

BILLS 1981 - 1982

HB 294 cont.

LA. Finance

1493

1493

Ron Lorensen
November 24, 1980
Page 2

In these calculations it is assumed that the funds would not be available until the new fiscal year and that a certain amount of time would be necessary to get the money "on the books" so that it could be paid to the contractor.

The disbursement of the funds will result in a transfer to the Department of Fish and Game in the amount of \$115,000 as outlined above. The remainder would consist of a payment to the contractor of \$720,000 plus accrued interest to the date of payment. Any funds not paid as interest could be returned to the general fund.

WFC/mt

Nov 3 11 53 AM '80

CLERK, TRIALS COURT
THE SUPERIOR COURT FOR THE STATE OF ALASKA
BY *[Signature]*
DEPUTY CLERK
FIRST JUDICIAL DISTRICT AT JUNEAU

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5 CHRISTENSEN, RABER, KIEF &)
6 ASSOCIATES, INC., a Washington)
7 corporation,)
8
9 Plaintiff,)
10
11 v.)
12)
13 STATE OF ALASKA,)
14)
15 Defendant,)
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No. 1JU-79-164 Civil

STIPULATION FOR SETTLEMENT

It is hereby stipulated by and between the parties through their respective attorneys of record that all claims of the plaintiff set forth in its Amended Complaint dated October 27, 1980, are hereby compromised and settled in full as follows:

1. Defendant State of Alaska agrees that judgment may be immediately entered in favor of plaintiff Christensen, Raber, Kief & Associates, Inc. in the sum of \$835,000.00 in full settlement of all of said plaintiff's claims arising out of the construction of the Hidden Falls Hatchery project, including all claims set forth in said Amended Complaint and all claims for prejudgment interest, costs and attorney's fees.

2. Defendant State of Alaska agrees that it will pay plaintiff on or before November 20, 1980, as much of the judgment as can be paid with all state funds presently legally available for this purpose, and will, at the first opportunity, submit an appropriation to the Alaska

FAULKNER, DANFIELD, DOOGAN & HOLMES
SUITE 201, 311 FRANKLIN ST. JUNEAU, ALASKA 99901
PHONE (907) 986-2210

Legislature for the balance of the judgment.

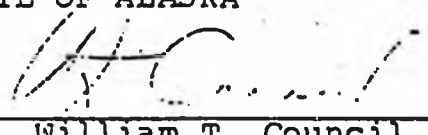
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3. The judgment to be entered pursuant to this stipulation shall bear interest at the rate of eight per cent (8%) per annum from November 1, 1980, until satisfied.

4. The parties hereby mutually release any claim, demand, cause of action, responsibility or liability of each of the respective parties to the other for any matter arising out of or in any way associated with the construction of the Hidden Falls Hatchery project, except for defects presently not known and express warranties.

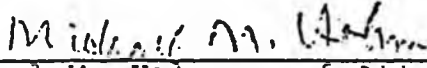
DATED October 31, 1980.

CARPENETI & COUNCIL,
Attorneys for defendant,
STATE OF ALASKA

By 
William T. Council

DATED October 31, 1980.

FAULKNER, BANFIELD, DOOGAN & HOLMES


Michael M. Holmes, of Attorneys
for plaintiff, Christensen, Raber,
Kief & Associates, Inc.

NOV 3 11 53 AM '80

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

CLERK
DEPUTY CLERK *Reed*

FIRST JUDICIAL DISTRICT AT JUNEAU

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CHRISTENSEN, RABER, KIEF &)
ASSOCIATES, INC., a Washington)
corporation,)
)
Plaintiff,)
)
v.)
)
STATE OF ALASKA,)
)
Defendant,)

No. 1JU-79-164 Civil

JUDGMENT

The parties to this action have entered into a Stipulation for Settlement dated October 31, 1980, agreeing that judgment may be entered against the defendant State of Alaska in the sum of \$835,000.

IT IS ORDERED that plaintiff Christensen, Raber, Kief & Associates, Inc. recover from defendant State of Alaska \$835,000.00 which sum includes prejudgment interest, costs and attorney's fees. This judgment shall bear interest at the rate of eight per cent (8%) per annum from November 1, 1980, until satisfied.

DATED this th 3 day of NOVEMBER, 1980.

William T. Council
Superior Court Judge

Submitted by

PAULKNER, BANFIELD, DOOGAN & HOLMES

By *M. M. Holmes*
Michael M. Holmes, of Attorneys for Plaintiff Christensen, Raber, Kief & Associates, Inc.

Approved as to form and content by

CARPENETI & COUNCIL

By *William T. Council*
William T. Council, of Attorneys for Defendant State of Alaska

I certify that this is a full, true and correct copy of an original document on file in the Alaska Trial Court at Juneau.
Witness my hand and the seal of this court.
William T. Council
Date 11/5/80 Clerk

2-11-80 #5

PAULKNER, BANFIELD, DOOGAN & HOLMES
ATTORNEYS AT LAW
PHONE (907) 586-2210
JUNEAU, ALASKA 99801

MEMORANDUM

State of Alaska

TO: Ronald O. Skoog
Commissioner
Department of Fish
and Game

DATE: November 14, 1980

FILE NO:

TELEPHONE NO: 465-3600

FROM: Wilson L. Condon
Attorney General

SUBJECT: Christenson & Assoc. v.
State (Hidden Falls
Hatchery Contract Claim)

Some time back the state was sued by the contractor for the Hidden Falls Hatchery on claims which aggregated to approximately \$2.3 million. Following close review of the claims by both attorneys within the Department of Law and by private counsel retained to represent the state in the lawsuit, we concluded that the state's probable liability on the claims exceeded \$1 million.

Settlement negotiations were undertaken, and a tentative settlement figure of \$835,000 was arrived at, pending the state's being able to pay at least a portion of that figure almost immediately. We determined that the only funds currently available for that purpose would be any balance remaining in the bond issue which initially funded the Hidden Falls Hatchery--ch.214, SLA 1976. After being advised by your staff that somewhere between \$100,000 and \$200,000 remained available in ch.214, we approached the attorneys for the contractor and offered a total settlement of \$835,000, with the outstanding balance in ch.214 (described as somewhere between \$100 and \$200 thousand) payable on or before November 20, 1980 and the remainder to be funded by a supplemental appropriation in the upcoming legislative session. This offer was accepted and a binding "Stipulation for Settlement" was entered by the parties on October 31, 1980 and filed with the court.

Since entry of the settlement we have experienced difficulties with members of your staff who indicate they do not wish to utilize the remaining ch.214 funds in accordance with the settlement because they apparently have other "plans" for the outstanding balance.

On November 21, 1980, the state will be in breach of its settlement agreement if the remaining funds in ch.214, SLA 1976 have not been paid over to the plaintiff. I would appreciate your taking whatever steps are necessary to see to it that those funds are paid over to the plaintiffs in

Ronald W. Skoog

- 2 -

November 14, 1980

accordance with the state's agreement. The warrant should be made payable jointly to Christensen, Raber, Kief and Associates, Inc.; and the law firm of Faulkner, Banfield, Doogan and Holmes.

cc: William T. Council, Esq.
Carpeneti & Council

William F. Cummings
Assistant Attorney General

Ron Lind
Deputy Commissioner, Administration
Department of Transportation and
Public Facilities

Jerry Reinwand
Executive Assistant
to the Governor

MEMORANDUM

State of Alaska

TO: Ronald W. Lorensen
Deputy Attorney General
Department of Law

DATE: November 10, 1980

FILE NO: J-22-367-79

TELEPHONE NO: 465-3603

FROM: William F. Cummings *WFC*
Assistant Attorney General
Transportation Section
Department of Law - Juneau

SUBJECT: Christenson & Assoc.
v. State (Hidden Falls
Hatchery Contract Claim)

Attached is the stipulation of settlement in the action captioned above. By its terms the state is to pay as much as it can now out of available funds toward the settlement and the balance plus interest would be funded by a supplemental appropriation by the legislature.

As you will recall, we were led to believe that between \$100,000 and \$200,000 was available from the SLA 214 (1976) funding to pay a portion of the settlement. This information was conveyed to Mike Holmes, representing C.R.K. during settlement negotiations. In short then, the contractor expects to get at least \$100,000 almost immediately under the settlement.

I have consulted with the Department of Fish and Game to determine the exact amount which is presently available for the settlement. My first contact was Ernest Greek. He indicated, after checking various ledgers, that there was no money available for the settlement. I was, to say the least, surprised. Upon further inquiry, I found that there are funds remaining under SLA 214 (1976), but that Fish and Game has "plans" for them, though few, if any, formal obligations of the funds.

