ending June 30, 1997.

9 * Sec. 5. DEPARTMENT OF CORRECTIONS. The sum of \$1,000,000 is appropriated
10 from federal receipts to the Department of Corrections for contract beds in community
11 residential centers and for out-of-state contract beds for the fiscal year ending June 30, 1997.

12 * Sec. 6. DISASTER RELIEF FUND. The sum of \$415,000 is appropriated from the
13 general fund to the disaster relief fund (AS 26.23.300) to capitalize the fund.

14 * Sec. 7. DEPARTMENT OF EDUCATION. (a) The sum of \$3,750,000 is appropriated
15 from federal receipts to the Department of Education, division of teaching and learning
16 support, for Title I and Migrant Education programs for the fiscal year ending June 30, 1997.

17 (b) The sum of \$600,000 is appropriated from federal receipts to the Department of
18 Education, division of vocational rehabilitation, for costs of client service programs for the
19 fiscal year ending June 30, 1997.

20 (c) The sum of \$150,000 is appropriated from federal receipts to the Department of
21 Education, division of vocational rehabilitation, for vocational rehabilitation administration
22 costs for the fiscal year ending June 30, 1997.

23 (d) The sum of \$1,080,000 is appropriated from federal receipts to the Department of
24 Education, division of teaching and learning support, for the school to work programs for the
25 fiscal year ending June 30, 1997.

26 (e) The sum of \$30,000 is appropriated from general fund program receipts to the
27 Department of Education, division of libraries, archives, and museums, for computer and
28 software upgrades for the fiscal year ending June 30, 1997.

29 (f) The sum of \$22,000 is appropriated from general fund program receipts to the
30 Department of Education, Mt. Edgecumbe Boarding School, for summer programs for the
31 fiscal year ending June 30, 1997.

1 * **Sec. 8. EMERGENCY EQUIPMENT AND DEFERRED MAINTENANCE.** (a) The
 2 sum of \$632,000 is appropriated from the general fund to the Department of Corrections for
 3 replacement of the boiler system at the Fairbanks Correctional Center.

4 (b) The sum of \$100,000 is appropriated from the general fund to the Department of
 5 Military and Veterans' Affairs for radio equipment.

6 * **Sec. 9. DEPARTMENT OF FISH AND GAME.** The sum of \$430,000 is appropriated
 7 from federal receipts to the Department of Fish and Game, division of wildlife conservation,
 8 for services required by federal grant awards for the fiscal year ending June 30, 1997.

9 * **Sec. 10. DEPARTMENT OF HEALTH AND SOCIAL SERVICES.** (a) Section 30,
 10 ch. 117, SLA 1996, page 30, line 33, is amended to read:

11 ALLOCATIONS

12 Aid to Families with 121,909,800
 13 Dependent Children [122,709,800]

14 (b) Section 30, ch. 117, SLA 1996, page 30, line 35, is amended to read:

15 ALLOCATIONS

16 Adult Public 44,458,200
 17 Assistance [43,658,200]

18 (c) The sum of \$10,000,000 is appropriated from federal receipts to the Department
 19 of Health and Social Services for increased Indian Health Service Medicaid reimbursement
 20 rates for the fiscal year ending June 30, 1997.

21 (d) The sum of \$750,000 is appropriated from the general fund to the Department of
 22 Health and Social Services, division of family and youth services, for foster care program
 23 costs for children in the department's custody who require placement for the fiscal year ending
 24 June 30, 1997.

25 (e) The sum of \$99,300 is appropriated from federal receipts to the Department of
 26 Health and Social Services, division of public health, for operating costs for the fiscal year
 27 ending June 30, 1997.

28 (f) Section 30, ch. 117, SLA 1996, page 31, line 18, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
29 Public Assistance Administration	<u>39,469,900</u>	<u>19,184,300</u>	20,285,600

1 [39,709,900] [19,484,300]

2 (g) Section 30, ch. 117, SLA 1996, page 31, line 22, is amended to read:

3 ALLOCATIONS

4 Eligibility deter- 20,280,500
 5 mination [20,580,500]

6 (h) Section 30, ch. 117, SLA 1996, page 31, line 28, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
9 Medical Assistance Administration	<u>16,782,300</u>	<u>6,036,900</u>	10,745,400
10	[17,082,300]	[6,336,900]	

11 (i) Section 30, ch. 117, SLA 1996, page 31, line 31, is amended to read:

12 ALLOCATIONS

13 Claims processing 12,252,800
 14 [12,552,800]

15 (j) Section 30, ch. 117, SLA 1996, page 32, lines 21 - 22, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ALLOCATIONS	ITEMS	FUND
		FUND	FUNDS
18 Youth Facility	<u>15,307,600</u>	<u>14,837,100</u>	470,500
19 Services	[14,707,600]	[14,237,100]	
20 McLaughlin Youth	<u>9,309,400</u>		
21 Center	[8,709,400]		

Deleted
 (k) ~~(k) The sum of \$838,800 is appropriated from the general fund to the Department of Health and Social Services, division of family and youth services, for improved security at McLaughlin Youth Center.~~

25 * Sec. 11. DEPARTMENT OF LAW. (a) Section 26(a), ch. 94, SLA 1995, is amended
 26 to read:

27 (a) For the fiscal year ending June 30, 1996, the [THE] sum of \$20,000,000
 28 is appropriated to the Department of Law and, for the fiscal year ending June 30,
 29 1997, the sum of \$7,206,700, which is the amount encumbered on June 30, 1996,
 30 from that appropriation of \$20,000,000, is appropriated to the Department of Law
 31 from the following sources, for costs relating to legal proceedings and audit activity

1 involving oil and gas revenue due or paid to the state or state title to oil and gas land
2 [, FOR THE FISCAL YEAR ENDING JUNE 30, 1996]:

3 State corporation receipts \$ 3,160,000

4 Budget reserve fund (art. IX,
5 sec. 17, Constitution of the
6 State of Alaska) 16,840,000

7 (b) The sum of \$1,363,532 is appropriated to the Department of Law to pay judgments
8 and claims against the state for the fiscal year ending June 30, 1997, from the following
9 funding sources:

10 General fund \$ 1,347,589

11 Public employees' retirement fund 12,766

12 Teachers' retirement fund 3,177

13 (c) Section 32, ch. 117, SLA 1996, page 67, line 8, is amended to read:

14 General Fund Match 107,500 [97,500]

15 (d) Section 32, ch. 117, SLA 1996, page 67, line 10, is amended to read:

16 General Fund/Program Receipts 586,600 [596,600]

17 * **Sec. 12. DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS.** (a) The sum
18 of \$220,000 is appropriated from the general fund to the Department of Military and Veterans'
19 Affairs for emergency alert system equipment.

20 (b) The sum of \$17,200 is appropriated to the disaster relief fund (AS 26.23.300) from
21 amounts deposited in the general fund as designated program receipts from premium payments
22 for flood insurance from victims of the Southcentral flood.

23 (c) The sum of \$17,200 is appropriated from the disaster relief fund (AS 26.23.300)
24 to the Department of Military and Veterans' Affairs for payment of premiums for flood
25 insurance under the federal flood insurance pilot program authorized specifically for victims
26 of the Southcentral flood.

27 (d) The sum of \$700,000 is appropriated from general fund match to the Department
28 of Military and Veterans' Affairs for expansion of the Fairbanks armory.

29 (e) The sum of \$186,439 is appropriated from the general fund to the Department of
30 Military and Veterans' Affairs, Alaska National Guard, for the Youth Corps program for the
31 fiscal year ending June 30, 1997.

1 * **Sec. 13. MISCELLANEOUS CLAIMS.** The following amounts are appropriated from
 2 the general fund to the following departments to pay miscellaneous claims and stale-dated
 3 warrants for the fiscal year ending June 30, 1997:

4	DEPARTMENT	APPROPRIATION
5	Administration	\$ 37,331
6	Corrections	9,275
7	Fish and Game	1,271
8	Health and Social Services	30,322
9	Law	626
10	Public Safety	4,254
11	Transportation and Public Facilities	903

12 * **Sec. 14. MUNICIPAL GRANTS.** (a) The sum of \$360,000 is appropriated from the
 13 general fund to the Department of Administration for payment as a grant under AS 37.05.315
 14 to the City of Unalakleet for repair or replacement of the Power Creek water transmission line.

15 (b) The sum of \$120,000 is appropriated from the general fund to the Department of
 16 Administration for payment as a grant under AS 37.05.315 to the City and Borough of Juneau
 17 for emergency repairs to Perseverance Trail. This appropriation is conditioned on the signing
 18 of a letter of agreement between the state and the City and Borough of Juneau that the state
 19 will transfer ownership of the right-of-way for the Perseverance Trail, which includes Mt.
 20 Juneau Trail and Granite Creek Trail, to the City and Borough of Juneau, by October 1, 1997,
 21 and that the City and Borough of Juneau and the Department of Natural Resources, division
 22 of parks and outdoor recreation, will continue discussions concerning transfer of ownership
 23 of the rights-of-way for the Mt. Roberts Trail and the Sheep Creek Trail.

24 * **Sec. 15. DEPARTMENT OF NATURAL RESOURCES.** (a) The sum of \$3,668,300
 25 is appropriated from the general fund to the Department of Natural Resources for fire
 26 suppression activities for the fiscal year ending June 30, 1997.

27 (b) The sum of \$270,000 is appropriated from the general fund to the Department of
 28 Natural Resources to settle claims against the state for refunds owed by the veterans' land
 29 discount program (AS 38.05.940) for the fiscal year ending June 30, 1997. The department
 30 may not expend money from this appropriation to settle a claim unless the state has received
 31 a release for the claim settled.

1 (c) The sum of \$698,000 is appropriated from the Exxon Valdez oil spill settlement
2 trust recognized in AS 37.14.400 to the Department of Natural Resources for the purchase of
3 the Roberts parcel.

4 (d) The sum of \$150,000 is appropriated from Mental Health Trust Authority receipts
5 to the Department of Natural Resources, trust land office, for Alaska Psychiatric Institute due
6 diligence activities.

7 (e) The sum of \$800,000 is appropriated from federal receipts to the Department of
8 Natural Resources for the abandoned mines land program.

9 (f) The sum of \$650,000 is appropriated from the general fund to the Department of
10 Natural Resources for the airborne geophysical/geological mineral inventory project.

11 (g) The sum of \$630,000 is appropriated from the general fund to the Department of
12 Natural Resources to prepare and administer timber sales in Tok, Delta, and Kantishna.

13 (h) The sum of \$150,000 is appropriated from the general fund to the Department of
14 Natural Resources to prepare and administer timber sales in Wrangell and Ketchikan.

15 (i) The sum of \$432,525 is appropriated from the public school trust fund
16 (AS 37.14.110(a)) to the Department Natural Resources for an appraisal of public school lands
17 to determine the fair market value of the public school trust land where the land was
18 redesignated as general grant land in 1978. It is the intent of the legislature that the appraisal
19 be completed by March 1, 1998.

20 (j) The sum of \$568,000 is appropriated from the general fund to the Department of
21 Natural Resources to prepare and administer the Kalgin Island II, Caribou Hills, South
22 Ninilchik - Dome View, and South Ninilchik Block timber sales in the Kenai Peninsula.

23 (k) The sum of \$150,000 is appropriated from the general fund to the Department of
24 Natural Resources for a land sale escrow account required for land sale contracts sold to First
25 National Bank of Anchorage.

26 (l) The sum of \$43,900 is appropriated from the general fund to the Department of
27 Natural Resources for road upgrade for the Mat-Su harvest access program.

28 * Sec. 16. DEPARTMENT OF PUBLIC SAFETY. (a) The unexpended and unobligated
29 balance of the appropriation made in sec. 30, ch. 117, SLA 1996, page 43, line 32 and
30 allocated on line 34 (Village Public Safety Officer Program, Contracts - \$4,965,500) lapses
31 into the general fund June 30, 1998.

1 (b) The sum of \$130,760 is appropriated from federal receipts to the Department of
 2 Public Safety, council on domestic violence and sexual assault, for costs related to
 3 implementation of the Domestic Violence Prevention and Victim Protection Act of 1996 for
 4 the fiscal year ending June 30, 1997.

5 * **Sec. 17. RATIFICATIONS OF THE ACCOUNTING SYSTEM.** The following
 6 departmental expenditures made in fiscal years 1985 to 1995 are ratified to reverse the
 7 negative account balances in the Alaska state accounting system in the amounts listed for each
 8 AR number. The appropriations from which these expenditures were actually paid are
 9 amended by increasing them by the amount listed, as follows:

10	(1) Department of Administration	
11	(A) AR 3583-85 Property Management	\$47,182.23
12	(B) AR 3581-86 Retirement and Benefits	654.29
13	(2) Department of Labor	
14	(A) AR 27540-91 Workers' Incentive	17,423.03
15	(B) AR 27849-93 Alaska Work Program	7,756.15
16	(3) Department of Health and Social Services	
17	(A) AR 22750-85 Fairbanks DOE Food Service	3,236.50
18	(B) AR 22751-85 Johnson Center Doc	151.84
19	(C) AR 22783-85 Laboratories 84	1,069.00
20	(D) AR 22752-88 Substance Abuse Res	10.00
21	(E) AR 22755-88 Epidemiology - Traffic	200.56
22	(F) AR 22788-88 Fairbanks MH Facil Maint	0.01
23	(G) AR 23031-89 Southern Region EMS Life-Pak	0.07
24	(H) AR 25063-89 PFD Hold Harmless	1,058.72
25	(I) AR 24649-90 Harborview Dev Ctr	31,464.50
26	(J) AR 22753-90 AK Trauma Registry	0.45
27	(K) AR 22796-90 Human Svc Valdez Oil	11,853.13
28	(L) AR 22797-90 Child Nutrition Prog	4,305.11
29	(M) AR 22713-92 FY92 OAC Nutrition	0.02
30	(N) AR 22724-92 Inmate Hlt Care Xray	14,500.00
31	(O) AR 22739-94 MIS Tech Asst ADA	293.11

1	(P) AR 22885-89 EIS Phase 1	0.80
2	(Q) AR 23122-95 MMIS	191,255.71
3	(4) Department of Natural Resources	
4	(A) AR 36631-91 Fire Federal Receipts	409,723.98
5	(B) AR 37311-93 Fire Federal Receipts	48,249.95
6	(C) AR 36893-90 Law Valdez Oil Spill	300.00
7	(5) Department of Military and Veterans' Affairs	
8	(A) AR 34538-85 Alaska Military Academy	90.15
9	(B) AR 34538-89 State Active Duty	144.10
10	(C) AR 34565-88 Federal Community Assistance	7,500.00
11	(D) AR 34537-85 Air Training Support	15,218.98
12	(E) AR 34537-86 Air Training Support	1,419.79
13	(F) AR 34537-87 Air Training Support	15,794.56
14	(G) AR 34532-85 Arm Facility Maintenance	1,754.18
15	(6) Department of Law	
16	(A) AR 13604-94 General Legal Services	500,604.50
17	(B) AR 13814-94 Clean Air Act	65.10
18	(C) AR 13852-94 General Services and Supply	1,036.20
19	(D) AR 13993-94 AHFC - MGIC Claims	0.01
20	(E) AR 13868-95 Admin - GAPPA	280.00

21 * **Sec. 18.** DEPARTMENT OF REVENUE. The sum of \$25,000 is appropriated from the
 22 general fund to the Department of Revenue, treasury division, for equity investment
 23 management fees for the constitutional budget reserve fund (art. IX, sec. 17, Constitution of
 24 the State of Alaska) for the fiscal year ending June 30, 1997.

25 * **Sec. 19.** DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES. (a)
 26 The sum of \$130,000 is appropriated from the general fund to the Department of
 27 Transportation and Public Facilities, Alaska marine highway system fund (AS 19.65.060(a)),
 28 for increased fuel costs for the fiscal year ending June 30, 1997.

29 (b) The sum of \$444,500 is appropriated from the general fund to the Department of
 30 Transportation and Public Facilities to implement the consent decree in Trustees for Alaska
 31 v. Hickel (the Copper River Highway case) (Case No. A92-245 CIV (JKS) (Consolidated)).

1 * **Sec. 20.** ALASKA COURT SYSTEM. (a) The sum of \$32,200 is appropriated from the
2 general fund to the Alaska Court System to address the effect of ch. 107, SLA 1996 (welfare
3 reform legislation) on the trial courts for the fiscal year ending June 30, 1997.

4 (b) The sum of \$30,400 is appropriated from the general fund to the Commission on
5 Judicial Conduct for increased operating costs and mandatory statutory salary increases for the
6 fiscal year ending June 30, 1997.

7 * **Sec. 21.** LEGISLATURE. (a) The sum of \$500,000 is appropriated from the general
8 fund to the Legislative Budget and Audit Committee for a study that compares the salaries and
9 benefits of state employees to the salaries and benefits paid to employees in the appropriate
10 public and private markets in this state and in the Pacific Northwest and for a study that
11 compares the cost of living in each of the state's school districts.

12 (b) It is the intent of the legislature that the study funded by the appropriation made
13 in (a) of this section, including the request for proposals, bid award, and final work product,
14 be overseen by a steering committee consisting of equal number of members appointed by the
15 legislature and by the governor.

16 * **Sec. 22.** The appropriation made by sec. 6 of this Act is to capitalize a fund and does
17 not lapse under AS 37.25.010.

18 * **Sec. 23.** The appropriations made by secs. 2, 8, 10(k), 12(a), 12(d), 15(c), 15(e) - (h),
19 15(j), and 19(b) of this Act are for capital projects and lapse under AS 37.25.020.

20 * **Sec. 24.** The appropriations made by secs. 12(b), 12(c), 15(d), 15(i), 15(k), 15(l), and
21 21 of this Act lapse into the general fund June 30, 1998.

22 * **Sec. 25.** The appropriation from the budget reserve fund amended by sec. 11(a) of this
23 Act is made under art. IX, sec. 17(c), Constitution of the State of Alaska.

24 * **Sec. 26.** Sections 2 and 11(a) of this Act are retroactive to July 1, 1996.

25 * **Sec. 27.** This Act takes effect immediately under AS 01.10.070(c).

MEMORANDUM

COPY

State of Alaska

Department of Law

TO: Annalee McConnell, Director
Office of Management & Budget

DATE: April 9, 1997

OFFICE OF
MANAGEMENT & BUDGET

FILE NO.:

TEL NO.: 465-3672

APR 10 1997

SUBJECT: FY 97 Supplemental
Request Addendum

FROM: *Fred Fisher*
Fred Fisher, Director
Administrative Services Division
Department of Law

The Department of Law hereby requests supplemental appropriations for the following items.

Additional FY 97 Judgments & Claims - The attached schedule, now totaling \$1,548,256.80 reflects additional items totaling \$184,725.05. Additionally the bill should reflect the following fund sources and amounts:

1,532,313.92 General Funds
12,765.73 PERS
3,177.15 TRS

Thank you for your consideration of these requests. Please contact me should you have questions or need additional information.

cc: Reading File

Attachments:

Department of Law

Y97 Judgments - General Funds

Item #	Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
1	Pope & Katcher Cowper v. Knowles	CBRP litigation	9/19/96	\$4,331.25	\$358.78	\$4,690.03	
2	Kenai Peninsula Borough School District v. State of Alaska	Unemployment Insurance eligibility re: former KPB employee	10/3/96	\$1,230.60	\$96.91	\$1,327.51	
3	Gruenberg & Clover - O Callaghan v. Coghill	Election case concerning form of state primary	5/29/96	\$28,248.66	\$3,271.00	\$31,519.66	
4	Alaska Legal Services Corp. Venetie v. State	Recognition of tribal court adoption decrees	6/6/96	\$11,773.32	\$1,335.80	\$13,109.12	
5	Robinson, Beiswenger, & Ehrhardt Pullen & United Fishermen v. Ulmer & Fairness in Salmon Harvest, Inc.	Challenging the Lt. Gov's certification of the F.I.S.H. Initiative for placement on 11/96 general election ballot	8/26/96	\$1,239.02	\$111.31	\$1,350.33	
6	Valerie Therrien McCosker for T.H. v. State, DOR	Appeal of PFD	10/17/96	\$1,313.43	\$98.07	\$1,411.50	
7	Jermain, Dunnagen & Owens Alaska Public Employees Assoc, Dan Lawn v. State	Re: pipeline oversight position	12/27/96	\$1,000.00	\$53.98	\$1,053.96	
8	Pope & Katcher Capital Info Group v. State	Deliberative Process/Exec Privilege re: certain proposals & memoranda	10/4/96	\$20,000.00	\$1,569.18	\$21,569.18	
9	Chrissitan Bataille, Esq. Arthur Caissie v. State	Age discrimination complaints	12/31/96	\$2,000.00	\$105.58	\$2,105.58	
10	Trust account of Fortier & Mikko, P.C. Eckhart v. CFEC	Eligibility for a commercial fisheries entry permit - attorneys fees	12/6/96	\$3,818.10	\$229.41	\$4,047.51	
11	Kenneth Kirk, Esq. Michael S. Brown v. State	Child support enforcement	10/15/96	\$2,002.35	\$150.69	\$2,153.24	
12	Wayne Anthony Ross Alaska Gun Collectors Assoc v. State	Sale or destruction of firearms by State	8/7/96	\$3,000.00	\$286.13	\$3,286.13	
13	Loren Domka Carlson v. State, CFEC	Non-resident commercial fish fees	6/21/96	\$1,357.67	\$148.10	\$1,505.77	
14	Trust account of Fortier & Mikko, P.C. Eckhart v. CFEC	Eligibility for a commercial fisheries entry permit - cost recovery	12/22/97	\$1,089.65	\$60.39	\$1,150.04	
15	Wesley V. Shea Dansereau v. Ulmer	Alleged irregularities in 94 gubernatorial election	9/4/96	\$22,784.67	\$1,987.04	\$24,771.71	

Department of Law

Y97 Judgments - General Funds

Item #	Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
16	Hedland, Brenna, Heideman Winter Telecom v. Snowden/Alaska Court System	Bid Dispute re: supply and installatin of Nesbett Court House phone system	8/15/96	\$18,186.59	\$1,692.13	\$19,878.72	
17	Rice, Volland, Taylor & Hensley Cleary v. Smith	Rights of incarcerated individuals	1/30/97	\$36,111.66	\$1,590.44	\$37,702.10	
18	Perkins Coie Cleary v. Smith	Rights of incarcerated individuals	11/25/96	\$3,032.10	\$191.91	\$3,224.01	
19	Northwest Women's Law Center Cleary v. Smith	Rights of incarcerated individuals	8/12/96	\$22,721.08	\$2,133.91	\$24,854.99	
20	William Oberly Cleary v. Smith	Rights of incarcerated individuals	8/12/96	\$5,445.22	\$511.40	\$5,956.62	
21	Northwest Women's Law Center Cleary v. Smith	Rights of incarcerated individuals	12/18/96	\$2,950.75	\$166.97	\$3,117.72	
22	Perkins Coie Cleary v. Smith	Rights of incarcerated individuals	12/18/96	\$10,030.68	\$567.58	\$10,598.26	
23	William Oberly Cleary v. Smith	Rights of incarcerated individuals	12/18/96	\$1,061.41	\$60.06	\$1,121.47	
24	Ronald & Sharon Richards Richards v. State	Mental Health Land Trust	1/21/97	\$13,000.00	\$606.67	\$13,606.67	
25	Marty Ferrell Jensen, et al. v. State, Dept of Administration	Settlement agreement re: lease claim	10/23/96	\$1,195.40	\$87.17	\$1,282.57	
26	Robert Triplett & Thomas Lucas Triplett v. State Dept of Corrections	Settlement agreement re: violation of disability discrimination laws	3/11/97	\$450,000.00	\$14,568.92	\$464,568.92	
27	Wevley Shea & Tim O. Cook Cook v. Botelho	Unsuccessful challenge to Cook's appointment as Commissioner to the APUC	12/11/96	\$158,144.49	\$9,271.33	\$167,415.82	
28	Wevley Shea & Tim O. Cook Cook v. Botelho	Unsuccessful challenge to Cook's appointment as Commissioner to the APUC	8/2/96	\$1,270.26	\$123.00	\$1,393.26	
29	Horos v. State Carol Horos & Doug Pope	Retaliation for whistleblowing	3/24/97	\$437,500.00	\$12,505.35	\$450,005.35	
30	Baxter, Bruce, Brand et al CQ Enterprises v. State	Bid protest on lease space for Post Secondary Education	3/19/97	\$27,000.00	\$811.13	\$27,811.13	
31	Lisa Holen Law Offices McCabe v. State	Sexual Harrassment - Lemon Creek Correctional Center	4/1/97	\$70,000.00	\$1,837.52	\$71,837.52	

Department of Law

FY97 Judgments - General Funds

Item #	Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
32	Lee HolenLaw Offices McCabe v. State	Sexual Harrassment - Lemon Creek Correctional Center	4/1/97	\$110,000.00	\$2,887.53	\$112,887.53	\$1,532,313.92

Department of Law

FY97 Judgments - Other Fund Sources

Item #	Case Name	Description	Date	Amount	Interest	Total	Fund Source
1	Don Clocksin Nat'l Education Ass'n - Alaska v. Boyer	Class action against TRS & PERS re medical insurance & COL increases	12/10/96	\$3,000.00	\$177.15	\$3,177.15	TRS
				\$4,500.00	\$265.73	\$4,765.73	PERS
2	Lee Holen Law Office Faddy v. Admin PERS	Denial of Occupational Benefits	2/3/97	\$8,000.00	\$0.00	\$8,000.00	PERS

RELEASE AND SETTLEMENT AGREEMENT

1. Debra Vanover agrees that, in consideration of the State of Alaska, Department of Corrections (the "State") payment to Ms. Vanover and her attorneys of \$70,000, she fully releases all claims that she has or could have asserted against the State, the Department of Corrections, Commissioner Margaret Pugh, Dan Carothers, Gary Kidd, Marc Antrim, or their agencies, officers, employees, agents, representatives, or insurers (collectively, the "Released Parties"), in Case No. 1JU-95-456 Civil in the Superior Court for the State of Alaska, First Judicial District, arising out of Ms. Vanover's employment with the State of Alaska, Department of Corrections, and the termination of that employment (the "Employment"). Ms. Vanover acknowledges that the Released Parties and their attorneys make no representations to her regarding the tax consequences of this settlement payment.

