

LEG. FINANCE - BILLS 1979 - 1980 1167

HB 714 cont., thru HB 717 1062

## ALTERNATE DUMP FACILITIES

Due to the topography of the Icy Cape and Cape Yakataga areas there were only a few dump sites available which met the criteria of a feasible dump site. The criteria used by this study team were:

1. a dump that would be easily accessible to a road system,
2. a large enough area surrounding the dump site for a sort yard,
3. a deep enough area to handle the draft of a tug and barge, about 18-20 feet in depth,
4. an area that can offer shelter from the storms of the Gulf of Alaska,
5. Ocean bottom conditions capable of driving piling or supporting a fill-type dump ,
6. a dump that can be constructed at a price that could be amortized over a 4-year time frame, with 40 million board feet scribner, and
7. an area that could handle the environmental impact of decked logs and a barge loading facility.

After selecting these criteria, the only sites that deserved to be explored further were Cape Yakataga and the Estuary of the Kaliakh River.

### Cape Yakataga

This area is accessible to an already-constructed road which made it a prime area for review. It has an area large enough to support a sort yard and dry storage area, but the area was not deep enough to handle a tug and barge without the construction of a 1500 foot dock and loading area. Driving pilings in this area is difficult due to a slate type of rock formation that is an extension of a hill near the White Alice site at Cape Yakataga. During the time we visited this area, there was a storm with winds up to 50 mph. We observed a 13-foot sea that was breaking approximately 2600 feet from the high tide mark and continually breaking again 3 more times before reaching the beach. From this observation, we concluded that this area has too rough ocean conditions to allow for the loading of barges without undue risk. The winds of the Icy Cape area observed from our stay in the Yakataga area are more turbulent than the winds down the coast because of its more exposed position on the Gulf of Alaska.

In conclusion, the Cape Yakataga dump site is not feasible from the point of amortizing its costs over a 40 million board feet sale, the unstable wind patterns, and the lack of good shelter from the storms of the Gulf of Alaska.

Kaliakh River Dump Site

From looking on the map, this area would offer good protection from storms plus give a good area for sorting and decking of logs. Upon examination of the site, we discovered an estuary situation with wide shallow areas and a fluctuating river channel. The river carries large amounts of silt and debris. Because of the estuary condition, a 1000 foot dock, plus continual dredging of one-half mile of the river to keep it open for tug and barge traffic, would be necessary. At the mouth of the Kaliakh River there is shallow water with a large tide rip. This condition would create problems with bringing in a tug and barge to the mouth of the river. Due to the estuary condition, environmental problems could result from the storage of logs plus the continual dredging activity.

In conclusion, the Kaliakh River dump site is unfeasible due to its shallow water which would require large capital investment that could not be effectively amortized over the 40 MMBF to be harvested. Also the environmental aspects of dredging and log storage would create problems with other agencies.

The only dump site that is available is the one South Central Timber uses in Icy Bay. The Gulf of Alaska has a history of bad storms that, within 6 to 8 hours, can reach a magnitude which is capable of estroying barges, docks, and bridges. Because of this, a transfer site should be carefully planned to reduce the risk to the purchaser of state timber.

The comment was made by Crowley Marine, who has significant barging experience in the Gulf of Alaska, that any docking facility on the Gulf other than at Icy Bay is extremely risky.

In summary the only dump site available is the one at Icy Bay being used by South Central. Any other dump sites other than the one at Icy Bay is too costly, contain a high risk of lossing the resource plus tug and barges and could be environmently sensitive.

EXISTING ROADS

During the late 1950s and early 1960s, Phillips Petroleum drilled various wells in the Icy Bay-Cape Yakataga area. To access these wells, they constructed a vast road network. The road network consisted of 2 systems. The first system begins at the present dump site of Southcentral Timber at Icy Bay, and continues to Mundy Creek. The second road system starts at Cape Yakataga and continues to the upper reaches of the White River drainage.

The existing road from Cape Yakataga is still in good condition, except from Two Mile Creek to Fulton Creek where the road has been washed out due to erosion of the beach caused by tidal action. Since this portion of the road would have to be realigned to access the timber further inland, this really is not a problem. Some areas have revegetated to thick alder which will require complete rebuilding of the road. The road from Fulton Creek to the upper drainage of the

White River can be used for timber extraction with few minor changes in alignment to access the timber. The road is in excellent condition and does not require any work except blading and shaping.

The road from Icy Bay to Mundy Creek has been used by the existing contractor for timber contract SC-182, with minor changes in alignment. The most work done to these roads was the removal of alder cover and the placing of one foot of rock for surfacing.

#### ROCK AND GRAVEL SOURCES

There are rock and gravel sources between Mundy Creek and Cape Yakatka. The sources identified were the Little River, Johnston Creek, a shale pit located on the White River, a gravel pit located near the White Alice site at Cape Yakataga, and possible pits that might be found between Acme Creek and Cape Yakataga.

The Little River pit is poor quality gravel because of its high silt content. The silt content lowers the road's capacity to hold loads, which usually results in ruts, silt in streams, and high amounts of rock to make the road stand up to heavy payload. Because it is the only rock source available except for the pit located at Johnston Creek, which is small and will be utilized for the construction of spurs on the east and west sides of Johnston Creek, the Little River pit will have to be used to construct all roads until the shale pit is developed on the White River.

The shale pit on the White River would be developed at a toe of a hill located about three-quarters of a mile up the White River drainage on the west side. We only considered the possibility that the rock would be ripped rather than shot.

The possible gravel pit between Acme Creek and Cape Yakataga was not located, but from analysis of the area, we suspect that there might be some usable gravel between these areas.

The gravel pit at Cape Yakataga is the pit used in the construction of roads in the area and is located about one-half mile from the White Alice station.

#### BRIDGES

From Mundy Creek to Cape Yakataga, two main bridges were studied. These were high flow bodies of water which needed to be surveyed for possible bridge crossing sites. The two bodies of water were Lawrence Creek and White River. The criteria used to select these bridge crossings were:

1. no bridge greater in span than 70 feet;
2. suitable approaches that do not exceed 6% favorable or adverse grades;

3. the ability to move equipment across the stream without undue environmental impacts, and
4. good support for sill logs that have a marginal chance of washing out during periods of high stream flow.

The White River crossing involves a double span bridge utilizing an island for the center pier. The approximate distance by ocular estimate was 40 feet on the east side of the river and a 70 foot span on the west side giving a 110 foot total span length with good approaches on both sides of the river.

The Lawrence Creek crossing would involve a 70 foot span located about three-quarters of a mile above the mouth of Lawrence Creek. The reason for this site was that suitable approaches cannot be built until reaching one-half mile above the stream.

#### AREA DETERMINATION

##### Determination of Salable Area

Forested land in the Icy Bay/Cape Yagataga area was divided into two broad categories: commercially operable lands and non-commercial lands. Four interdependent considerations were selected for drawing this distinction: 1) estimated volume per acre, 2) market value of stumpage, 3) logging costs, and 4) non-timber values such as soils, wildlife, and recreation.

##### Volume Per Acre

The average minimum volume per acre of commercially operable land was selected at 25 MBF. This figure represents the marginal volume necessary to compensate for operating costs in the majority of sites. In places where haul distances are long and road construction costs high, the minimum volume per acre will necessarily be higher.

##### Market Values of Stumpage

All harvested logs in the sale area are recorded in accordance with the Puget Sound Log Scaling and Grading Bureau rules. Grade determination is largely a function of volume. The Puget Sound Rules require any log within the top three grades to have a minimum 30 inch diameter, breast high. Dollar value of any grade depends upon the market conditions at the time of sale. There are two markets accessible to the purchaser; the Japanese export and the pulp mills of Southeastern Alaska. The Japanese market utilizes only those logs within the top three grades, all lower quality logs are shipped to Southeastern. Transportation costs, in addition to logging costs, exceed the stumpage value of low grade logs thus creating a negative stumpage. This must be compensated by the sale of a sufficient number of high grade logs in order to break even.

## Logging Costs

Logging costs are affected by topography, volume per acre, and haul distance to sort yard. Any changes in these factors can change the economics of harvesting any stands. The three factors were determined by photo interpretation using 1 inch to 1 mile quad maps and field checking during our recon trip in September.

The main areas deleted by high estimated logging cost are the north side of the Yakataga River and the Duktoth River drainages. These areas were deleted because the topography is low and flat, with many braided stream channels. Because of the topography, there will be a large amount of fill material and a large bridge crossing to access this area. The estimated cost of crossing the north channel of the Yakataga River alone, using the costs of Kodiak Lumber Mill's crossing of the Chakachatna River, would be from \$200,000 to \$250,000 at today's prices. The cost of Kodiak Lumber Mill's crossing was \$110,000, and the north channel of the Yakataga River is about twice as long. The timber on the north side of the Yakataga River is enough to amortize the cost of this bridge, but combined with the estimated round trip haul to Icy Bay of 70 miles, would put the volume on the other side of the Yakataga on the deficit side of an appraisal. If a dump could be established at Cape Yakataga, this timber should be included in the timber plan. In the evaluation of the Cape Yakataga Dump, it was determined that this area would be unsuitable for a log transfer facility at this time.

Even though the area on the north channel of the Yakataga River and Duktoth River are not economical for harvest at this time it should not be excluded from the timber management classification because some day in the future it could be used for timber management with changing technology in the logging industry and the increased demand for wood fiber.

## Soil Conditions

The soils to access the area above the 500 foot contour along the coast are of the cryorthent series which has a low load bearing capacity. This means that to access these areas, road failure is certain. When roads fail, there will be large areas of resource damage that cannot be justified by the volume removed over the road system. These areas were deleted and, if included in future plans, are subject to "exotic" logging systems, such as helicopter and balloon which, in the opinion of the author, are not cost-effective to yield enough stumpage return at present especially on a small sale. These areas should not be eliminated from forest classification because logging technology could improve and that would make these areas commercially operable.

## VOLUME DETERMINATION

In working with the volume data received from our recon trip in September. We found that our volumes from our trip did not fit into the original type. Due to this fact, we found that to type this area effectively we will have to type by basal area rather than diameter since basal area is more important in volume distribution than diameter.

Even though there were errors in the original typing, we feel that the volumes from ground truthing were in line with what was projected in the original typing. So, as a result, we will go with these figures until we can identify a typing system which can give us some stability in the volume calculations.

#### Data for Short Term

The estimated volume of salable timber in the Icy Bay-Cape Yakataga area was derived by the following procedures:

1. delineation of accessible, merchantable timber on aerial photographs,
2. stratification into timber stand types based upon species, age, and stand density,
3. calculation of areas for each stand type,
4. derivation of volume per acre by stand type, and
5. calculation of volume totals.

#### Methods

##### Delineations of Accessible, Merchantable Timber

Using the YAK series of aerial photographs taken in August 1970, staff forester Mike Peacock interpreted the boundaries of areas containing commercially operable timber. These were marked directly on the photos. Criteria for selection included tree size, stand density, haul distance, slope, and soil stability.