My next contact was Robert Roys, the Director of Fish and Game's Division of Fisheries Rehabilitation Enhancement and Development. I got the same story. There is money left from the 1976 funding, but Fish and Game has plans to spend all of the money. Roys indicated that if part of the remaining funds are used on the settlement, then Fish and Game would need to get a supplemental appropriation to implement the projects started under the 1976 funding. It is his belief that it is better to fund the entire settlement of the Hidden Falls Hatchery contract claim with a supplemental appropriation.

November 10, 1980
Ron Lorensen
Page 2

It appears that we have a "glitch" in the settlement of the case. We were led to believe that funds were immediately available to fund a portion of the settlement. This fact was conveyed to opposing counsel during settlement negotiations. The case has been settled with this understanding. Now, we cannot deliver unless the necessary funds are released, which is apparently possible if the Fish and Game cooperates.

A supplemental appropriation will be necessary even if we get partial funding through Fish and Game from presently available funds. Your guidance would be appreciated as to the next step to take.

Attachment
WFC/mt

MEMORANDUM

State of Alaska

TO: Ronald Skoog
Commissioner
Department of Fish and Game

DATE: November 20, 1980

FILE NO: J-22-367-79

TELEPHONE NO: 465-3603

FROM: William F. Cummings *W.F.C.*
Assistant Attorney General
Transportation Section
Department of Law - Juneau

SUBJECT: Settlement of C.R.K.
v. State; Hidden Falls
Hatchery Construction
Contract Claims

This memorandum is to confirm our telephone conversations of November 19 and 20, 1980 regarding partial payment of the settlement with the contractor in the action captioned above.

As you will recall, the state and the contractor have agreed to settle this case for \$835,000 inclusive of interest, costs, and attorney's fees with the provision that as much as possible would be paid out of available funds, and the remainder to be paid out of a supplemental appropriation. During negotiations with the contractor it was represented that between \$100,000 and \$200,000 could be paid. Under the terms of the settlement the \$835,000 would bear interest at 8% from November 1, 1980 until paid.

You have indicated that \$115,000 could be made available to make the initial payment under the settlement. Please direct that a state warrant in that amount be issued payable to the contractor and his local counsel, as requested in Mr. Condon's memorandum of November 14, 1980.

The Department of Law will obtain a supplemental appropriation to fund the \$835,000 plus interest, which must be paid to the contractor under the terms of the settlement. Of that amount \$115,000 will be allocated to the Department of Fish and Game to replace the advance for the settlement's initial payment. The remainder will be paid to the contractor.

Your assistance and many courtesies in this matter are appreciated.

WFC/mt

cc: Ron Lorensen ✓

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

RECEIVED
 Department of Law
 Juneau, Alaska

EDGAR BAILEY, et al.,
 Plaintiffs,

v.

LOWELL THOMAS, JR., Lieutenant
 Governor of the State of Alaska,
 Defendant,

and

MICHAEL BEIRNE, et al.,
 Defendant-
 Intervenors.

JAN 28 1981

AM 7 18 PM 11 21 3 4 5 6

No. 3AN-78-1592 Civil

Filed in the Trial Courts
 STATE OF ALASKA THIRD DISTRICT

JAN 26 1981

CLERK OF THE TRIAL COURTS
 BY: *[Signature]* DEPUTY

JUDGMENT

IT IS HEREBY ORDERED AND ADJUDGED that plaintiff Trustees for Alaska recover from the State of Alaska the sum of \$12,817.50 in attorneys fees plus interest at eight percent per annum from August 18, 1978 until the date of payment:

DATED at Anchorage, Alaska this 26 day of

January, 1981.

[Signature]
 Superior Court Judge

I certify that on 1-26-81
 a copy of this document was sent to:
 (1) [Signature] of Record, or
 (2) [Signature]
 D.C.E. 26-81
 Deputy Clerk

Rec'd Jnl: _____

JAN 28 1981

JAN 20 1981

THIRD JUDICIAL DISTRICT

3 RONALD M. ZOBEL and)
 4 PATRICIA L. ZOBEL,)
 husband and wife,)
 5 Plaintiffs,)
 6 v.)
 7 THOMAS WILLIAMS,)
 COMMISSIONER OF REVENUE)
 8 and STATE OF ALASKA,)
 9 Defendants.)

STATE OF ALASKA
 THIRD JUDICIAL DISTRICT
 RECEIVED FEB 02 10 34 AM 1981
 Department of Law
 Juneau, Alaska
 FEB 02 1981
 PM
 7 12 1 11 12 13 14 15 16

Case No. 3AN-80-2856 Civil

STIPULATION AND ORDER RE ATTORNEY FEES

In order to settle all disputes relating to attorney fees and costs incurred in the litigation of this case before the superior court and the Alaska Supreme Court, the parties agree as follows:

1. The State of Alaska agrees to pay attorney fees and costs incurred by plaintiffs as of October 24, 1980, and attributable to the portion of this litigation dealing with the income tax exemption statute (AS 43.20.017).

2. Plaintiffs agree that the attorney fees and costs referred to in paragraph 1 are as follows:

Superior Court:

Attorney fees	\$ 8,730.00
Costs	172.35

Alaska Supreme Court:

Attorney fees	\$ 4,805.00
Costs	-0-

TOTAL

\$13,707.35

3. If plaintiffs prevail in their appeal to the United States Supreme Court relating to the permanent fund dividend program (AS 43.23), the state agrees to pay attorney fees and costs incurred by plaintiffs as of October 24, 1980, and attributable to the portion of the litigation dealing with the permanent fund divided program.

10.5% interest 9/13/81 - 5/81 @ \$4.00 per day

ATTORNEY GENERAL, STATE OF ALASKA
STATE CAPITOL
JOSHUA K. JUNEAU, ALASKA 99511
PHONE 465-3600

1001 0 8 11VJ

referred to in paragraph 3 are as follows:

Superior Court:

Attorney fees	\$ 8,730.00
Costs	172.35

Alaska Supreme Court:

Attorney fees	\$ 4,805.00
Costs	<u>-0-</u>

TOTAL \$13,707.35

DATED at Juneau, Alaska, this 13th day of January,

1981:

WILSON L. CONDON
ATTORNEY GENERAL

By: Susan A. Burke
Susan A. Burke
Assistant Attorney General

DATED at Anchorage, Alaska, this 15 day of January,

1981.

Mark A. Sandberg
Mark A. Sandberg
Attorney for Plaintiffs

FILED IN THE TRIAL COURTS
State of Alaska Third District
JAN 20 1981

ORDER
Clerk of the Trial Courts
By sdj Deputy

IT IS SO ORDERED.

DATED at Anchorage, Alaska, this 20 day of Jan

1981.

1-27-81
 A copy of this document was sent to:
 attorney(s) of record, at
 Other: _____
 at address of record _____
 D.O.E. [Signature]
 Deputy Clerk

[Signature]
Judge of the Superior Court

ATTORNEY GENERAL, STATE OF ALASKA
STATE CAPITOL
FOUCH K. JUNEAU, ALASKA 99811
PHONE 465-3600

MEMORANDUM

State of Alaska

TO: Dick Pegues
Administrative Officer
AGO - Juneau

DATE: September 3, 1980

FILE NO:

PHONE NO:

FROM: Carolyn E. Jones
Assistant Attorney General
AGO - Anchorage

SUBJECT: Thomas v. Croft
No. A22-699-79

I am enclosing the Supreme Court mandate in the above-entitled case. The State owes Chancy Croft as follows:

\$15,000	Attorney's fees for the election contest case
4,208.85	As costs for the election contest case
588.30	On the issue of attorney's fees.

CEJ:tb
Enclosures

RECEIVED
Department of Law
Alaska

SEP 6 1980

AM 7:18 PM 3:16

4

Supreme Court



Court of Appeals

State of Alaska

OFFICE OF THE CLERK
303 "K" STREET
ANCHORAGE, ALASKA
99501
(907) 264-0629

July 31, 1980

RECEIVED
Department of Law

AUG 1 1980
Office of the Attorney General
1000 North Fairbanks
ANCHORAGE, ALASKA

Mrs. Kim Smith
Appeals Clerk
303 K Street
Anchorage, Alaska

Re: Thomas v Croft
Superior Court No. 3AN-78-6243 a
3AN-78-6264
Supreme Court No. 4719

Dear Mrs. Smith:

Enclosed is the mandate of the Supreme Court issued
July 28, 1980. Copies have been sent to counsel.