2. Ms. Vanover releases, acquits, and forever discharges the Released Parties from all causes of action, claims, and demands for damages, costs, losses of services, expenses, attorneys' fees, and compensation, known or unknown, that she now has, or may later have, on account of, or arising out of, any matter concerning the Employment including -- but not limited to -- claims for constructive discharge, sexual harassment, retaliation, infliction of emotional distress, interference with contractual relations, and discrimination on the basis of sex or disability.

3. Ms. Vanover acknowledges that injuries, losses, or damages that she does not know about now may be discovered later, and that injuries, losses, or damages that she knows about now may later prove to be greater than she now believes them to be. Ms. Vanover agrees to discharge the Released Parties from all liability for all injuries, losses, and damages, both those known now and those that may be discovered later, arising from the Employment. Ms. Vanover assumes all risk that her damages may be greater than she now knows or anticipates.

4. Ms. Vanover acknowledges that this settlement is the compromise of a disputed claim. Ms. Vanover acknowledges that the State's \$70,000 payment mentioned above does not constitute an admission of liability by the Released Parties, and that the Released Parties expressly deny such liability.

5. Ms. Vanover hereby releases the Released Parties from all claims that she may have against them or their insurers under any insurance agreements applicable by reason of her claims concerning the Employment.

6. Ms. Vanover agrees that she will not individually, or in concert with others, through further judicial, contractual, or administrative proceedings of any kind whatsoever, make or cause to be made, acquiesce in, or assist in the bringing of any future action against any of the Released Parties for damages arising out of the facts and issues set forth in the complaint in the action mentioned above. Ms. Vanover agrees to indemnify, defend, and hold harmless the Released Parties from any such actions that any individual or entity might bring on her behalf.

7. Ms. Vanover declares that she has not assigned to any other individual or entity any interest in any of her claims arising out of the Employment. Ms. Vanover agrees to satisfy all liens that have been or may be asserted against the amounts to be paid in settlement of her claims, and to defend, indemnify, and hold harmless the Released Parties from all actions relating to such liens.

8. Ms. Vanover further agrees to execute, through her attorneys, a stipulation for dismissal with prejudice of Case No. 1JU-95-456 Civil with each party to bear its own costs and attorneys' fees.

9. Ms. Vanover acknowledges that she has had the opportunity to review the Alaska Supreme Court's decisions in the cases of Witt v. Watkins, 579 P.2d 1065 (Alaska 1978), and Young v. State, 455 P.2d 889 (Alaska 1969), and waives the protection of those decisions.

10. The parties to this Agreement and their representatives, in the spirit of compromise, settlement and resolution of this dispute, further agree not to comment on this Agreement, the dispute or the litigation arising from the dispute, except to the extent it is necessary or appropriate for a representative of the Attorney General's Office of the State of Alaska to do so in response to an inquiry concerning the public's interest in this Agreement or the expenditure of public funds required by this Agreement. This provision does not apply in the event testimony is required by court order or in response to a properly issued subpoena or to any state official when responding to an inquiry by the legislature concerning this settlement.

11. Ms. Vanover acknowledges that no promise or agreement not expressed in this Release and Settlement Agreement has been made by or to her, that this Release and Settlement Agreement contains the entire agreement between the parties to the agreement and that the terms of this Release and Settlement Agreement are contractual, not merely a recital.

12. Ms. Vanover acknowledges that she has had sufficient time and opportunity to consult with her attorney regarding this Release and Settlement Agreement. Ms. Vanover acknowledges that this agreement was not secured under duress or in haste instigated by any of the Released Parties.

13. This Release and Settlement Agreement is and shall be binding upon Ms. Vanover and her heirs, executors, administrators, legal representatives, successors, and assigns.

///

///

///

14. This Release and Settlement Agreement will be interpreted under, and governed by, the laws of the State of Alaska.

CAUTION: THIS IS A COMPLETE AND FINAL RELEASE. READ IT CAREFULLY BEFORE SIGNING.

DATED this ____ day of March, 1997 at Anchorage, Alaska.

Debra Vanover
Plaintiff

Lee Holen
Attorney for Plaintiff

Patrick J. Gullufsen
Attorney for Defendants
State of Alaska, Department of Corrections

14. This Release and Settlement Agreement will be interpreted under, and governed by, the laws of the State of Alaska.

CAUTION: THIS IS A COMPLETE AND FINAL RELEASE. READ IT CAREFULLY BEFORE SIGNING.

DATED this 1ST day of APRIL 1997 at Anchorage, Alaska.

I HEREBY CERTIFY THAT DEBRA VANOVER personally appeared before me at Vancouver in the Province of BRITISH COLUMBIA, this 1ST day of APRIL 1997 and acknowledged the contents herein and affixed HER signature hereon.

Debra Vanover
Debra Vanover
Plaintiff

Lee Holen
~~Attorney for Plaintiff~~

[Signature]
Notary Public in and for the Province of BRITISH COLUMBIA.

Patrick J. Galt
~~Attorney for Defendants~~
~~State of Alaska, Department of Corrections~~

**RONALD C. BAILEY
NOTARY PUBLIC
7960 Granville Street
Vancouver, B.C. V6P 4Z2
Telephone: 261-4265**

PERMANENT COMMISSION

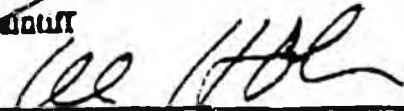
ATTESTED ONLY WITHOUT PREJUDICE
AS TO TRUTH AND JUSTICE
NO ADVICE OR OPINION RENDERED
RONALD C. BAILEY
NOTARY PUBLIC

14. This Release and Settlement Agreement will be interpreted under, and governed by, the laws of the State of Alaska.

CAUTION: THIS IS A COMPLETE AND FINAL RELEASE. READ IT CAREFULLY BEFORE SIGNING.

DATED this 1st April day of ~~March~~, 1997 at Anchorage, Alaska.

~~Debra Vanover~~
Plaintiff


Leo Holen
Attorney for Plaintiff

~~Patrick J. Gullfusen~~
Attorney for Defendants
State of Alaska, Department of Corrections

Judgment Award Questionnaire

The following information needs to be provided on all judgment awards made against the state. This information is used to respond to legislative questions concerning the annual supplemental request. (Use additional pages if necessary)

Case Name: McCabe v. State of Alaska, et al.

Case No.: 1JU-95-456 CI

1. Describe the circumstances or events resulting in this case and ultimately this judgment against the state.

Norm Anderson, a sergeant at Lemon Creek Correctional Center (LCCC), sexually harassed several women employees at the institution. When he was reported to management, the action taken was arguably insufficient to stop the harassment, and instances of retaliation for reporting the harassment allegedly took place in management's treatment of the women involved.

2. Describe issues of state policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

Administrative Order 81 prohibiting sexual harassment in the workplace as well as the policy embodied in AS 18.80 against sexual discrimination and retaliation were implicated.

3. Did the state prevail on any issues, if so, describe those.

This case was settled without any admission or finding of wrongdoing or liability, and no issues were actually litigated to a decision.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the state: If so, describe to what extent we were successful.

The settlement itself represents a significant reduction of the economic risk to the State.

5. Any recommendations concerning cases of this type in the future?

None.

Attorney completing form: Patrick J. Gullufsen DATE: 4-3-97

Judgment Interest calculation Program						
(Using 10.5% per Annum)						
				Month	Day	Year
1. Date of Judgment:				4	1	97
2. Amount of Judgment:			70,000.00			
3. Estimated/Actual Date of Payment:				6	30	97
		Calculation		McCabe v. State		
	a. Judgment Amt		70,000.00			
	b. Days interest		90			
	c. Interest Factor:		0.02625			
	c. Interest Amount:		1,837.52			
	Total Due:		71,837.52			
	35521					
	35611	90				
Daily %	0.0002917					
Total %	0.0262503		70000.00			
		Int	1837.52			
			71837.52			

Judgment Interest calculation Program						
(Using 10.5% per Annum)						
				Month	Day	Year
1. Date of Judgment:				4	1	97
2. Amount of Judgment:				110,000.00		
3. Estimated/Actual Date of Payment:				6	30	97
		Calculation		McCabe v. State		
	a. Judgment Amt		110,000.00			
	b. Days interest		90			
	c. Interest Factor:		0.02625			
	c. Interest Amount:		2,887.53			
	Total Due:		112,887.53			
	35521					
	35511	90				
Daily %	0.0002917					
Total %	0.0262503		110000.00			
		Int	2887.53			
			112887.53			

RELEASE AND SETTLEMENT AGREEMENT

1. Mary L. McCabe agrees that, in consideration of the State of Alaska, Department of Corrections (the "State") payment to Ms. McCabe and her attorneys of \$110,000, she fully releases all claims that she has or could have asserted against the State, the Department of Corrections, Commissioner Margaret Pugh, Dan Carothers, Gary Kidd, Marc Antrim, or their agencies, officers, employees, agents, representatives, or insurers (collectively, the "Released Parties"), in Case No. 1JU-95-456 Civil in the Superior Court for the State of Alaska, First Judicial District, arising out of Ms. McCabe's employment with the State of Alaska, Department of Corrections, and the termination of that employment (the "Employment"). Ms. McCabe acknowledges that the Released Parties and their attorneys make no representations to her regarding the tax consequences of this settlement payment.

2. Ms. McCabe releases, acquits, and forever discharges the Released Parties from all causes of action, claims, and demands for damages, costs, losses of services, expenses, attorneys' fees, and compensation, known or unknown, that she now has, or may later have, on account of, or arising out of, any matter concerning the Employment including -- but not limited to -- claims for constructive discharge, sexual harassment, retaliation, infliction of emotional distress, interference with contractual relations, and discrimination on the basis of sex or disability.

3. Ms. McCabe acknowledges that injuries, losses, or damages that she does not know about now may be discovered later, and that injuries, losses, or damages that she knows about now may later prove to be greater than she now believes them to be. Ms. McCabe agrees to discharge the Released Parties from all liability for all injuries, losses, and damages, both those known now and those that may be discovered later, arising from the Employment. Ms. McCabe assumes all risk that her damages may be greater than she now knows or anticipates.

9. Ms. McCabe will be designated eligible for re-hire upon her resignation, but agrees never to apply for or accept employment with the Department of Corrections of the State of Alaska.

10. The parties to this Agreement and their representatives, in the spirit of compromise, settlement and resolution of this dispute, further agree not to comment on this Agreement, the dispute or the litigation arising from the dispute, except to the extent it is necessary or appropriate for a representative of the Attorney General's Office of the State of Alaska to do so in a neutral manner in response to an inquiry concerning the public's interest in this Agreement or the expenditure of public funds required by this Agreement. This provision does not apply in the event testimony is required by court order or in response to a properly issued subpoena or to any state official when responding to an inquiry by the legislature concerning this settlement.

11. Ms. McCabe acknowledges that she has had the opportunity to review the Alaska Supreme Court's decisions in the cases of Witt v. Watkins, 579 P.2d 1065 (Alaska 1978), and Young v. State, 455 P.2d 889 (Alaska 1969), and waives the protection of those decisions.

12. Ms. McCabe acknowledges that no promise or agreement not expressed in this Release and Settlement Agreement has been made by or to her, that this Release and Settlement Agreement contains the entire agreement between the parties to the agreement and that the terms of this Release and Settlement Agreement are contractual, not merely a recital.

13. Ms. McCabe acknowledges that she has had sufficient time and opportunity to consult with her attorney regarding this Release and Settlement Agreement. Ms. McCabe acknowledges that this agreement was not secured under duress or in haste instigated by any of the Released Parties.

14. This Release and Settlement Agreement is and shall be binding upon Ms. McCabe and her heirs, executors, administrators, legal representatives, successors, and assigns.

15. This Release and Settlement Agreement will be interpreted under, and governed by, the laws of the State of Alaska.

CAUTION: THIS IS A COMPLETE AND FINAL RELEASE. READ IT CAREFULLY BEFORE SIGNING.

DATED this ____ day of March, 1997 at Anchorage, Alaska.

Mary L. McCabe
Plaintiff

Lee Holen
Attorney for Plaintiff

Patrick J. Gullufsen
Attorney for Defendants
State of Alaska, Department of Corrections

15. This Release and Settlement Agreement will be interpreted under, and governed by, the laws of the State of Alaska.

CAUTION: THIS IS A COMPLETE AND FINAL RELEASE. READ IT CAREFULLY BEFORE SIGNING.

DATED this 28th day of March, 1997 at Anchorage, Alaska.

Mary L. McCabe
Mary L. McCabe
Plaintiff

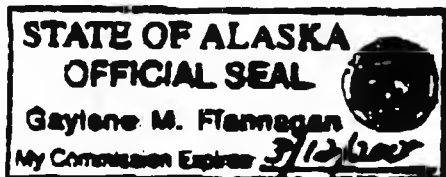
[Signature]
Lee Holen
Attorney for Plaintiff

[Signature]
Patrick J. Collins
Attorney for Defendant
State of Alaska, Department of Corrections

Subscribed and sworn to before me Gaylene Flanagan this 28th Day of March 1997.

Gaylene M. Flanagan

Notary Public in and for Alaska
my Commission Expires: 3/12/2000

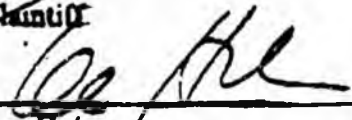


15. This Release and Settlement Agreement will be interpreted under, and governed by, the laws of the State of Alaska.

CAUTION: THIS IS A COMPLETE AND FINAL RELEASE. READ IT CAREFULLY BEFORE SIGNING.

DATED this 1st April day of ~~March~~, 1997 at Anchorage, Alaska.

Mary L. McCabe
Plaintiff



Lee Holen
Attorney for Plaintiff

Patrick J. Gullonen
Attorney for Defendants
State of Alaska, Department of Corrections

Department of Law

JUDGMENTS/CLAIMS FOR PAYMENT

1. Case Name: McCabe v. State of Alaska, et al.
2. Case Number: 1JU-95-456 CI
3. Date Settlement entered: April 1, 1997
4. Amount to be paid: \$110,000
5. Interest Rate: 10.5% per annum Effective Date: April 1, 1997
6. Payable to: Lee Holen
In Trust for Mary McCabe
Lee Holen Law Offices
441 W. Fifth Avenue, Suite 400
Anchorage, Alaska 99501
7. EIN: or SSN:
8. Send check to: above address

Departmental contact


Patrick J. Gullufsen

(907) 465-3600
Telephone Number

Departmental Approval


Deputy Attorney General

Date

4/8/97

****This form will be used for the purpose of standardizing the submission of claims and will expedite the payments to the claimants, thereby reducing the amount of lost interest to the state. If any of the information changes, please advise the Deputy Director, Administrative Services Division, P O. Box 110300, Juneau, AK 99811, or call (907) 465 3672 as soon as any changes are known.**

Judgment Award Questionnaire

The following information needs to be provided on all judgment awards made against the state. This information is used to respond to legislative questions concerning the annual supplemental request. (Use additional pages if necessary)

Case Name: McCabe v. State of Alaska, et al.

Case No.: 1JU-95-456 CI

1. Describe the circumstances or events resulting in this case and ultimately this judgment against the state.

Norm Anderson, a sergeant at Lemon Creek Correctional Center (LCCC), sexually harassed several women employees at the institution. When he was reported to management, the action taken was arguably insufficient to stop the harassment, and instances of retaliation for reporting the harassment allegedly took place in management's treatment of the women involved.

2. Describe issues of state policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

Administrative Order 81 prohibiting sexual harassment in the workplace as well as the policy embodied in AS 18.80 against sexual discrimination and retaliation were implicated.

3. Did the state prevail on any issues, if so, describe those.

This case was settled without any admission or finding of wrongdoing or liability, and no issues were actually litigated to a decision.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the state: If so, describe to what extent we were successful.

The settlement itself represents a significant reduction of the economic risk to the State.

5. Any recommendations concerning cases of this type in the future?

None.

Attorney completing form: Patrick J. Gullufsen DATE: _____

#1

Project Title: FAIRBANKS ARMORY EXPANSION Location: FAIRBANKS
 Category: Administration of Justice Prog. Priority: Election District: 60
 Project Type: PLANNING/CONSTRUCTION Agy Priority: 2 AP/AL: AP Completion Date (mm/yr): 12/99

FUNDING	FY98 Capital Request	Annual State Operating / Maintenance	FY98 New State PFT	CAPITAL REQUESTS					Total Req. FY97-FY02
				FY99	FY00	FY01	FY02	FY03	
1002 Federal Receipts									0.0
1003 General Fund Match	700.0	0.0	0	0.0	0.0	0.0	0.0	0.0	700.0
1004 General Fund									0.0
1005 GF Program Receipt									0.0
1037 GF/ Mental Health									0.0
									0.0
									0.0
TOTAL:	700.0	0.0	0	0.0	0.0	0.0	0.0	0.0	700.0

BRIEF PROJECT SUMMARY:
 FAIRBANKS ARMORY EXPANSION

DETAIL PROJECT DESCRIPTION AND JUSTIFICATION:

DESCRIPTION: This project will provide an expansion to the Fairbanks Armory. The expansion will include an approximately 15,093 square foot addition, alterations to the existing building of 13,312 square feet, and a partial replacement of the existing obsolete mechanical system.

JUSTIFICATION: The Army Guard in Fairbanks currently has four units. They are Company B, 1st Battalion, 257th Infantry; Detachment 1, Company D, 297th Support Battalion; Detachment 1, Company A, 207th Aviation Regiment; and Detachment 4, HHC GP 297th Infantry. These units have an actual strength of 154. They were reorganized in FY95. The reorganization caused this facility to be severely overcrowded. The original structure was constructed in 1962. The existing armory was designed and constructed to support only one unit and about 60 people.

Does capital project:	Yes	No
1) Meet state constitutional or statutory responsibility?		X
2) Address life, health or safety issue?	X	
3) Reduce state operating costs?		X
4) Leverage private sector or local funds?		X
5) Create ongoing private sector jobs?		X
6) Facilitate transfer of responsibility to local or private sector?		X

**CAPITAL PROJECTS
 DESCRIPTION**
 FORM CP1
 Revised 9/29/95

AGENCY: MILITARY & VETERANS AFFAIRS

Page 1 of 2
 Revised Date:

FY 98 - FY03

CONTINUATION OF FORM: FAIRBANKS ARMORY EXPANSION

DETAIL PROJECT DESCRIPTION AND JUSTIFICATION:

PROJECT JUSTIFICATION: (Continued)

The design is currently in progress through DOT&PF for this project. \$450,000 was appropriated in the FY-92 legislative session and the additional \$100,000 was appropriated in FY-94 to accomplish the design of this project. The design will be completed by August 1997 and will be ready for construction at that time, if construction funds are appropriated. In FFY97, \$4,995 million in federal funds for construction and construction management were appropriated. 62 percent of the project is being federally funded. State matching funds for the remaining 18 percent are required to complete the construction of the addition and alteration.

CAPITAL COSTS: Capital costs for this project are based on other recent Army National Guard projects of the same type. It is also based on the amount of space the National Guard Bureau normally supports for these types of units and facilities.

OPERATING COSTS: The additional operating costs of \$36,000 are calculated based on DMVA experience in the cost per square foot of operating similar facilities.

ALTERNATIVES CONSIDERED: The only alternative to the project is to do nothing. This will result in a loss of \$4,995 million in federal funds and leaves the existing operation to continue in an undersized facility and unable to adequately perform unit training or accomplish organizational goals.

**CAPITAL PROJECTS
DESCRIPTION**
FORM CP1
Revised 11/28/95

AGENCY MILITARY & VETERANS AFFAIRS

Page 2 of 2

Revised Date:

FY 98 - FY03

Project Title: Airborne Geophysical/Geological Mineral Inventory Location: Statewide
 Category: Development Prog. Priority: Election District: 99
 Project Type: Planning/Health & Safety Agency Priority: 5 AP/L: AP Completion Date (mmyr): 12/31/99

FUNDING	FY98 Capital Request	Annual State Operating / Maintenance	FY98 New State PFT	CAPITAL REQUESTS					Total Req. FY98-FY03
				FY99	FY00	FY01	FY02	FY03	
1002 Federal Receipts									
1004 General Fund			0						
1005 GF Program Receipts									
1037 GF/ Mental Health									
1022 AIDEA Fund	400.0		0	800.0					1,200.0
1019 Reforestation									
1021 ARLF									
TOTAL:	400.0		0	800.0					1,200.0

BRIEF PROJECT SUMMARY: The Airborne Geophysical/Geological Mineral Inventory project is a special multi-year investment to expand the knowledge base of Alaska's mineral resources and catalyze private-sector mineral development. The project seeks to delineate mineral zones on Alaska state lands that: 1) have major economic value, 2) can be developed in the short term to provide high quality jobs for Alaska, and 3) will provide economic diversification to help offset the loss of Prudhoe Bay oil revenue. Started in 1992, the project was originally designed to systematically acquire geophysical, and where necessary, geological data for about 40 million acres of state-owned uplands having high perceived mineral potential. Funding restrictions have led to decreasing the annual scope of the project, but the purpose and goals have not changed.