##### Stand Stratification

The following system of stand typing was followed:

##### Species

S	greater than 50% spruce
H	greater than 50% hemlock
SH	mixed cover with neither species comprising greater than 50% coverage, but both species together greater than 50%. Spruce predominant.
HS	same as above, except hemlock predominant
X	area containing less than 50% forest cover

Size Classes

1	Reproduction	1" - 4.5" D.B.H.
2	Poletimber	4.6" - 10.5" D.B.H.
3	Small sawtimber	10.6" - 20.5" D.B.H.
4	Old sawtimber	20.6 +

Percent Cover\*

5	50% - 59% cover
6	60% - 69% cover
7	70% - 79% cover
8	80% - 89% cover
9	90% - 99% cover

\* were marked directly on photos.

Calculation of Area

Timber type boundaries were transferred from aerial photos to a mylar overlay with ink. Using a K&E compensating polar planimeter, areas in square inches by timber type were calculated. Average photo scale was determined by taking several samples along the length of the study area. Ideally, a scale determination for each photo would be used, but a lack of time prevented this approach. Average photo scale was 1:15,796 (39.78 acres per square inch), which compares favorably to the nominal scale of 1:15,840 (40.0 acres per square inch).

Derivation of Volume per Acre

The only available field data for the study area came from three U.S. Forest Service inventory plots taken in 1975. Gross and net volumes for spruce and hemlock were estimated. Plot location was correlated with timber type and volume per acre assigned to that type from the inventory. Available plot information pertained only to size Class 4 timber (greater than 20.5: D.B.H.). Volumes for size Class 4 timber types with no inventory data were determined by graphic projection assuming a linear relation between volume and percent cover. Only one plot was located in hemlock site Class 4, so the assumption was made that the slope of the line for hemlock was equal to that of spruce.

For size Class 3 timber, five samples of 0.12 acre were taken using the aerial photos for each cover type. The number of trees in each sample were counted. An average number of merchantable trees per acre by cover type was derived. Assuming an average sized tree for this size class for each species as 18 inches DBH and 80 feet in height, an estimate of volume per acre by timber type was derived. For stands of

mixed species, it was estimated that S.I types contained two spruce for every hemlock and vice versa for HS types.

Estimated Volume:

The following timber volume and acreage estimates were derived from information based upon a number of assumptions, as noted above. The estimates should be interpreted as general approximations and do not reflect the degree of confidence obtained by utilizing field inventory data. Bearing this in mind, the results are as follows:

Area 1: Mundy Creek to East Bank of White River:

<u>Total Area</u>	<u>Total Volume</u>	<u>Average Volume Acre</u>
2709 acres	105.1 MMBF	38.8 MBF

Area 2: West Bank White River to Cape Yakataga

<u>Total Area</u>	<u>Total Volume</u>	<u>Average Volume/Acre</u>
1468 acres	56.6 MMBF	38.6 MBF

Area 3: Yakataga River Basin

<u>Total Area</u>	<u>Total Volume</u>	<u>Average Volume/Acre</u>
2046 acres	59.8 MMBF	29.2 MBF

Total for all areas:

<u>Total Area</u>	<u>Total Volume</u>	<u>Average Volume/Acre</u>
6223 acres	221.5 MMBF	35.5 MBF

ALLOWABLE CUT

After taking all the variables involved in determining area and the volume figured by type, we came up with an annual cut figure using the area-volume calculation. The volumes and area were broken down by geographical areas to aid in the planning process.

Contract Volume	141,497 MBF
Volume Not Under Contract*	<u>221,697 MBF</u>

Total Volume Available for Harvest = 363,194 MBF

The estimated rotation age was determined to be 100 years which Enzo Becia used in his calculations for the Yakataga area.

Allowable Cut =  $363,194/100 = 3.6$  million board feet

\* The volume under contract is more than the 221,697 MBF stated above due to the fact that 2,000 acres of contract area was deleted due to goat habitat.

## Time Schedule for Icy Cape Sale

<u>Date of Project</u>		<u>Project</u>
<u>Beginning Date</u>	<u>Completion Date</u>	
9/7/79	9/15/79	Advance Recon of Sale Area
9/16/79	10/5/79	Report of Volume and Conditions of Icy Cape No. 2 Sale
10/79	11/31/79	Sale Design
11/31/79	1/30/80	Sale Review & Preliminary Decision
1/30/80	3/15/80	Stand Type and Cruise Design
3/15/80	3/25/80	First 10 Day Sale Layout Trip
4/1/80	4/11/80	Second 10 Day Sale Layout Trip
4/11/80	7/4/80	Work Cruise
4/30/80	5/31/80	Appraisal & contract complete for review
5/31/80	7/4/80	Advertisement & final decision
	8/30/80	Bid Date

## COSTS

Project	Projected Cost	Actual Cost
A) Advance Recon of Sale Area	9/7/79 to 9/15/79	
1) Per Diem 3-2 Man Crews	\$1,444*	Ø
2) 1 Helicopter 3 Days	2,000+	\$3,657
3) Alaska Airlines Anchorage to Yakutat	566	642
4) Air Charter Yakutat to	520	465
SUBTOTAL ADVANCE RECON	\$4,530	\$4,764
B) Sale Cruise and Layout	3/15/80 to 4/11/80	
3 Forest Tech. III 3 Months	15,150	
1 Forester II 3 Months	7,500	
Aerial Photo	6,000	
Supplies	2,000	
Food/Lodging	<u>8 100</u>	
Total FY 80	\$43,680	
C) Associated Costs FY 81		
1 Vehicle 4 x 4 PU	9,500	
1 Crew Quarters	12,000	
1 Forester II Sale Administration	29,500	
1 Tech. III	<u>20,200</u>	
	\$71,200	
D) State Office Time		
100-5.3, 100-0.5, 300-0.5	<u>6,300</u>	
	\$77,500	
* Per Diem Picked up by Gulf Timber		
+ Extra Helicopter Cost Due to 50 Mile Head Winds		

WANAMAKER, DEVEAUX & CRABTREE

A PROFESSIONAL CORPORATION  
750 W. SECOND AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501

JAMES N. WANAMAKER  
LEROY E. DEVEAUX  
RICHARD L. CRABTREE

TELEPHONE  
AREA CODE 907  
279-6591

September 13, 1979

Mr. Dave Wallingford  
Management Forester  
Department of Natural Resources  
323 East 4th Avenue  
Anchorage, Alaska 99501

SUBJECT: Proposed New Sale In The Icy Cape Area

Dear Mr. Wallingford:

South-Central is very concerned about the problems which would result from any sale to another bidder which would contemplate use of the road system, storage yard, loading area and dock built by South-Central.

Nothing in this letter should be construed as an admission that the State has the right to impose a second operator upon the log transportation network created by South-Central. We are, however, concerned that you identify these problem areas as soon as possible:

1. The log storage yard is bounded on the rear by a impregnable rock cliff and, of course, on the front by the waters of Icy Bay. The yard provides insufficient space for South-Central's operations as they now exist. Trying to incorporate the operations of another timber operator on this storage yard would be extremely difficult.

2. The use of the dock facility involves a very important time factor. This arises from the fact that the waters of Icy Bay are often filled with icebergs and there are prolonged periods of time when maritime operations are not feasible. During these periods, barges must lie offshore and wait until conditions clear. When conditions clear there is a scramble to move the logs as soon as possible before conditions close in again. It would be extremely difficult if two companies were trying to rush to utilize the identical facilities at the same time.

Mr. Dave Wallingford  
September 13, 1979  
Page 2

3. South-Central pioneered the Icy Cape area when no one else was willing to try, and it has invested a great deal of money in this very high risk venture. South-Central must protect its right to receive the benefit of that investment.

4. South-Central has several years of logging left on SC-182 and must protect its capacity to move timber through the roads, storage yard, and dock.

This letter is being rushed to you to indicate South-Central's concerns on the matter. Of course, there are many other factors which must be considered.

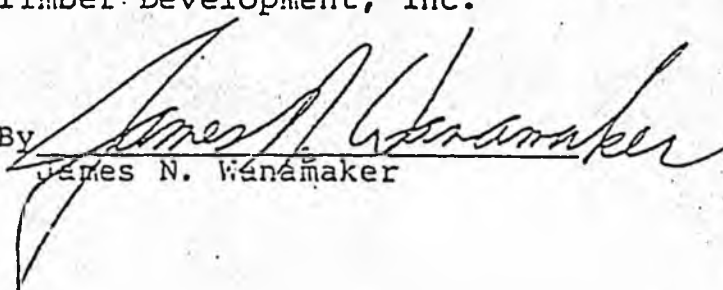
Thank you for your attention to these concerns.

Sincerely yours,

WANAMAKER, DEVEAUX & CRABTREE  
A Professional Corporation

Attorneys for South-Central  
Timber Development, Inc.

By

  
James N. Wanamaker

JNW/sl

FY 80 SUPPLEMENTAL REQUEST ANALYSIS

	1	2	3	4	5	6	7	8	9	10	11
	FY 78 ACTUAL	FY 79 FINAL AUTH.	FY 79 ACTUAL	FY 80 GOV. BUDGET	FY 80 INITIAL AUTH.	FY 80 CURRENT AUTH.	FY 80 EXPENDITURES + ENCUMBRANCES 7/1/-11/30	FY 80 OTHER OBLIGATIONS 7/1/-11/30	FY 80 PROJECTED EXPENDI- TURES + ENCUMBRANCES 12/1-6/30	FY 80 (DEFICIT) OR EXCESS	FY 81 CONTINUATIO
PERSONAL SERVICES	103.6	166.0	154.4	174.2	165.5	165.5	67.9	0	97.4	-	
TRAVEL	7.8	7.7	12.5	15.0	5.8	5.8	6.1	0	0	-(.3)	
CONTRACTUAL SERVICES	16.7	63.4	56.3	52.6	44.7	44.7	4.7	0	39.4	+(.6)	
COMMODITIES	1.4	10.9	12.8	1.5	1.2	1.2	1.5	0	0	-(.3)	
EQUIPMENT	.4	11.1	11.2	7.0	0	0	0	0	0		
LANDS, BLDG. ...											
GRANTS, CLAIMS, ...											
MISCELLANEOUS											
TOTAL	129.9	259.1	247.2	250.3	217.2	217.2	80.2	-	137.0	-	
FEDERAL RECEIPTS											
REQUIRED GF MATCHING											
OTHER GENERAL FUND	129.9	259.1	247.2	250.3	217.2	217.2	80.2		137.0		
INTER-AGENCY RECEIPTS											

AGENCY: Natural Resources BRU: FOREST PROTECTION & MANAGEMENT COMPONENT: MANAGEMENT & TIMBER SALES REVISED: \_\_\_\_\_



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith  
Signature of Camera Operator

3/20/90  
Date

Funding Information:  
General Fund: \$10,800  
Other Funds: -0-  
\$10,800

Introduced: 2/11/80  
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 715

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

10 \* Section 1. The sum of \$10,800 is appropriated from the general fund  
11 to the Department of Law, to pay miscellaneous judgments against the state.