Very truly yours,

Deputy Clerk of Court

cc: Supreme
Juneau
Fairbanks
Counsel
file

THE SUPREME COURT OF THE STATE OF ALASKA

LOWELL THOMAS, JR.,)
Lieutenant Governor of)
Alaska, et al.,)

Appellants,)

File No. 4719

v.)

CHANCY CROFT,)

MANDATE

Appellee.)

TO: Superior Court of the State of Alaska,
Third Judicial District at Anchorage.

Lowell Thomas, Jr., Lieutenant Governor of Alaska, et al., filed an appeal from an Order of the Superior Court, Third Judicial District at Anchorage in Civil action No. 3AN-78-6243 and 3AN-78-6264 entitled "WALTER J. HICKEL, Plaintiff vs. LOWELL THOMAS, JR., et al., Defendants and EDWARD A. MERDES, Plaintiff vs. LOWELL THOMAS, JR., et al., Defendants". The case was heard by this court on January 24, 1980. On July 18, 1980, the court filed its written opinion.

IT IS ORDERED:

The Order of the Superior Court, entered April 20, 1979, is affirmed.

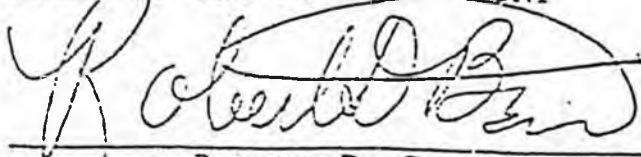
Appellee shall recover from appellant costs and attorney fees as shown below:

<u>Costs and Attorney's Fees</u>	
Duplicating Appellee's Brief-----	\$ 88.30
Attorney's Fees-----	\$ 500.00
Total	\$ 588.30

WITNESS the Honorable Jay A. Rabinowitz, Chief Justice of the Supreme Court, State of Alaska, this 28th day of July, 1980.

SEAL

CLERK OF THE SUPREME COURT



Robert D. Bacon

WALTER J. HICKEL,

Plaintiff,

vs.

LOWELL THOMAS, JR., et al.,

Defendants.

Case No. 3AN78-6243 Civil

EDWARD A. MERDES,

Plaintiff,

vs.

LOWELL THOMAS, JR., et al.,

Defendants.

Case No. 3AN78-5264 Civil

ORDER AWARDING ATTORNEY'S FEES

The factual situation to which the question of attorney's fees arises in these cases was fully set out in this court's opinion dated October 13, 1978, and the Alaska Supreme Court opinion in the appeal of these cases on October 20, 1978, and, therefore, will not be repeated.

Defendant Chancy Croft is the only party to this action who has made a timely motion for attorney's fees. See Civil Rule 79, Civil Rule 82, Civil Rule 54(d) and this court's order of February 16, 1979 (setting briefing and argument schedule). This court heard oral argument by representatives for Croft, the State of Alaska, and Edward Merdes (Walter Hickel joined in Merdes' briefs and argument).

It is concluded that Chancy Croft is a prevailing party in this litigation and, as such, is presumptively entitled to an award of attorney's fees. Buza v. Columbia Lumber Company, 395 P.2d 511 (Alaska 1964). Since these cases did not generate a money award, this court may fix attorney's fees in a reasonable amount. Civil Rule 82(a)(1).

The most hotly contested issue before the court on this motion for attorney's fees is who will pay the award of fees to Croft. The State relies on its status as a co-prevailing party to insulate it from liability. Mercedes and Hickel contend that these cases constitute public interest litigation and that it would be an abuse of discretion to award attorney's fees against them. Gilbert v. State, 526 P.2d 1131 (Alaska 1974). If the court were to accept the position of both the State and Mercedes and Hickel, Croft would be without a source for the recovery of fees to which he is admittedly entitled. In the interest of preventing such a gross inequity, this court has carefully examined the briefs and authorities cited therein. This court concludes that these cases are genuine public interest litigation and that attorney's fees should not be awarded against Hickel and Mercedes. Concomitantly, the court rejects the theory of the State that it is insulated from an award of attorney's fees against it because it was a co-prevailing party.

The test for whether a party has brought public interest litigation is set out in Anchorage v. McCabe, 568 P.2d 986, 991 (Alaska 1977). The test, derived from La Raza Unida v. Volpe, 57 F.R.D. 94 (N.D.Cal. 1972), has three factors:

- (1) the effectuation of strong public policies;
- (2) the fact that numerous people received benefits from the plaintiffs' litigation success;
- (3) the fact that only a private party could have been expected to bring this action.

Plaintiffs Hickel and Mercedes actions meet these three factors. These cases were election contests brought pursuant to AS 15.20.540, a section of the election code. It is clear, without citing cases, that there is a strong public policy favoring fair and correctly conducted elections. The importance of this policy is underscored by the legislature creating a statutory cause of action in AS 15.20.540. These cases, which

revealed questionable practices and some actual misconduct in the conduct of the challenged primary election, clearly effectuated the policy of keeping election practices in the public eye. As to the second factor, this court concludes that the voters of the State of Alaska are all beneficiaries of the litigation in that election practices have been regularized and are currently under renewed scrutiny of both the executive and legislative branches of state government as a result of these suits, scrutiny which hopefully will lead to needed reform. As to the third factor, the fact that the legislature saw fit to place the right to bring an election contest in the private citizenry (be they candidates or 10 qualified voters) evidences a recognition by the legislature that it is up to private citizens to vindicate their right to a properly conducted election. Therefore, the court finds that plaintiffs Hickel and Merdes have raised questions of genuine public interest and that their litigation furthered the public interest. Accordingly, they should not be penalized by an award of attorney's fees against them.

The State claims that there is no provision in Civil Rule 82 for award of attorney's fees against a co-prevailing party and that there is a strong public policy against such an award. As a general matter, this court is in agreement with the State. The circumstances of this case are not typical, however. Here, Croft had no control over the conduct of the election, the subject of these lawsuits. The conduct of the election was solely in the hands of the State and its agents. There would have been no lawsuit if the State had not engaged in questionable and, indeed, illegal practices in the conduct of the election. Chancy Croft would not have incurred the fees in question if the election had been conducted in a manner above reproach. The fact that the extent of the misconduct by the State did not result in the election being set aside does not vindicate the State in

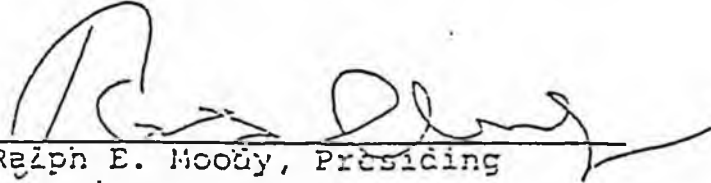
this matter. The State's malconduct is responsible for Mr. Croft having generated attorney's fees in this case, and the State should pay. This court holds that attorney's fees may be awarded against a co-prevailing party where the lawsuit arises from improper conduct of a co-prevailing party, which has necessitated the expenses of defense by the innocent co-prevailing party. Accordingly, the State must pay this court's award of attorney's fees to Mr. Croft.

One point remains. Mr. Croft seeks an award of his entire attorney's fees in this action. Anchorage v. McCabe, supra, indicates that in a proper case full fees may be awarded a successful public interest litigant. This court is not convinced that this is a proper case to extend that portion of the McCabe rationale. Accordingly, this court will apply the general rationale of Malvo v. J.C. Penney Co., Inc., 512 P.2d 575, 587 (Alaska 1973) that the purpose of Civil Rule 82 is to partially compensate a prevailing party. The court also notes that while Mr. Croft was certainly justified in employing his own counsel and committing his own resources in defense of these actions, the brunt of the research and technical preparation for the defense of this case was borne by the State. Clearly, Mr. Croft was a beneficiary of the vast resources the State brought to bear in its defense of the action.


Therefore,

IT IS ORDERED that Chancy Croft recover attorney's fees in the amount of \$15,000 (FIFTEEN THOUSAND DOLLARS) from the State of Alaska.

DONE at Anchorage, Alaska, this 20th day of April, 1979.


Ralph E. Moody, Presiding
Superior Court Judge

Copies of the above Order were forwarded to all parties of record on 4-30-79.