DETAIL PROJECT DESCRIPTION AND JUSTIFICATION: Public release of the geophysical and geological data collected from these surveys has had a rapid and profoundly positive effect on private-sector exploration investments in the Nome, Circle, and Fairbanks areas. Millions of dollars of venture capital have been spent in the local economies of these districts in direct response to the new geologic knowledge provided by the surveys. This rate of investment will continue for years. We anticipate exploration activities in the Rampart, Manley, Tofty, Upper Chulitna, and Petersville districts will accelerate as the recently-completed geophysical surveys and the geological data needed to interpret the new geophysical surveys for these areas becomes available.

Although mineral development is a high risk enterprise, there is a good probability that several of the prospects identified with the help of data generated by this project will become major mines and thus return the amount of the state's data generation investments a hundred fold. Clearly, the Airborne Geophysical/Geological Mineral Inventory Project has been successful in catalyzing private sector investment and job generation at a level that far surpasses the cost of conducting the surveys. A similar investment in geologic knowledge in 1982

Does capital project:	Yes	No
1) Meet state constitutional or statutory responsibility?	X	
2) Address life, health or safety issue?		X
3) Reduce state operating costs?		X
4) Leverage private sector or local funds?	X	
5) Create ongoing private sector jobs?	X	
6) Facilitate transfer of responsibility to local or private sector?	X	

--- Continued on following page ---

**CAPITAL PROJECTS
DESCRIPTION**
FORM CP1
Revised 10/14/98

Page 1 of 8

Revised Date:

FY98 - FY03

CONTINUATION FORM

PROJECT TITLE: Airborne Geophysical/Geological Mineral Inventory

contributed to the ultimate development of the Fort Knox gold mine that is currently adding several hundred million dollars of capital to the state's economic base.

Candidate lands for this project have been identified on the basis of existing geologic knowledge, land ownership, and responses to annual solicitations for nominations from Alaska's mineral industry and Native Regional Corporations. As of September 1996, field work has been completed for the following geophysical and geological surveys:

Location	Area	Products
Nome District western core area	494 sq. miles	Airborne geophysical mapping (including aeromagnetic, electromagnetic, and VLF mapping)/ground-truth geologic mapping
Nyac District core area	183 sq. miles	Airborne aeromagnetic mapping only
Circle District core area	338 sq. miles	Airborne geophysical mapping/ground-truth geologic mapping
Valdez Creek District	75 sq. miles	Airborne geophysical mapping
Fairbanks District	626 sq. miles	Airborne geophysical mapping/ground-truth geologic mapping
Richardson District	137 sq. miles	Airborne geophysical mapping/ground-truth geologic mapping (pending)
Rampart/Manley-	687 sq. miles	Airborne geophysical mapping/ground-truth geologic mapping (in progress)
Upper Chulitna District	364 sq. miles	Airborne geophysical mapping/ground-truth geologic mapping (pending FY98 and FY99)
Petersville-Collinsville District	415 sq. miles	Airborne geophysical mapping/ground-truth geologic mapping (pending FY99)

Three surveys (western Nome District, Nyac, and parts of the Rampart/Manley District) were conducted in cooperation with the Bering Straits Native Corporation, Sitnasuak Village Corporation, Calista Native Corporation and Doyon Native Corporation, respectively. As owners of large tracts of land intermingled with State lands, they contributed various combinations of services, private geoscience data files, and funding to support the surveys.

Numerous major mining companies have been active in the Nome, Circle, and Fairbanks areas following release of the geophysical surveys. Several million dollars were spent in exploration, and approximately 150 new claims were located on State lands in the Nome area. The renewed corporate interest in the Nome area continues to this day and additional geophysical and geological surveys would further increase the probability of establishing a major mine in the district. Likewise, the Circle district has received new attention from major mining companies. Immediately following the release of the Fairbanks district airborne geophysical maps, over 100 square miles of mineral claims were staked and subsequent exploration activity has been intense. Progress has been made in locating a second major lode gold deposit, and continued exploration involving a growing number of major mining companies proceeds unabated. Many of the immediate exploration expenditures are made locally, and if mineral production results, scores of additional high-quality jobs will be created for local residents.

The Geophysical/Geological Mineral Inventory CIP project is designed to coordinate the generation of airborne geophysical data with ground-based geologic surveys. The geophysical data are of limited effectiveness unless good geologic maps are available to permit analysis and interpretation of the geophysics. If existing geologic data are inadequate, the required geologic surveys are most effective when they follow generation of the final geophysical maps. Thus, unless good quality 1:63,360-scale geologic maps already exist, at least one additional year of ground-based field studies is needed to complete a project after an area has been surveyed with airborne geophysical sensors. Post-geophysical survey ground-truth mapping is now being conducted in the Rampart-Manley-Tofty districts tract flown in FY96 and FY97. Results of geological work done in the Summer of 1996 will be released in the Spring of 1997. Ground-truth geologic mapping in the Rampart-Manley-Tofty districts was planned

CAPITAL PROJECTS

DESCRIPTION

FORM CP1 - CONTINUATION

Revised 10/14/96

Page 2 of 8

Revised Date:

FY98 - FY03

CONTINUATION FORM**PROJECT TITLE:** Airborne Geophysical/Geological Mineral Inventory

for completion in two field seasons. In FY97, however, additional geophysical survey tracts were added to the Rampart project. If these new tracts are also geologically surveyed, an additional year of ground-truth work will be needed to finish inventorying the combined survey tracts. A two-year ground-truth geological survey of the Upper Chulitna mineral district will start in July 1997 (FY98) and is scheduled for completion in FY99. Previously authorized CIP funds are designated to support these geological ground truth activities. Unless additional funds are appropriated to initiate airborne-geophysical/geological mineral surveys elsewhere, no new high mineral potential tracts will be geophysically surveyed in FY98.

For FY98, DGGS has identified three survey tracts: 1) Upper Goodpaster, interior Alaska; 2) Iron Creek, southcentral Alaska; and 3) northern Solomon district, Seward Peninsula, that have good potential for the discovery and near-term development of a major mineral deposit. Contingent upon funding available we will initiate an airborne-geophysical/geological ground-truth mineral survey on one or more of these three tracts. Cost of the surveys varies depending on each tract's size, location, and bid responses from geophysical services vendors, but in the past geophysical/geological surveys of single minimal but reasonably sized tracts has required about \$400.0 in CIP funds, augmented by Federal Receipts and General Funds.

WHY IS THE PROJECT NEEDED?

Geologic resources comprise a major part of Alaska's economic assets. The location and magnitude of these resources are largely unknown, yet that knowledge is the key to orderly development of the state and to the maintenance of a stable economy. Experienced mineral exploration managers have characterized Alaska's present state of mineral development as analogous to that of the entire group of states west of the Rocky Mountains in the late 1800s. At that time a few major ore bodies had been found and prospectors had located hundreds of prospects but none of the scores of subsequent world-class mines had been discovered. Alaska is like that. We, however, have the opportunity, capital, and technology to expedite some of those discoveries if we so choose.

Alaskans cannot manage or develop assets that are unknown and unquantified. The present lack of geologic knowledge is a formidable impediment to long-range planning for both industry and the state. The lack of knowledge discourages private-sector investment in Alaska, and instead favors capital allocation to other areas of the world where comprehensive assessments exist or are being actively generated. Major mining companies rely on government-supplied exploration scale (1:63,360) geological, geophysical, and geochemical maps to design and implement their programs. They expect at least this level of effort from any government that seriously desires a mineral industry. Alaska is in competition with every other country, state, and province for investment dollars. Many of those competitors' lands have far less potential than Alaska, are just as remote, have been more explored, or exist in a much less stable political climate than Alaska but they are more successful than Alaska in sustaining a robust mining industry because of their extensive geologic information base or because of the pace at which they are generating such a base of new information.

Applications of a thorough resource information base include:

1. Enhancing community and local government economies and revenue opportunities. Resource development in these areas can provide local sources of wages, tax revenue, and royalty income that are necessary for local infrastructure and essential services.
2. Stimulating private-sector exploration and competitive development of Alaska's mineral resources. The present lack of geologic resource knowledge is a formidable impediment to long range planning for both industry and the state. The lack of resource knowledge discourages private-sector investment in Alaska, and instead favors capital allocation to other areas of the world where comprehensive assessments exist.

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3. Marine terminal and transportation corridor development. Transportation infrastructure development always requires cost justification based on prior knowledge of resource availability indicating the likelihood of investment payback and geotechnical knowledge that ensures engineering feasibility.

4. Long-term decisions on management of state-interest lands. Products from this project allow the State to look beyond the short-term rise and fall of commodity markets in formulating mineral-resource policies and in responding to related issues, such as land trades, corridor development, area plans, etc.

GOVERNOR'S AWARENESS

The Governor has expressed strong support for this program in several forums including speeches before the Alaska Miners Association and other key business groups.

PROJECT SUPPORT

This project is supported by local communities, Native corporations, private resource industry, Alaska Minerals Commission, regional borough governments, Department of Commerce and Economic Development, Department of Community and Regional Affairs, and the Department of Natural Resources.

PROJECT OPPOSITION

None known.

PUBLIC BENEFITS

The public at large benefits both in the short and long term through local employment opportunities created in the private sector and better resource management decisions regarding issues such as land trades, classifications, etc. The public especially benefits from a diversification of Alaska's economy, the enlargement of the state's long-term quality job base, and decreased dependence on state-funded welfare programs.

ALTERNATIVE APPROACHES CONSIDERED

1. Sole reliance on satellite or remote sensing imagery. This approach is rejected because of low resolution and because it cannot look beneath extensive ground cover such as tundra, forest, and soil types in Alaska, and also because it does not provide an unambiguous methodology for detecting subsurface mineralization.
2. Sole reliance on currently available data. Rejected because of general lack and quality of geologic data. Only seven percent of Alaska has adequate geological mapping, and almost none of it has detailed geophysical surveys.
3. Sole reliance on ground-based field investigations. Rejected because of protracted time necessary for such an approach (decades) and because it provides no subsurface information.
4. Sole reliance on airborne geophysical methods. Rejected because geophysical anomalies alone cannot be interpreted without geological and geochemical control.
5. An integrated approach, utilizing regional geophysical and geochemical methods which define resource-rich regions; followed by detailed airborne geophysical surveys and ground-based geological/geochemical investigations of high priority areas. This approach allows the inventory to be completed in an acceptable time, to discriminate between barren and resource-rich anomalies, to identify specific commodities, and provide a quantified estimate of resource value and location.

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PROJECT TITLE: Airborne Geophysical/Geological Mineral Inventory

ALTERNATIVE FINANCING CONSIDERED

1. Financing the project through voluntary consortia of private-sector firms. Rejected because of inherent conflict-of-interest concerns between the state, contributing firms, non-contributing firms, and the public at large, the timeliness of executing such a financing approach; and the lack of continuity inherent in such a funding mechanism.
2. Funding the project through the operating budget was considered and rejected because of the significant increase to the base budget.

SUPPORT TO THE OPERATING BUDGET

This project complements the DGGs operating/policy budget. Most of the core geological activities, contract management, and support functions are carried out by existing staff and are partially funded by the base operating budget. Geophysical investigations will be done mainly through private-sector contracts funded by this CIP project.

DESCRIPTION OF WORK TO BE DONE

Contingent upon funding, in FY98 DGGs proposes to conduct airborne geophysical surveys in one or more areas in southcentral Alaska, interior Alaska, northwestern Alaska, or southwestern Alaska. During the course of the airborne-geophysical/geological mineral inventory project, 48 candidate areas have been nominated by Alaskans for mineral surveys. To date the highest mineral potential tracts within nine of these nominated mining districts have been subjected to airborne geophysical surveys.

Following is a more detailed description of the work being proposed for FY98.

Area 1: Iron Creek, Talkeetna Mountains

Although there is no historic mineral production from this region, the area includes the recently discovered Toklat massive sulfide deposit as well as other extensive iron oxide anomalies that may be indicative of economically viable mineralization. There are also known occurrences of copper, gold, and silver of unknown significance. The area has a potential for harboring mineable massive sulfide base metal deposits in upper Paleozoic volcanic rocks as well as gold stockwork veins within younger intrusive and volcanic rocks. Lateral extensions of Jurassic (144-208 million year old) volcanic-arc rocks that host the Johnson River gold deposit southwest of the proposed survey tract may occur in the area. A combined airborne-geophysical survey and ground-truth geological mapping would be effective in catalyzing more detailed exploration in this region. Located 35 miles east of the Parks Highway and 60 miles north of Wasilla, if new mineral exploration and mine development were successful, the Wasilla-Palmer area would experience a significant expansion of long-term employment opportunities for the local residents.

Products resulting from these surveys would include:

1. 1:63,360-scale aeromagnetic and airborne-electromagnetic maps
2. 1:63,360-scale bedrock and surficial geologic maps

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3. 1:63,360-scale mineral occurrence maps
4. 1:63,360-scale land status map
5. Various other geological, geochemical, and geophysical data compilations

Area 2: Upper Goodpaster, Yukon-Tanana Uplands

Located 38 miles northeast of Delta Junction, the Goodpaster district has produced only modest amounts of gold—about 2350 ounces. However, recent mineral industry exploration has indicated a new and potentially important gold-polymetallic mineralized trend in part of the historical district. Proposed as a geophysical survey tract it is entirely within the upper Goodpaster River valley, a northern tributary of the Tanana River that drains the southern Yukon-Tanana uplands. More than 95 percent of the lands in question are owned and managed by the state of Alaska.

The tract is underlain by regionally metamorphosed rocks of the Yukon-Tanana terrane, a large group of rocks exposed in east-central Alaska and central Yukon, Canada, and by younger intrusive and volcanic rocks. The intrusive rocks are the same age and have chemical compositions very similar to the intrusive rock that hosts the Fort Knox gold deposit in the Fairbanks district. Recently discovered gold-bismuth-arsenic-antimony mineralization is also similar to many mineralized prospects that surround the Fort Knox ore deposit. These similarities to a relatively nearby world-class mining district suggest a good probability of locating a major mineral deposit in the Goodpaster tract. The district's proximity to Delta Junction means that mineral development in the proposed survey area, if successful, would offer scores of employment opportunities to the local residents.

Products resulting from these surveys would include:

1. 1:63,360-scale aeromagnetic and airborne-electromagnetic maps
2. 1:63,360-scale bedrock and surficial geologic maps
3. 1:63,360-scale mineral occurrence maps
4. 1:63,360-scale land status map
5. Various other geological, geochemical, and geophysical data compilations

Area 3: Northern Solomon District, Seward Peninsula

In 1993, DGGS conducted airborne-geophysical and ground-truth geological mineral surveys in the western half of the Nome mining district. The entire eastern half of the district also has high mineral potential but has not been geophysically or geologically inventoried. Our long-term objective is to acquire airborne geophysical and ground-truth geological data for the entire eastern Nome mining district. Because funding is often limited, however, we have subdivided the eastern Nome district into four potential survey tracts: northern Solomon, southern Solomon, Bluff, and Council. Contingent on available funding, we propose to geophysically survey the northern Solomon district in FY98, and commence ground-truth geological mapping of that tract in FY99.

The eastern Nome district encompasses the smaller Solomon, Bluff, and Council districts which have collectively produced 5,921,000 ounces of gold (18 percent of total historical Alaskan output) from 1898-1995. The region is drained by Iron Creek, tributary to the Pilgrim and Kuzitrin Rivers. The proposed tracts contain a mixture of Native, state, and federal land. The eastern Nome district is underlain by metamorphic rocks of the Nome Group which have been subdivided by DGGS and industry

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geologists during recent past geological and mineral surveys in the western Nome district. The Nome Group rocks contain several important mineral deposit types including low-sulfide gold quartz veins and zinc-silver-lead-gold massive sulfide deposits. Heavy mineral gold placer deposits have accounted for nearly all the past gold production. A combined airborne geophysical and geological ground-truth survey will allow industry to conduct more efficient detailed mineral exploration in the Nome area. If successful in catalyzing the development of a major year-round mining operation, the Alaska citizens living on the Seward Peninsula will have a significantly expanded opportunity for local employment.

Products resulting from these surveys would include:

1. 1:63,360-scale aeromagnetic and airborne-electromagnetic maps
2. 1:63,360-scale bedrock and surficial geologic maps
3. 1:63,360-scale mineral occurrence maps
4. 1:63,360-scale land status map
5. Various other geological, geochemical, and geophysical data compilations

Area 4: Iditarod mining district, southwestern Alaska

Located in southwestern Alaska and accessible via the Kuskokwim River, the Iditarod-Flat (Flat) and Iditarod-Donlin (Donlin) districts have produced approximately 1,490,000 ounces of gold worth \$558 million, all out 46 percent of all the gold mined from the greater Kuskokwim Mineral Belt, of which the Iditarod district is a part. Both the Flat and Donlin districts contain unique types of mineralization. Acquiring airborne-geophysical signatures for the type of mineralization found in both districts, along with geophysical data for the greater Kuskokwim Mineral Belt as a whole would be a significant aid in advancing successful mineral exploration and development in this part of rural Alaska.

The principal mineral deposits consist of: 1) copper-gold stockwork in 70 million year old intrusive rocks (Flat area); 2) complex gold-polymetallic deposits associated with dike swarms of quartz-rich igneous rocks (Donlin area); and 3) heavy-mineral placer deposits (both Flat and Donlin areas). Obtaining geophysical signatures for both lode deposit types in the Flat and Donlin districts as part of an airborne-geophysical/geological ground-truth survey of the entire Iditarod mining district would assist in identifying and delineating other as yet unrecognized mineral deposits in southwestern Alaska.

Products resulting from these surveys would include:

1. 1:63,360-scale aeromagnetic and airborne-electromagnetic maps
2. 1:63,360-scale mineral occurrence maps
3. 1:63,360-scale land status map
4. Various other geological, geochemical, and geophysical data compilations

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CONTINUATION FORM**PROJECT TITLE:** Airborne Geophysical/Geological Mineral Inventory**SPECIFIC PURCHASES BY LINE ITEM**

	Line Item	FY98
Salary: Existing DGGS staff to accomplish ground geological work and contract monitoring	100	50.0
Travel (mainly logistical field travel)	200	2.0
Geophysical contract, geochemical analyses, helicopter access	300	338.0
Commodities and GIS, office, and field supplies	400	10.0
Equipment	500	0.0
	Total	400.0

ECONOMIC DEVELOPMENT

A primary objective of this project is the stimulation of the state's mineral-based economy by delineating the location of mineral zones within the state's most prospective mineral districts. This information will encourage the investment of millions of dollars in private mineral exploration funds in the short term and lead to long-term job and revenue creation as discovered mineral deposits are brought into production.

PROJECT STAGING

This project is staged over the period 1997-1999.

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#3

Project Title: Value Added Timber Sales - Interior Location: Tok, Delta, Kantishna
 Category: Development Prog. Priority: Election District: 36
 Project Type: Planning and Sales Agy Priority: 15 AP/AL: AP Completion Date (mmyr): 12/00

FUNDING	FY98 Capital Request	Annual State Operating / Maintenance	FY98 New State PFT	CAPITAL REQUESTS					Total Req. FY98-FY03
				FY99	FY00	FY01	FY02	FY03	
1002 Federal Receipts									0.0
1004 General Fund	230.0			400.0					630.0
1005 GF Program Receipts									0.0
1037 GF/ Mental Health									0.0
1052 Response Fund									0.0
1019 Reforestation									0.0
1021 ARLF									0.0
TOTAL:	230.0	0.0	0	400.0	0.0	0.0	0.0	0.0	630.0

BRIEF PROJECT SUMMARY:
 Provide timber for value-added processing operation at Tok, Delta and Kantishna.

DETAIL PROJECT DESCRIPTION AND JUSTIFICATION:	Does capital project:	Yes	No
<p><u>Why is the Project Needed:</u> The 1996 legislature passed a value-added timber sale bill incorporated into statute as 38.05.123. To meet the intent of this legislation, funding is required to prepare and administer a timber sale. Several requests have been received varying from 5 MMBF to 100 MMBF. This CIP is based on a specific request for 21 MMBF by Young's Timber, Inc. but could be utilized to satisfy other operators.</p> <p>The requesting company proposes to expand their business volume as well as their product line consistent with the requirements of 38.05.123. The company is currently harvesting on private and state-owned land and has indicated they intend to continue this mix of suppliers. The need for the longer term negotiated sale is to allow equipment upgrades necessary to expand their value-added product line.</p>	1) Meet state constitutional or statutory responsibility 2) Address life, health or safety issue? 3) Reduce state operating costs? 4) Leverage private sector or local funds? 5) Create ongoing private sector jobs? 6) Facilitate transfer of responsibility to local or private sector?	X X X	X X

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PROJECT TITLE: Value Added Timber Sales - Interior

The Tok Area Office proposes to provide the above timber volume as two separate sales from state-owned lands in the vicinity of Tok and Dot Lake. The specific design of sale units will vary based on site conditions. This includes unit sizes as well as harvest intensity. Reforestation will be a contractual responsibility of the purchaser. The proposed sale would quadruple the annual volume currently sold in the Tok area.

Goals:

Provide additional full time and seasonal employment opportunities by expanding both harvesting and value-added processing of our timber resources.

Increase the capabilities of existing operators to manufacture value-added products by providing sufficient raw material volumes to justify equipment diversification and upgrade.

Increase the diversity of forest age classes to provide young stands required by some species such as moose, for browse.

Increase the diversity of forest age classes to provide young stands that are generally more resistant to insects and disease due to vigor.

Project Support and Opposition:

The public has been generally supportive of increased timber harvesting and processing in the Tok Area. Opposition has been concerned about access development and its impact. DNR provides for meaningful public participation throughout the timber sale process.

The Department of Fish and Game is generally supportive of increasing the acreage of younger stands of vegetation. A close working relationship during sale location and design can reduce concerns about sensitive areas used by both fish and terrestrial species.

This proposal will draw some opposition from individuals and groups concerned about increased timber harvest since it will expand operations on state-owned lands.

DNR provides for meaningful public participation throughout the timber sale process. The DOF prepares a Five Year Schedule of Timber Sales (FYSTS) for each Area every year. The schedule provides an overview of state proposals for timber harvest, reforestation, and transportation. A Forest Land Use Plan (FLUP) is prepared for each sale over 10 acres. Schedules and plans are subject to review by agencies and the public.

The two proposed sales for the requested 21 MMBF are included in the current draft FYSTS with the indication that additional funding is required. If sales are in other Areas, they will be in accordance with an approved FYSTS.

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PROJECT TITLE: Value Added Timber Sales - Interior

Public Benefits:

Increased access for both summer and winter recreation activities.
At least 13 new year-around jobs are estimated, plus additional seasonal jobs.

Projected Revenues for the State:

21 MMBF at an estimated \$40.00/MBF is a gross amount of \$840,000. Estimated cost of \$630,000 would yield a potential net of \$210,000 to the general fund. The estimated purchase price could be much lower depending on the species and products concerned.

Consequences if not Funded:

Limited sale of timber resources will continue at a level below that required to allow expansion of facilities and equipment necessary to increase value-added processing.

Specific Description of what will be Purchased:

The FY98 CIP funds are planned to pay for design, layout, review, and administration of a timber sale of approximately 6 MMBF. Administration will include contract oversight for harvesting, road construction, and maintenance, as well as reforestation. These activities are required of the sale operator under the contract.