12 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
13 10.070(c).

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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 11, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making a supplemental appropriation to the Department of Law to pay miscellaneous small judgments against the state.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Jay S. Hammond  
Governor

BAM  
FEB 1 REC'D

TO:  Ron Lehr, Director  
Division of Budget & Management  
Department of Administration

DATE: February 1, 1980

FILE NO.

TELEPHONE NO.

FROM: AVRUM M. GROSS  
ATTORNEY GENERAL

SUBJECT: FY80 Supplemental  
Request - Judgments

By: *Richard I. Pegues*  
Richard I. Pegues  
Administrative Officer

The Department of Law requests a supplemental appropriation of \$7.5 to satisfy various judgments against the state, which have exceeded the department's annual appropriation of \$15.0 and which was previously allocated for this purpose.

The annual appropriation is intended to satisfy miscellaneous small judgments without delaying settlement to the prevailing parties. Major judgments, those exceeding \$5,000, are almost always the subject of supplemental appropriations because of the limited amount available in the annual appropriation. During the past five or six years, supplemental appropriations for this purpose have varied from as high as \$250.0 to this year's low of \$7.5.

Included in this year's request are four judgments totaling \$7,345.00. Interest, at 8%, has also been included at a cost of \$155.00, as provided by court rules. The interest has been computed with an anticipated payment date of April 30. One of the judgments, State v. Nausan, in the amount of \$2,000.00, has already been paid, and a debit in this amount is being carried in the object allocation for judgments. This payment was made because the court approved settlement agreement stipulated payment within twenty days.

Attached for your review are copies of the four judgments to be paid by this supplemental.

RIP/lm  
Attachment







STATE OF ALASKA  
Office of the Governor  
Budget & Management Div.

REVISED PROGRAM SUMMARY  
by  
BUDGET COMPONENT

CATEGORY	General Government
COVER PROGRAM	Legal Services
AGENCY	Department of Law
DIVISION	Civil - Reimbursable Program
BUDGET REQUEST UNIT	Legal Services
BUDGET COMPONENT	Legal Services Operation
APPROPRIATION	
ALLOCATION	

	INITIAL AUTHORIZATION	Cont. RP 7/1/79	FY 80 RP Cont.	Educ. RP 80X193	Com. RP 80X127	Re. ABC RP 80X180	DOT/PF RP 80X205	Admin. RP 80X200	AMENDED AUTHORIZATION	
01	PERSONAL SERVICES	3,737.1		43.4	7.0		81.7	30.3	3,899.5	
02	TRAVEL	153.0	13.2	18.3	(2.0)		24.2	10.0	216.7	
03	CONTRACTUAL	845.1	77.4	(24.8)	(2.0)	2.1	57.7	12.0	967.5	
04	COMMODITIES	42.3		6.5	(.5)			.2	48.5	
05	EQUIPMENT	--								
06	LANDS, BUILDINGS	9.6							9.6	
07	GRANTS, CLAIMS	15.0							15.0	
08	MISCELLANEOUS									
	Unallocated		43.2							
	TOTAL	4,802.1	133.8	-0-	43.4	2.5	2.1	163.6	52.5	5,200.00
1002	FEDERAL RECEIPTS	239.0	43.2						282.2	
1003	G/F MATCH									
1004	GENERAL FUND	3,028.3				2.1			3,030.4	
1005	I/A RECEIPTS	1,534.8	90.6	43.4	2.5		163.6	52.5	1,887.4	
1028	PROGRAM RECEIPTS									
15	FULL TIME	94.0		1.0				1.0	96.0	
16	PART TIME	2.0							2.0	
17	TEMPORARY	.4							.4	
18	MAN-MONTHS	1144.0		10.0				10.0	1164.0	

STATE OF ALASKA  
Office of the Governor  
Budget & Management Div.

REVISED PROGRAM SUMMARY  
by  
BUDGET COMPONENT

Page 2

CATEGORY	General Government
COVER PROGRAM	Legal Services
AGENCY	Department of Law
DIVISION	Civil - Reimbursable Program
BUDGET REQUEST UNIT	Legal Services
BUDGET COMPONENT	Legal Services Operation
APPROPRIATION	
ALLOCATION	

	AMENDED ANNUAL AUTHORIZATION	Rev-CSEA RP 80X76	RevOil RP 80X75	Labor RP 80X204	F&G RP 80X259	Anti-Trust RP 80 7X15	Coastal Mgmt RP 80X228	DOT/PF RP 80X205	AMENDED AUTHORIZATION	
01	PERSONAL SERVICES	3,899.5	20.6	5.0	6.8	12.3	30.1	32.1	12.1	4,018.5
02	TRAVEL	216.7	3.0				2.7			222.4
03	CONTRACTUAL	967.5	1.8				9.0			978.3
04	COMMODITIES	48.5					.7			49.2
05	EQUIPMENT	-					.7	1.8	1.2	3.7
06	LANDS, BUILDINGS	9.6								9.6
07	GRANTS, CLAIMS	15.0								15.0
08	MISCELLANEOUS									
	Unallocated	43.2					(43.2)			
	TOTAL	5,200.0	25.4	5.0	6.8	12.3	-0-	33.9	13.3	5,296.7
1002	FEDERAL RECEIPTS	282.2								282.2
1003	G/F MATCH									
1004	GENERAL FUND	3,030.4								3,030.4
1005	I/A RECEIPTS	1,887.4	25.4	5.0	6.8	12.3	-0-	33.9	13.3	1,984.1
1028	PROGRAM RECEIPTS									
15	FULL TIME	96.0						1.0	1.0	98.0
16	PART TIME	2.0								2.0
17	TEMPORARY	.4								.4
18	MAN-MONTHS	1164.0						9.0	7.0	1180.0

STATE OF ALASKA  
Office of the Governor  
Budget & Management Div.

REVISED PROGRAM SUMMARY  
by  
BUDGET COMPONENT

Page 3

CATEGORY	General Government
COVER PROGRAM	Legal Services
AGENCY	Department of Law
DIVISION	Civil
BUDGET REQUEST UNIT	Legal Services
BUDGET COMPONENT	Legal Services
APPROPRIATION	
ALLOCATION	

		Restriction				Judgments			AMENDED AUTHORIZATION
		AMENDED AUTHORIZATION	H&SS RP	NR RP	HuRgts RP	AD-Ret. RP	THIS RP REQUEST	RP	
01	PERSONAL SERVICES	4,018.5	(4.1)		8.8				4,023.2
02	TRAVEL	222.4							222.4
03	CONTRACTUAL	978.3				15.0			993.3
04	COMMODITIES	49.2							49.2
05	EQUIPMENT	3.7							3.7
06	LANDS, BUILDINGS	9.6							9.6
07	GRANTS, CLAIMS	15.0					7.5		22.5
08	MISCELLANEOUS								
	TOTAL	5,296.7	(4.1)	Restrict -0-	8.8	15.0	7.5		5,323.9
1002	FEDERAL RECEIPTS	282.2							282.2
1003	G/F MATCH								
1004	GENERAL FUND	3,030.4					7.5		3,037.9
1005	I/A RECEIPTS	1,984.1	(4.1)		8.8	15.0			2,003.8
1028	PROGRAM RECEIPTS								
15	FULL TIME	98.0		1.0					99.0
16	PART TIME	2.0							2.0
17	TEMPORARY	.4							.4
18	MAN-MONTHS	1180.0		10.0					1190.0

FY 80 SUPPLEMENTAL REQUEST ANALYSIS

	1	2	3	4	5	6	7	8	9	10	11
	FY 78 ACTUAL	FY 79 FINAL AUTH.	FY 79 ACTUAL	FY 80 GOV. BUDGET	FY 80 INITIAL AUTH.	FY 80 CURRENT AUTH.	FY 80 EXPENDITURES + ENCUMBRANCES 7/1/-11/30	FY 80 OTHER OBLIGATIONS 7/1/-11/30	FY 80 PROJECTED EXPENDI- TURES + ENCUMBRANCES 12/1-6/30	FY 80 (DEFICIT) OR EXCESS	FY 81 CONTINUA
PERSONAL SERVICES	3201.0	3954.9	3902.1	3738.3	3737.1	4,023.2	1386.0		2637.2		3564.3
TRAVEL	120.6	213.5	187.8	176.0	153.0	222.4	77.3		145.1		159.7
CONTRACTUAL SERVICES	503.4	993.5	830.2	704.3	845.1	993.3	413.7		579.6		804.4
COMMODITIES	45.8	44.7	47.6	48.8	42.3	49.2	20.7		28.5		49.5
EQUIPMENT	5.7	33.7	33.8	7.0		3.7			3.7		3.6
GRANTS, BLDG. ...	9.9	9.6	9.5	9.6	9.6	9.6	9.6				9.6
GRANTS, CLAIMS. ....	17.0	71.4	75.3	15.0	15.0	15.0	11.4	7.5	3.6	(7.5)	15.0
CELLANEOUS											
TOTAL	3903.4	5321.3	5086.3	4699.0	4802.1	5316.4	1918.7		3397.7		4606.1
GENERAL RECEIPTS		205.4	162.3	239.0	239.0	282.2	79.8		202.4		
REQUIRED GF MATCHING											
FROM GENERAL FUND	2475.9	3010.3	2972.0	2912.5	3028.3	3030.4	1102.8	7.5	1927.6	(7.5)	3068.5
FROM AGENCY RECEIPTS	1427.5	2105.6	1952.0	1547.5	1534.8	2003.8	736.1		1267.7		1537.6

*Dick Pegues*

## MEMORANDUM

State of Alaska

RECEIVED  
Department of Law  
Juneau, AlaskaTO: Dick Pegues  
Administrative Officer III  
Juneau AGO

DATE: February 1, 1980

FEB -4 1980

FILE NO:

AM

Pif

7,8,9,10,11,12,1,2,3,4,5,6

TELEPHONE NO:

FROM: Douglas K. Mertz *DKM*  
Assistant Attorney General  
Fairbanks AGOSUBJECT: FCC Inmates v. Williamson  
Orders for attorney fees

Attached are two orders, one from the Superior Court and one from the Supreme Court, awarding attorney fees to Alaska Legal Services.

The underlying case was a class action by female inmates at Fairbanks Correctional Center, alleging deprivation of various civil rights. The plaintiffs prevailed on two issues but were denied attorney fees, and appealed the denial to the Supreme Court. The Supreme Court reversed, ordered attorney fees to be paid under the federal civil rights act attorney fee provision (42 U.S.C. §1988), and itself awarded \$2986.58 as fees and costs on appeal. The Superior Court thereupon awarded \$4005.00 in attorney fees.

In addition, during the pendency of the case below, the parties resolved a contempt motion against the State by an oral stipulation which included a requirement that the State pay \$350 as costs. Payment has been deferred until the entire case became final.