Secretary to Judge Moody

MEMORANDUM

State of Alaska

TO: Cynthia Stolenberg
Administrative Assistant
Attorney General's Office
Anchorage

DATE: September 23, 1980

FILE NO:

TELEPHONE NO:

FROM: Richard I. Pegues
Administrative Officer
Attorney General's Office
Juneau

SUBJECT: Kimura v. ABC Board

The department's FY 82 appropriation to pay judgments has already been expended. Payment of costs fees in Kimura v. ABC Board must therefore await supplemental appropriation by the Legislature. Such appropriation is not expected until about June 1, 1981, as the legislature usually does not act on supplemental requests until shortly before adjournment. Please ask Dave Leblond to advise Plaintiff's counsel of this delay.

RIP:mb

\$ 1,140.00
+ 74.75 INT Aug 6, 1980 thru 5-31-81

\$ 1,214.75

MEMORANDUM

State of Alaska
DEPARTMENT OF LAW

DEPT. Juneau, Alaska

DIV. _____

SEC. SEP 22 1980

TO:

Judy Thomson
Juneau AGO

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

DATE: 9/18/80

FROM: Cynthia Stoltenberg
Anchorage AGO

SUBJECT: Costs and attorney's fees
Kimura v. ABC Board
3AN-79-8061-CIV.

Please have a warrant issued for \$1,140.00 in payment of the Summary Judgment in the above matter, payable to Wohlforth & Flint, and send it to David LeBlond for transmittal.

Thanks, Judy.

Attachments



SEP 15 1980
ANCHORAGE BRANCH
ANCHORAGE, ALASKA

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

GEORGE Y. KIMURA,)
)
Plaintiff,)
)
vs.)
)
ALCOHOLIC BEVERAGE CONTROL)
BOARD,)
)
Defendant.)

Filed in the Trial Courts
STATE OF ALASKA THIRD DISTRICT

AUG 6 1980

Clerk of the Trial Courts
By [Signature] Deputy

No. 3AN-79-8061-CIV.

SUMMARY JUDGMENT

Upon the plaintiff's Motion for Summary Judgment, and the Court finding that the pleadings, exhibits and affidavit showed an absence of any genuine issue of any material fact,

IT IS ORDERED, ADJUDGED AND DECREED:

1. that the action of the Alcoholic Beverage Control Board dated September 27, 1979 requiring the construction of hotel or motel units pursuant to AS 04.10.260 as a requirement for operation or transfer of the license of George Y. Kimura is null and void; and
2. that George Y. Kimura is the licensee of a beverage dispensary license subject only to the same laws, regulations, privileges and restrictions applicable to all beverage dispensary licensees generally; and
3. that the Alcoholic Beverage Control Board is hereby ordered to ^{decide whether to} transfer the license of George Y. Kimura upon proper application and compliance with laws and regulations applicable to all beverage dispensary licensees generally without regard to any restrictions relating to hotels, motels or tourist facilities; and
4. that plaintiff recover from defendant costs in the amount of \$ 140.00, and attorney's fees of

11:11 1980

\$ 1,110.00, for a total judgment of \$ 1,140.00. Said judgment shall bear interest at the rate of eight percent (8%) per annum until paid.

DATED at Anchorage, Alaska, this 6th day of August, 1980.

William A. Warden
SUPERIOR COURT JUDGE

I certify that on 8-11-80
a copy of this document was sent to:
 Attorney(s) of Record, or
 Clerk:
at address of record
D.O.E. 8-11-80 W.A.W.
Deputy Clerk

I Certify that on 9-12-80
a copy of the above was mailed to each
of the following at their address of
record.
Michelle Brown Robert B. Flint
DAVID T. LeBlond
Secretary

KRISTEN O'DOWD, Clerk
By _____; Deputy

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT KETCHIKAN

PATRICK W. GARDNER)
)
Appellant,)
)
vs.)
)
COMMERCIAL FISHERIES)
ENTRY COMMISSION,)
)
Appellee.)

No. 1KE-79-350 Civil
JUDGMENT FOR COSTS

The Court having considered Appellant's motion for award of costs, together with the entire record herein, the motion is granted.

It is hereby ordered that PATRICK W. GARDNER, Appellant, recover from the Appellee, an agency of the State of Alaska, costs in the amount of \$ 997.60.

It is further ordered that a deposit as security for costs made by PATRICK W. GARDNER (at the insistence of the State) be immediately returned to him if it has not already been returned.

DONE and ordered entered at Ketchikan, Alaska this 5th day of July, 1980.

Thomas E. Schulz
Thomas E. Schulz
Superior Court Judge

7/14/80

MEMORANDUM

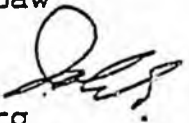
State of Alaska

TO: Dick Pegues
Administrative Officer
Department of Law

DATE: October 15, 1980

FILE NO:

TELEPHONE NO:

FROM: 
John G. Gissberg
Assistant Attorney General
Anchorage - AGO

SUBJECT: Tyonek v. State,
3AN 80-3073 Civil

The enclosed order directs us to pay plaintiffs' attorneys costs and fees of \$10,000. We resisted plaintiffs' motion for fees because there was no breakdown of the costs. However, the court only disregarded \$2,600 of their claim.

Plaintiffs were represented by Norman Cohen (an attorney working at Rural Cap) and Don Mitchell (a lawyer with the Alaska Federation of Natives). Please have the check made out to "Rural Alaska Community Action Inc., attention: Norman Cohen."

Thank you for your cooperation.

Encl: Judgment

P.S. Now I know what the other side is like!

JGG/jmo

\$ 10,673.92

NORMAN A. COHEN
P.O. Box 3-3903
Anchorage, Alaska 99501

DONALD C. MITCHELL
1577 C Street, Suite 304
Anchorage, Alaska 99501

Attorneys for Plaintiffs

FILED
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

SEP. 5 4 27 PM 1980

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


NATIVE VILLAGE OF TYONEK, et al.,)
)
 Plaintiffs)
)
 vs.)
)
 ALASKA BOARD OF FISHERIES, et al.,)
)
 Defendants.)

CIVIL ACTION NO. 3AN-80-3073

MOTION FOR COSTS AND ATTORNEYS FEES

COME NOW the plaintiffs, the prevailing parties in the above-entitled action, and move this Court for an award of costs and attorneys fees pursuant to A.R.C.P. 82(a)(1). The plaintiffs are entitled to \$60.00 in costs and \$12,600.00 in attorney's fees. This motion is based upon the attached Affidavit of Counsel and Memorandum of Law.

DATED this 5th day of September, 1980, at Anchorage, Alaska.


Norman A. Cohen
Attorney for Plaintiffs

OCT 9 1980

CLERK OF THE TRIAL COURTS
BY KB DEPUTY

ORDER

IT IS HEREBY ORDERED that defendants pay to plaintiffs
\$60.00 in costs and ^{7,000.00} \$12,000.00 in attorneys fees.

DATED this 9th day of ^{October} ~~September~~, 1980, at Anchorage,
Alaska.

John Carlson
Judge of the Superior Court

I certify that on 10-10-80
a copy of this document was sent to:
 Attorney(s) of Record, or
 Other:
D.O.E. 10-10-80 KB
Deputy Clerk
Sec'd In: _____

A copy of this document has been
served upon counsel for defendants.
September 5, 1980. KB

MEMORANDUM

State of Alaska

Dick
TO: ~~Red~~ Pegues
Assistant Attorney General
Juneau

DATE: December 4, 1980

FILE NO:

TELEPHONE NO:

FROM: Larri Irene Spengler *LS*
Assistant Attorney General
Anchorage - AGO

SUBJECT: Attorney's Fee Judgment
& Costs

Attached is a copy of an order awarding attorney's fees and a clerk's ruling on a cost bill in Lewis Gjosund, et al., Plaintiffs, v. Alaska Dept. of Fish & Game, et al., Defendants, Case No. 2HO 80-92 CIV. The attorney's fee award totals \$8,680, and the costs total \$342.51.

These rulings came at the end of one of the subsistence cases our office lost this summer. By copy of this memo I am informing Marty Friedman that once the legislature makes the appropriation for the attorney's fees (at a time we cannot foresee at this point) you will be forwarding him his check.

I am closing my file, but if I can answer any questions on the matter, please feel free to contact me.

LIS:dr
Attachment

cc: Marty Friedman
Box 337
Homer, Alaska

Attorney fees
Costs

DEC 3 1980

\$ 8,680.00
342.51
<hr/>
9,022.51
504.41
<hr/>
9,526.92

10.5% INTEREST

THIRD JUDICIAL DISTRICT

NOV 18 1980

LEWIS GJOSUND, DORA WELCH,
and KACHEMAK BAY SUBSISTENCE
GROUP, INC.,

Plaintiffs,

v.