Economic Development:

There should be a minimum of 13 year-around jobs directly attributable to harvesting, manufacturing, and transportation. The establishment of these new year-around jobs, in an area that is generally dependent on seasonal employment, is highly significant. The number of jobs may vary for other operations.

Cost Benefit Analysis:

Direct revenue to the general fund is expected to be approximately \$840,000 for a net income of \$210,000. Some road construction and reforestation that improves stocking levels will benefit the state in future harvest cycles. This is estimated based on the specific request and may vary for other operations.

Line Item Description:

200 \$ 10.0 Travel for sale preparation and administration of contractual requirements including harvesting, construction, restoration, and reforestation.

300 \$220.0 Funding for contracting, personnel, and vehicle costs to plan, layout, and administer the harvest of 6 MMBF. This includes required field work as well as public and agency review.

This is funded in two phases. Phase I requested in FY98 will cover the first 6 MMBF. Phase II proposed in FY99 will cover the remaining 15 MMBF requested. Both phases are required to provide the total sale volume requested.

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#5

Project Title: Value Added Timber Sales-Southeast Location: Southeast
 Category: Development Prog. Priority: Election District: 91
 Project Type: Planning and Sales Agy Priority: 16 AP/AL: AP Completion Date (mmyr): 12/00

FUNDING	FY98 Capital Request	Annual State Operating / Maintenance	FY98 New State PFT	CAPITAL REQUESTS					Total Req. FY98-FY03
				FY99	FY00	FY01	FY02	FY03	
1002 Federal Receipts									0.0
1004 General Fund									0.0
1005 GF Program Receipts									0.0
1037 GF/ Mental Health									0.0
1022 AIDEA Fund	75.0			75.0					150.0
1019 Reforestation									0.0
1021 ARLF									0.0
TOTAL:	75.0	0.0	0	75.0	0.0	0.0	0.0	0.0	150.0

BRIEF PROJECT SUMMARY:
 Provide timber for value-added processing operation at Wrangell and Ketchikan.

DETAIL PROJECT DESCRIPTION AND JUSTIFICATION:	Does capital project:	Yes	No
<p><u>Why is the Project Needed:</u> The 1996 legislature passed a value-added timber sale bill incorporated into Statute AS 38.05.123. To meet the intent of this legislation, funding is required to prepare and administer timber sales. This CIP is based on requests for 5-10 MMBF in Wrangell, and 2-4 MMBF in Ketchikan.</p> <p>The request proposes to expand volume as well as product line consistent with the requirements of 38.05.123. The need for the longer term negotiated sale is to allow equipment upgrades necessary to expand their value-added product line.</p>	1) Meet state constitutional or statutory responsibility 2) Address life, health or safety issue? 3) Reduce state operating costs? 4) Leverage private sector or local funds? 5) Create ongoing private sector jobs? 6) Facilitate transfer of responsibility to local or private sector?	X X X	X

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PROJECT TITLE: Value Added Timber Sales-Southeast

The Coastal Regional Office proposes to provide the above timber volume as separate sales from state-owned lands in the vicinity of Wrangell and Ketchikan. The specific design of sale units will vary based on site conditions. This includes unit sizes as well as harvest intensity. Reforestation will be a contractual responsibility of the purchaser.

Goals:

Provide additional full time and seasonal employment opportunities by expanding both harvesting and value-added processing of our timber resources.

Increase the capabilities of existing operators to manufacture value-added products by providing sufficient raw material volumes to justify equipment diversification and upgrade.

Increase the diversity of forest age classes to include young, vigorous stands

Increase the diversity of forest age classes to provide young stands that are generally more resistant to insects and disease due to vigor.

Project Support and Opposition:

The public has been generally supportive of increased timber harvesting and processing in the Wrangell Area. Opposition has been concerned about access development and its impact. DNR provides for meaningful public participation throughout the timber sale process.

The Department of Fish and Game is generally supportive. A close working relationship during sale location and design can reduce concerns about sensitive areas used by both fish and terrestrial species.

This proposal will draw some opposition from individuals and groups concerned about increased timber harvest since it will expand operations on state-owned lands and extend road access on Wrangell Island.

DNR provides for meaningful public participation throughout the timber sale process. The DOF prepares a Five Year Schedule of Timber Sales (FYSTS) for each Area every year. The schedule provides an overview of state proposals for timber harvest, reforestation, and transportation. A Forest Land Use Plan (FLUP) is prepared for each sale over 10 acres. Schedules and plans are subject to review by agencies and the public.

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PROJECT TITLE: Value Added Timber Sales-Southeast

Public Benefits:

Increased access for both summer and winter recreation activities.
At least 13 new year-around jobs are estimated, plus additional seasonal jobs.

Projected Revenues for the State:

10-14 MMBF at an estimated \$40.00/thousand BF is a gross revenue of \$40.0/MMBF. Estimated cost of \$20.0/thousand BF, the sale would yield a potential net of \$200.0 - \$300.0 to the general fund. The estimated purchase price could be much lower depending on the species and products concerned.

Consequences if not Funded:

Limited sale of timber resources will continue at a level below that required to allow expansion of facilities and equipment necessary to increase value-added processing.

Specific Description of what will be Purchased:

The FY98 CIP funds are planned to pay for design, layout, review, and administration of a timber sale of approximately 5-7 MMBF. Administration will include contract oversight for harvesting, road construction, and maintenance, as well as reforestation. These activities are required of the sale operator under the contract.

Economic Development:

There should be a minimum of 10-15 year-around jobs directly attributable to harvesting, manufacturing, and transportation. The establishment of these new year around jobs, in an area that is generally dependent on seasonal employment, is highly significant.

Cost Benefit Analysis:

Direct revenue to the general fund is expected to be approximately \$200.0 for a net income of \$50.0. Some road construction and reforestation that improves stocking levels will benefit the state in future harvest cycles. This is estimated based on the specific request and may vary for other operations.

Line Item Description:

200 \$37.5 Travel for sale preparation and administration of contractual requirements including harvesting, construction, restoration, and reforestation.

300 \$37.5 Funding for personnel and travel costs to plan, lay out, and administer the harvest of 5-10 MMBF in Wrangell and 2-4 MMBF in Ketchikan. This includes required field work as well as public and agency review.

FY98 will cover the first 5-7 MMBF. FY99 will cover the remaining 5-7 MMBF requested. Two years are required to provide the total sale volume requested.

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AMENDMENT

5/10 3 150,000 per backup
ll

OFFERED IN THE SENATE

TO: SB 83

1 Page 1, line 2, following ";":

2 Insert "making a special appropriation;"

3 Page 1, following line 8:

4 Insert a new bill section to read:

5 "* Sec. 2. (a) Subject to (b) of this section, the sum of \$150,000 is appropriated from the
6 general fund to the Department of Corrections for a statewide automated victim notification
7 telephone system. The appropriation in this subsection is conditioned on the Department of
8 Corrections exploring and acting on other options for funding, including appropriate federal
9 grants, within 120 days after the effective date of this section.

10 (b) If the department is awarded a grant for the statewide automated victim
11 notification telephone system within 120 days after the effective date of this section, the
12 amount of the grant is appropriated to the department for the system, and the amount of the
13 appropriation made by (a) of this section is reduced by the amount of the grant awarded to
14 the department.

15 (c) The appropriations made by this section are for a capital project and lapse under
16 AS 37.25.020."

17 Renumber the following bill section accordingly.

18 Adjust the funding information accordingly.

STATE OF ALASKA /

DEPARTMENT OF CORRECTIONS

MEMORANDUM

Division of Administrative Services
 Section: Data and Word Processing
 P.O. Box 112000
 Juneau, Alaska 99811-2000
 Phone (907) Fax (907)

TO: Robert L. Cole, Director
 Division of Administrative Services

DATE: March 25, 1997

FROM: Annette G.E. Smith, DP Manager

PHONE: 465-3313

SUBJECT: VINE cost estimates

We estimate short term costs of VINE implementation at \$150,000, as follows :

Cost Type	Total Cost	Cost description
One time	\$22,750	Implement VINE interface w/OBSCIS for 13 institutions, 13 Probation/Parole Offices, 15 Local Jails, and 13 Community Residential Centers. Includes software, phone lines, etc.
One Time	\$3,000	Redundant PC Interface (allows the system to operate from a 2nd PC if the main interface is down).
One Time	\$7,000	Implementation of Jail Line (Victim call in compatibility)
One Time	\$1,250	Hookup 1 port for each of the 15 Local Jails & 1 port for each 10 Community Residential Centers to access OBSCIS - DOA/DIS charge (\$50 * 25 ports)
Monthly \$5,700	\$68,400	Monthly operational fees to VINE (phone charges, VINE maintenance and support)
Monthly \$1,875	\$22,500	Monthly port fees for Local Jails - DOA/DIS charge - (breakdown \$75/mo per port * 25 Jails/CRC = \$1,875 for one month DOA/DIS charges).
One Time	\$8,000	Educating Victims how to use the system (brochures, etc.)
One Time	\$11,200	Contract programming time to work with VINE designing, creating, and testing OBSCIS/VINE interface files (estimated at \$70/hr * 160 hr = \$11,200),
One Time	\$3,000	Software/Hardware to automatically call network staff when State of AK network is down
Annual	\$3,000	Staff costs for being on stand-by in case there is a failure of the hardware or software
Total	\$150,100	

ALASKA STATE LEGISLATURE

Senate Health, Education and
Social Services Committee

Senate Judiciary Committee

Department of Health and Social
Services Budget Subcommittee

Department of Law
Budget Subcommittee



While in Session:
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SENATOR JOHNNY ELLIS

March 22, 1997

Senator Dave Donley
Room 508
State Capitol
Juneau, Alaska 99801-1182

WHAT IS V.I.N.E. AND WHAT DOES IT MEAN TO ALASKA?

Dear Senator Donley;

Thank you for your interest in Senate Bills 25 and 26, legislation authorizing and funding an automated victim notification system called Victim Information and Notification Everyday (V.I.N.E.). Implementing V.I.N.E. will increase state compliance with the Victims' Bill of Rights, overwhelmingly passed by the people of Alaska in 1994.

WHAT IS V.I.N.E.?

In order to keep crime victims informed of inmate activity, a state-of-the-art computer system called Victim Information and Notification Everyday (V.I.N.E.) was developed. V.I.N.E. provides two important services which enhance the vital link of communication between the justice system and victims of crime.

- First, the system provides automatic notification calls to crime victims when an inmate's status changes. If an inmate is released, transferred, posts bail or escapes, V.I.N.E. places automated telephone calls to all registered victims within 10 minutes of a change in the offender's status. V.I.N.E. continues to call the victims for 24 hours or until a successful notification is verified by the victim.
- Second, V.I.N.E. provides critical inmate information 24 hours a day, 7 days a week through the automated telephone system. V.I.N.E. allows for a confidential exchange of information. Victims may access information on a prisoner through the use of a personal identification number, and they may easily enter new contact numbers.

HOW DOES IT WORK?

- At the crime scene, a police officer provides the victim with information about how to register with the system and obtain instant information about the perpetrator.
- The victim contacts V.I.N.E. and registers at no cost, creating a personal identification number that, when entered into the system, qualifies her or him to be notified about inmate release or status.

- When the status of the perpetrator changes, the registered victim is called promptly, and until contact is validated.

WHY DOES ALASKA NEED V.I.N.E.?

Proper and timely notification to victims about the release or escape of their attackers is a serious problem, both nationally and in Alaska. In November 1996, Alaska's prisons and pre-trial facilities housed 2,990 inmates, 49% of whom are considered violent. Each day, over 600 concerned Alaskans call our state institutions seeking information on inmates.

V.I.N.E. will provide state compliance with the Victims' Bill of Rights provision for victim notification. In addition, the burden placed on corrections staff charged with the responsibility of notifying the often transient crime victims is significantly reduced.

HOW MUCH WILL IT COST?

In order to implement V.I.N.E., the current corrections information system, OBSCIS, is interfaced with the V.I.N.E. national call center in Louisville, Kentucky through a local server. ~~The estimated total cost for bringing V.I.N.E. on-line in Alaska is \$250,000 for fiscal years 1997 and 1998.~~ This sum includes a one-time charge to interface data systems, monthly operational fees, system monitoring and staff training for the state's prison facilities, halfway houses and District Attorney offices.

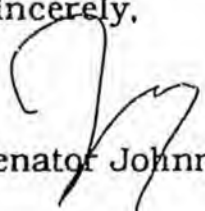
See exhibit

WHO SUPPORTS IT?

Early in the preparation of the legislation, the Alaska Peace Officers Association and victims rights groups announced their support of V.I.N.E. technology. In Anchorage, Victims for Justice, Standing Together Against Rape (STAR), the Alaska Women's Resource Center (AWRC) and AWAIC endorsed the legislation.

Thank you for your attention to this matter. For victims of domestic violence and sexual assault, the successful passage of this legislation may mean the difference between life and death.

Sincerely,


Senator Johnny Ellis

Senate Finance Committee Amendment

To: SB 83

By: Senator Pearce

Include the following language:

Sec. ___ DEPARTMENT OF NATURAL RESOURCES. The sum of \$432,525 is appropriated from the Public School Fund (AS 37.14.110) to the Department of Natural Resources for an appraisal of Public School Lands to determine the fair market value of the school trust land at the time the land was redesignated as general grant land in 1978. To be completed by December 31, 1997.

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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MEMORANDUM

TO: Krag Johnson, Legislative Assistant
to Senator Pearce

FROM: Randy S. Weiker *Randy*
Legislative Auditor

DATE: February 26, 1997

RE: Public School Fund

You have asked for a financial analysis of the balance in the Public School Fund (PSF). This memorandum and the accompanying schedule is intended to provide that financial analysis. We have also included other various memorandum that address pertinent issues involving the financial condition and potential uses of this fund.

First a little history of the fund. The school land trust began with reservation of federal land "for the support of common schools." The school land trust was created when Alaska became a State in 1959. The Alaska Legislature made major changes to the school trust land in Ch. 182, SLA 1978. Sec. 2 of that act redesignated all school trust land as general grant land which removed it from the trust. In Sec. 4 the commission of the Department of Revenue was directed to deposit one half of one percent derived from the management of state land, including amounts paid to the state as proceeds of sale or annual rent of surface rights, mineral lease rentals, royalties, royalty sale proceeds, and federal mineral revenue-sharing payments or bonuses into the Public School Fund.

The current Public School Fund is comprised of a principal portion and an income portion. The revenue sources for the principal portion come from; 1) one half of one percent of state land revenues, and 2) capital gains and losses realized on the principal. The principal portion is intended to provide a pool of financial assets from which interest and investment income can be produced to provide financial support for educational programs. The principal portion had a balance at the end of FY 96 of \$ 139 million of which just over \$111 million comes from state land revenues.

The income portion of the fund is used to track the interest and investment income (excluding any capital gains or losses) and the distribution of these earnings to the Department of Education (DOE) for education programs and to the Department of Revenue (DOR) to pay for investment expenses. The balance of the income portion of the PSF at the end of FY 96 is over \$13 million.

The following table summarized the additions and reductions in the Public School Fund from FY 89 through FY 96. The information is segregated into the principal and income portions.

	Principal Portion	Income Portion
<u>Balance July 1, 1988</u>	<u>\$ 74,705,000</u>	<u>\$ 11,431,000</u>
<i>Additions</i>		
Land Revenues	45,523,000	
Capital Gains/Losses	18,732,000	
Interest & Investment Income		61,950,000
<i>Deductions</i>		
DOE Education Programs		(59,333,000)
DOR Operating Expenses		(1,011,000)
<u>Balance June 30, 1996</u>	<u>\$ 138,960,000</u>	<u>\$ 13,037,000</u>

The accompanying schedule identifies by fiscal year the additions to the principal portion of the fund through land revenues and capital gains and losses, and the interest and investment income that accrues to the income portion of the fund. Additionally, the amounts spent by DOE on education programs and by DOR for investment expenses from the income portion of the fund have also been identified.

If you or the Senator would like to discuss the Public School Fund further, please feel free to call at any time.

Attachments

8 Year Analysis of Public School Fund
Additions and Deductions

	Principal Portion	Income Portion
Balance July 1, 1988	\$ 74,705,000	\$ 11,431,000
<i>Additions</i>		
Land Revenues	4,333,000	
Capital Gains/Losses	1,157,000	
Interest & Investment Income		6,934,000
<i>Deductions</i>		
DOE Education Programs		(8,831,000)
DOR Operating Expenses		(160,000)
Balance June 30, 1989	<u>\$ 80,195,000</u>	<u>\$ 9,374,000</u>
<i>Additions</i>		
Land Revenues	5,208,000	
Capital Gains/Losses	1,492,000	
Interest & Investment Income		7,202,000
<i>Deductions</i>		
DOE Education Programs		(7,015,000)
DOR Operating Expenses		(174,000)
Balance June 30, 1990	<u>\$ 86,895,000</u>	<u>\$ 9,387,000</u>
<i>Additions</i>		
Land Revenues	8,331,000	
Capital Gains/Losses	495,000	
Interest & Investment Income		8,041,000
<i>Deductions</i>		
DOE Education Programs		(7,015,000)
DOR Operating Expenses		(87,000)
Balance June 30, 1991	<u>\$ 95,721,000</u>	<u>\$ 10,326,000</u>
<i>Additions</i>		
Land Revenues	6,637,000	
Capital Gains/Losses	8,399,000	
Interest & Investment Income		7,599,000
<i>Deductions</i>		
DOE Education Programs		(7,499,000)
DOR Operating Expenses		(259,000)
Balance June 30, 1992	<u>\$ 110,757,000</u>	<u>\$ 10,167,000</u>

8 Year Analysis of Public School Fund
Additions and Deductions

	Principal Portion	Income Portion
<i>Additions</i>		
Land Revenues	5,748,000	
Capital Gains/Losses	1,074,000	
Interest & Investment Income		6,897,000
<i>Deductions</i>		
DOE Education Programs		(8,309,000)
DOR Operating Expenses		(85,000)
Balance June 30, 1993	<u>\$ 117,579,000</u>	<u>\$ 8,670,000</u>
<i>Additions</i>		
Land Revenues	3,866,000	
Capital Gains/Losses	121,000	
Interest & Investment Income		7,201,000
<i>Deductions</i>		
DOE Education Programs		(8,453,000)
DOR Operating Expenses		(80,000)
Balance June 30, 1994	<u>\$ 121,566,000</u>	<u>\$ 7,338,000</u>
<i>Additions</i>		
Land Revenues	6,177,000	
Capital Gains/Losses	4,471,000	
Interest & Investment Income		9,564,000
<i>Deductions</i>		
DOE Education Programs		(6,816,000)
DOR Operating Expenses		(81,000)
Balance June 30, 1995	<u>\$ 132,214,000</u>	<u>\$ 10,005,000</u>
<i>Additions</i>		
Land Revenues	5,223,000	
Capital Gains/Losses	1,523,000	
Interest & Investment Income		8,512,000
<i>Deductions</i>		
DOE Education Programs		(5,395,000)
DOR Operating Expenses		(85,000)
Balance June 30, 1996	<u>\$ 138,960,000</u>	<u>\$ 13,037,000</u>

School Lands Appraisal Project

Description	Personnel Services (100)	Travel (200)	Contractor ¹ Services (300)	Supplies (400)
Title				
NRO II (PCN 10-1757) 16D - 1.5 months	\$7,890			
College intern (20 hrs/week at \$8.50/hr) \$170/week x 30 weeks	\$5,100			
NRO II 16D (1 year)	\$63,120			
NRO II 16D (1 year)	\$63,120			
Administrative Clerk (part-time) 8D	\$20,450			
Pens, paper, & miscellaneous supplies				\$2,800
Travel and per diem to Juneau archives		\$1,660		
2 computers (hardware, software, & networking)			\$9,000	
3 desks & chairs @ \$1,500			\$4,500	
Archive fees (Anchorage & Juneau)			\$2,500	
Sub-total Title	\$159,680	\$1,660	\$16,000	\$2,800
Appraisals				
NRM I (PCN 10-1157) 18L (10 months)	\$62,500			
Cartographer (PCN 10-1362) 15K (80 hours)	\$2,600			
USGS maps, cartography supplies, color reproduction, paper, & miscellaneous office supplies				\$1,800
Initiate Fairbanks panel (NRM I)		\$400		
Aerial photograph			\$19,000	
Private appraisers 220 parcels @ \$175			\$38,500	
Private appraiser travel & per diem 8 trips @ \$300 and 32 days @ \$100		\$5,600		
Computer rental with hardware, software, and networking 2 @ \$1,500 & 1 @ \$500			\$3,500	
Sub-total Appraisal	\$65,100	\$6,000	\$61,000	\$1,800
Support Services				
RSA to repair existing DNR appraisal subsystem & set up rental computers	\$5,000			
Sub-total Support Services	\$5,000	\$0	\$0	\$0
Mining				
DGGS Geologist (6 months)	\$25,000	\$2,500		
Sub-total Mining	\$25,000	\$2,500	\$0	\$0

School Lands Appraisal Project				
Description	Personnel Services (100)	Travel (200)	Contractual Services (300)	Supplies (400)
<i>Oil and Gas</i>				
Evaluation to be done by in-house personnel.	\$25,000			
Sub-total Oil and Gas	\$25,000	\$0	\$0	\$0
<i>Forestry</i>				
Photographic analysis & evaluation			\$20,000	
Division of Forestry personnel	\$20,000			
Sub-total Forestry	\$20,000	\$0	\$20,000	\$0
<i>DNR</i>				
Departmental 7% indirect cost personnel services	\$20,985			
Sub-total DNR	\$20,985	\$0	\$0	\$0
Total	\$320,765	\$10,160	\$97,000	\$4,600
Project Total	\$432,525			

To: Bruce M. Botelho, Attorney General
Wilson L. Condon, Commissioner of Revenue

From: G. Thomas Koester

Date: November 27, 1995

Re: Public School Trust Fund (AS 37.14.110)

You asked several questions relating to the public school trust fund, AS 37.14.110. The questions you asked and the short answers are:

1. Does the state have enough information at this time to stop paying the one-half of one percent of state land revenues to the public school trust fund as required by AS 37.14.150? No.
2. If not, what does it still need to know? The state needs to know two things: (1) the fair market value of the school trust land at the time the land was redesignated as general grant land in 1978; and (2) whether the state's payments to the public school trust fund exceed that amount.
3. Should the payments of one-half of one percent of state land revenues to the public school trust fund be considered as including both a contribution to the principal of the fund and a payment of interest on the unpaid balance until the full fair market value has been paid? No. All of the money paid was deposited to the principal of the public school trust fund to be retained in perpetuity and invested to generate income. Interest on the unpaid balance of the fair market value of the school trust land redesignated as general grant land in 1978 would be considered income to the trust available for expenditure for public education. Any state liability to the trust for interest would be subject to a set-off for state expenditures on public education. To the extent state expenditures on public education since 1978 do not equal the amount the trust would have earned on the unpaid balance, the state owes a debt to the trust which, when paid, should be considered income available for appropriation by the legislature for public education in the future.
4. If too much money has been paid to the public school trust fund to compensate the school land trust for the 1978 redesignation of school trust land as general grant land, can the overpayment be recovered and returned to the general fund? Yes.
5. Is the current method of calculating income available for expenditure from the public school trust fund's investments in domestic equity pools, under which increases in share values attributable to dividends are treated as income and increases (or decreases) attributable to capital gains (or losses) are credited (or debited) to principal, consistent with the state's public school trust obligation and the statutes governing administration of the fund? Yes. While perhaps not the

only permissible method of calculating the fund's income available for expenditure for public education, it is certainly a permissible method.