Thus, the total now due is:

Supreme Court fees and costs:	\$2986.58
Superior Court fees and costs:	4005.00
Stipulated costs on contempt:	<u>350.00</u>
	\$7341.58

THE SUPREME COURT OF THE STATE OF ALASKA

ATTORNEY GENERAL

JAN 21 1980

FOURTH JUDICIAL DISTRICT  
STATE OF ALASKA

File No. 3726

ORDER

FAIRBANKS CORRECTIONAL CENTER )  
 INMATES, et al, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 FRANCIS WILLIAMSON, et al, )  
 )  
 Appellee. )  
 )  
 Superior Ct. No. 4FA 76-868 CIV

Before: Rabinowitz, Chief Justice, Connor, Boochever,  
and Matthews, Justices. [Burke, Justice, not  
participating.]

On consideration of the bill of costs filed October 26,  
1979,

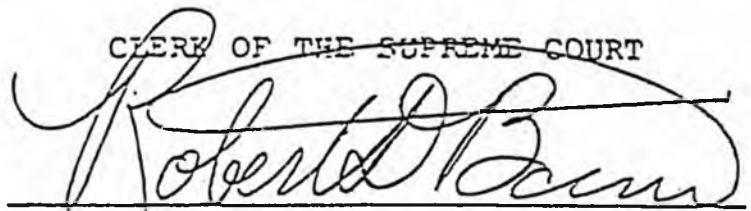
IT IS ORDERED:

Appellants shall recover from appellees for costs and  
attorney's fees as follows:

Costs as itemized	186.58
Attorney's fees	<u>2,800.00</u>
Total	\$2,986.58

Entered by direction of the court at Juneau, Alaska,  
on January 18, 1980.

CLERK OF THE SUPREME COURT



Robert D. Bacon

cc: Justices  
Counsel  
Lori Axtell

Filed and entered Jan 18 1980  
 SUPREME COURT of the State of Alaska  
 Robert D. Bacon, Clerk *wie*  
 By L. Axtell Deputy





James M. Hackett, Inc.  
542 Third Ave-ue  
Fairbanks, Alaska 99701  
(907) 456-3626

Department of Law

1979

Assistant Attorney General

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

Fairbanks, Alaska

FOURTH JUDICIAL DISTRICT

ALASKA PUBLIC EMPLOYEES )  
ASSOCIATION, )

Plaintiff, )

vs. )

LABOR RELATIONS AGENCY OF )  
THE STATE OF ALASKA DEPARTMENT )  
OF LABOR. )

ORDER

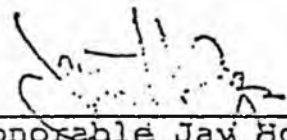
Case No. 4FA 79-538

Being fully advised upon the premises, and after  
argument on Plaintiff's motion on October 22, 1979,

IT IS ORDERED that Plaintiff be, and hereby is,  
awarded Rule 79 costs in the amount of ninety dolla.s  
(\$90.00);

IT IS FURTHER ORDERED that Plaintiff be, and hereby  
is, awarded reasonable attorney's fees in the amount of one  
thousand dollars (\$1,000.00) as prevailing party.

Dated at Fairbanks, Alaska this <sup>OCT 24 1979</sup> day of October,  
1979.

  
Honorable Jay Hodges  
Superior Court Judge

David LeBlond, Esquire  
Assistant Attorney General  
420 L Street, Suite 100  
Anchorage, Alaska 99501

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

ROBERT D. KALLSTROM,  
M. BLANCHE KALLSTROM, ROBERT  
HARRIS, MARIE HARRIS,

Appellants,

vs.

ALCOHOLIC BEVERAGE CONTROL  
BOARD, DONALD G. CASWELL,  
DOLLY L. CASWELL,

Appellees.

RECEIVED  
Department of Law

JAN 10 1980

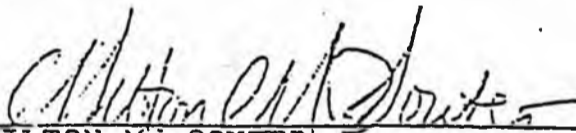
Office of the Deputy General  
Clerk  
Anchorage Branch  
Anchorage, Alaska

No. 3AN-79-1535

ORDER

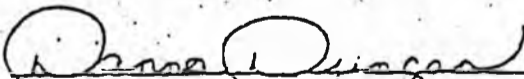
This case was decided on a point of law that neither side raised in their briefs or at oral argument. Appellants were clearly entitled to prevail and the State's opposition was unjustified. In view of these facts the court hereby awards appellants the sum of \$250.00 as attorney's fees pursuant to Appellate Rule 29(d). Kodiak Western Alaska v. Bob Harris Flying Service, 592 P.2d 1200 (Alaska 1979).

ENTERED this 14<sup>th</sup> day of January, 1980, at Anchorage, Alaska.

  
MILTON M. SOUTER  
Superior Court Judge

I certify that on 1/4/80 a copy of the foregoing was mailed to the following at their addresses of record:

David LeBlond, Esq.  
James Vollintine, Esq.

  
Secretary to Judge Souter

STATE  
of ALASKA

MEMORANDUM Dick Pegues

RECEIVED  
Department of Law  
Juneau, Alaska

TO: [ Richard I. Pegues  
Administrative Services  
Department of Law  
Pouch K  
Juneau, AK 99811

DATE: January 25, 1980

FILE NO:

TELEPHONE NO:

JAN 30 1980  
AM 1 PM  
7,8,9,10,11,12,1,2,3,4,5,6

FROM: Connie J. Sipe  
Assistant Attorney General  
Chief, Consumer Protection  
Section  
Department of Law  
AGO - Anchorage

SUBJECT: Attorneys fees owed in State  
of Alaska vs. Neal Hausam,  
Superior Court No.  
3AN-78-856 Civil (Anchorage)

Defendant Neal Hausam, defended by the law firm of Owens & Turner, was a party in the law enforcement case brought by the State of Alaska on behalf of the Department of Commerce to enforce the Alaska Land Sales Practices Act. Hausam was not a land developer, but was an engineer connected with the development, who had materially aided the developers in acquiring various borough permits through his expert testimony. Defendant Neal Hausam's attorney put considerable effort into his defense, and succeeded in having the court dismiss Hausam from the lawsuit.

The defense made on Hausam's behalf involved many hours of attorney time, as Hausam's lawyer, of all the defense lawyers, did the most thorough job of briefing the complex issues in the case, including several which required extensive legislative history research. After the judgment on the entire case was entered in September, 1979, Hausam's attorneys offered to accept a reduced figure for attorneys' fees if the State would agree not to appeal Hausam's dismissal. Defendant Hausam intended to submit an attorneys' fee bill of over \$4,000. Considering the work done by his attorney, it is likely that the judge would have granted at least 66-66-75% of this request, or at least \$2,670. to \$3,000., plus costs. If the court had done so, the State would have been forced to include defendant Hausam in its appeal. For various strategic reasons, the State did not have as great an interest in including Hausam in the appeal. Also, the State felt that to pay the defendant \$2,000 for attorneys' fees was a reasonable settlement that would avoid a time consuming appeal which was in many ways secondary in importance to defending the main appeal brought by the land developers.

Part of the agreement with defendant Hausam was that the \$2,000 would be paid within 20 days after the stipulation entitled "Settlement Agreement" was approved and adopted by the court. In addition to attorneys' fees, this figure represented a full satisfaction of all costs to which the defendant might otherwise be entitled. The settlement

Richard I. Pegues, Administrative Services  
Department of Law  
January 25, 1980  
Page 2

agreement was signed by both parties October 8, 1979, and submitted to the court. Since the judgment in the case had already been entered, it has become common for various motions and orders to sit on the judge's desk for some time, as this one did. It was finally signed by the judge on the 25th day of October, 1979, but not mailed out by the judge's clerk until October 30, and probably received in the Attorney General's office in early November.

Unfortunately, when the signed order was received it was filed away in our office and was not immediately sent to you for payment from our legal fees fund. When this was brought to our attention in December, 1979 by the defendant Hausam's attorney, we were notified that the legal fund had been exhausted. However, part of the negotiation to settle these disputed claims to attorneys' fees, costs, and appeal rights was that the fees be paid timely, (20 days), and not be made subject to waiting until the end of the next legislative session for payment. Therefore, if it is possible to pay these fees now, it should be done, so that the State is treating defendant Neal Hausam in good faith in accordance with its agreement.

/aw/pp

02-0018C

OFFICE OF COMMUNICATIONS  
HAND WRITTEN

**MORANDUM**

*Dick Pegues*

State of Alaska

RECEIVED  
Department of Law  
Juneau, Alaska

TO:

Richard Pegues  
Administrative Services  
Juneau

DEPT \_\_\_\_\_

DIV \_\_\_\_\_

SEC \_\_\_\_\_

JAN - 9 1990

AM PM  
7,8,9,10,11,12,1,2,3,4,5,6

(Department of Law)

DATE January 7, 1880

FROM: Michele D. Brown *M.D. Brown*  
Consumer Protection Section  
Department of Law  
Anchorage  
(Attorney General's Office)

SUBJECT: State of Alaska v.  
George Brown, Jr., et al  
(Windsong)

Enclosed is a Settlement Agreement, signed by Judge Singleton, on one of the Windsong defendants, Neal Hausam. It requires us to pay Hausam \$2,000 in attorneys' fees and costs. It seems that we forgot to send this to you after the judge signed it. Since we have delayed payment, can you please get the check out as soon as possible. The check should go to:

Terrance A. Turner  
Owens & Turner  
425 G Street, #920  
Anchorage, AK 99501

Thanks much

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3  
4 STATE OF ALASKA, )  
5 )  
6 Plaintiff, )  
7 )  
8 vs. )  
9 )  
10 GEORGE BROWN, JR. d/b/a KNIK )  
11 RIVER ESTATES, a limited )  
12 partnership, COMMONWEALTH )  
13 MORTGAGE CORPORATION, an )  
14 Alaskan Corporation, )  
15 JOHN DRYER, individually, )  
16 LAWRENCE BROUSE, individually, )  
17 NEAL HAUSAM, individually, )  
18 and FIRST NATIONAL BANK OF )  
19 ANCHORAGE, )  
20 )  
21 Defendants. )

OCT 3 3 1978

3AN-78-856 Civ.

22 SETTLEMENT AGREEMENT AND MOTION FOR  
23 APPROVAL AND ADOPTION BY COURT

24 COMES NOW defendant, NEAL A. HAUSAM, by and through  
25 his attorneys, OWENS & TURNER, and plaintiff, STATE OF  
26 ALASKA, by and through AVRUM M. GROSS, ATTORNEY GENERAL and  
27 (1) stipulate as follows, and (2) move that the court approve  
28 of and adopt the same as its formal order.

29 1. Judgment on all of the claims which plaintiff  
30 has asserted, is required to assert or could have asserted  
31 against said defendant in the above-referenced action shall  
32 be entered against plaintiff and in favor of said defendant.