ALASKA DEPARTMENT OF FISH
AND GAME; RONALD O. SKOOG,
individually and in his
capacity as Commissioner of
the Alaska Department of Fish
and Game; ALASKA BOARD OF
FISHERIES; ALASKA DEPARTMENT
OF FISH AND GAME,

Defendants.

Office of the Attorney General
Judiciary Branch
Juneau, Alaska

FILED IN THE TRIAL COURTS
STATE OF ALASKA, THIRD
JUDICIAL DISTRICT AT HOMER

NOV 18 1980

Clerk of the Trial Courts

By _____ Deputy

Case No. 3HO-80-92-Civil

ORDER AWARDING FULL AMOUNT OF
ATTORNEY'S FEES CLAIMED

IT IS HEREBY ORDERED that Plaintiffs, the prevailing parties, are awarded full amount of attorney's fees claimed in the sum of \$8,680.00, pursuant to Civil Rule 82(a).

This award is supported by Findings In Support of Order Awarding Full Amount Of Attorney's Fees Claimed filed herewith.

SIGNED & DATED this 17th day of November, 1980.

PAUL B. JONES
Superior Court Judge

THIRD JUDICIAL DISTRICT

LEWIS GJOSUND, DORA WELCH,)
and KACHEMAK BAY SUBSISTENCE)
GROUP, INC.,)

Plaintiffs,)

v.)

ALASKA DEPARTMENT OF FISH)
AND GAME; RONALD O. SKOOG,)
individually and in his)
capacity as Commissioner of)
the Alaska Department of Fish)
and Game; ALASKA BOARD OF)
FISHERIES; ALASKA DEPARTMENT)
OF FISH AND GAME,)

Defendants.)

FILED IN THE TRIAL COURTS
STATE OF ALASKA, THIRD
JUDICIAL DISTRICT AT HOMER

NOV 18 1980

Clerk of the Trial Courts

By _____ Deputy

Case No. 3HO-80-92-Civil

FINDINGS IN SUPPORT OF ORDER AWARDING
FULL AMOUNT OF ATTORNEY'S FEES CLAIMED

Declaratory Judgment and Permanent Injunctive

Relief was granted to the Plaintiffs on July 11, 1980, which further ordered that the Plaintiffs were the prevailing parties and were awarded costs taxed pursuant to Civil Rule 79 and attorney's fees fixed pursuant to Civil Rule 82(a).

The Court having reviewed the Plaintiffs' Motion for Attorney's Fees and the Defendants' Response to Motion for Attorney's Fees and to Bill of Costs and Notice of Application for Costs and the Plaintiffs' Reply to Defendants' Response to Motion for Attorney's Fees and to Bill of Costs and Notice of Application for Costs, submitted by the parties without request for oral argument, and the Court being otherwise fully advised in the premises, awards full amount of attorney's fees claimed by Plaintiffs in the amount of Eight Thousand Six Hundred-Eighty Dollars (\$8,680.00), supporting the award with the following findings:

1. Plaintiffs were the prevailing parties as indicated in the Declaratory Judgment and Permanent Injunctive

Relief dated July 11, 1980.

2. This matter was public interest litigation because of the presence of the following three factors:

- a. The effectuation of strong public policies, to-wit: the priority given to subsistence fishing and whether this should continue in the traditional, customary, and historical manner existing prior to 1978 in the Southern District of Cook Inlet as to the permissible length of set-gill nets and in the re-opening of the waters of the north shore of Kachemak Bay from Anchor Point to a Department of Fish and Game marker located approximately 1.8 miles east of the Homer Spit, and including the Homer Spit, to subsistence fishing.
- b. Plaintiffs, Lewis Gjosund, Dora Mulch and the Kachemak Bay Subsistence Group, Inc. represent numerous people similarly situated who will receive benefits from Plaintiffs' litigation success.
- c. Only private parties could have been expected to bring this action as they are subsistence fishermen in the Southern District of Cook Inlet who depend upon subsistence fishing as a means of providing a substantial part of their annual food supply.

3. Counsel for Plaintiffs has filed a verified statement of the hours of work performed in representing the Plaintiffs in this action, totalling 124 hours at \$70.00 per hour for a total amount claimed to be incurred of \$8,680.00.

4. The hours listed in Finding No. 3 preceding, as verified by Plaintiffs' counsel, reflects approximately 90 percent of the actual hours and work involved in presentation and preparation of the case.

5. From the familiarity of the Court with the case, the amount of research and investigation required of a legal nature supports 124 hours of work by the Plaintiffs' attorney as claimed.


6. The fee of \$70.00 per hour is neither the highest nor the lowest and is consistent with many private practitioners in the Third Judicial District of the State of Alaska who may practice in the Homer area.

7. The result achieved by the Plaintiffs' attorney is important to all the subsistence fishermen in the area of concern in the Southern District of Cook Inlet, preserving the highest priority given to subsistence users of fish resources for providing a food supply to those similarly situated as the Plaintiffs.

8. The attorney representing the Plaintiffs has, from the Court's experience, represented clients in public interest issues in the past and is skilled in the means of preparation of such cases for presentation to the Court.

9. The action brought by the Plaintiffs is a substantial public interest issue and not frivolous in its benefit to the Plaintiffs and others similarly situated and effects the policy of the State to give its highest priority to subsistence-resource users of fish and game.

DATED at Homer, Alaska this 11 day of November, 1980.



PAUL E. JONES
Superior Court Judge

THIRD JUDICIAL DISTRICT

LEWIS GJOSUN, DORA MULCH
et al

Plaintiff(s),

vs.

ALASKA DEPARTMENT OF FISH
and GAME, RONALD O. SKOOG,
et al Defendant(s).

FILED IN THE TRIAL COURTS
STATE OF ALASKA, THIRD
JUDICIAL DISTRICT AT HOMER

SEP 17 1980

Clerk of the Trial Courts

By _____ Deputy

Civil Action No. 3110-80-02 CIV

CLERK'S RULING ON COST BILL

Plaintiff's Memorandum of Costs and
Disbursements came on for hearing before the Clerk on the
17 day of _____, 1980; Plaintiff(s) appearing
by _____, and Defendant(s) also
appearing by _____.

No objections to the cost bill having been filed,
costs are hereby taxed in favor of Plaintiff's
and against Defendants as follows:

Filing Fees	\$ 50.00
Service Fees	\$ 7.55
Witness Fees	\$
Per Diem	\$
Depositions	\$
Travel	\$
Copy Costs	\$
Other	\$ 284.96
	\$
TOTAL	\$ 342.51

DATED at Homer Alaska, this 17th day of

September; 1980.

I hereby certify that
a copy of the foregoing
cost bill was mailed on
Sept 17, 1980
to the attorneys of
record:

A. Prasher
Deputy Clerk

T.S. MONINSKI

Clerk of Court

By A. Prasher
Deputy Clerk

Talked to Larry Spengler & Marty Friedman
on 9-11-80. Neither party wished to appear.

MEMORANDUM

State of Alaska

TO: Richard I. Pegues
Administrative Officer
Department of Law

DATE: February 3, 1981

FILE NO: J-22-367-79

TELEPHONE NO: 465-3603

FROM: William F. Cummings *W.F.C.*
Assistant Attorney General
Transportation Section
Department of Law - Juneau

SUBJECT: Supplemental Appropriation
to Fund the Settlement of
Christiansen, Raber, Kief
and Associates v. State
IJU-79-164; Hidden Falls
Construction Contract Claim

As you are aware, the Department of Law is seeking a supplemental appropriation in the amount of \$881,367 to fund the settlement of Christiansen, Raber, Kief and Assoc. v. State. In this memorandum you will find an analysis of the rationale behind the settlement.

William T. Council was retained to represent the state in the litigation. In the course of preparing the case for trial he came to the conclusion that the state could not escape liability for the contractor's claims and that reasonable attempts should be made to settle the case. Mr. Council ultimately settled the case for \$835,000, which is a lump sum figure inclusive of compensation, pre-judgment interest, costs and attorney's fees. By the terms of the settlement, C.R.K. would receive interest at the rate of 8% per annum until paid.

The settlement with C.R.K. was made with my concurrence and that of the Attorney General in accordance with AS 44.23.020. It is a settlement which is in the best interests of the state. Further, it represents reasonableness on the part of the state and the contractor. These aspects will be clear when the background of the claim is explored below.

The Hidden Falls Fish Hatchery is located on Baranof Island. The project involved piping water from a lake down a more or less vertical rock face to a hatchery building where the salmon eggs would be incubated, reared, and eventually released as fry. There were no facilities at the job site of any sort, e.g., docks, crew quarters, or storage areas. The only access available was via float plane or barge. All construction materials and equipment were shipped from Seattle.