6. What options does the state have for dealing with public school trust fund earnings that exceed projected earnings and, as a consequence, have not been appropriated for school purposes by the legislature? Public school trust fund earnings available for expenditure do not lose that status even though they were not appropriated by the legislature for expenditure in the year in which they were received. They accordingly remain available for expenditure as a matter of trust law, needing only to be appropriated by the legislature for school purposes in a subsequent year.

I. Factual background.

The school land trust began with a reservation of federal land "for the support of common schools" while Alaska was still a Territory. As relevant here, section 1 of the Act of March 4, 1915, 38 Stat. 1214, 43 U.S.C. 353, did four things: (1) it reserved from disposal sections 16 and 36 in the Territory of Alaska; (2) it authorized the Territorial legislature to "provide for leasing" -- but not selling -- the reserved land; (3) it provided that all income and proceeds from the land were "appropriated and set apart as separate and permanent funds in the Territorial treasury, to be invested;" and (4) it required that all of the investment income "be expended only for the exclusive use and benefit of the public schools of Alaska."

Several aspects of the 1915 Act are worth noting. First, it did not actually create a trust. Instead, the land was simply reserved for, and the revenues from the land statutorily dedicated to, school purposes. Neither the reservation of the land nor the dedication of the revenues was made irrevocable, and both could be (and at statehood were) changed by a subsequent Congress. Second, only leasing of the land was authorized; sale was not. Third, unlike a trust where revenues are allocated either to principal which must be preserved or income which may be expended for trust purposes, all income from the land was dedicated to a permanent fund and invested with only the investment earnings available for expenditure.

A public school permanent fund was created in the territorial treasury to which \$153.04 had been deposited by December 31, 1918.¹ The first investment was a \$500.00 U.S. Savings Bond paying 4 1/2 percent interest purchased on January 10, 1923. On June 30, 1958, shortly before the Alaska Statehood Act was enacted on July 7, 1958, there was \$161,700.03 in the public school permanent fund.

The school land trust was created when Alaska became a state in 1959. The public school

¹ The information in this paragraph is taken from E.D. Coon, "The Alaska Public School Fund: A Permanent Fund for Education" (1984) (hereafter "The Alaska Public School Fund"), a paper presented to the American Education Finance Association.

permanent fund was transferred to the new state under section 5 of the Alaska Statehood Act, P.L. 8-508, 72 Stat. 339, 340, which provided that the new state would succeed to the Territory's title to real and personal property. Section 6(k) of the Alaska Statehood Act, 72 Stat. at 343, repealed section 1 of the Act of March 4, 1915, and provided for the conveyance to the new state of the reserved land "for the purposes for which they were reserved" under the 1915 Act — i.e., "for the support of common schools."

In *Wessells v. State, Dept. of Highways*, 562 P.2d 1042, 1051 n. 34 (Alaska 1977) (citations omitted; emphasis added), the Alaska Supreme Court summarized how this created the school land trust:

Two sections in each township of Alaska were reserved for the support of schools by Congressional act. The Alaska Statehood Act provided that those lands were granted to the State of Alaska "for the purposes for which they were reserved." The people of Alaska consented to the terms and conditions of the federal act by art. XII, sec. 13 of the Constitution of the State of Alaska. The grant and its acceptance created a trust.

The Alaska Land Act, AS 38.05, enacted by the First Alaska Legislature in 1959, provided for management and disposal of school trust land (as well as other state land), including for the first time authorizing the sale of that land.² Although no state statute required it, state officials apparently interpreted the requirement in section 6(k) of the Alaska Statehood Act that the lands

² It might be argued that sale of the land was beyond the new state's power in light of the provision in the Alaska Statehood Act that the lands were granted to Alaska "for the purposes for which they were reserved" since the purpose for which they were reserved was to generate income for deposit to a permanent fund and sale was not authorized. That would seem to defeat Congress' intent, since without exception the school land grants to states have included the power of sale and there is no indication that Congress intended a different result for Alaska. A challenge to the sale provision at this late date, moreover, would probably be barred under the doctrine of laches. Finally, as set out below, courts consistently have held that states can take school trust land for their own use by compensating the school land trust for the fair market value of the land taken. In light of the 1978 legislation redesignating school trust land as general grant land, discussed below, any challenge to the 1959 legislation authorizing disposal and sale of school trust land would now be moot. It accordingly is extremely unlikely that a court would hold that the state was precluded from disposing of school land simply because sale of the land was not authorized in section 1 of the Act of March 4, 1915, a section repealed in the Alaska Statehood Act. The better interpretation is that the repeal of that section and the conveyance of the land to the new state included the same powers of administration given to other states as trustees of school trust land, including the power of disposal and sale, subject only to the requirement that the trust be compensated for the fair market value of the land. That is what the 1959 state legislation provided.

Bruce M. Botelho, Attorney General
Wilson L. Condon, Commissioner of Revenue

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were granted to the state "for the purposes for which they were reserved" as mandating that all revenues from school land continue to be deposited in the public school permanent fund, for (with only minor exceptions subsequently determined to be possible improper) all receipts from sales of the land as well as from leases and rentals and the sale of timber and materials were deposited in the fund.³

The Alaska Legislature made major changes to the school land trust in ch. 182, SLA 1978.⁴ First, sec. 2 of that act redesignated all school trust land as general grant land, thereby removing the land from the trust. Second, sec. 4 of that act enacted a comprehensive statutory scheme for the trust, codified at AS 37.14.110-37.14.170. The public school trust fund was statutorily established in AS 37.14.110,⁵ to consist of (1) the balance of what had been the public school permanent fund as of July 1, 1978 (the effective date of the relevant sections of ch. 182), and (2) additional payments to the new fund under AS 37.14.150 of one-half of one percent of all state land revenues (including federal mineral revenue sharing payments) to compensate the trust for the land removed from it.

A number of 1988 amendments established the current administrative requirements for the fund. Under AS 37.14.160, the commissioner of revenue is the treasurer of the fund and must,

- (1) in carrying out investment duties under this section, exercise the same powers and duties established for the Alaska State Pension Investment Board in AS 14.25.180(c);
- (2) deposit the principal and income from investments in separate principal and income accounts for the fund;
- (3) invest and maintain accounting records that distinguish between the principal and income of the fund; and
- (4) provide reports to the board established under AS 37.14.120⁽⁶⁾ on the

³ "The Alaska Public School Fund," *n. l supra*, at 6-8.

⁴ *Id.* at 8-9.

⁵ The 1978 law established the public school fund as a separate fund; that fund was characterized as an "endowment trust" fund and the word "trust" was added to its name in sec. 21 of ch. 141, SLA 1988.

⁶ The Public School Fund Advisory Board was created in AS 37.14.120 as part of the 1978 legislation. As a result of the 1988 amendments, its primary responsibility now is to have prepared an annual accounting of the principal and interest of the fund. AS 37.14.130(2).

condition and investment performance of the fund.

AS 37.14.170 provides that the commissioner is the "fiduciary" of the fund and establishes additional investment guidelines. AS 37.14.110(c) provides:

(c) The commissioner of revenue shall determine the net income of the fund in accordance with investment accounting principles and in a manner that preserves the distinction between principal and income and that excludes capital gains or losses realized on principal. The principal of the fund and the capital gains or losses realized on principal shall be perpetually retained in the fund for investment purposes.

II. Analysis

Before turning to your specific questions, it may be helpful to address several more basic legal questions raised by the facts surrounding the conversion of the school land trust to a monetary trust. Many cases hold that, while states can take public trust lands for non-trust purposes, the trust must be compensated for the full fair market value of the lands under principles similar to those governing private trusts.⁷

When the state takes land from private parties for its own use, it generally pays the full fair market value at that time. See, e.g., AS 09.55.360 (court "shall" set aside and annul

⁷ See, e.g., *Lassen v. Arizona ex rel. Arizona Highway Dept.*, 385 U.S. 458, 465-70 (1967); *State v. Weiss*, 706 P.2d 681, 683 (Alaska 1985); *State v. University of Alaska*, 624 P.2d 807, 813-14 (Alaska 1981). Courts increasingly are recognizing, however, that public trust obligations must be accommodated with other public interests. See, e.g., *National Parks and Conservation Association v. Board of State Lands*, 869 P.2d 909, 920-921 (Utah 1993) (state may consider non-economic factors in management of public trust lands); *id.* at 923 (Durham, J. concurring) (same); *Colorado State Board of Land Commissioners v. Colorado Mined Land Reclamation Board*, 809 P.2d 974, 987 (Colorado 1991) (same); *Price v. State of Hawaii*, 921 F.2d 950, 955-56 (9th Cir. 1990) (same). The United States Supreme Court has made clear in the context of the United States' trust relationship with Native Americans that governmental trust obligations must be accommodated with other governmental obligations. *Nevada v. United States*, 463 U.S. 110, 128 and 141-43 (1983). And it is clear that not all private trust principles apply to public land trusts. For example, general private trust law principles flatly prohibit a private trustee from purchasing trust land. See *Restatement (Second) of Trusts* § 170 comment b (1959) (a trustee "is under a duty not to sell [trust property] to himself either by private sale or at auction" and "[i]t is immaterial that the trustee acts in good faith in purchasing trust property for himself, and that he pays fair consideration"). *Lassen* and numerous other cases make clear that a state as trustee of a public land trust may permissibly sell land to itself as long as it pays fair market value.

condemnation proceeding and restore possession to private landowner if money to compensate landowner not obtained). In AS 37.14.150, however, the legislature took a different approach to compensating the school land trust for redesignating school land as general grant land. AS 37.14.150 requires that one-half of one percent of all state land revenues (including federal mineral revenue-sharing payments) be deposited in the public school trust fund annually -- i.e., the legislature chose to compensate the school land trust over time instead of with a single lump sum payment. In *Lassen, n. 6 supra*, the Court stated that "deferred payment arrangements" could be made when a state takes school trust land. 385 U.S. at 461 n. 21. There accordingly is no legal problem under public land trust law with the legislature choosing to compensate the school land over time instead of with a single lump-sum payment. There accordingly is no legal problem under public land trust law with the 1978 legislation that redesignated the school trust land as general grant land.⁶

AS 37.14.150 is a statute of indefinite duration. In other words, it remains in effect until amended or repealed. As a result, payments to the public school trust fund either have exceeded, or at some point in the future will exceed, the fair market value of the land removed from the school land trust by the 1978 redesignation legislation.

The certainty that the public school trust fund either has or will receive more money under AS 37.14.150 than is required to compensate the trust for the fair market value of the school trust land redesignated as general grant land presents a legal problem under the Alaska Constitution's prohibition on dedicated funds.⁹ The problem was summarized in 1985 Inf. Op. Atty Gen.

⁶ The same 1978 legislation also redesignated mental health trust land as general grant land and provided that the mental health trust would be compensated by dedicating one and one-half percent of state land revenue to a mental health fund. Unlike the statutory dedication to the public school trust fund, however, the statutory dedication to the mental health fund was made "subject to legislative appropriation of sufficient funds." AS 37.14.050, enacted as part of sec. 4, ch. 182, SLA 1978. The legislature never appropriated any funds to the mental health fund, and the Alaska Supreme Court held that the portion of the 1978 legislation redesignating mental health trust land as general grant land without compensation was a breach of the federally-created trust and invalid, and directed that the mental health land trust be reconstituted. *State v. Weiss*, 706 P.2d 681, 683-84 (Alaska 1985). Because the school land trust is automatically compensated through the statutory dedication of one-half of one percent of state land revenues with no requirement that the legislature appropriate the funds, the Department of Law has concluded that "there are no legal problems [with the redesignation of school trust land] similar to those raised in the mental health lands litigation." 1988 Inf. Op. Atty Gen. (April 28; file no. 663-88-0306) at 1.

⁹ Article IX, sec. 7 of the Alaska Constitution provides:

Dedicated Funds. The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in Section 15 of this article [the Alaska

(August 13, file no. 366-403-85), at 3-4 (footnote omitted):

Under AS 37.14.150, the commissioner of the Department of Revenue is to transfer one-half of one percent of state land revenues, as well as federal mineral revenue-sharing payments, to the public school fund. This has been construed by your department as authorizing the transfer without appropriation by the legislature. ^{2/} This is a clear example of a dedicated fund. Dedicated funds are unconstitutional under article IX, section 7, of the Alaska Constitution unless "required by the federal government for state participation in federal programs" or in the event "the dedication for special purposes exist[ed] upon the date of ratification of this section by the people of Alaska."

Here, the legislature has removed the lands from a federally-created trust and substituted a monetary fund. We believe the exceptions to the prohibition on dedicated funds contained in article IX, section 7, of the Alaska Constitution -- i.e., for dedicated funds "required by the federal government" or "existing upon the date of ratification of this section by the people of Alaska" -- authorize the dedication of revenues to the public school fund, since the dedication of revenues is an alternate form to the pre-statehood federal dedication of lands. However, the dedication is authorized only to the extent it is necessary to fully compensate the trust for the fair market value of the lands removed. Any continued dedication of funds over and above the fair market value of the lands removed would go beyond the requirements of federal law and would exceed the dedication existing at the time the constitution was ratified (i.e., the dedication of the lands).

Accordingly, the proper approach is to assess the fair market value of the lands as of 1978. That amount could then be paid over time by the automatic deposit of revenue as provided in AS 37.14.150. At the time the debt is completely retired, the automatic deposit under AS 37.14.150 should cease. Additional deposits beyond that point would conflict with the dedicated fund prohibition in that they no longer would be required by federal law as compensation for the pre-existing dedication of lands.

In short, the dedication is permissible until the amount deposited in the public school fund equals the fair market value of the lands.

This brings us to your questions.

Permanent Fund provision] or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section b the people of Alaska.

Bruce M. Botelho, Attorney General
Wilson L. Condon, Commissioner of Revenue

November 27, 1995
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Question 1: Does the state have enough information at this time to stop paying the one-half of one percent of state land revenues to the public school trust fund as required by AS 37.14.150?

No. As stated in 1985 Inf. Op. Atty Gen. (August 13; file no. 366-403-85) at 4,

the proper approach is to assess the fair market value of the lands as of 1978. That amount could then be paid over time by the automatic deposit of revenue as provided in AS 37.14.150. At the time the debt is completely retired, the automatic deposit under AS 37.14.150 should cease.

(Footnote omitted.) As the fair market value of the land as of 1975 has not been determined and Department of Revenue staff advised that there is some remaining question about how much has been paid to the public school fund, the state does not have enough information at this time to stop paying the one-half of one percent of state land revenues to the public school trust fund.

Question 2. If not, what does it still need to know?

The state needs to know two things before stopping payments to the public school fund: (1) the fair market value of the school trust land at the time the land was redesignated as general grant land in 1978; and (2) whether payments to the public school fund equal or exceed that amount.

The background materials that your staff provided include two memoranda from Department of Natural Resources staff outlining three options for making that determination through procedures similar to those used to value mental health trust land. All three approaches described in those memoranda would seem to comply with basic legal requirements for such determinations under *Lassen v. Arizona ex rel. Arizona Highway Dept.*, 385 U.S. 458 (1967). At issue in *Lassen* was a school land trust established in the Arizona and New Mexico Enabling Act, 36 Stat. 557, the Act admitting those states to the Union. The Act specified that school trust land be sold or leased only to "the highest and best bidder at public auction." Despite that restriction, the Court held that Arizona did not have to follow that procedure when taking the land for its own use. Because Arizona could condemn the land through its power of eminent domain even if the land were first sold at auction, the Court recognized that requiring it to follow the auction procedure "would sanction an empty formality." 385 U.S. at 464. The Court concluded:

The trust will be protected, and its purposes entirely satisfied, if the State is required to provide full compensation for the land it uses. We hold, therefore, that Arizona need not offer public notice or conduct a public sale when it seeks trust lands for its highway program. The State may instead employ the procedures established in the Commissioner's rules, or any other procedures reasonably calculated to assure the integrity of the trust and to prevent misapplication of its

lands and funds.

385 U.S. at 465. Accordingly, the state may use any valuation procedures "reasonably calculated to assure the integrity of the trust and to prevent misapplication of its lands and funds." The procedures outlined in the Department of Natural Resources' memoranda appear to meet those criteria.

The state also will need to determine whether the total payments to the public school fund equal or exceed the fair market value of the land. Department of Revenue staff is in the process of determining precisely how much has been paid to the public school fund since the 1978 redesignation legislation.

If it is determined that amounts paid to the public school fund equal or exceed the fair market value of the school trust land redesignated as general grant land by the 1978 legislation, it would be legally permissible as a matter of trust law to stop payment of the one-half of one percent of state land revenues to the public school fund under AS 37.14.150. And, for the reasons set out in 1985 Inf. Op. Atty Gen. (August 13; file no. 366-403-85), stopping payment of the one-half of one percent of state land revenues to the public school fund under AS 37.14.150 is required under art. IX, sec. 7 of the Alaska Constitution if amounts paid to the fund equal or exceed the fair market value of the school trust land redesignated as general grant land in 1978.

Question 3: Should the payments of one-half of one percent of state land revenues to the public school trust fund be considered as including both a contribution to the principal of the fund and a payment of interest on the unpaid balance until the full fair market value has been paid?

No. Under AS 37.14.110(b)(2), all of the money transferred to the public school fund under AS 37.14.150 was deposited to the principal of the fund which, under AS 37.14.110(c), must be "perpetually retained in the fund for investment purposes."

That is not to say, of course, that the trust was not entitled to interest on the unpaid balance. Indeed, that was the conclusion in 1985 Inf. Op. Atty Gen. (August 13; file no. 366-403-85) at 4, n. 3:

3/ Under Lassen, 385 U.S. at 469 n.21, "deferred payment arrangements" would seem to be permissible. However, general principles regarding trust management - e.g., the duty to preserve the trust property (see Restatement (Second) of Trusts § 176 (1959)) and the duty to make the trust property productive (see Restatement (Second) of Trusts § 181 (1959)) - would seem to require that the public school fund also receive an amount equal to what the unpaid balance would have earned, probably calculated at the same rate at which the general fund earns income (since otherwise the general fund would benefit from earnings properly attributable to the

Bruce M. Botelho, Attorney General
Wilson L. Condon, Commissioner of Revenue

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public school fund).

In this context, it also is worth noting that "[t]he trustee is accountable for any profit made by him through or arising out of the administration of the trust, although the profit does not result from a breach of trust." *Restatement (Second) of Trusts* § 203 (1959) at 455.

Under the facts here, however, it is unlikely that the state has any current liability for such amounts because of the state's large annual appropriations for public education. Generally speaking, "interest on debts payable on demand" is considered income to a trust, and therefore available for expenditure for trust purposes, and not principal to be retained for investment. *Restatement (Second) of Trusts* § 235, comment a (1959) at 568. AS 13.38.020(a)(2) similarly provides that "interest on money lent" is considered trust income and not principal. Interest on the unpaid balance of the fair market value of the school trust land redesignated as general grant land in 1978 accordingly would be considered income to the trust which, if paid, would be available for expenditure for public education.¹⁰

Any determination of state liability to the trust for failure to pay interest that would then have been available for expenditure for public education, however, would take into account the substantial state expenditures for public education during the same period. Indeed, under *State v. Weiss*, 706 P.2d 681 (Alaska 1985), and *Southwest Region School District v. Department of Education*, 723 P.2d 636 (Alaska 1986), the state would be entitled to set off money it has appropriated for public education against any liability it might have for interest owed on the unpaid balance to the public school fund. *Weiss* held that the state was entitled to a set-off for mental health expenditures when calculating the state's liability to the mental health trust for mental health trust land that it had sold where the federal law creating the trust required the state

¹⁰ As noted above, under AS 37.14.110(c) the commissioner of revenue "shall determine the net income of the [public school trust fund] in accordance with investment accounting principles and in a manner that preserves the distinction between principal and income and that excludes capital gains or losses realized on principal." Department of Revenue staff advise that there are no general "investment accounting principles" governing that determination. In determining net income in a manner that "preserves the distinction between principal and income," accordingly, it is entirely appropriate to look to general trust law principles as found in the *Restatement (Second) of Trusts* and the state statutes defining principal and income for the purpose of administering trusts. See *State v. Weiss*, 706 P.2d 681, 683 n. 3 (Alaska 1985) ("reliance on basic trust law principles finds ample support in the precedents of this court and the United States Supreme Court"). While that statement must be taken with some caution, see n. 7 *supra*, such reliance is appropriate here in the absence of specific "investment accounting principles" for making the required determination.

Bruce M. Botelho, Attorney General
Wilson L. Condon, Commissioner of Revenue

November 27, 1995
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to spend sale proceeds for mental health purposes.¹¹ 706 P.2d at 684. In *Southwest Region School District*, the Court relied on *Weiss* to hold that the state could assert public school expenditures as an offset against any liability it might have to a school district for failing to pay over funds as required by law during a given year. 723 P.2d at 637.

Thus, to the extent that amounts spent on public education in any given year since 1978 equal or exceed the amount the public school fund would have earned during that year on the unpaid balance owed the public school fund, the state has no liability to the trust for unpaid interest. It is my understanding that state public school expenditures since 1978 have been so large that it is extremely unlikely, regardless of what the 1978 fair market value of the school trust land ultimately is determined to be, that the state would have any liability to the trust for unpaid interest. To the extent amounts spent on public education in any given year since 1978 do not exceed the amount that the fund would have earned on the unpaid balance owed the trust, however, the state owes a debt to the trust which, when paid, should be considered income available for appropriation by the legislature for public education in the future.

Question 4. If too much money has been paid to the public school trust fund to compensate the school land trust for the 1978 redesignation of the school trust land as general grant land, can the overpayment be recovered and returned to the general fund?

Yes. A similar situation arose in the 1980s with the improper deposit in the public school trust fund of a portion of federal mineral revenue sharing payments from oil and gas leasing in the National Petroleum Reserve - Alaska ("NPRA"). In *Barrow v. State*, 1JU-85-2634 CI (Alaska Super., March 18, 1986), the Court concluded that the deposit of federal mineral revenue sharing payments from NPRA in the public school trust fund was improper because the federal statute under which the state received the funds, 42 U.S.C. § 6508, required that the state in allocating those funds "give priority" to the use by political subdivisions impacted by NPRA leasing before using them for any other purpose. See 1986 Inf. Op. Atty Gen. (May 28; file no. 883-86-0126) at

¹¹ Unlike the school land trust where either the land or its monetary equivalent must be retained in perpetuity with only the income spent for public school purposes, sec. 202(e) of the Alaska Mental Health Enabling Act, P.L. 84-830, 70 Stat. 709 (1956), required that sale proceeds as well as income from the land "first be applied to meet the necessary expenses of the mental health program of Alaska." It was apparently for that reason that the Court authorized a set-off of state mental health expenditures against liability to the trust for mental health land that had been sold and thus could not be returned to trust status. Because there is no authorization in federal law for the state to spend the proceeds from the sale of school trust land, *Weiss* provides no authority for the state to set off state public education expenditures against liability to the school trust for the fair market value of school trust land redesignated as general grant land in 1978. It does, however, provide authority for the state to set off state public education expenditures against liability to the trust for interest which, if paid, would have been considered income available for expenditure for that purpose.