33 2. All of said claims shall be dismissed with  
34 prejudice on their merits.

35 3. Plaintiff shall pay said defendant \$2,000.  
36 within twenty (20) days after this stipulation is approved  
37 and adopted by the court in full satisfaction of all court  
38 awarded attorneys' fees and costs to which said defendant  
39 would otherwise be entitled under the law.

40 4. Plaintiff shall release and relinquish with  
41 prejudice any and all rights to appeal to the Alaska Supreme  
42 Court or petition the Alaska Supreme Court for a review of  
43  
44

OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE, BRANCH  
420 L STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
PHONE: 278-3350

8. This stipulation constitutes the entire agreement between the parties, and there are no other agreements, oral or written, prior or contemporaneous, relating to the subject matter hereof which are not included herein.

RESPECTFULLY SUBMITTED at Anchorage, Alaska.

OWENS & TURNER  
Attorneys for Neal A. Hausam

DATED: October 8, 1979

By: *Terrance A. Turner*  
Terrance A. Turner

STATE OF ALASKA

AVRUM M. GROSS  
ATTORNEY GENERAL

DATED: October 8, 1979

By: *Connie J. Sape*  
Connie J. Sape, Chief  
Consumer Protection Section

ORDER

1. The foregoing stipulation is hereby approved and adopted by the court as its formal order.

2. Judgment shall be, and hereby is, entered accordingly.

DATED at Anchorage, Alaska this 21 day of October 1979.

CERTIFICATE OF SERVICE

I certify that copies were mailed to counsel on this 30th day of October, 1979.

*L. L. Singleton*  
Secretary to Judge Singleton

CC: *Arroy. C. Arlietti*  
*John K. Beard*  
*Ernest J. Kilbuck*  
*Connie J. Sape*  
*Terrance A. Turner*

*[Signature]*  
SUPERIOR COURT JUDGE

# MEMORANDUM

# State of Alaska

TO: Alison Elgee  
Legislative Finance Division  
Alaska State Legislature

DATE: February 22, 1980

FILE NO:

TELEPHONE NO:

FROM: AVRUM M. GROSS  
ATTORNEY GENERAL

SUBJECT: Supplemental Request -  
Judgments

By: *Richard I. Pegues*  
Richard I. Pegues  
Administrative Officer

FY80 supplemental budget requests, by the Department of Law, to pay outstanding judgments are as follows:

<u>Case</u>	<u>Amount</u>
<u>FCC Inmates v. Williamson</u>	\$ 4,005.58 (Superior Court)
<u>FCC Inmates v. Williamson</u>	2,986.00 (Supreme Court)
<u>FCC Inmates v. Williamson</u>	350.00 (Stipulated Costs)
<u>APEA v. LRA</u>	1,090.00 (Superior Court)
<u>Kalstrom v. ABC</u>	250.00 (Superior Court)
<u>AK. v. Hausan</u>	2,000.00 (Superior Court)
Interest	155.00
TOTAL	\$10,836.58

Please also be advised that our department has submitted a revision to our supplemental request to the Division of Budget & Management. This revision is for \$4,579.30 in additional funds to cover a new judgment resulting from a case entitled Melton v. Commercial Fisheries Entry Commission. Copies of the relevant court documents requiring the payment of the judgment will be submitted as soon as they are received from our Anchorage office.

RIP/lm

# MEMORANDUM

RECEIVED  
Department of Law  
Juneau, Alaska

TO: [Dick Pegues  
Department of Law

DATE: February 22, 1980

FILE NO: A22-289-79

FEB 27 1980  
7 8 9 10 11 12 1 2 3 4 5 6 PM

TELEPHONE NO:

FROM: Liza Fussner *LF*  
Assistant Attorney General  
AGO - Anchorage

SUBJECT: Melton v. State  
Settlement of Judgment Award

In accordance with our earlier telephone conversation, I am enclosing a copy of the stipulation regarding the judgment for costs and attorneys fees in the Melton limited entry case. I also enclose a copy of the judgment signed by Judge Carlson, which is unfortunately a very poor copy. Although Carlson has not signed the stipulation as of today, I would expect that there is no problem with his signing it. As I mentioned to you earlier, I had not brought this judgment to your attention, because I had moved for reconsideration of Carlson's award and had not yet obtained a ruling. We already made the decision not to appeal this particular case on the merits to the supreme court. Thank you for your help.

SEF:ln  
Enclosures

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
2 THIRD JUDICIAL DISTRICT

3  
4 CLARENCE MELTON, )  
5 Appellant, )  
6 vs. )  
7 STATE OF ALASKA, COMMERCIAL )  
8 FISHERIES ENTRY COMMISSION, )  
9 Appellee. )

10 Case No. 3AN-78-7083

11  
12 STIPULATION FOR SETTLEMENT OF JUDGMENT

13  
14 Appellant and Appellee, through counsel, hereby  
15 stipulate to settlement of the judgment awarding costs and  
16 attorney fees, filed September 20, 1979. The parties hereby  
17 agree to an award of \$4,579.30 as a full and complete  
18 settlement and judgment in the captioned case.

19 DATED this 30<sup>th</sup> day of February, 1980.

20 Patrick Anderson  
21 PATRICK ANDERSON  
22 For Appellant

20 Sarah Elizabeth Fussner  
21 AVRUM M. GROSS, ATTORNEY GENERAL  
22 By SARAH ELIZABETH FUSSNER  
23 For Appellee

23 IT IS SO ORDERED.

24  
25  
26 DATED: \_\_\_\_\_

26 \_\_\_\_\_  
27 SUPERIOR COURT JUDGE

28  
29  
30  
31  
32  
33  
34  
DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
420 L STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
PHONE: 276-3550

original sent to  
Court 2/21/80

RECEIVED

SEP 28 1979

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

CLARENCE MELTON,  
Appellant,  
vs.  
STATE OF ALASKA, COMMERCIAL  
FISHERIES ENTRY COMMISSION,  
Appellee.

Filed In the Trial Courts  
STATE OF ALASKA THIRD DISTRICT

SEP 20 1979

Clerk of the Trial Courts  
By \_\_\_\_\_ Deputy

No. 3AN-78-7083 CIVIL

JUDGMENT

This appeal having come on for hearing before the Court, and the Court having entered its judgment against Appellee on August 14, 1979;

IT IS ORDERED that Appellant recover from Appellee, State of Alaska Commercial Fisheries Entry Commission, costs as taxed by this Court in the amount of \$155.90, plus attorney fees in the amount of \$5,000.00 for a total judgment of \$5,155.90.

DATED this 26<sup>th</sup> day of \_\_\_\_\_, 1979, at Anchorage, Alaska.

VICTOR D. CARLSON  
Judge of the Superior Court

I certify that on 9/26/79 a copy of this document was sent to:  
 Attorney(s) of Record, or  
 Clerk  
D.O.F. 9/26/79  
Deputy Clerk

9/20 SEP 17 1979

HEDLAND, FLEISCHER & FRIEDMAN  
ATTORNEYS AT LAW  
SUITE 400  
1018 WEST 4TH AVENUE  
ANCHORAGE, AK 99501  
(907) 279-5528  
AND (907) 278-3633



*letter +  
book up*

Funding Information:  
General Fund: \$10,800  
Other Funds: -0-  
\$10,800

Introduced: 2/11/80  
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 715

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

10 \* Section 1. The sum of \$10,800 is appropriated from the general fund  
11 to the Department of Law, to pay miscellaneous judgments against the state.

12 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
13 10.070(c).

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29 COMMITTEE COPY

JAY S. HAMMOND  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 11, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making a supplemental appropriation to the Department of Law to pay miscellaneous small judgments against the state.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Jay S. Hammond  
Governor

14B 715

STATE  
of ALASKA

## MEMORANDUM

BAM  
FEB 1 REC'DTO: [ Ron Lehr, Director  
Division of Budget & Management  
Department of Administration

DATE: February 1, 1980

FILE NO:

143 715

TELEPHONE NO:

FROM: AVRUM M. GROSS  
ATTORNEY GENERALSUBJECT: FY80 Supplemental  
Request - JudgmentsBy: *Richard I. Pegues*  
Richard I. Pegues  
Administrative Officer

The Department of Law requests a supplemental appropriation of \$7.5 to satisfy various judgments against the state, which have exceeded the department's annual appropriation of \$15.0 and which was previously allocated for this purpose.

The annual appropriation is intended to satisfy miscellaneous small judgments without delaying settlement to the prevailing parties. Major judgments, those exceeding \$5,000, are almost always the subject of supplemental appropriations because of the limited amount available in the annual appropriation. During the past five or six years, supplemental appropriations for this purpose have varied from as high as \$250.0 to this year's low of \$7.5.

Included in this year's request are four judgments totaling \$7,345.00. Interest, at 8%, has also been included at a cost of \$155.00, as provided by court rules. The interest has been computed with an anticipated payment date of April 30. One of the judgments, State v. Nausan, in the amount of \$2,000.00, has already been paid, and a debit in this amount is being carried in the object allocation for judgments. This payment was made because the court approved settlement agreement stipulated payment within twenty days.

Attached for your review are copies of the four judgments to be paid by this supplemental.

RIP/lm  
Attachment







STATE OF ALASKA  
Office of the Governor  
Budget & Management Div.

REVISED PROGRAM SUMMARY  
by  
BUDGET COMPONENT

CATEGORY	General Government
COVER PROGRAM	Legal Services
AGENCY	Department of Law
DIVISION	Civil - Reimbursable Program
BUDGET REQUEST UNIT	Legal Services
BUDGET COMPONENT	Legal Services Operation
APPROPRIATION	
ALLOCATION	

	INITIAL AUTHORIZATION	Cont. RP 7/1/79	RP FY 80 RP Cont.	Educ. RP 80X193	Com. RP 80X127	RevABC RP 80X180	DOT/PF RP 80X205	Admin. RP 80X200	AMENDED AUTHORIZATION	
01	PERSONAL SERVICES	3,737.1		43.4	7.0		81.7	30.3	3,899.5	
02	TRAVEL	153.0	13.2	18.3	(2.0)		24.2	10.0	216.7	
03	CONTRACTUAL	845.1	77.4	(24.8)	(2.0)	2.1	57.7	12.0	967.5	
04	COMMODITIES	42.3		6.5	(.5)			.2	48.5	
05	EQUIPMENT	--								
06	LANDS, BUILDINGS	9.6							9.6	
07	GRANTS, CLAIMS	15.0							15.0	
08	MISCELLANEOUS									
	Unallocated		43.2							
	<b>TOTAL</b>	<b>4,802.1</b>	<b>133.8</b>	<b>-0-</b>	<b>43.4</b>	<b>2.5</b>	<b>2.1</b>	<b>163.6</b>	<b>52.5</b>	<b>5,200.00</b>
1002	FEDERAL RECEIPTS	239.0	43.2						282.2	
1003	G/F MATCH									
1004	GENERAL FUND	3,028.3				2.1			3,030.4	
1005	I/A RECEIPTS	1,534.8	90.6	43.4	2.5		163.6	52.5	1,887.4	
1028	PROGRAM RECEIPTS									
15	FULL TIME	94.0		1.0				1.0	96.0	
16	PART TIME	2.0							2.0	
17	TEMPORARY	.4							.4	
18	MAN-MONTHS	1144.0		10.0				10.0	1164.0	

STATE OF ALASKA  
Office of the Governor  
Budget & Management Div.