Richard I. Pegues
February 3, 1981
Page 2

The contract was awarded to Christiansen, Raber, Kief and Associates in November, 1977, for approximately \$3.2 million. Work commenced in January, 1978. The contractor mobilized its forces under the assumption that a land-based camp was feasible. This assumption was reasonably based upon the representations contained in the plans.

The contractor attempted for approximately six weeks to construct a land-based camp at the site and to accomplish other earthwork. However, the contractor experienced soil conditions at the site which were much different than indicated in the plans, i.e., there was more overburden to be wasted than the plans indicated and much of the material taken from the structure excavation could not be used for construction purposes, nor was it suitable for the construction of a camp. Finally, the contractor demobilized its forces to Sitka and returned with a floating camp.

After the contractor's return, the work on the site proceeded in a more or less orderly fashion. However, it was behind schedule due to the initial problems experienced getting the job under way and the changed conditions experienced in the earthwork. The delays experienced were to impact the remainder of the job.

In the contractor's amended complaint, \$2.5 million in additional compensation was sought. This represents compensation for the changed conditions claims, i.e., the extra costs of camp construction and earthwork, claims for extra items of work, and delay and impact claims for itself and its mechanical subcontractor. The contractor would be also entitled to pre-judgment interest, costs and attorney's fees should it prevail on its claims.

In preparing the case for trial, it became clear that the state could not escape liability for the contractor's claims due to the representations found in the plans. The central question in the case became determining how much the contractor was entitled to receive. An offer of judgment was made in the amount of \$600,000 plus interest, costs and attorney's fees. The interest would have amounted to approximately \$96,000 and the costs and attorney's fees pursuant to Civil Rule 82 would have been \$60,000, which brought the total settlement package to \$756,000. This computation did not provide compensation for the contractor's delay claims. The contractor responded with an informal offer to settle the case for \$835,000 plus post-judgment interest with the understanding that an initial

Richard I. Pegues
February 3, 1981
Page 3

payment be made from available funds with the balance funded through a supplemental appropriation. That offer was accepted and judgment was entered against the state. It is likely that had the state gone to trial, the contractor would have obtained a judgment well in excess of \$1,000,000 plus interest, costs and attorney's fees.

The funds for the construction of this hatchery were appropriated in 1976. As referenced above, the contract was awarded in the fall of 1977. During that period the state, assisted by its design consultants, selected the site for the facility and accomplished the design work necessary for the construction of the facility. Given the information available at the time, it was reasonably decided that the facility could be designed and constructed without elaborate, expensive and time consuming soils studies. In hindsight, that decision was a mistake.

In analyzing the events which led to the contractor's claims and the subsequent settlement of the case, lawyers have 20/20 hindsight. There were decisions made by the state and its design consultants which led to the contractor's problems. However, when the overall design process is considered and the constraints of time and money during that process are considered, those decisions were not unreasonable. It would have been possible to do a more exhaustive soils analysis on the site which would have raised the cost of designing the project but, more significantly, would have consumed valuable time. Had those soils studies been made, the project probably would have been delayed until the 1979 construction season, thereby increasing the cost of the project.

WFC/mt

MEMORANDUM

State of Alaska

TO: Ron Lorensen
Deputy Attorney General
Department of Law

DATE: November 24, 1980

FILE NO: J-22-367-79

TELEPHONE NO: 465-3603

FROM: William F. Cummings
Assistant Attorney General
Transportation Section
Department of Law - Juneau

SUBJECT: Supplemental Appropriation
to fund the settlement of
Christiansen & Assoc. v.
State; LJU-79-164 (Hidden
Falls Fish Hatchery Contract
Claim

Attached you will find the stipulation which settles this case and the judgment entered by the court. By the terms of the settlement, the state is obligated to pay the plaintiff \$835,000 plus 8% interest until paid. The \$835,000 represents a lump sum payment of compensation, prejudgment interest, costs and attorney's fees. Under the terms of the settlement, the state was required to pay the contractor all that it could out of presently available funds with the balance funded from a supplemental appropriation. On November 21, 1980, \$115,000 was delivered to plaintiffs' counsel. Of the principal amount, \$720,000 remains to be paid.

The Department of Fish and Game provided the \$115,000 to fund the initial payment. It was agreed that the \$115,000 would be replaced via a supplemental appropriation.

A supplemental appropriation in the amount of \$881,367 is required to fund the settlement. It is based upon the following calculations:

Principal Amount	\$835,000
Interest	
Interest on \$835,000 at 8% per annum for the period November 1 through November 21, 1980	\$ 4,175
Interest on \$720,000 at 8% per annum for the period November 22, 1980 through August 15, 1981	\$ <u>42,192</u>
Total Interest	\$ <u>46,367</u>
Total Amount of Supplemental Appropriation	\$881,367

Ron Lorensen
November 24, 1980
Page 2

In these calculations it is assumed that the funds would not be available until the new fiscal year and that a certain amount of time would be necessary to get the money "on the books" so that it could be paid to the contractor.

The disbursement of the funds will result in a transfer to the Department of Fish and Game in the amount of \$115,000 as outlined above. The remainder would consist of a payment to the contractor of \$720,000 plus accrued interest to the date of payment. Any funds not paid as interest could be returned to the general fund.

WFC/mt

Nov 3 11 53 AM '80

CLERK, THE IS COURT.
STATE OF ALASKA
BY *[Signature]*
DEPUTY CLERK
AT JUNEAU

THE SUPERIOR COURT FOR THE
FIRST JUDICIAL DISTRICT

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CHRISTENSEN, RABER, KIEF &
ASSOCIATES, INC., a Washington
corporation,

Plaintiff,

v.

STATE OF ALASKA,

Defendant,

No. 1JU-79-164 Civil

STIPULATION FOR SETTLEMENT

It is hereby stipulated by and between the parties through their respective attorneys of record that all claims of the plaintiff set forth in its Amended Complaint dated October 27, 1980, are hereby compromised and settled in full as follows:

1. Defendant State of Alaska agrees that judgment may be immediately entered in favor of plaintiff Christensen, Raber, Kief & Associates, Inc. in the sum of \$835,000.00 in full settlement of all of said plaintiff's claims arising out of the construction of the Hidden Falls Hatchery project, including all claims set forth in said Amended Complaint and all claims for prejudgment interest, costs and attorney's fees.

2. Defendant State of Alaska agrees that it will pay plaintiff on or before November 20, 1980, as much of the judgment as can be paid with all state funds presently legally available for this purpose, and will, at the first opportunity, submit an appropriation to the Alaska

FAULKNER, DAYFIELD, DOOGAN & HOLMES
SUITE 201, 311 FRANKLIN ST. PHONE (907) 886-2210
JUNEAU, ALASKA 99801

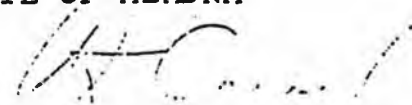
Legislature for the balance of the judgment.

1
2 3. The judgment to be entered pursuant to this stipula-
3 tion shall bear interest at the rate of eight per cent (8%)
4 per annum from November 1, 1980, until satisfied.

5 4. The parties hereby mutually release any claim,
6 demand, cause of action, responsibility or liability of each
7 of the respective parties to the other for any matter arising
8 out of or in any way associated with the construction of the
9 Hidden Falls Hatchery project, except for defects presently
10 not known and express warranties.

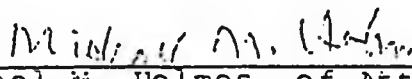
11 DATED October 31, 1980.

CARPENETI & COUNCIL,
Attorneys for defendant,
STATE OF ALASKA

12
13
14 By 
15 William T. Council

16 DATED October 31, 1980.

17 FAULKNER, BANFIELD, DOOGAN & HOLMES

18
19 
20 Michael M. Holmes, of Attorneys
21 for plaintiff, Christensen, Raber,
Kief & Associates, Inc.

Reed

CHRISTENSEN, RABER, KIEF &
ASSOCIATES, INC., a Washington
corporation,

Plaintiff,

v.

STATE OF ALASKA,

Defendant,

No. 1JU-79-164 Civil

JUDGMENT

The parties to this action have entered into a
Stipulation for Settlement dated October 31, 1980, agreeing
that judgment may be entered against the defendant State of
Alaska in the sum of \$835,000.