2-4. In a series of memoranda, the Department of Law advised that such allocation errors may be corrected administratively. See 1986 Inf. Op. Atty Gen. (August 8; file no. 663-87-0003) at 4-5; 1987 Inf. Op. Atty Gen. (June 22; file no. 663-87-0003) at 5-7 (cautioning, however, that "the safest approach, both legally and politically, is to seek explicit legislative authority (through an appropriation) when dealing with state funds"); 1990 Inf. Op. Atty Gen. (September 6; file no. 663-90-0175) at 2. Such an administrative approach to correcting any over-allocation to the public school trust fund may be followed here.¹²

Question 5: Is the current method of calculating income available for expenditure from the public school trust fund's investments in domestic equity pools, under which increases in share values attributable to ordinary dividends are treated as income and increases (or decreases) attributable to capital gains (or losses) are credited (or debited) to principal, consistent with the state's public school trust obligation and the statutes governing administration of the fund?

Yes. At the outset, it should be noted that under private trust law principles there is no fixed definition of "income" that cannot be changed: "[T]he gift of 'income' does not confer a right that the definition of the term be immutably fixed as that which existed under the law at the testator's death." *Manufacturers Hanover Trust Co. v. Bartram*, 255 A.2d 828, 833 (Conn. 1969). Defining income available for expenditure, as a matter of general trust law, accordingly requires only that the state act consistently with its basic obligation to preserve the principal of the trust and use the earnings from the trust solely for public education. The current method of allocating increases in share values to both principal and income is certainly consistent with that obligation as it balances the duty to preserve the principal of the trust¹³ with the goal of generating income to be expended to support public schools.

It also seems consistent with the statutes governing administration of the fund. Under AS 37.14.110(c), "[t]he commissioner of revenue shall determine the net income of the fund in accordance with investment accounting principles and in a manner that preserves the distinction between principal and income and that excludes capital gains or losses realized on principal." There are rather detailed provisions in general trust law for allocating corporate distributions of stock or cash. See *Restatement (Second) of Trusts* § 236 (1959) and AS 13.38.050. They are not particularly helpful here because the domestic equity pools under discussion do not make actual

¹² For reasons set out in the Conclusion below, however, you may wish to consult with various individuals or groups or seek judicial guidance before taking unilateral action administratively.

¹³ In *Weiss*, the Court made clear that the state has a duty "to preserve the corpus" of a public land trust. "Corpus" is Latin for "body" or "substance," and as used here means "[t]he principal or capital, as distinguished from the interest or income, as of a fund or estate." *The American Heritage Dictionary of the English Language* (3d Ed. 1992) at 421.

distributions. Instead, receipts from the pools' domestic equity holdings -- whether they would be attributable to principal or income under general trust law -- are simply credited to the value of the shares in the pools. According to Department of Revenue staff, there are no published "investment accounting principles" governing this situation, and there are no cases directly on point.

Under AS 37.14.110(c), however, the procedure currently being followed is a reasonable approach to implementing the dual goals of generating income to support the state's public education program while preserving the principal of the public school trust fund. Were the domestic equity pools' investment earnings distributed similarly to mutual fund earnings -- i.e., as dividends and short- and long-term capital gains -- the dividends would be ordinary income and the capital gains would be principal under AS 13.38.050(c).¹⁴ It would elevate form over substance to conclude that the manner in which the domestic equity pools handle investment earnings -- both ordinary dividends and long- and short-term capital gains -- governs the determination of the fund's net income.

Indeed, attributing all of the increase in share values to principal without considering the source of the increase (i.e., whether the underlying source of the increase was attributable to principal or income under general trust law) might be found to violate the requirement in AS 37.14.110(c) that the commissioner of revenue determine the net income of the public school trust fund "in a manner that preserves the distinction between principal and income and that excludes capital gains or losses realized on principal." Failing to consider the source of the increases in share values, it could be argued, would not preserve the required "distinction" between principal and income. It might also be found to violate the requirement in AS 37.14.170 that the commissioner "invest the fund to provide increasing net income over long-term periods to the fund's income beneficiaries."

At the same time, the provisions of AS 37.14.110(c) and 37.14.170 give the commissioner considerable flexibility in investing and determining net income from the fund, and treating increases in the share values of domestic equity pools in other ways might be legally permissible. Suffice it to say that, in light of that considerable flexibility, it appears consistent with the statutes governing the public school trust fund to treat as income increases in the share values of the fund's investments in domestic equity pools that are attributable to dividends and to credit (or debit) increases (or decreases) in share values that are attributable to capital gains (or losses) to principal.

Question 6: What options does the state have for dealing with public school trust fund income that exceeds projected income and, as a consequence, has not been appropriated

¹⁴ Under AS 13.38.050(e), the trustee "may rely upon a statement of the distributing corporation as to a fact relevant under a provision of this chapter concerning the source or character of dividends or distributions of corporate assets."

Bruce M. Botelho, Attorney General
Wilson L. Condon, Commissioner of Revenue

November 27, 1995
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for school purposes by the legislature?

Public school trust fund earnings that are available for expenditure do not lose that status even though they were not appropriated by the legislature. It accordingly remains available for appropriation for public school purposes. That result follows directly from AS 37.14.140, which provides in part that "[t]he commissioner of revenue shall invest realized net income that has not been appropriated or that has been appropriated but not expended until the income is appropriated and expended."

In the event it is determined that state public education expenditures do not exceed whatever interest the state may have owed the trust as a result of compensating the school land trust over time (see question 4 above), any payments now made would be considered income and therefore would be available for appropriation by the legislature for public education purposes.

III. Conclusion

I hope the foregoing answers your questions. In light of the controversy that arose over the mental health land trust, however, it might be prudent to discuss the foregoing and any actions you contemplate as a result with the Public School Fund Advisory Board created under AS 37.14.120, the state Board of Education, and members of the legislature. To the extent you find that actions you would like to take encounter opposition, AS 13.36.035(a)(3) authorizes the courts to "determine any question arising in the administration or distribution of any trust including questions of construction of trust instruments, instruct trustees, and determine the existence or nonexistence of any immunity, power, privilege, duty or right." An appropriate action could be filed to determine the permissibility of any action you would like to take.

Please contact me at your convenience if I can be of any further assistance.

MEMORANDUM STATE OF ALASKA

Department of Natural Resources

Division of Forestry
Kenai-Kodiak Area Forestry

TO: Jim McAllister
Coastal Regional Forester

DATE: February 26, 1997

FILE: 9-

TELEPHONE: 262-4124

FROM: Jim Peterson
Area Forester

SUBJECT: Cost Estimates for Circle
DE's Proposed Timber
Sale

CIRCLE DE PACIFIC CORPORATION PROPOSED KENAI PENINSULA TIMBER SALE COST ESTIMATES

As per your instructions, the following cost estimates are based on preparing two proposed sale areas:

South Ninilchik Block	2,600 acres	20 MMBF
Center Plateau <u>out</u>	5,700 acres	40 MMBF

It is assumed that other areas would be prepared under existing CIP's or operating budgets. These other areas include:

Kulgin Island II	1,500 acres	10 MMBF
Caribou Hills Block	2,000 acres	10 MMBF
South Ninilchik-Dome View	600 acres	3.5 MMBF

Cost Estimates:

Cruise, unit layout, silvicultural prescriptions:	\$280.0
Flag-out Habitat Exclusions:	10.0
Consultant contract administration:	12.8
Post Sale Administration:	115.0
Photos: aerial and orthophotos	3.9
Property Line Location:	50.4
Support to Sale:	85.0

(Public meetings, advertisements, field review by staff, panel field trips, media tours, other support costs.)

TOTAL \$557.1

The costs were determined in the following manner. We decided to obtain an estimate of the cost to have forestry consultants do the cruise, layout, and preparation of silvicultural prescriptions. I contacted two different firms to obtain cost estimates. They were told that property boundaries were

Terry
This is
in, as
are the
3 listed
on amendment



Circle DE Pacific Corporation

6239 B Street, Suite 201, Anchorage, Alaska 99518
(907) 561-5600 • FAX (907) 563-3634

copy
DATE March 19, 1997

Number of pages including cover sheet

FAX

TO *Senator Loren Leman
Alaska State Capitol*

Phone (907) 465-2095
Fax Phone (907) 465-3810

CC:

FROM: *Terry Nininger
Circle DE Pacific
Corporation
6239 B Street, Suite 201
Anchorage, Alaska 99518*

Phone 907-561-5600
Fax Phone 907-563-3634

REMARKS: Urgent For your review Reply ASAP Please Comment

Dear Senator Leman,

As a follow up to our meeting a couple of weeks ago, Circle DE Pacific Corporation is continuing to promote a State of Alaska Timber Sale on the Kenai Peninsula to finally utilize the beetle infested and dead timber.

Please take a couple of minutes and review the bulleted highlights of this project on the attached memo.

We would like to see this timber sale funded through as a supplemental budget item. This project has great support on the Kenai Peninsula. Anything you can do to assist this project getting funded would be greatly appreciated.

Please don't hesitate to give me a call in Anchorage or contact Thyes Shaub (463-5118) in Juneau, for any questions you may have.

Thanks,

Terry

New - Timber Sale - Request by Sen. Leman
A Responsible Request

MEMO

Date: 03/14/97

To:

CC:

From:

RE: KENAI PENINSULA TIMBER SALE (South Ninilchik Block & Center Plateau Block)

The following information is bulleted as key data to the Kenai Peninsula Timber Sale:

- The proposed sale represents 60,000,000 board feet (60,000 MBF) of spruce bark beetle infested and beetle dead white spruce.
- Total acreage: 8,300 acres
- Gross revenues to the state: \$ 900,000.00
- Cost to State: 557,100.00
- (to include contract administration)
- Net Proceeds to GF: \$ 342,900.00**
- The successful bidder will be responsible for complete reforestation of harvested lands, as per the State of Alaska Forest Practices Act.
- The Project will create 60-80 new-full time jobs (contract duration-60 months)
- Improvements to public lands: \$ 1,245,000.00 (seedling planting at \$ 150/acre)
- Value of product returned to local economy: \$ 19,200,000.00
- (Based on sale value of \$ 320.00 per MBF)
- Over 50% of the Kenai Peninsula has beetle infestation, with the infested areas having 60-90% mortality rate.

KENAI PENINSULA TIMBER SALE

- This sale will not effect the existing small operator timber sale program.
- In many areas of the Kenai Peninsula there will be no trees left alive within the next 36 months for natural regeneration

The Objectives of this sale are:

- To provide wood for commercial and personal use, and provide jobs from the timber harvest and processing.
- To maintain opportunities for diverse recreational activities.
- To protect and enhance fish and wildlife habitat.
- To protect water quality.
- To accelerate reforestation of areas killed by spruce bark beetle by harvesting and replanting.

Center Plateau/South Ninilchik Block

March 12, 1997

Sale name: Center Plateau/South Ninilchik Block (this could be done as either one or two sales)

Volume: 60 MMBF

Acreage: 8,300 acres

Sale prep cost: \$402,100

Reforestation cost: Paid by operator

Administration cost: \$155,000

Total cost: \$557,100

Estimated revenue: \$900,000

Net to GF: \$342,900

Harvesting & reforestation jobs: 60

Auction date: December, 1998

Kenai Timber Sale (Center Plateau/South Ninilchik Block)

Cost to State: \$557,100

Estimated revenue: \$900,000

Net to GF: \$342,900

This sale would harvest 60 million board feet of beetle infested and dead white spruce.

The successful bidder in this sale will be responsible for complete reforestation costs. The value of this improvement to public lands is \$1,245,000 (seedling planting at \$150/acre)

The project will create 60-80 new full time jobs for the contract duration of approximately 60 months.

Alaska State Legislature



Official Business

Senator Al Adams

March 25, 1997

WHILE IN SESSION
State Capitol
Juneau, Alaska 99801-1182
(907) 465-3707
Fax 465-4821

OUT OF SESSION
P.O. Box 333
Kotzebue, Alaska 99752
(907) 442-3880

TO: Senator Pearce, Chair
Senate Finance Committee

FROM: Senator Al Adams *AAA*

RE: Supplemental Request

The sum of \$360,000 is appropriated from the general fund to the City of Unalakleet for repair or replacement of the Power Creek water transmission line.

Under AS 26.23.900 (2) the definition of a disaster includes, "...the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property from a natural or man-made cause including..... (c) equipment failure, if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation. Today the decision came down that this was not a disaster.

In the 1970's the Public Health Service installed a shallow bury PVC water transmission line in Unalakleet, which has served the City pretty well for nearly two decades. In January of this year the City of Unalakleet's water flow from Powers Creek experienced a dramatic drop. This caused the transmission line to freeze in several places. The City, Public Health Service, DEC-VSW and ADES combined efforts to plan for the recovery and repair of the system.

Besides three 24 hour per day crews to locate/repair the breaks, the plan also put into place a temporary water line from another water source up river of the community. PHS contributed \$16,000 in emergency funds and allowed materials to be shipped from their existing stock to avoid shipping delays.

The community worked around the clock for weeks to try to recover their water system. Coordination between the City, VSW, PHS and ADES occurred on a daily basis. By mid-January the alternate water source solution was not working and due to lack of water, the City had to pump brackish water into the system to keep the whole line from freezing up. (The City put out a "boil water" notice so that no one would get ill from ingesting city water.)

To make a long story short, the City was finally able to get the water transmission line back in operating order. The line had frozen in several places, brackish water from the river was used to salvage the potable water lines, return loops, and waste water system and through a difficult but well coordinated effort they saved a multimillion dollar water system. The system is limping along right now, until funds can be secured for permanent repairs/replacement during summer months.

Problem:

The total cost of this effort to the City was approximately \$320,000, of which \$16,000 came from the PHS emergency funds. The other state and federal parties involved with the daily teleconferences facilitated the City's efforts in acquiring necessary equipment, material and experienced personnel to take timely and remedial action to solve the immediate problem. The City had an open grant with VSW to make repairs to corroded lines/pipe replacement etc. in the water treatment plant. The money needed for immediate repairs to the transmission line was reallocated from this project.

Repair Costs to Avoid same problem next year:

Attached is the cost estimate of the necessary repairs in order to avoid recurrence of this problem next year.

This near disaster occurred in January, long after the application period ended for consideration of VSW funding in Governor's capital budget. These repairs need to occur this summer. If we wait until the FY 97 capital budget is approved, they will not be able to take advantage of getting necessary materials ordered and barged to the community.

Your consideration of this request is greatly appreciated.

For further details contact:

Nancy Cannington, City Manager, Unalakleet 624-3531
Joe White, Project Engineer 783-3178
Greg Capito, VSW 465-5137

3531

City of Unalakleet
Post Office Box 28
Unalakleet, Alaska 99684
Phone: (907) 624-3123-783-3178
Facsimile: (907) 624 - 3123

March 6, 1997

Post-It™ brand fax transmittal memo 7571		# of pages
To	From	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

Ms. Nancy Cannington
City Manager
City of Unalakleet
Post Office Box 28
Unalakleet, Alaska 99684

Subject: Water Transmission Repair Cost Estimate

Nancy
Ms. Cannington,

Attached is the cost estimate for repairing the water transmission line from the 'WTI' to Powers Creek. It also includes an estimate for replacement of pipe North of the Lockwood estate to Powers Creek. This the area that failed and initiated the pipe freezing. It is also the area that had been a problem for the Utility for quite some time. That pipe should be bedded with gravel in the areas of surface and subsurface water flows which cause the pipe to separate this time and has been reported by several of the City's previous plant operators to have done it before.

I have faxed a copy to Clyde and called him this morning, twice but have not yet heard back from him for his review of the estimate. I would of coarse like to do that before presenting this to Jim Parterson, ADES, or anyone else.

I have a meeting in Anchorage early this afternoon but would be glad to discuss this with at any time. Sorry for the delay.

Joseph E. White
Joseph E. White
MES

cc: Clyde Christman, PWD

MES Estimate

Unalakleet Water Transmission Line Repairs
Project Cost Estimate Total Cost \$ 358,815.11

1. Pressure Testing and Repair of Damaged Pipe WTP to Land Fill Road

Labor	Materials	Equipment	Freight	Engineering	Admin	sub total	Contingency	Total
\$ 22,783.27	\$ 8,864.00	\$ 6,432.75	\$ 993.80	\$ 500.00	\$ 3,022.60	\$ 43,600.25	\$ 8,540.93	\$ 50,147.18

2. Pressure Testing and Replacement of Broken Pipe Land Fill Road to Lockwood Estate

Labor	Materials	Equipment	Freight	Engineering	Admin	sub total	Contingency	Total
\$ 21,724.38	\$ 7,840.00	\$ 8,577.00	\$ 300.00	\$ 1,000.00	\$ 4,000.14	\$ 43,571.50	\$ 8,034.73	\$ 51,607.23

J. A. Repair of Pipe from Lockwood to Powers Creek Water Plant

Labor	Materials	Equipment	Freight	Engineering	Admin	sub total	Contingency	Total
\$ 15,882.18	\$ 21,600.00	\$ 4,288.90	\$ 2,700.00	\$ 3,000.00	\$ 2,815.07	\$ 49,685.75	\$ 9,943.86	\$ 59,615.01

J. B. Replacement of A Portion Pipe from Lockwood to Powers Creek Water Plant

Labor	Materials	Equipment	Freight	Engineering	Admin	sub total	Contingency	Total
\$ 31,724.38	\$ 75,400.00	\$ 20,277.00	\$ 6,500.00	\$ 16,028.16	\$ 5,200.14	\$ 155,188.66	\$ 23,273.45	\$ 178,462.11

CREW COSTS

	Rate	Qty	Unit	Subtotal	W/BURDEN
Foreman	\$ 45.00 per hour			\$ 4,747.04	
Operator	\$ 28.00 per hour			\$ 1,960.32	
Laborer	\$ 16.50 per hour			\$ 1,244.08	
Laborer	\$ 16.50 per hour			\$ 1,244.05	\$ 13,574.79
Equipment					
Backhoe	\$ 250.00 per day			\$ 1,500.00	
pu Truck	\$ 50.00 per day			\$ 300.00	
Compressor	\$ 40.00 per day			\$ 240.00	
Generator	\$ 50.00 per day			\$ 300.00	
Hand tools	\$ 25.00 per day			\$ 150.00	
Misc	\$ 12.00 per day			\$ 72.00	
FUEL	\$ 44.00 per day			\$ 297.00	\$ 2,658.00
Doser	\$ 0 per day			\$ 1,800.00	
Loader	\$ 0 per day			\$ 2,100.00	\$ 8,753.00

\$ 358,814.73

2. Test & Repair Pipe from WTP to Land Fill Road

Materials

Item	Qty	Unit	Price	Subtotal
Pipe Bands	48	each	\$ 120.00	\$ 5,760.00
visqueen	4	each	\$ 28.50	\$ 114.00
foam	1000	pounds	\$ 2.58	\$ 2,580.00
Test Plugs	4	each	\$ 94.00	\$ 376.00
Buckets	8	each	\$ 7.00	\$ 56.00
sub total				\$ 8,884.00

2. Test & Repair Pipe North of Land Fill Road

Materials

Item	Qty	Unit	Price	Subtotal
Repair Band	12	each	\$ 110.00	\$ 1,320.00
Pipe Bands	2	each	\$ 120.00	\$ 240.00
MBA repair	1	each	\$ 550.00	\$ 4,400.00
misc	1	each	\$ 1,500.00	\$ 1,500.00
sub total				\$ 7,540.00

3. A. Repair Pipe North of Lockwood Estate

Materials

Item	Qty	Unit	Price	Subtotal
Arctic Pipe	400	ft.	\$ 46.00	\$ 18,400.00
Gravel	800	cy	\$ 21.00	\$ 12,600.00
Fabric	300	sy	\$ 4.00	\$ 1,200.00
sub total				\$ 31,800.00

3. B. Repair Pipe North of Lockwood Estate

Materials

Item	Qty	Unit	Price	Subtotal
Arctic Pipe	1100	ft.	\$ 38.00	\$ 41,800.00
Arctic Pipe els	4	each	\$ 350.00	\$ 1,400.00
Gravel	1400	cy	\$ 21.00	\$ 29,400.00
Fabric	700	sy	\$ 4.00	\$ 2,800.00
sub total				\$ 75,400.00

COPY



ALASKA STATE LEGISLATURE

SENATOR RANDY PHILLIPS
SENATE DISTRICT L

SESSION
State Capitol
Juneau, AK 99801
(907) 465-4949
800-478-4950
Fax: 465-4979

INTERIM
P.O. Box 142
Eagle River AK 99577
(907) 694-4949
Fax: 694-4948

Memorandum

TO: Senator Drue Pearce, CoChair
Senate Finance Committee

FROM: Senator Randy Phillips, Chair ^{REP}
Senate Finance Subcommittee, Department of Military and
Veterans' Affairs

DATE: March 25, 1997

RE: Department of Military and Veterans' Affairs
Youth Corps Supplemental Funding

I am requesting that the Senate Finance Committee consider the attached amendment to Senate Bill 83.

It has been brought to my attention that the Youth Corps' federal funding is not sufficient to complete the class that started in March 1997 and will be completed in August 1997. On January 13, 1997 the U. S. Department of Defense withdrew 10% of the funding for this program. In the absence of state general fund support, either in the FY 97 supplemental or the FY 98 budget, the Youth Corps will have to drop students from the current class.

B. report Youth Corp

MEMORANDUM

State of Alaska

Department of Military and Veterans Affairs

To: The Honorable Drue Pearce
Alaska State Senate
Co-Chair Senate Finance
Committee

DATE: April 2, 1997

FILE NO: YCII

TELEPHONE NO: 465-4730

FROM: Carol Carroll, Director
Division of Administrative
Services
Department of Military and
Veterans' Affairs

SUBJECT: Youth Corps

Attached please find the information requested by the Senate Finance Committee concerning the Youth Corps. If I can provide additional information, I can be reached at 465-4730.

Youth Corps

History FFY 96 Youth Corps Grant:

Start date FFY 96 program year 3/12/96--end date of FFY 96 grant 12/16/96

Total grant \$2,194,033 (22% reduction from FFY95) for one complete class of 22 weeks of 80 students (96-1) and the first 16 weeks of 80 students from the second class of FFY 96 (96-2 class).

Remaining funds for the 96-2 class were to be paid from the FFY 97 federal grant

The FFY 97 program was expected to include funds for the final 6 weeks of the 96-2 class and for the total 22 weeks of the 97-1 class of 80 students.

FFY 97 grant of \$2,051,710 (reduction of 7% from FFY 96 actual grant) was received Dec. 17, 1996 to pay for the last 6 weeks of 96-2 and the entire 97-1 class.

Youth Corps was required to use \$547,000 of the 97-1 money to finish off the 96-2 class and pay salary costs for the month between classes. Knowledge of the federal fund reduction came at a time that made it very difficult to reduce costs of the 96-2 class which was two months from completion.

As a result, the Youth Corps has a balance of \$1,500,000 to run the entire 97-1 class which is currently in its first week.

Current Situation:

Youth Corps accepted 151 young adults into the pre-challenge program on 3/19/97. The class is presently down to 139 students. The normal attrition rate for pre-challenge is 17% or 23 kids, so by April 4th the program expects to have 116 students remaining. The attrition rate for the continuing program is 22%, which would reduce the number to 90 students by completion of the program.

Options: No increase in funding

Reduce current class to 100 (with normal attrition rate graduating class would be 80). According to Youth Corps program director, the \$1,500,000 remaining to fund 97-1 would be sufficient to complete this class.

Alaska Youth Corps also cuts kids after the pre-challenge phase. The criteria used are attitude, behavior and demonstrated potential. If the Youth Corps staff believes that the student will not make it through the complete program, he/she is cut after the pre-challenge phase. This cut will be made on 4/4/97. Previous funding has allowed the Youth Corps the latitude to allow borderline cases to enter the program; however, the federal funds remaining for the 97-1 class forces cuts to the 80 student level with adjustments to specific parts of the program.