REVISED PROGRAM SUMMARY  
by  
BUDGET COMPONENT

Page 2

CATEGORY	General Government
COVER PROGRAM	Legal Services
AGENCY	Department of Law
DIVISION	Civil - Reimbursable Program
BUDGET REQUEST UNIT	Legal Services
BUDGET COMPONENT	Legal Services Operation
APPROPRIATION	
ALLOCATION	

	AMENDED ORIGINAL AUTHORIZATION	Rev-CSEA RP 80X76	RevOil RP 80X75	Labor RP 80X204	F&G RP 80X259	Anti- Trus c RP 80 7X15	Coastal Mgmt RP 80X228	DOT/PF RP 80X205	AMENDED AUTHORIZATION	
01	PERSONAL SERVICES	3,899.5	20.6	5.0	6.8	12.3	30.1	32.1	12.1	4,018.5
02	TRAVEL	216.7	3.0				2.7			222.4
03	CONTRACTUAL	967.5	1.8				9.0			978.3
04	COMMODITIES	8.5					.7			49.2
05	EQUIPMENT	-					.7	1.8	1.2	3.7
06	LANDS, BUILDINGS	9.6								9.6
07	GRANTS, CLAIMS	15.0								15.0
08	MISCELLANEOUS									
	Unallocated	43.2					(43.2)			
	TOTAL	5,200.0	25.4	5.0	6.8	12.3	-0-	33.9	13.3	5,296.7
1002	FEDERAL RECEIPTS	282.2								282.2
1003	G/F MATCH									
1004	GENERAL FUND	3,030.4								3,030.4
1005	I/A RECEIPTS	1,887.4	25.4	5.0	6.8	12.3	-0-	33.9	13.3	1,984.1
1028	PROGRAM RECEIPTS									
15	FULL TIME	96.0						1.0	1.0	98.0
16	PART TIME	2.0								2.0
17	TEMPORARY	.4								.4
18	MAN-MONTHS	1164.0						9.0	7.0	1180.0

STATE OF ALASKA  
Office of the Governor  
Budget & Management Div.

REVISED PROGRAM SUMMARY  
by  
BUDGET COMPONENT

Page 3

CATLGORY	General Government
COVER PROGRAM	Legal Services
AGENCY	Department of Law
DIVISION	Civil
BUDGET REQUEST UNIT	Legal Services
BUDGET COMPONENT	Legal Services
APPROPRIATION	
ALLOCATION	

		Restriction				Judgments			
	AMENDED <del>BY</del> AUTHORIZATION	H&SS RP 80X287	NR RP 80X308	HuRgts RP 80X336	AD-Ret. RP 80X338	THIS RP REQUEST	RP	RP	AMENDED AUTHORIZATION
01	PERSONAL SERVICES	4,018.5	(4.1)		8.8				4,023.2
02	TRAVEL	222.4							222.4
03	CONTRACTUAL	978.3			15.0				993.3
04	COMMODITIES	49.2							49.2
05	EQUIPMENT	3.7							3.7
06	LANDS, BUILDINGS	9.6							9.6
07	GRANTS, CLAIMS	15.0				7.5			22.5
08	MISCELLANEOUS								
	<b>TOTAL</b>	<b>5,296.7</b>	<b>(4.1)</b>	<b>Restrict -0-</b>	<b>8.8</b>	<b>15.0</b>	<b>7.5</b>		<b>5,323.9</b>
1002	FEDERAL RECEIPTS	282.2							282.2
1003	G/F MATCH								
1004	GENERAL FUND	3,030.4				7.5			3,037.9
1005	I/A RECEIPTS	1,984.1	(4.1)		8.8	15.0			2,003.8
1028	PROGRAM RECEIPTS								
15	FULL TIME	98.0		1.0					99.0
16	PART TIME	2.0							2.0
17	TEMPORARY	.4							.4
18	MAN-MONTHS	1180.0		10.0					1190.0

FY 80 SUPPLEMENTAL REQUEST ANALYSIS

	1	2	3	4	5	6	7	8	9	10	11
	FY 78 ACTUAL	FY 79 FINAL AUTH.	FY 79 ACTUAL	FY 80 GOV. BUDGET	FY 80 INITIAL AUTH.	FY 80 CURRENT AUTH.	FY 80 EXPENDITURES + ENCUMBRANCES 7/1/-11/30	FY 80 OTHER OBLIGATIONS 7/1/-11/30	FY 80 PROJECTED EXPENDI- TURES + ENCUMBRANCES 12/1-6/30	FY 80 (DEFICIT) OR EXCESS	FY 81 CONTINUA
PERSONAL SERVICES	3201.0	3954.9	3902.1	3738.3	3737.1	4,023.2	1386.0		2637.2		3554.3
TRAVEL	120.6	213.5	187.8	176.0	153.0	222.4	77.3		145.1		159.7
CONTRACTUAL SERVICES	503.4	993.5	830.2	704.3	845.1	993.3	413.7		579.6		804.4
COMMODITIES	45.8	44.7	47.6	48.8	42.3	49.2	20.7		28.5		49.5
EQUIPMENT	5.7	33.7	33.8	7.0		3.7			3.7		3.6
LANDS, BLDG. ...	9.9	9.6	9.5	9.6	9.6	9.6	9.6				9.6
GRANTS, CLAIMS. ...	17.0	71.4	75.3	15.0	15.0	15.0	11.4	7.5	3.6	(7.5)	15.0
MISCELLANEOUS											
TOTAL	3903.4	5321.3	5086.3	4699.0	4802.1	5316.4	1918.7		3397.7		4606.1
FEDERAL RECEIPTS		205.4	162.3	239.0	239.0	282.2	79.8		202.4		
REQUIRED GF MATCHING											
OTHER GENERAL FUND	2475.9	3010.3	2972.0	2912.5	3028.3	3030.4	1102.8	7.5	1927.6	(7.5)	3068.5
INTER-AGENCY RECEIPTS	1427.5	2105.6	1952.0	1547.5	1534.8	2003.8	736.1		1267.7		1537.6

*Dick Pegues*

## MEMORANDUM

State of Alaska  
RECEIVED  
Department of Law  
Juneau, Alaska

TO: Dick Pegues  
Administrative Officer III  
Juneau AGO

FROM: Douglas K. Mertz *DM*  
Assistant Attorney General  
Fairbanks AGO

DATE: February 1, 1980  
FEB -4 1980

FILE NO: AM PM  
7,8,9,10,11,12,1,2,3,4,5,6

TELEPHONE NO: ▲

SUBJECT: FCC Inmates v. Williamson  
Orders for attorney fees

Attached are two orders, one from the Superior Court and one from the Supreme Court, awarding attorney fees to Alaska Legal Services.

The underlying case was a class action by female inmates at Fairbanks Correctional Center, alleging deprivation of various civil rights. The plaintiffs prevailed on two issues but were denied attorney fees, and appealed the denial to the Supreme Court. The Supreme Court reversed, ordered attorney fees to be paid under the federal civil rights act attorney fee provision (42 U.S.C. §1988), and itself awarded \$2986.58 as fees and costs on appeal. The Superior Court thereupon awarded \$4005.00 in attorney fees.

In addition, during the pendency of the case below, the parties resolved a contempt motion against the State by an oral stipulation which included a requirement that the State pay \$350 as costs. Payment has been deferred until the entire case became final.

Thus, the total now due is:

Supreme Court fees and costs:	\$2986.58
Superior Court fees and costs:	4005.00
Stipulated costs on contempt:	<u>350.00</u>
	\$7341.58

THE SUPREME COURT OF THE STATE OF ALASKA

ATTORNEY GENERAL

JAN 21 1980

FAIRBANKS CORRECTIONAL CENTER )  
INMATES, et al, )

Appellant, )

v. )

FRANCIS WILLIAMSON, et al, )

Appellee. )

Superior Ct. No. 4FA 76-868 CIV

FOURTH JUDICIAL DISTRICT  
STATE OF ALASKA  
File No. 3726

ORDER

Before: Rabinowitz, Chief Justice, Connor, Boochever,  
and Matthews, Justices. [Burke, Justice, not  
participating.]

On consideration of the bill of costs filed October 26,  
1979,

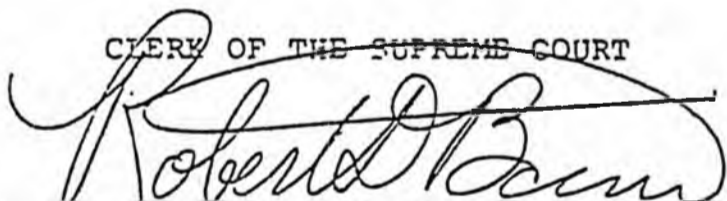
IT IS ORDERED:

Appellants shall recover from appellees for costs and  
attorney's fees as follows:

Costs as itemized	186.58
Attorney's fees	<u>2,800.00</u>
Total	\$2,986.58

Entered by direction of the court at Juneau, Alaska,  
on January 18, 1980.

CLERK OF THE SUPREME COURT

  
Robert D. Bacon

cc: Justices  
Counsel  
Lori Axtell

Filed and entered Jan 18 1980  
SUPREME COURT of the State of Alaska  
Robert D. Bacon, Clerk *wie*  
By Lieki Lang Deputy

JAN 16 1980

FOURTH JUDICIAL DISTRICT  
STATE OF ALASKA  
THE SUPERIOR COURT OF THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT

FAIRBANKS CORRECTIONAL CENTER )  
INMATES, et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
FRANCIS S. L. WILLIAMSON, )  
et al., )  
 )  
Defendants. )

FILED in the Trial Courts  
State of Alaska, Fourth District  
JAN 10 1980  
WAYNE W. WOLFE, Clerk, Trial Court  
By Morse Deputy

No. 76-868

ORDER AND JUDGMENT AWARDING ATTORNEY'S FEES

The Court having considered the issue of attorney's fees in accord with the Mandate of the Supreme Court of the State of Alaska entered herein and being fully advised in the premises,

IT IS ORDERED, that plaintiffs be and hereby are awarded reasonable costs and attorney's fees in the amount of \$4,005.00 for the prosecution of this matter before this Court, and

IT IS FURTHER ORDERED, that judgment in the amount of \$4,005.00 be, and hereby is, entered against the defendants herein in favor of the plaintiffs and that such judgment shall be paid to the order of Alaska Legal Services Corporation, attorneys for the plaintiffs.