IT IS ORDERED that plaintiff Christensen, Raber,
Kief & Associates, Inc. recover from defendant State of
Alaska \$835,000.00 which sum includes prejudgment interest,
costs and attorney's fees. This judgment shall bear interest
at the rate of eight per cent (8%) per annum from November 1,
1980, until satisfied.

DATED this th 3 day of NOVEMBER, 1980.

Michael M. Holmes
Superior Court Judge

Submitted by

FAULKNER, BANFIELD, DOOGAN
& HOLMES

By *Michael M. Holmes*
Michael M. Holmes, of
Attorneys for Plaintiff
Christensen, Raber, Kief
& Associates, Inc.

Approved as to form
and content by

CARPENETTI & COUNCIL

By William T. Council,
of Attorneys for
Defendant State of
Alaska

I hereby certify that this is a true
and correct copy of an
original now on file in the
Alaska Trial Court at Juneau.
Witness my hand and the
seal of this court.

11/5/80 *Michael M. Holmes* *Reed*
Date Clerk

9-11-80 #5

FAULKNER, BANFIELD, DOOGAN & HOLMES
COURT, 311 PARADISE ST. PHONE 19071 506-2210
JUNEAU, ALASKA 99901

MEMORANDUM

State of Alaska

TO: Ronald O. Skoog
Commissioner
Department of Fish
and Game

DATE: November 14, 1980

FILE NO:

TELEPHONE NO: 465-3600

FROM: Wilson L. Condon
Attorney General

SUBJECT: Christenson & Assoc. v.
State (Hidden Falls
Hatchery Contract Claim)

Some time back the state was sued by the contractor for the Hidden Falls Hatchery on claims which aggregated to approximately \$2.3 million. Following close review of the claims by both attorneys within the Department of Law and by private counsel retained to represent the state in the lawsuit, we concluded that the state's probable liability on the claims exceeded \$1 million.

Settlement negotiations were undertaken, and a tentative settlement figure of \$835,000 was arrived at, pending the state's being able to pay at least a portion of that figure almost immediately. We determined that the only funds currently available for that purpose would be any balance remaining in the bond issue which initially funded the Hidden Falls Hatchery--ch.214, SLA 1976. After being advised by your staff that somewhere between \$100,000 and \$200,000 remained available in ch.214, we approached the attorneys for the contractor and offered a total settlement of \$835,000, with the outstanding balance in ch.214 (described as somewhere between \$100 and \$200 thousand) payable on or before November 20, 1980 and the remainder to be funded by a supplemental appropriation in the upcoming legislative session. This offer was accepted and a binding "Stipulation for Settlement" was entered by the parties on October 31, 1980 and filed with the court.

Since entry of the settlement we have experienced difficulties with members of your staff who indicate they do not wish to utilize the remaining ch.214 funds in accordance with the settlement because they apparently have other "plans" for the outstanding balance.

On November 21, 1980, the state will be in breach of its settlement agreement if the remaining funds in ch.214, SLA 1976 have not been paid over to the plaintiff. I would appreciate your taking whatever steps are necessary to see to it that those funds are paid over to the plaintiffs in

Ronald W. Skoog

- 2 -

November 14, 1980

accordance with the state's agreement. The warrant should be made payable jointly to Christensen, Raber, Kief and Associates, Inc., and the law firm of Faulkner, Banfield, Doogan and Holmes.

cc: William T. Council, Esq.
Carpeneti & Council

William F. Cummings
Assistant Attorney General

Ron Lind
Deputy Commissioner, Administration
Department of Transportation and
Public Facilities

Jerry Reinwand
Executive Assistant
to the Governor

MEMORANDUM

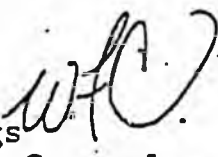
State of Alaska

TO: Ronald W. Lorensen
Deputy Attorney General
Department of Law

DATE: November 10, 1980

FILE NO: J-22-367-79

TELEPHONE NO: 465-3603

FROM: William F. Cummings 
Assistant Attorney General
Transportation Section
Department of Law - Juneau

SUBJECT: Christenson & Assoc.
v. State (Hidden Falls
Hatchery Contract Claim)

Attached is the stipulation of settlement in the action captioned above. By its terms the state is to pay as much as it can now out of available funds toward the settlement and the balance plus interest would be funded by a supplemental appropriation by the legislature.

As you will recall, we were led to believe that between \$100,000 and \$200,000 was available from the SLA 214 (1976) funding to pay a portion of the settlement. This information was conveyed to Mike Holmes, representing C.R.K. during settlement negotiations. In short then, the contractor expects to get at least \$100,000 almost immediately under the settlement.

I have consulted with the Department of Fish and Game to determine the exact amount which is presently available for the settlement. My first contact was Ernest Greek. He indicated, after checking various ledgers, that there was no money available for the settlement. I was, to say the least, surprised. Upon further inquiry, I found that there are funds remaining under SLA 214 (1976), but that Fish and Game has "plans" for them, though few, if any, formal obligations of the funds.

My next contact was Robert Roys, the Director of Fish and Game's Division of Fisheries Rehabilitation Enhancement and Development. I got the same story. There is money left from the 1976 funding, but Fish and Game has plans to spend all of the money. Roys indicated that if part of the remaining funds are used on the settlement, then Fish and Game would need to get a supplemental appropriation to implement the projects started under the 1976 funding. It is his belief that it is better to fund the entire settlement of the Hidden Falls Hatchery contract claim with a supplemental appropriation.

November 10, 1980
Ron Lorensen
Page 2

It appears that we have a "glitch" in the settlement of the case. We were led to believe that funds were immediately available to fund a portion of the settlement. This fact was conveyed to opposing counsel during settlement negotiations. The case has been settled with this understanding. Now, we cannot deliver unless the necessary funds are released, which is apparently possible if the Fish and Game cooperates.

A supplemental appropriation will be necessary even if we get partial funding through Fish and Game from presently available funds. Your guidance would be appreciated as to the next step to take.

Attachment
WFC/mt

MEMORANDUM

State of Alaska

TO: Ronald Skoog
Commissioner
Department of Fish and Game

DATE: November 20, 1980

FILE NO: J-22-367-79

TELEPHONE NO: 465-3603

FROM: William F. Cummings *W.F.C.*
Assistant Attorney General
Transportation Section
Department of Law - Juneau

SUBJECT: Settlement of C.R.K.
v. State; Hidden Falls
Hatchery Construction
Contract Claims

This memorandum is to confirm our telephone conversations of November 19 and 20, 1980 regarding partial payment of the settlement with the contractor in the action captioned above.

As you will recall, the state and the contractor have agreed to settle this case for \$835,000 inclusive of interest, costs, and attorney's fees with the provision that as much as possible would be paid out of available funds, and the remainder to be paid out of a supplemental appropriation. During negotiations with the contractor it was represented that between \$100,000 and \$200,000 could be paid. Under the terms of the settlement the \$835,000 would bear interest at 8% from November 1, 1980 until paid.

You have indicated that \$115,000 could be made available to make the initial payment under the settlement. Please direct that a state warrant in that amount be issued payable to the contractor and his local counsel, as requested in Mr. Condon's memorandum of November 14, 1980.

The Department of Law will obtain a supplemental appropriation to fund the \$835,000 plus interest, which must be paid to the contractor under the terms of the settlement. Of that amount \$115,000 will be allocated to the Department of Fish and Game to replace the advance for the settlement's initial payment. The remainder will be paid to the contractor.

Your assistance and many courtesies in this matter are appreciated.

WFC/mt

cc: Ron Lorensen ✓

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

RECEIVED
 Department of Law
 Juneau, Alaska

EDGAR BAILEY, et al.,
 Plaintiffs,
 v.
 LOWELL THOMAS, JR., Lieutenant
 Governor of the State of Alaska,
 Defendant,
 and
 MICHAEL BEIRNE, et al.,
 Defendant-
 Intervenors.

JAN 28 1981
 AM
 7 8 9 10 11 12 1 2 3 4 5 6
 PM

No. 3AN-78-1592 Civil

Filed in the Trial Courts
 STATE OF ALASKA THIRD DISTRICT

JAN 26 1981

CLERK OF THE TRIAL COURTS
 BY *[Signature]* DEPUTY

JUDGMENT

IT IS HEREBY ORDERED AND ADJUDGED that plaintiff Trustees for Alaska recover from the State of Alaska the sum of \$12,817.50 in attorneys fees plus interest at eight percent per annum from August 18, 1978 until the date of payment:

DATED at Anchorage, Alaska this 26 day of

January, 1981.