Parents of the 151 kids were informed of this process in mid-March prior to the end of pre-challenge. Parents were upset that the program they see as one of the last options for their young adult might not be available.

Option Two--provide additional general funds to carry 90 students to graduation.

After parents expressed considerable concern, not only to the Adjutant General but to legislators and the Governor, DMVA prepared an estimate of the state funding needed to retain the 90 students estimated to complete the Challenge Program.

If Youth Corps is to complete the 97-1 class without extraordinary reduction of students, they will need a projected \$186,439 between now and the start of the next federal budget year (10/1/97).

A schedule estimating the amount necessary to graduate 90 students is attached.

Projected Youth Corps Costs Based on 90 Students

	Federal FFY 97 Grant	96-2class	Bal Available for 97-1 class	Estimated Need to 6/30/97	Balance (Deficit)	Estimated need to 9/30/97	Balance (Deficit)
Personal Services	1,244,617	337,079	907,538	539,328	368,210	438,204	-69,994
Student Stipend	161,600	45,876	115,724	17,550	98,174	106,200	-8,026
Facility Requirements Maintenance Utilities	77,000	13,683	63,317	36,181	27,136	27,136	
Transportation	59,500	5,806	53,694	31,668	22,026	7,425	14,601
Travel	30,500	4,182	26,318	16,820	9,498	14,890	-5,392
Dining Operation	349,000	92,083	256,917	243,124	13,793	102,173	-88,380
Supplies	25,450	6,758	18,692	10,681	8,011	8,011	
Clothing	50,000	4,102	45,898	45,898		0	
Services	11,900	6,441	5,459	3,119	2,340	2,340	
Contract Instruction	11,000	24,000	-13,000	9,144	-22,144	6,858	-29,002
Medical	5,600	597	5,003	2,859	2,144	2,144	
communications	20,720	3,858	16,862	9,635	7,227	7,227	
Outreach	213		213	122	91	91	
Computers m & repair	5,610	1,914	3,696	2,112	1,584	1,584	
Equipment	0	240	-246		-246		-246
Total	2,052,710	546,625	1,506,085	968,241	537,844	724,283	-186,439

Distribution of Students in Youth Corps 97-1 Class

Railbelt

Anchorage 72
Wasilla 8
Palmer 7
Eagle River 5
Girdwood 1
Chugiak 1
Big Lake 1
Kenai 1
Soldotna 4
Fairbanks 9
North Pole 1

Total 110

Rural Areas

Mountain Village 2
Kotzebue 1
Noorvik 1
Selawik 1
Unalakleet 1
Kiana 1
Emmonak 1
Goodnews Bay 1
Sand Point 1
Marshall 1
Venetie 1

Total 12

Prince William Sound

Valdez 1

Southeast

Ketchikan 7
Petersburg 1
Hoonah 1
Juneau 2
Ward Cove 1

Total 12

Other 7

Total at 3/24/97 142

Youth Corps

History FFY 96 Youth Corps Grant:

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Clothing	50,000	4,102	45,898	45,898		0	
Services	11,900	6,441	5,459	3,119	2,340	2,340	
Contract Instruction	11,000	24,000	-13,000	9,144	-22,144	6,858	-29,002
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 Unalakleet 1
 Kiana 1
 Emmonak 1
 Goodnews Bay 1
 Sand Point 1
 Marshall 1
 Venetie 1

Total 12

Prince William Sound

Valdez 1

Southeast

Ketchikan 7
 Petersburg 1
 Hoonah 1
 Juneau 2
 Ward Cove 1

Total 12

Other 7

Total at 3/24/97 142

Senate Finance Committee Amendment

To: SB 83

By: Senator Pearce

Include the following language:

Sec. ___ LEGISLATIVE BUDGET AND AUDIT. The sum of \$500,000 is appropriated from the general fund to the Legislative Budget and Audit Committee, for a study that compares the salaries and benefits of state employees to the appropriate public and private markets in Alaska and the Pacific Northwest. The study, including the request for proposals, bid award, and final work product is to be overseen by a steering committee consisting of equal members appointed by the legislature and governor.

Memorandum

DRAFT

To: Senator Jerry Ward
From: Craig Johnson
Re: Million dollar supplemental

The million dollars is to purchase new CRC beds and beds out of state.

The department, during testimony, stated that they needed these beds and were in the process of acquiring them. Funds to do this were not in this years Budget. The million dollars allows the Department to put back money into the institutions, it was to come from and pays for the new bed with federal crime funds.

This will free up beds in Alaska for convicted felons.

Alaska State Legislature

Senate

JERRY WARD

State Capitol
Juneau, AK 99801-1182
Phone (907) 465-4940
Fax (907) 465-3766

716 W. 4th Ave., Ste. 450
Anchorage, AK 99501-2133
Phone (907) 258-8183
Fax (907) 258-0820

145 Main Street Loop
Kenai, AK 99611
Phone (907) 283-7996
Fax (907) 283-3075



Memorandum

To: Senator Drue Pearce
Senator Bert Sharp

From: Senator Jerry Ward *JW*
Craig Johnson Staff

Re: Governor's Supplemental Budget

Date: March 24, 1997

There should not be any supplemental appropriations for Corrections as requested by the Governor, with the exception of a new boiler.

However, I recommend an appropriation of one million dollars of federal money to new CRC beds and out of state contracts.

The money has already been applied for and received by the Corrections Department. This appropriation would eliminate the discussion on supplanting state funds with federal funds which has been brought up by the Department. Many of the beds have been contracted for, but no money was budgeted for their purchase.

I do not think supplanting is an issue in any case. By spending federal dollars in this years budget, we should remove it as an issue in next years budget at any rate. Once a program has been started with federal money it can be continued.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

TONY KNOWLES, GOVERNOR

P.O. BOX 110020
JUNEAU, ALASKA 99811-0020
PHONE: (907) 465-4660
FAX: (907) 465-3008

March 25, 1997

The Honorable Drue Pearce
The Honorable Bert Sharp
The Honorable Mark Hanley
The Honorable Gene Therriault
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Finance Committee Co-Chairs:

As you continue your review of appropriations bills, please consider the accounting system ratifications described below as a supplemental appropriation. As we have discussed before, we will continue to make you aware of this type of supplemental appropriation need throughout the remainder of the session. If these frequent updates are confusing, we will work with you to set up a different schedule.

Accounting system ratifications:

Department of Law

(A) 13604-94 General Legal Services	\$500,604.50
(B) 13814-94 Clean Air Act	65.10
(C) 13852-94 General Services and Supply	1,036.20
(D) 13993-94 AHFC - MGIC Claims	0.01
(E) 13868-95 Admin - GAPPA	280.00

We continue to look for areas where we can offer delete-add appropriations to finance supplemental needs at no net cost to the state. As I noted in my letter of March 13 (FY 98 Operating Budget Amendments), the FY 97 appropriation for longevity bonus grants can be reduced about \$1.5 million; this is enough to cover the cost of the Leasing and Disaster Relief Fund supplemental requests. There is

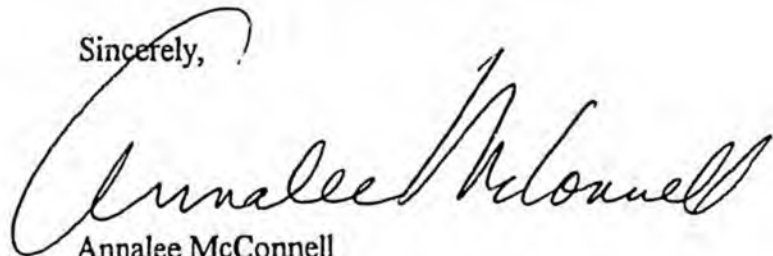
New-Dept of Law

March 25, 1997

still about \$2.5 million of FY 97 AHFC receipts available, under the cap set last year, that can be used to fund the Sitka training academy or other worthwhile projects.

If you have any questions, please call me or our chief budget analyst, Dan Spencer

Sincerely,

A handwritten signature in cursive script that reads "Annalee McConnell". The signature is written in black ink and is positioned above the printed name and title.

Annalee McConnell
Director

Attachments

cc Mike Greany, Legislative Finance

DEPARTMENT OF NATURAL RESOURCES

SUPPORT SERVICES DIVISION

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2406
FAX: (907) 465-2492

March 24, 1997

The Honorable Mark Hanley
State Capitol - Room 507
Juneau, AK 99801-1182

Dear Representative Hanley,

I received a call from Mike Greany, Director of Legislative Finance, with the question whether our \$150.0 FY98 Operating amendment for the First National Bank of Anchorage non-performing land contracts could be an FY97 Supplemental budget item. The answer is yes. In accordance with our Land Sales Contract as part of the Mental Health Settlement agreement we are to maintain a balance in an Agency Fund account within AKSAS per an agreed-to schedule (Exhibit F). As of June, 1996 this Agency Fund account was roughly \$122.0 below the required amount and as of June 30, 1997, we project the account to be short \$150.0, hence our FY98 amendment. I have attached the necessary back-up to support our request.

If you choose to fund our request as an FY97 Supplemental we would transfer this amount in full into our Agency Fund account in AKSAS and keep it available for future non-performing contracts that the FNBA will return to the State. Our current balance in the Agency Fund account is roughly \$148.0 and the pattern of non-performing land contracts is very difficult to project.

I hope this clarifies the issue for you and either way we will need to receive the authorization to make sure we can meet our contractual requirements with the FNBA.

If you have any questions please feel free to call me at 465-2406.

Sincerely,

Jan Davis for Nico Bus

Nico Bus
Chief of Financial Operations

Attachments

cc: Joan Brown, OMB
Carol Carroll, DNR
Mike Greany, Legislative Finance
Jim Hauck, Legislative Finance

Record of Recourse Refunds

To Record Recourse Refunds Issued to First National Bank Per Purchase and Sale Agreement

#VSA
Contract
Requires
210.00
630

DNR ADL #	FNBA Loan #	Warrant Number	Warrant Date	Reason for Refund R=Relinquishment D=Delinquency	Warrant Amount	Interest Portion	Principal Portion	Agency Trust Fund Balance	Total Value
410250	302692-4	13590	02/16/96	D - Pmt Due 11/15/95	3,588.89	3.53	3,585.36	261,408.60	3,850.00
204405	300531-6	13678	03/05/96	D - Pmt Due 11/21/95	1,655.25	0.00	1,655.25	259,753.35	3,700.00
206211	300896-3	13764	03/22/96	D - Pmt Due 02/06/95 (BR)	13,937.13	0.00	13,937.13	245,816.22	19,350.00
216732	301520-5	13764	03/22/96	D - Pmt Due 12/15/95	6,448.66	0.00	6,448.66	239,367.56	10,000.00
216737	301524-0	13764	03/22/96	D - Pmt Due 12/15/95	4,595.41	0.00	4,595.41	234,772.15	8,500.00
216461	301464-9	13695	04/18/96	D - Pmt Due 01/01/96	5,415.95	0.00	5,415.95	229,356.20	8,500.00
410597	302723-7	13895	04/18/96	D - Pmt Due 11/16/95	9,272.72	0.00	9,272.72	220,063.48	10,100.00
205028	300626-4	14117	06/07/96	D - Pmt Due 02/26/96	1,786.70	0.00	1,786.70	218,296.78	7,500.00
221212	301816-0	14117	06/07/96	R - 05/30/96	6,693.08	0.00	6,693.08	211,603.70	9,300.00
224200	301942-4	14236	07/12/96	D - Pmt Due 03/01/96	6,119.65	0.00	6,119.65	205,484.05	9,550.00
222949	301903-6	14363	08/08/96	D - Pmt Due 04/15/96	14,960.59	0.00	14,960.59	190,523.46	19,700.00
216547	301491-2	14470	08/23/96	D - Pmt Due 05/15/96	6,278.46	0.00	6,278.46	184,245.00	10,600.00
218008	301625-5	14470	08/23/96	D - Pmt Due 05-15-96	4,844.61	0.00	4,844.61	179,400.39	6,500.00
204413	300536-5	14523	09/13/96	D - Pmt Due 05-21-96	1,836.33	0.00	1,836.33	177,564.06	4,000.00
407321	302426-7	14523	09/13/96	D - Pmt Due 05-28-96	3,381.92	0.00	3,381.92	174,182.14	15,500.00
410489	302716-1	14523	09/13/96	D - Pmt Due 04-26-96	2,941.54	0.00	2,941.54	171,240.60	5,100.00
214151	301251-0	15153	01/15/97	D - Pmt Due 09-20-96	2,648.59	0.00	2,648.59	168,592.01	3,399.00
411120	302759-1	15153	01/15/97	R - 12-04-96	9,742.62	0.00	9,742.62	158,849.39	14,500.00
205027	300625-6	15184	01/23/97	D - Pmt Due 10-01-96	3,524.05	0.00	3,524.05	155,325.34	4,100.00
406542	302311-1	15308	02/19/97	D - Pmt Due 10-19-96	969.47	0.00	969.47	154,355.87	3,200.00
205393	300711-4	15387	03/04/97	D - Pmt Due 10-27-96	3,127.35	0.00	3,127.35	151,228.52	5,700.00
New	NOTIFICATION ADL # 405976		2/25/97 6/20/97	Provision	2,500.00			148,728.52 106,500	
					<u>359,169.26</u>	<u>10,397.78</u>	<u>348,771.40</u>		<u>574,109.89</u>

333.0
\$22
2
30
50

250.0
Requested
'98
Amount
\$1500

EXHIBIT F

TIMELINE / AGENCY FUND ACCOUNT BALANCE

DATE		Agency Fund Account Balance
06/30/95		\$415,000
06/30/96		333,000
06/30/97		256,000
06/30/98		186,000
06/30/99		146,000
06/30/00		116,000
06/30/01		91,000
06/30/02		71,000
06/30/03		56,000
06/30/04		43,000
06/30/05		32,000
06/30/06		23,000
06/30/07		15,000
06/30/08		8,500
06/30/09		8,500
06/30/10		8,500
06/30/11		8,500
06/30/12		8,500
06/30/13		8,500
06/30/14		8,500

TIMELINE

From: Sales Contract

(i) Seller shall deposit \$500,000 of the Purchase Price paid pursuant to Section 2.2(a)(ii) above into an Agency Fund account within AKSAS.

(ii) When Seller's obligation to make a recourse refund arises, Seller shall make the recourse refund from the Agency Fund account within AKSAS to the extent any amounts remain in that account within a reasonable time after Purchaser completes all undertakings necessary for Seller's obligation to make a recourse refund to arise. A "reasonable time" for Seller to satisfy the recourse refund shall in any event, be within 30 days. If Seller disputes that Purchaser has completed all necessary undertakings, Seller shall satisfy the recourse refund within a reasonable time after the dispute is resolved.

(iii) If Seller disputes that Purchaser is entitled to a recourse refund, Seller shall provide Purchaser with notice of such dispute within 30 days after Purchaser delivers demand for the recourse refund pursuant to Section 2.5(c)(iii)(1) above. Any such dispute shall be resolved either by mutual agreement of Purchaser and Seller or pursuant to the administrative procedures provided in 11 AAC 02.010 - 11 AAC 02.080. For purposes of such administrative procedures, Seller's notice of the dispute regarding Purchaser's entitlement to the recourse refund shall be deemed to be the decision from which an administrative appeal may arise.

(iv) At the end of each of Seller's fiscal year (June 30), Seller will compare the balance in the Agency Fund account with the estimated balance listed on Exhibit F. If the balance in this account drops below \$100,000 or the level shown on Exhibit F, whichever is the lesser, Seller will request a legislative appropriation to restore the Agency Fund account balance to the level shown on Exhibit F. The following are two examples. First, if the balance in the account is \$90,000 on June 30, 2000, Seller will request the Legislature for a \$26,000 (\$116,000 - \$90,000) appropriation during the 2001 legislative session. Second, if the balance in the account is \$20,000 on June 30, 2005, Seller will only request an appropriation of \$12,000 (\$32,000 - \$20,000).

(v) In the event that all funds in the Agency Fund account within AKSAS are expended, Seller shall pay any additional recourse refunds within a reasonable time after Seller's obligation arises, subject to legislative appropriations for that purpose.


(vi) At any time that the balance in the Agency Fund account within AKSAS exceeds the aggregate outstanding principal balance of the remaining ADL Contracts being administered by Purchaser, Seller shall be entitled to withdraw such excess out of the Agency Fund account. Seller shall give 30 days notice to

TO: Joan Brown
OMB - Budget Review
Office of the Governor

DATE: February 18, 1997

FILE NO: fnbaescr.doc

TELEPHONE NO.: 465-2406


FROM: Nico Bus
Chief, Financial Services

SUBJECT: FNBA Escrow Account
Funding Request

"FRONT"

The Department of Natural Resources requests \$150,000 general fund authorization be included in the front section of the FY98 operating budget bill to fund the land sale escrow account for the First National Bank of Anchorage.

The Department of Natural Resources (DNR), through competitive bid in December 1994, sold 2,856 land sale contracts to the First National Bank of Anchorage (FNBA) for \$15,000,222.

To maximize the return to the State, the contracts were sold with recourse; the State agreed to reimburse FNBA for the principal balance of any contract returned due to delinquency. The State set aside in an escrow account \$500,000 of the sale proceeds for this purpose.

In the first year after the sale, 34 contracts were returned to the State. During the same period in 1996, only 24 contracts were returned. In the six weeks since December 1996, four contracts have been returned. The current balance of the escrow account is \$154,356.

Because the contracts range in value from \$970 to \$74,119, it is difficult to estimate the amount that will be required for refund annually. Over the first two years, the escrow account has been reduced at an average of \$15,000 per month. DNR estimates that a renewable appropriation of \$150,000 annually is a reasonable request at this time. Historically, as customers build equity in their land purchases, the default rate decreases. By 2001, due to the buildup of equity, DNR expects to see a major reduction in the amount of contracts being returned. At that time, the balance in the current escrow account should be sufficient to carry the contracts to term.

An analysis of the trend and status of accounts returned from FNBA to DNR is attached. If you have any questions, please call me.

Attachment

cc: Jean Davis, Budget Analyst II, Financial Services

ANALYSIS OF TREND AND STATUS OF ACCOUNTS RETURNED FROM FIRST NATIONAL BANK OF ANCHORAGE

Trend:

The first contract was returned in February 1995. From February through December 1995, thirty-four contracts were returned to the State. During the same period in 1996, only twenty-four contracts were returned.

The Agency Trust Fund's beginning balance was \$500,000. The total amount refunded to date is \$356,042. Of this amount, \$10,398 is accrued interest which is not refunded out of the Agency Trust Fund. The principal portion, which is refunded out of the fund, is \$345,644. The current balance of the fund is \$154,356.

The Agency Trust Fund has been reduced at an average of \$15,000 per month. At this rate, the fund will be depleted by the end of October 1997. If the fund is replenished to \$500,000 and the average return remains constant at \$15,000 per month, the fund would be depleted by the end of October 1999. Since historical information indicates the number of returned contracts decreases relative to the age of the portfolio, we expect the life of the Agency Trust Fund to extend significantly beyond October 1999.

Status:

Fifty-eight accounts have been returned to the State. Following is a breakdown of their status:

No. of Accounts		Dollar Amount		Resale Value of Land	
Qty	%	\$	%		
9	16%	\$ 64,633	19%	\$ 86,450	Were returned due to relinquishment; currently in the disposal pool.
11	19%	64,457	19%	119,796	Relinquished after returning to the State; currently in the disposal pool.
2	3%	13,950	4%	5,900	Foreclosed for non-payment; ADL 405593 is available for resale.
9	16%	50,959	15%		Terminated - will be foreclosed if payment isn't received
9	16%	42,262	12%		Default - Many of these historically go into default periodically; most have made payments and are in default for subsequent installments; two are in bankruptcy.
17	29%	98,498	28%		Current
1	2%	10,885	3%		Paid off
58	100%	\$ 345,644	100%	\$ 212,146	

DEPARTMENT OF NATURAL RESOURCES
Record of Refunds

To Record Recourse Refunds Issued to First National Bank Per Purchase and Sale Agreement

DNR ADL #	FNBA Loan #	Warrant Number	Warrant Date	Reason for Refund R=Relinquishment D=Delinquency	Warrant Amount	Interest Portion	Principal Portion	Agency Trust Fund Balance	Total Value
				Beginning Balance:				\$500,000.00	
205128	300651 2	11707	02/23/95	R - 12/31/94	\$17,996.46	\$1,925.49	\$15,980.97	484,019.03	\$22,100.00
224202	301944 0	11917	03/07/95	R - 02/28/95	7,375.28	760.29	6,614.99	477,404.04	9,550.00
213358	301185 0	11942	03/14/95	R - 02/02/95	2,936.33	326.39	2,609.94	474,794.10	4,000.00
104462	300374 1	12083	04/14/95	D - Pmt Due 12/27/94	11,267.08	212.39	11,054.69	463,739.41	13,900.00
224826	301950 7	12083	04/14/95	D - Pmt Due 01/05/95	7,924.27	197.72	7,726.55	458,012.86	8,400.00
403758	302408 3	12083	04/14/95	D - Pmt Due 12/15/94	11,245.05	359.94	10,885.11	445,127.75	12,000.00
405091	302082 8	12083	04/14/95	D - Pmt Due 12/05/94	2,821.70	238.54	2,583.16	442,514.59	7,050.00
405281	302109 9	12083	04/14/95	D - Pmt Due 11/28/94	2,926.99	335.70	2,591.29	439,953.30	5,000.00
406760	302314 5	12083	04/14/95	D - Pmt Due 10/30/94	2,278.89	266.32	2,012.57	437,940.73	4,900.00
408406	302526 4	12083	04/14/95	D - Pmt Due 12/15/94	4,893.35	150.72	4,742.63	433,198.10	5,300.00
411874	302772 4	12083	04/14/95	D - Pmt Due 11/15/94	3,841.65	534.85	3,306.80	429,891.30	4,000.00
49057	300016 8	12276	05/25/95	D - Pmt Due 02/07/95	33,598.06	1,165.78	32,432.28	397,459.02	35,200.00
411071	302757 5	12276	05/25/95	D - Pmt Due 02/15/95	3,682.11	163.43	3,518.68	393,940.34	5,300.00
103904	300280 0	12369	06/13/95	D - Pmt Due 03/15/95	9,389.00	809.15	8,579.85	385,360.49	12,000.00
205375	300706 4	12549	07/19/95	D - Pmt Due 03/24/95	1,178.56	55.51	1,123.05	384,237.44	5,000.00
405084	302078 6	12549	07/19/95	D - Pmt Due 04/04/95	3,870.91	312.37	3,558.54	380,678.90	10,400.00
405104	302089 3	12549	07/19/95	D - Pmt Due 04/01/95	5,580.70	450.35	5,130.35	375,548.55	30,000.00
217556	301591 9	12629	08/09/95	R - 07-06-95	5,803.23	0.00	5,803.23	369,745.32	6,900.00
204206	300525 8	12870	09/18/95	D - Pmt Due 05/10/95	2,930.19	213.52	2,716.67	367,028.65	10,200.00
205839	300867 4	12870	09/18/95	D - Pmt Due 04/29/95	2,495.34	148.16	2,347.18	364,681.47	7,000.00
210685	301016 7	12870	09/18/95	D - Pmt Due 05/16/95	1,882.11	105.71	1,776.40	362,905.07	10,200.00
216172	301437 5	12870	09/18/95	D - Pmt Due 07/15/95	5,273.98	263.99	5,009.99	357,895.08	7,300.00
209538	300917 7	12999	10/25/95	D - Pmt Due 07/07/95	17,438.91	0.00	17,438.91	340,456.17	18,595.89
215431	301376 5	13004	10/25/95	D - Pmt Due 05/22/95	6,495.94	0.00	6,495.94	333,960.23	14,200.00
405593	302188 3	13004	10/25/95	D - Pmt Due 05/16/95	4,328.09	315.82	4,012.27	329,947.96	5,900.00
409041	302552 0	13004	10/25/95	D - Pmt Due 05/28/95	6,779.35	0.00	6,779.35	323,168.61	20,500.00
214344	301293 2	13023	11/09/95	D - Pmt Due 08/16/95	4,501.40	0.00	4,501.40	318,667.21	5,500.00
204438	300542 3	13033	11/16/95	R - 11/07/95	3,584.93	149.18	3,435.75	315,231.46	4,400.00
402814	302019 0	13150	11/22/95	D - Pmt Due 08/15/95	4,812.08	0.00	4,812.08	310,419.38	7,200.00
214479	301341 9	13150	11/22/95	D - Pmt Due 07/18/95	2,415.35	0.00	2,415.35	308,004.03	9,500.00
204437	300541 5	13320	12/11/95	R - 11/15/95	3,573.95	148.72	3,425.23	304,578.80	4,300.00
408454	302533 0	13384	12/28/95	D - Pmt Due 08/31/95	1,125.79	24.13	1,101.66	303,477.14	1,365.00
410425	302713 8	13384	12/28/95	D - Pmt Due 09/01/95	2,596.56	72.84	2,523.72	300,953.42	13,900.00
410516	302719 5	13518	01/26/96	R - 12/22/95	10,518.92	191.56	10,327.36	290,626.06	11,400.00
210660	301012 6	13590	02/16/96	D - Pmt Due 10/17/95	8,358.30	175.76	8,182.54	282,443.52	11,400.00
211589	301089 4	13590	02/16/96	D - Pmt Due 11/15/95	1,720.54	0.00	1,720.54	280,722.98	5,500.00
224184	303034 8	13590	02/16/96	D - Pmt Due 09/16/95	5,878.00	86.46	5,791.54	274,931.44	6,500.00
406831	302339 2	13590	02/16/96	D - Pmt Due 10/20/95	10,170.94	233.46	9,937.48	264,993.96	15,600.00