DATED this 10<sup>th</sup> day of January, 1980, at Fairbanks, Alaska.

James R. Blair  
JUDGE OF THE SUPERIOR COURT

ALASKA LEGAL SERVICES CORPORATION  
763 SEVENTH AVENUE  
FAIRBANKS, ALASKA 99701  
(907) 456-5401

RECEIVED  
Department of Law  
Juneau, Alaska

THE SUPERIOR COURT OF THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT

JAN 14 1980

AM 7:58 PM  
7,8,9,10,11,12,13,14,15,16

FAIRBANKS CORRECTIONAL CENTER )  
INMATES, et al., )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 FRANCIS S. L. WILLIAMSON, - )  
 et al., )  
 )  
 Defendants. )

FILED in the Trial Courts  
State of Alaska

JAN 10 1980

WAYNE W. WOLFE, Clerk Trial Courts  
By Moore Deputy

No. 76-868

ORDER AND JUDGMENT AWARDING ATTORNEY'S FEES

The Court having considered the issue of attorney's fees in accord with the Mandate of the Supreme Court of the State of Alaska entered herein and being fully advised in the premises,

IT IS ORDERED, that plaintiffs be and hereby are awarded reasonable costs and attorney's fees in the amount of \$4,005.00 for the prosecution of this matter before this Court, and

IT IS FURTHER ORDERED, that judgment in the amount of \$4,005.00 be, and hereby is, entered against the defendants herein in favor of the plaintiffs and that such judgment shall be paid to the order of Alaska Legal Services Corporation, attorneys for the plaintiffs.

DATED this 10<sup>th</sup> day of January, 1980, at Fairbanks, Alaska.

James R. Blair  
JUDGE OF THE SUPERIOR COURT

ALASKA LEGAL SERVICES CORPORATION  
763 SEVENTH AVENUE  
FAIRBANKS, ALASKA 99701  
(907) 354-0101

James M. Hackett, Inc.  
542 Third Ave-ue  
Fairbanks, Alaska 99701  
(907) 456-3626

Department of Law

1979

Case No. 4FA 79-538

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

ALASKA PUBLIC EMPLOYEES )  
ASSOCIATION, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
LABOR RELATIONS AGENCY OF )  
THE STATE OF ALASKA DEPARTMENT )  
OF LABOR. )

ORDER

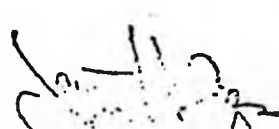
Case No. 4FA 79-538

Being fully advised upon the premises, and after argument on Plaintiff's motion on October 22, 1979,

IT IS ORDERED that Plaintiff be, and hereby is, awarded Rule 79 costs in the amount of ninety dollars (\$90.00);

IT IS FURTHER ORDERED that Plaintiff be, and hereby is, awarded reasonable attorney's fees in the amount of one thousand dollars (\$1,000.00) as prevailing party.

Dated at Fairbanks, Alaska this 24<sup>th</sup> day of October, 1979.

  
Honorable Jay Hodges  
Superior Court Judge

David LeBlond, Esquire  
Assistant Attorney General  
420 L Street, Suite 100  
Anchorage, Alaska 99501

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

ROBERT D. KALLSTROM,  
M. BLANCHE KALLSTROM, ROBERT  
HARRIS, MARIE HARRIS,

Appellants,

vs.

ALCOHOLIC BEVERAGE CONTROL  
BOARD, DONALD G. CASWELL,  
DOLLY L. CASWELL,

Appellees.

RECEIVED  
Department of Law

JAN - 9 1980

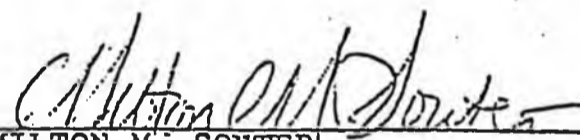
Office of the Attorney General  
Anchorage Branch  
Anchorage, Alaska

No. 3AN-79-1535

ORDER

This case was decided on a point of law that neither side raised in their briefs or at oral argument. Appellants were clearly entitled to prevail and the State's opposition was unjustified. In view of these facts the court hereby awards appellants the sum of \$250.00 as attorney's fees pursuant to Appellate Rule 29(d). Kodiak Western Alaska v. Bob Harris Flying Service, 592 P.2d 1200 (Alaska 1979).

ENTERED this 4th day of January, 1980, at Anchorage, Alaska.

  
MILTON M. SOUTER  
Superior Court Judge

I certify that on 1/4/80 a copy of the foregoing was mailed to the following at their addresses of record:

David LeBlond, Esq.  
James Vollintine, Esq.

  
Secretary to Judge Souter

STATE  
of ALASKA

# MEMORANDUM

Dick Pegues

RECEIVED  
Department of Law  
Juneau, Alaska

TO: [ Richard I. Pegues  
Administrative Services  
Department of Law  
Pouch K  
Juneau, AK 99811

DATE: January 25, 1980

FILE NO:

TELEPHONE NO:

JAN 30 1980

AM 1 PM  
7,8,9,10,11,12,1,2,3,4,5,6

FROM: Connie J. Sipe  
Assistant Attorney General  
Chief, Consumer Protection  
Section  
Department of Law  
AGO - Anchorage

SUBJECT: Attorneys fees owed in State  
of Alaska vs. Neal Hausam,  
Superior Court No.  
3AN-78-856 Civil (Anchorage)

Defendant Neal Hausam, defended by the law firm of Owens & Turner, was a party in the law enforcement case brought by the State of Alaska on behalf of the Department of Commerce to enforce the Alaska Land Sales Practices Act. Hausam was not a land developer, but was an engineer connected with the development, who had materially aided the developers in acquiring various borough permits through his expert testimony. Defendant Neal Hausam's attorney put considerable effort into his defense, and succeeded in having the court dismiss Hausam from the lawsuit.

The defense made on Hausam's behalf involved many hours of attorney time, as Hausam's lawyer, of all the defense lawyers, did the most thorough job of briefing the complex issues in the case, including several which required extensive legislative history research. After the judgment on the entire case was entered in September, 1979, Hausam's attorneys offered to accept a reduced figure for attorneys' fees if the State would agree not to appeal Hausam's dismissal. Defendant Hausam intended to submit an attorneys' fee bill of over \$4,000. Considering the work done by his attorney, it is likely that the judge would have granted at least 66-66-75% of this request, or at least \$2,670. to \$3,000., plus costs. If the court had done so, the State would have been forced to include defendant Hausam in its appeal. For various strategic reasons, the State did not have as great an interest in including Hausam in the appeal. Also, the State felt that to pay the defendant \$2,000 for attorneys' fees was a reasonable settlement that would avoid a time consuming appeal which was in many ways secondary in importance to defending the main appeal brought by the land developers.

Part of the agreement with defendant Hausam was that the \$2,000 would be paid within 20 days after the stipulation entitled "Settlement Agreement" was approved and adopted by the court. In addition to attorneys' fees, this figure represented a full satisfaction of all costs to which the defendant might otherwise be entitled. The settlement

Richard I. Pegues, Administrative Services  
Department of Law  
January 25, 1980  
Page 2

agreement was signed by both parties October 8, 1979, and submitted to the court. Since the judgment in the case had already been entered, it has become common for various motions and orders to sit on the judge's desk for some time, as this one did. It was finally signed by the judge on the 25th day of October, 1979, but not mailed out by the judge's clerk until October 30, and probably received in the Attorney General's office in early November.

Unfortunately, when the signed order was received it was filed away in our office and was not immediately sent to you for payment from our legal fees fund. When this was brought to our attention in December, 1979 by the defendant Hausam's attorney, we were notified that the legal fund had been exhausted. However, part of the negotiation to settle these disputed claims to attorneys' fees, costs, and appeal rights was that the fees be paid timely, (20 days), and not be made subject to waiting until the end of the next legislative session for payment. Therefore, if it is possible to pay these fees now, it should be done, so that the State is treating defendant Neal Hausam in good faith in accordance with its agreement.

/aw/pp

02-0018C

OFF COMMUNICATIONS  
HANDWRITTEN

# MORANDUM

*Dick Pegues*

State of Alaska

RECEIVED  
Department of Law  
Juneau, Alaska

DEPT. \_\_\_\_\_  
DIV. \_\_\_\_\_  
SEC. \_\_\_\_\_  
AM JAN 9 1980 PM  
7,8,9,10,11,12,1,2,3,4,5,6

TO: Richard Pegues  
Administrative Services  
Juneau

(Department of Law)

DATE: January 7, 1980

FROM: Michele D. Brown *M.D. Brown*  
Consumer Protection Section  
Department of Law  
Anchorage  
(Attorney General's Office)

SUBJECT: State of Alaska v.  
George Brown, Jr., et al  
(Windsong)

Enclosed is a Settlement Agreement, signed by Judge Singleton, on one of the Windsong defendants, Neal Hausam. It requires us to pay Hausam \$2,000 in attorneys' fees and costs. It seems that we forgot to send this to you after the judge signed it. Since we have delayed payment, can you please get the check out as soon as possible. The check should go to:

Terrance A. Turner  
Owens & Turner  
425 G Street, #920  
Anchorage, AK 99501

Thanks much

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3  
4 STATE OF ALASKA, )  
5 Plaintiff, )  
6 vs. )  
7 GEORGE BROWN, JR. d/b/a KNIK )  
8 RIVER ESTATES, a limited )  
9 partnership, COMMONWEALTH )  
10 MORTGAGE CORPORATION, an )  
11 Alaskan Corporation, )  
12 JOHN DRYER, individually, )  
13 LAWRENCE BROUSE, individually, )  
14 NEAL HAUSAM, individually, )  
15 and FIRST NATIONAL BANK OF )  
16 ANCHORAGE, )  
17 Defendants. )

OCT 3 3 1978

3AN-78-856 Civ.

14 SETTLEMENT AGREEMENT AND MOTION FOR  
15 APPROVAL AND ADOPTION BY COURT

16 COMES NOW defendant, NEAL A. HAUSAM, by and through  
17 his attorneys, OWENS & TURNER, and plaintiff, STATE OF  
18 ALASKA, by and through AVRUM M. GROSS, ATTORNEY GENERAL and  
19 (1) stipulate as follows, and (2) move that the court approve  
20 of and adopt the same as its formal order.

21 1. Judgment on all of the claims which plaintiff  
22 has asserted, is required to assert or could have asserted  
23 against said defendant in the above-referenced action shall  
24 be entered against plaintiff and in favor of said defendant.

25 2. All of said claims shall be dismissed with  
26 prejudice on their merits.

27 3. Plaintiff shall pay said defendant \$2,000.  
28 within twenty (20) days after this stipulation is approved  
29 and adopted by the court in full satisfaction of all court  
30 awarded attorneys' fees and costs to which said defendant  
31 would otherwise be entitled under the law.