DEPARTMENT OF NATURAL RESOURCES
Record of Refunds

To Record Recourse Refunds Issued to First National Bank Per Purchase and Sale Agreement

DNR ADL #	FNBA Loan #	Warrant Number	Warrant Date	Reason for Refund R=Relinquishment D=Delinquency	Warrant Amount	Interest Portion	Principal Portion	Agency Trust Fund Balance	Total Value
410250	302692-4	13590	02/16/96	D - Pmt Due 11/15/95	3,588.89	3.53	3,585.36	261,408.60	3,850.00
204405	300531-6	13678	03/05/96	D - Pmt Due 11/21/95	1,855.25	0.00	1,855.25	259,753.35	3,700.00
206211	300896-3	13764	03/22/96	D - Pmt Due 02/08/95 (BR)	13,937.13	0.00	13,937.13	245,816.22	19,350.00
216732	301520-8	13764	03/22/96	D - Pmt Due 12/15/95	6,448.66	0.00	6,448.66	239,367.56	10,000.00
216737	301524-0	13764	03/22/96	D - Pmt Due 12/15/95	4,595.41	0.00	4,595.41	234,772.15	8,500.00
216461	301464-9	13895	04/18/96	D - Pmt Due 01/01/96	5,415.95	0.00	5,415.95	229,358.20	8,500.00
410597	302723-7	13895	04/18/96	D - Pmt Due 11/16/95	9,272.72	0.00	9,272.72	220,083.48	10,100.00
205028	300626-4	14117	08/07/96	D - Pmt Due 02/26/96	1,786.70	0.00	1,786.70	218,298.78	7,500.00
221212	301816-0	14117	08/07/96	R - 05/30/96	6,693.08	0.00	6,693.08	211,603.70	9,300.00
224200	301842-4	14236	07/12/96	D - Pmt Due 03/01/96	6,119.55	0.00	6,119.55	205,484.05	9,550.00
222949	301903-6	14363	08/08/96	D - Pmt Due 04/15/96	14,960.59	0.00	14,960.59	190,523.46	19,700.00
216547	301491-2	14470	08/23/96	D - Pmt Due 05/15/96	6,278.48	0.00	6,278.46	184,245.00	10,600.00
218008	301625-5	14470	08/23/96	D - Pmt Due 05-15-96	4,844.61	0.00	4,844.61	179,400.39	6,500.00
204413	300536-5	14523	09/13/96	D - Pmt Due 05-21-96	1,336.33	0.00	1,836.33	177,564.08	4,000.00
407321	302426-7	14523	09/13/96	D - Pmt Due 05-28-96	3,381.92	0.00	3,381.92	174,182.14	15,500.00
410489	302716-1	14523	09/13/96	D - Pmt Due 04-26-96	2,941.54	0.00	2,941.54	171,240.60	5,100.00
214151	301251-0	15153	01/15/97	D - Pmt Due 09-20-96	2,648.59	0.00	2,648.59	168,592.01	3,399.00
411120	302759-1	15153	01/15/97	R - 12-04-96	9,742.62	0.00	9,742.62	158,849.39	14,500.00
205027	300625-6	15184	01/23/97	D - Pmt Due	3,524.05	0.00	3,524.05	155,325.34	4,100.00
					<u>355,072.44</u>	<u>10,397.78</u>	<u>344,674.66</u>		<u>565,209.89</u>

ALASKA STATE LEGISLATURE



Interim:
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Session
State Capitol
Juneau, Alaska 99801-1182
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Fax (907) 465-3805

SENATOR LYDA GREEN SENATE DISTRICT N

MEMORANDUM

DATE: March 25, 1997

TO: Senator Drue Pearce, Co-Chair
Senate Finance Committee

FROM: Senator Lyda Green *Lyda Green*

RE: SB 83 Amendment
Mat-Su Harvest Access Program

I respectfully request the attached amendment be included in CSSB 83 (FIN). It relates to timber sales. This program would improve access to timber for local operators in the Mat-Su Valley, as well as provide timber for the personal use of residents. It would also provide opportunities for local employment.

Your appreciation of this request is appreciated.

4612

Amendment

Department of Natural Resources
Division of Forestry
Mat-Su Harvest Access Program **\$43,900**

Access improvement would begin at Mile 59 on the Parks Highway.

These funds would be used to upgrade Timber Land Drive, currently used for harvesting and would better facilitate timber sale disposal. The Division plans to offer about 3.5M board feet in the project in the next 4 years at a value of about \$110K. About one half million board feet are being harvested. With the current condition of the road, access has become more limited. This would not only improve access, but allow for earlier access in the season.

Public hearings last fall received strong support for this program.

This provides employment for local people and a more adequate supply of timber for local value-added operators as well as individuals' personal use. Most of the harvested timber is locally used.

Cost breakdown:

*Widen and re-align right-of-way, cut and fill with D-7 Dozer, 50 hours x \$80/hours=	\$ 4,000
*Replace bridge with 48-inch culvert culvert price=	\$ 1,000
backhoe contract; 10 hours x \$100/hour=	\$ 1,000
*Replace culvert at Milepost 2.2 culvert price=	\$ 1,400
backhoe contract; 30 hours x \$130/hour=	\$ 3,900
*Purchase 2000 cubic yards pit run gravel delivered price; 2000 yards x \$10/yard=	\$20,000
*Purchase 3090 lineal feet of fabric mat 4000 lf x \$1.90/lf=	\$ 7,600
*Hire surveyor=	\$ 5,000
TOTAL	\$43,900

The State would receive payment for the sale of the timber.

Senate Bill 83/House Bill 113
FY 97 SUPPLEMENTAL APPROPRIATIONS
(In Thousands)

	DEPT.	BRU/ COMPONENT	DESCRIPTION	Sen Sec #		CS for Senate Bill 83(Fin)					Senate v. House					Senate v. Governor							
						Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds
1	DOA	Leasing	Leasing and facilities costs (revised)	1	(a)		993.7				993.7		970.1			(309.8)	660.3						
2	DOA	Office of Public Advocacy	Operating costs (revised)	1	(b)		210.5				210.5							(37.3)					(37.3)
3	DOA	Public Defender	Operating costs	1	(c)		47.0	53.0			100.0		(221.9)	53.0			(168.9)		(221.9)	53.0			(168.9)
4	DOA	EPORS	New retirees	1	(d)		65.6				65.6												
5	DOA	Leasing	ABBA, Inc. v. State (Vintage Park settlement payment)	1	(e)		243.3				243.3												
6	DOA	Leasing	Claims relating to the DEC laboratory	1	(f)		104.0				104.0												
7	CED	AK Science and Technology (AST) Foundation	Transfer funding from the AK science & tech foundation endowment earnings reserve to the AST Fund for the Kodiak launch complex under AS 37.17.090(k)(1)	2	(a)																		
8	CED	AK Aerospace Development Corp.	Capital project - to AK Aerospace Development Corporation for Kodiak launch complex. Funding includes \$5 million transferred in (a)	2	(b)	18,000.0					28,000.0												
9	CED	Exec Admin & Dev/ Commissioner's Ofc	Implement the coordinated response to the Southeast Alaska pulp mill closure for fiscal year ending 1997													(60.0)	(60.0)		(60.0)				(60.0)
10	CED	Measurement Standards	RPL 08-7-0163 Allow Chief of Weights & Measures to attend nat'l Conf of Weights & Meas. mtgs.	3				4.3			4.3			4.3			4.3						
11	CRA	Rural Energy Program - Energy Operations/PCE	Power Cost Equalization (PCE) and rural electric capitalization fund (AS 42.45.100)													(1,500.0)	(1,500.0)		(1,500.0)				(1,500.0)

Senate Bill 83/House Bill 113
FY 97 SUPPLEMENTAL APPROPRIATIONS
(In Thousands)

	DEPT.	BRU/ COMPONENT	DESCRIPTION	Sen Sec #	CS for Senate Bill 83(Fin)						Senate v. House						Senate v. Governor					
					Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds
12	CRA	Rural Energy Program - Energy Operations/PCE	Power Cost Equalization (PCE) w/ intent about a volunteer task force to review & make recommendations regarding the PCE program w/a report by Jan 12, 1998.	4	(a)					1,500.0	1,500.0											
13	CRA	Child Assistance/ Head Start	RPL 21-7-0165 One-time federal receipts for Partners for Quality Care & Education Project	4	(b)	50.0					50.0											
14	DOC	Com Correct/CRC and Inst/Out-of-State Contractual	New inmate beds: CRC and out-of-state beds	5		1,000.0					1,000.0	1,000.0				1,000.0	1,000.0					1,000.0
15	DMV	Disaster Relief Fund	General Fund appropriation to capitalize the fund	6			415.0				415.0						(585.0)					(585.0)
16	DOE	Teaching & Learning Support/ Special & Suppl Svcs	RPL 05-7-0626 New and carryforward funds for Title I and Migrant Education programs	7	(a)	3,750.0					3,750.0											
17	DOE	Voc Rehab/Client Services	RPL 05-7-0680 New and carryforward funds for client services programs	7	(b)	600.0					600.0											
18	DOE	Voc Rehab/ Administration	RPL 05-7-0681 New and carryforward for administration and oversight of direct services	7	(c)	150.0					150.0											
19	DOE	Teaching & Learning Support	RPL 05-7-0700 Carryforward funds for the School to Work program	7	(d)	1,080.0					1,080.0											
20	DOE	AK State Library/Library Operations	RPL 05-7-0738 Computer and software upgrades	7	(e)						30.0											
21	DOE	Mt. Edgecumb Boarding School	RPL 05-7-0748 Summer programs in FY97	7	(f)						22.0											

**Senate Bill 83/House Bill 113
FY 97 SUPPLEMENTAL APPROPRIATIONS
(In Thousands)**

	DEPT.	BRU/ COMPONENT	DESCRIPTION	Sen Sec #		CS for Senate Bill 83(Fin)					Senate v. House						Senate v. Governor						
						Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds
22	DOC	Fairbanks Correctional Center	Capital project - Replace boiler system	8	(a)		632.0				632.0												
23	DMV	Disaster Planning & Control.	Capital project - Radio equipment	8	(b)		100.0				100.0												
24	DFG	Wildlife Conservation	RPL 11-7-0234 New and carryforward federal funds for projects.	9		430.0					430.0												
25	DFG	Com Fish Mgmt & Dev/Fisheries Mgmt	On-going litigation costs for the fiscal year ending June 30, 1997.	Deny									(115.0)			(115.0)		(115.0)					(115.0)
26	HSS	Aid to Families with Dependent Children	Delete	10	(a)		(800.0)				(800.0)												
27	HSS	Adult Public Assistance	Add for Estimated FY97 costs	10	(b)		800.0				800.0		(139.0)			(139.0)		(139.0)					(139.0)
28	HSS	Med Assist./ Indian Health Services (IHS)	Increased IHS Medicaid reimbursement rates	10	(c)	10,000.0					10,000.0												
29	HSS	Family and Youth Services/ Foster Care	Costs for children in state custody (revised)	10	(d)		750.0				750.0												
30	HSS	State Health Services	RPL 06-7-0196 Indoor Radon Monitoring grant - \$78.0 & Tuberculosis Control & Elimination	10	(e)	99.3					99.3												
31	HSS	Public Assist Admin/Eligibility Determination	Delete	10	(f-g)		(300.0)				(300.0)		(300.0)			(300.0)		(300.0)					(300.0)
32	HSS	Medical Assistance Admin/Claims Processing	Delete	10	(h-i)		(300.0)				(300.0)		(300.0)			(300.0)		(300.0)					(300.0)

Senate Bill 83/House Bill 113
FY 97 SUPPLEMENTAL APPROPRIATIONS
(In Thousands)

DEPT.	BRU/ COMPONENT	DESCRIPTION	Sen Sec #		CS for Senate Bill 83(Fin)					Senate v. House						Senate v. Governor						
					Federal	GF	GF/ Pr gm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Pr gm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Pr gm	GF/ Match	Other	Total Funds
33	HSS	Family and Youth Services/ McLaughlin Youth Center	10	(j)		600.0				600.0		(85.0)				(85.0)		(85.0)				(85.0)
34	HSS	Family and Youth Services/ Central Office	10	(k)		838.8				838.8		838.8				838.8		(408.6)				(408.6)
35	LAW	Oil & Gas Litigation	11	(a)																		
36	LAW	Legal Services Operations	11	(b)		1,347.5			16.0	1,363.5		646.5				646.5		(0.1)				(0.1)
37	LAW	Civil Division/ Medicaid Provider Fraud	11	(c-d)			(10.0)	10.0														
38	DMV	Disaster Planning & Control	12	(a)		220.0				220.0		20.0				20.0						
39	DMV	Disaster, Planning & Control	12	(b)				17.2		17.2												

Senate Bill 83/House Bill 113
FY 97 SUPPLEMENTAL APPROPRIATIONS
(In Thousands)

	DEPT.	BRU/ COMPONENT	DESCRIPTION	Sen Sec #		CS for Senate Bill 83(Fin)					Senate v. House					Senate v. Governor						
						Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other
40	DMV	Disaster, Planning & Control	Appropriate from the Disaster Relief Fund p'ment of premium p'ments for flood - with a lapse date extension of June 30, 1998.	12	(c)					17.2	17.2										17.2	17.2
41	DMV		Capital project (1 yr) - Fairbanks Armory Expansion	12	(d)					700.0	700.0				700.0	700.0					700.0	700.0
42	DMV	AK Nat'l Guard/Youth Corps	Youth Corps Program	12	(e)		186.4				186.4				186.4	186.4						186.4
43	DOA	Admin Services	Misc claims, state date warrants (revised from \$27.3)	13			37.3				37.3				3.9	3.9						
44	DOC	Admin Services	Misc claims, state date warrants (revised from \$6.3)	13			9.3				9.3											
45	DFG	Admin Services	Misc claims, state date warrants	13			1.3				1.3											
46	HSS	Admin Services	Misc claims, state date warrants	13			30.3				30.3			8.1		8.1						
47	LAW	Admin Services	Misc claims, state date warrants	13			0.6				0.6											
48	DPS	Admin Services	Misc claims, state date warrants	13			4.3				4.3											
49	DOT	Admin Services	Misc claims, state date warrants	13			0.9				0.9											
50	DOA	Municipal grant	Capital project - Repair or replace Unalakleet main.	14	a)		360.0				360.0				360.0	360.0						360.0
51	DOA	Municipal grant	Capital project - Emergency repairs to Perseverance Trail. Senate bill includes conditional language related to transfer of title from the State to the City & Borough of Juneau.	14	(b)		120.0				120.0				120.0	120.0						120.0
52	DNR	Parks Management	Capital project - Emergency repairs to Perseverance Trail See Sec 14(b) of Senate Bill												(120.0)	(120.0)						(200.0)
53	DNR	Fire Suppression	Funding for fixed costs and fire suppression activities from January - June 1997.	15	(a)		3,668.3				3,668.3				(120.0)	(120.0)						(120.0)

Senate Bill 83/House Bill 113
FY 97 SUPPLEMENTAL APPROPRIATIONS
(In Thousands)

DEPT.	BRU/ COMPONENT	DESCRIPTION	Sen Sec #		CS for Senate Bill 83(Fin)						Senate v. House						Senate v. Governor					
					Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds
54	DNR	Resource Dev/Land Development	15	(b)		270.0					270.0		(10.0)			(10.0)		(30.0)				(30.0)
55	DNR	Resource Dev/Land Development											(20.0)			(20.0)						
56	DNR	Resource Dev/Land Development	Deny										(100.0)			(100.0)		(100.0)				(100.0)
57	DNR	Natural Resources	15	(c)					698.0	698.0						(279.0)					(279.0)	(279.0)
58	DOR	Alaska Mental Health Trust Authority	15	(d)					150.0	150.0											150.0	150.0
59	DNR	Resource Dev/Mining Development	15	(e)	800.0					800.0	800.0					800.0						
60	DNR		15	(f)		650.0				650.0		650.0				650.0		650.0				650.0
61	DNR		15	(g)		630.0				630.0		630.0				630.0		630.0				630.0
62	DNR		15	(h)		150.0				150.0		150.0				150.0		150.0				150.0
63	DNR	Res Dev/Land Dev	15	(i)					432.5	432.5					432.5	432.5					432.5	432.5
64	DNR		15	(j)		568.0				568.0		568.0				568.0		568.0				568.0

**Senate Bill 83/House Bill 113
FY 97 SUPPLEMENTAL APPROPRIATIONS
(In Thousands)**

DEPT.	BRU/ COMPONENT	DESCRIPTION	Sen Sec #		CS for Senate Bill 83(Fin)						Senate v. House						Senate v. Governor					
					Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds
65	DNR	Mgmt & Admin/Comm Ofc	15	(k)		150.0					150.0		150.0			150.0		150.0				150.0
66	DNR		15	(l)		43.9					43.9		43.9			43.9		43.9				43.9
67	DPS	Village Public Safety Officer/Contracts	16	(a)																		
68	DPS	Council on Domestic Violence and Sexual Assault	16	(b)	130.8						130.8	(74.7)				(74.7)	(74.7)					(74.7)
69	DOA	Various	17																			
70	DOL	Various	17																			
71	HSS	Various	17																			
72	DNR	Various	17																			
73	DMV	Various	17																			
74	LAW	Various	17																			
75	DOR	Treasury Management	18			25.0					25.0						(6.0)					(6.0)
76	DOT	Alaska Marine Highway Stabilization Fund	19	(a)		130.0					130.0						(261.4)					(261.4)
77	DOT	Office of the Commissioner	19	(b)		444.5					444.5											
78	CTS	Trial Courts	20	(a)		32.2					32.2											
79	CTS	Commission on Judicial Conduct	20	(b)		30.4					30.4						7.4					7.4

**Senate Bill 83/House Bill 113
FY 97 SUPPLEMENTAL APPROPRIATIONS
(In Thousands)**

DEPT.	BRU/ COMPONENT	DESCRIPTION	Sen Sec #	CS for Senate Bill 83(Fin)						Senate v. House						Senate v. Governor							
				Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds		
89	DPS	Training Academy																					
90		Capital project - Training academy. Repeal/reappropriation. Statewide Deferred Building. Sec 10, ch. 4, FSSLA 94, pg 12, ln 24 \$60.0 GF	Deny																				
91				36,090.1	14,010.1	116.5	710.0	12,813.7	63,740.4	1,725.3	2,754.8	57.3	700.0	(156.3)	5,081.1	925.3	(3,603.6)	(147.0)	700.0	(1,783.7)	(3,909.0)		
92	AGENCY SUMMARY			Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds	Federal	GF	GF/ Prgm	GF/ Match	Other	Total Funds		
93	DOA	Administration			2,181.4	53.0			2,234.4		1,232.1	53.0		(309.8)	975.3		220.8	53.0				273.8	
94	CED	Commerce and Economic Development		18,000.0		4.3		10,000.0	28,004.3		(60.0)	4.3			(55.7)		(60.0)					(60.0)	
95	CRA	Community and Regional Affairs		50.0				1,500.0	1,550.0		(1,500.0)				(1,500.0)		(1,500.0)					(1,500.0)	
96	DOC	Corrections		1,000.0	641.3				1,641.3	1,000.0					1,000.0	1,000.0	(2,300.0)					(1,300.0)	
97	DOE	Education		5,580.0		52.0			5,632.0														
98	DFG	Fish and Game		430.0	1.3				431.3		(115.0)				(115.0)		(115.0)					(115.0)	
99	HSS	Health and Social Services		10,099.3	1,619.1				11,718.4		22.9				22.9		(1,432.6)	(200.0)				(1,632.6)	
100	LAW	Law			1,348.1	(10.0)	10.0	16.0	1,364.1		646.5				646.5		(0.1)					(0.1)	
101	DMV	Military and Veterans Affairs			921.4	17.2	700.0	17.2	1,655.8		206.4		700.0		906.4		(398.6)		700.0	17.2		318.6	
102	DNR	Natural Resources		800.0	6,130.2			1,130.5	8,060.7	800.0	1,821.9			153.5	2,775.4		1,741.9				153.5	1,895.4	
103	DPS	Public Safety		130.8	4.3				135.1	(74.7)					(74.7)	(74.7)					(2,104.4)	(2,179.1)	
104	DOR	Revenue			25.0			150.0	175.0								(6.0)				150.0	144.0	
105	DOT	Transportation and Public Facilities			575.4				575.4								(261.4)					(261.4)	
106	CTS	Courts			62.6				62.6								7.4					7.4	
107	LEG	Legislature			500.0				500.0		500.0				500.0		500.0					500.0	
108		Total		36,090.1	14,010.1	116.5	710.0	12,813.7	63,740.4	1,725.3	2,754.8	57.3	700.0	(156.3)	5,081.1	925.3	(3,603.6)	(147.0)	700.0	(1,783.7)	(3,909.0)		
109																							
110	GF				14,010.1				14,010.1		2,754.8				2,754.8		(3,603.6)					(3,603.6)	
111	GF/Program Receipts					116.5			116.5			57.3			57.3			(147.0)				(147.0)	
112	GF Match						710.0		710.0				700.0		700.0				700.0			700.0	
									GF Subtotal 14,836.6						GF Subtotal 3,512.1							GF Subtotal (3,050.6)	
113	CSSB 74 (Fin) Am H (Venetic case - approved by the Governor).				1,000.0				1,000.0		1,000.0				1,000.0		1,000.0					1,000.0	
114									GF Total 15,836.6						GF Total 4,512.1							GF Total (2,050.6)	
115																							