32 4. Plaintiff shall release and relinquish with  
33 prejudice any and all rights to appeal to the Alaska Supreme  
34 Court or petition the Alaska Supreme Court for a review of

8. This stipulation constitutes the entire agreement between the parties, and there are no other agreements, oral or written, prior or contemporaneous, relating to the subject matter hereof which are not included herein.

RESPECTFULLY SUBMITTED at Anchorage, Alaska.

OWENS & TURNER  
Attorneys for Neal A. Hausam

DATED: October 8, 1979

By: *Terrance A. Turner*  
Terrance A. Turner

STATE OF ALASKA

AVRUM M. GROSS  
ATTORNEY GENERAL

DATED: October 8, 1979

By: *Connie J. Sape*  
Connie J. Sape, Chief  
Consumer Protection Section

O R D E R

1. The foregoing stipulation is hereby approved and adopted by the court as its formal order.

2. Judgment shall be, and hereby is, entered accordingly.

DATED at Anchorage, Alaska this 21 day of October 1979.

CERTIFICATE OF SERVICE

I certify that copies were mailed to counsel on this 30th day of October, 1979.

*Leslie H. Kingston*  
Secretary to Judge Singleton  
CC: *Ernest C. Bellotti*  
*John H. Bedal*  
*Ernest J. Kilbuck*  
*Connie J. Sape*  
*Terrance A. Turner*

*[Signature]*  
SUPERIOR COURT JUDGE

**ALASKA STATE LEGISLATURE**

**ELEVENTH** Legislature **SECOND** Session

HOUSE .....BILL..... NO. ..715..

By **THE RULES COMMITTEE** BY.....  
REQUEST OF THE GOVERNOR

"An Act making a supplemental appropriation to the Department of Law; and providing for an effective date."

Supp appro, Dept of Law

Introduced in the House 2/11....., 19.80

**HISTORY IN THE HOUSE**

1980	Feb. 11	Read first time and referred to Committee on <b>Finance</b>  Reported back with recommendation that  Read second time and  Read third time and  <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">PASS</td> <td style="text-align: center;">Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> <tr> <td colspan="2" style="text-align: center;">Reconsideration</td> </tr> <tr> <td style="text-align: center;">PASS</td> <td style="text-align: center;">Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> <tr> <td colspan="2">Reported correctly engrossed</td> </tr> <tr> <td colspan="2">Signed by Speaker</td> </tr> <tr> <td colspan="2">Sent to Senate</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused	Reconsideration		PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused	Reported correctly engrossed		Signed by Speaker		Sent to Senate	
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**HISTORY IN THE HOUSE**

19		Received from Senate          Reported correctly enrolled  Sent to Governor  ..... By Governor   Filed with Lt. Governor      Chapter No. ....
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# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

Jamaal O Smith  
Signature of Camera Operator

3/20/90  
Date

*Jo Fin*  
Commerce Committee  
Chairman's Letter of Intent Re CSHB 717

May 1, 1980

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

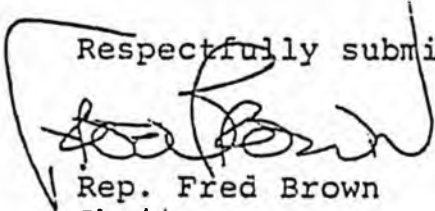
Dear Mr. Speaker:

CSHB 717 is intended to encourage insurance companies doing business in Alaska to invest their assets in Alaska. The Division of Insurance supports this bill.

Testimony presented to the Commerce Committee stated that the Division of Insurance would consider Alaska investments to include investments in bonds or other instruments issued by the State of Alaska or by local governments or authorities in Alaska, investments in domestic Alaska corporations and other businesses, investments in identifiable Alaska projects of businesses not domiciled in Alaska, and a portion of investments in non-domestic companies equal to the proportion of the assets of such companies located in Alaska to the total assets of the company. To qualify, the investments would also have to comply with AS 21.21.

The Commerce Committee has recommended the passage of this bill. The Division of Insurance has the authority under AS 21.06.090 to adopt regulations further defining qualified investments in Alaska if this seems necessary or appropriate to effectuate the intent of this bill.

Respectfully submitted,

  
Rep. Fred Brown  
Chairman  
House Commerce Committee

FB:kfw

**DEPARTMENT OF COMMERCE &  
ECONOMIC DEVELOPMENT**

*DIVISION OF INSURANCE*

*PO BOX D*

*JUNEAU, ALASKA 99811*

Phone: 465-2515

April 9, 1980

Honorable Fred Brown  
Chairman  
House Commerce Committee  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Brown:

Re: CSHB 717

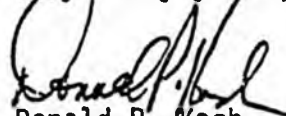
The Committee Substitute for HB 717 will decrease tax revenues for those insurance companies meeting or exceeding the formula in the bill for investments in Alaska assets. A decrease would apply to a foreign insurer or to a domestic insurer given certain investment formula circumstances.

We have not been able to determine which domestic insurers would be eligible for the credit based on current Alaska investments, but if all domestics were to qualify, the tax loss would be approximately \$900,000.

Our review indicates that foreign insurance companies currently have \$2,300,000,000 invested in Alaska assets. Of this amount \$788,582,000 would meet the tax break criteria and the remaining \$1,521,971,000 represents investments beyond those required by CSHB 717 for any tax break. Those foreign companies now eligible for the tax break would have their tax reduced by about \$1,237,400.

In addition, if all remaining companies were to invest in a way to be eligible for the benefits in this bill, there is an additional investment potential of \$860,878,000 with a tax reduction of \$2,732,000. In our opinion, this would be an incentive for private investment, well worth the loss of the taxes noted.

Very truly yours,



Donald P. Koch  
Chief of Market Surveillance

Introduced: 2/12/80  
Referred: Commerce and  
Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 717

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the taxation of insurers; and  
7 providing for an effective date."

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

9 \* Section 1. AS 21.09.210(b) is amended to read:

10 (b) Each insurer, and each formerly authorized insurer with re-  
11 spect to premiums received while an authorized insurer in this state,  
12 shall pay a tax on the total direct premium income received during the  
13 year ending on the preceding December 31 and paid for the insurance of  
14 property or risks resident or located in the state other than wet marine  
15 and transportation insurance, after deducting from the total direct  
16 premium income the applicable cancellations, returned premiums, the  
17 unabsorbed portion of any deposit premium, all policy dividends, un-  
18 absorbed premiums refunded to policyholders, refunds, savings, savings  
19 coupons and other similar returns paid or credited to policyholders with  
20 respect to their policies. No deductions may be made of cash surrender  
21 value of policies. Considerations received on annuity contracts shall  
22 not be included in the direct premium income and shall not be subject to  
23 tax. The tax shall be paid to the director annually before April 1,  
24 and, except as provided in AS 21.69.390(c), is computed at the rate of

25 (1) one and one-half percent for a domestic company which,  
26 during the calendar year for which the tax is paid, maintained at least  
27 50 percent of its investments in assets located in the state [DOMESTIC  
28 COMPANIES, 1 1/2 PER CENT];

29 (2) six percent of gross premiums less claims paid for a

1 hospital and medical service corporation [CORPORATIONS, 6 PER CENT OF  
2 THEIR GROSS PREMIUMS LESS CLAIMS PAID];

3 (3) three percent for a corporation other than a corpora-  
4 tion which qualifies under (1) of this subsection [COMPANIES OTHER THAN  
5 DOMESTIC AND HOSPITAL AND MEDICAL SERVICE CORPORATIONS, 3 PER CENT].

6 \* Sec. 2. The tax levied under AS 21.09.210(b), amended by sec. 1 of this  
7 Act, is retroactive to January 1, 1980, and applies to the tax payable by a  
8 domestic insurance company after December 31, 1979.

9 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
10 070(c).

Original sponsor: Commerce Committee

Offered: 4/2/80  
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

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23 tax. The tax shall be paid to the director annually before April 1,  
24 and, except as provided in (i), and (j) of this section and in AS 21.69.-  
25 390(c), is computed at the rate of

26 (1) one and one-half percent for a domestic company [DOMESTIC  
27 COMPANIES, 1-1/2 PER CENT];

28 (2) six percent of gross premiums less claims paid for a  
29 hospital and medical service corporation [CORPORATIONS, 6 PER CENT OF

1 THEIR GROSS PREMIUMS LESS CLAIMS PAID];

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5 CENT].

6 \* Sec. 2. AS 21.09.210 is amended by adding new subsections to read:

7 (i) The levy of a tax under (b)(1) of this section does not apply  
8 to a domestic insurer who maintained at least 50 percent of its invest-  
9 ments in assets in the state during the year for which the tax is due.  
10 To qualify under this subsection, the investments of the domestic  
11 insurer must comply with AS 21.21. For purposes of this subsection, if  
12 the domestic insurer is an affiliate, subsidiary or associate of an  
13 insurer or group of insurers which does not qualify as a domestic  
14 insurer, the domestic insurer qualifies under this subsection only if  
15 its investments in the state are not less than 50 percent of the amount  
16 equal to the proportion of the total investments of the insurer or group  
17 of insurers of which it is an affiliate, subsidiary, or associate that  
18 the written premium of the domestic insurer bears to the total written  
19 premium of the insurer or group of insurers of which it is an affiliate,  
20 subsidiary, or associate.

21 (j) The tax rate in (b)(3) of this section is reduced to one and  
22 one-half percent if during the year for which the tax is due the insurer  
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26 a tax reduction under this subsection, the investments of the insurer  
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28 \* Sec. 3. This Act takes effect January 1, 1981.



(7)

# COMMITTEE REPORT

## HOUSE

2/12/80

4/2

FURTHER: FINANCE

Date: April 2, 1980

Mr. Speaker:

The Committee on COMMERCE has had HB 717

"An Act relating to the taxation of insurers; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass  do not pass

do pass with attached amendments(s)

replace with CS for HB 717  same title  
 new title

and recommends Do Pass

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DC PASS

Jerry Munson  
Rich Hall  
Robert H. Bittinworth  
Rich Hall  
Bob Down

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bob Down  
CHAIRMAN

*Jo Fin*  
Commerce Committee  
Chairman's Letter of Intent Re CSHB 717

May 1, 1980

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Speaker of the House  
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Respectfully submitted,

  
Rep. Fred Brown  
Chairman  
House Commerce Committee

FB:kfw

7850

Chenoweth

Original sponsor: Commerce Committee

Offered: 4/2/80  
Referred: Finance

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29

7850  
Chenoweth

Introduced: 2/12/80  
Referred: Commerce and  
Finance

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9 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
10 070(c).

ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND Session

HOUSE BILL NO. 717.  
By THE COMMERCE COMMITTEE....

"An Act relating to the taxation of insurers; and providing for an effective date."

Taxation of insurers

Introduced in the House . 2/12 . . . . , 19. 30

HISTORY IN THE HOUSE

19 30	Read first time and referred to Committee on <b>Commerce and Finance</b>												
Feb. 12	Reported back with recommendation that												
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