[Signature]
 Superior Court Judge

I certify that on 1-26-81
 a copy of this document was sent to:
 Clerk of Record, or
 Other:
 D.C.E. 26-81-983
 Deputy Clerk
 Rec'd Jnl. _____

JAN 28 1981

JAN 20 1981

THIRD JUDICIAL DISTRICT

EDGAR BAILEY, et al.,)
)
 Plaintiffs,)
)
 LOWELL THOMAS, JR., Lieutenant)
 Governor of the State of Alaska,)
)
 Defendant,)
)
 and)
)
 MICHAEL BEIRNE, et al.,)
)
 Defendant-)
 Intervenors.)

*Bixm. Homestead
Inst. Initiative*

Filed in the Trial Courts
STATE OF ALASKA THIRD DISTRICT

JAN 6 1981

CLERK OF THE TRIAL COURTS

DEPUTY
RECEIVED

Department of Law

JAN 7 1981

No. 3AN 78-1592 Civil

Office of the Attorney General
Anchorage Branch
Anchorage, Alaska

ORDER

Having reviewed the plaintiff's Motion for Attorney Fees, the defendant's Opposition filed thereto, and the Supreme Court's Opinion in Thomas v. Bailey, Op. No. 2094, May 16, 1980, the Court concludes that an award of actual attorney's fees is appropriate in the instant case. Having reached this conclusion it is hereby

ORDERED that plaintiffs shall recover from the State of Alaska the sum of \$12,817.50 in attorney's fees.

DATED at Anchorage, Alaska this 6 day of January, 1981.

[Signature]
MARK C. ROWLAND
Superior Court Judge

I certify that on January 6, 1981
a copy of the above was mailed to each
of the following at their addresses on
record: *John Thomas, P.O. Box 1000, Anchorage, Alaska*
James L. Walker
Secretary

[Signature]
I certify that on 1/7/81
a copy of this document was sent to:
[] of [] of
[] of [] of
[] of [] of
[] of [] of
[] of [] of

THIRD JUDICIAL DISTRICT

3 RONALD M. ZOBEL and)
 4 PATRICIA L. ZOBEL,)
 husband and wife,)
 5 Plaintiffs,)
 6 v.)
 7 THOMAS WILLIAMS,)
 COMMISSIONER OF REVENUE)
 8 and STATE OF ALASKA,)
 9 Defendants.)

STATE OF ALASKA
 THIRD JUDICIAL DISTRICT
 RECEIVED
 Department of Law
 Juneau, Alaska
 FEB 02 1981
 PH
 7 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34

Case No. 3AN-80-2856 Civil

STIPULATION AND ORDER RE ATTORNEY FEES

In order to settle all disputes relating to attorney fees and costs incurred in the litigation of this case before the superior court and the Alaska Supreme Court, the parties agree as follows:

1. The State of Alaska agrees to pay attorney fees and costs incurred by plaintiffs as of October 24, 1980, and attributable to the portion of this litigation dealing with the income tax exemption statute (AS 43.20.017).

2. Plaintiffs agree that the attorney fees and costs referred to in paragraph 1 are as follows:

Superior Court:

Attorney fees	\$ 8,730.00
Costs	172.35

Alaska Supreme Court:

Attorney fees	\$ 4,805.00
Costs	-0-

TOTAL	\$13,707.35
-------	-------------

3. If plaintiffs prevail in their appeal to the United States Supreme Court relating to the permanent fund dividend program (AS 43.23), the state agrees to pay attorney fees and costs incurred by plaintiffs as of October 24, 1980, and attributable to the portion of the litigation dealing with the permanent fund divided program.

10.5% interest 9/13/81 - 5/51 @ \$4.00 per day
 1001 OF INV

ATTORNEY GENERAL, STATE OF ALASKA
 STATE CAPITOL
 TOUCH 10, JUNEAU, ALASKA 99801
 PHONE 465-3600

referred to in paragraph 3 are as follows:

Superior Court:

Attorney fees	\$ 8,730.00
Costs	172.35

Alaska Supreme Court:

Attorney fees	\$ 4,805.00
Costs	-0-

TOTAL \$13,707.35

DATED at Juneau, Alaska, this 13th day of January, 1981.

WILSON L. CONDON
ATTORNEY GENERAL

By: Susan A. Burke
Susan A. Burke
Assistant Attorney General

DATED at Anchorage, Alaska, this 15 day of January, 1981.

Mark A. Sandberg
Mark A. Sandberg
Attorney for Plaintiffs

FILED IN THE TRIAL COURTS
State of Alaska Third District
APPEALS DEPT.

JAN 15 1981

ORDER
Clerk of the Trial Courts
By Wdy Deputy

IT IS SO ORDERED.

DATED at Anchorage, Alaska, this 20 day of Jan 1981.

1-27-81
A copy of this document was sent to
 Attorney(s) of Record, or
 Other:
at address of record
D.O.E. [Signature]
Deputy Clerk

[Signature]
Judge of the Superior Court

ATTORNEY GENERAL, STATE OF ALASKA
STATE CAPITOL
FOUCH K. JUNEAU, ALASKA 99011
PHONE 465-3600

COMMITTEE REPORT

HOUSE

5/18

3/9/81

FURTHER: FINANCE

(7)

Date: May 14, 1981

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 295

"An Act making supplemental appropriations to the Department of Administration and the Department of Transportation and Public Facilities; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 295 (trsp) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without ^{and} ~~with~~ recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Ken D. Skellie
Frank L. Zhanoff

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Shurtan *No Rec*
Ken Manning *DO NOT PASS*
Bette Cato *no Rec*
Joe Hagan *NO REC*

Bette Cato
 CHAIRMAN

Original sponsor: Rules/Governor

Offered: 5/18/81
Referred: Finance

Funding Information

General Fund	\$15,870,437
Other Funds	548,900
	<u>\$16,419,337</u>

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 295 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making various supplemental and special
7 appropriations; and providing for an effective date."

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

9 * Section 1. The sum of \$68,900 is appropriated from the general fund to
10 the Department of Administration, division of retirement and benefits, to
11 pay the administrative costs of the deferred compensation program.

12 * Sec. 2. The sum of \$613,100 is appropriated from the general fund to
13 the Department of Transportation and Public Facilities to pay cost overruns
14 and architectural fees for various projects in the state.

15 * Sec. 3. The sum of \$234,700 is appropriated from the general fund to
16 the Department of Transportation and Public Facilities to pay the claim
17 settlement on the Cold Bay dock project.

18 * Sec. 4. The sum of \$13,700 is appropriated from the general fund to
19 the Department of Transportation and Public Facilities to complete payment
20 for additional work on the winter airstrip near Shaktoolik.

21 * Sec. 5. The sum of \$715,000 is appropriated from the general fund to
22 the Department of Transportation and Public Facilities to complete the
23 paving of Hillside Drive.

24 * Sec. 6. The sum of \$1,605,000 is appropriated from the general fund to
25 the Department of Transportation and Public Facilities for the following
26 Kodiak road improvements:

27 Bells Flats - resurfacing and guardrails \$ 805,000

28 Otmeloi - resurfacing 800,000

29 * Sec. 7. The sum of \$2,200,000 is appropriated from the general fund to

1 the Department of Transportation and Public Facilities for capital costs
2 related to runway and apron resurfacing at the Kodiak airport.

3 * Sec. 8. The sum of \$477,989 is appropriated from the general fund to
4 the Department of Transportation and Public Facilities for payment of state
5 equipment fleet rentals for the 1979 and 1980 fiscal years.

6 * Sec. 9. The sum of \$46,748 is appropriated from the general fund to
7 the Department of Transportation and Public Facilities for payment of Bering
8 Sea storm repaid costs.

9 * Sec. 10. The sum of \$3,000,000 is appropriated from the general fund
10 to the Department of Transportation and Public Facilities for airport runway
11 improvements at Petersburg.

12 * Sec. 11. The sum of \$671,300 is appropriated from the general fund to
13 the Department of Transportation and Public Facilities for completion of
14 Phase I, Nome City Streets.

15 * Sec. 12. The sum of \$1,769,500 is appropriated from the general fund
16 to the Department of Transportation and Public Facilities for the following
17 allocation and appropriation items for the fiscal year ending June 30, 1981:

	APPROPRIATION	
	ALLOCATIONS	ITEMS
Southeast Region operations and maintenance		\$ 111,900
Airports	4,500	
Highways	107,400	
Central Region operations and maintenance		771,100
Airports	175,000	
Highways	596,100	
Southcentral Region operations and maintenance		185,700
Airports	22,300	
Highways	147,700	
Administration	15,700	

1	Interior Region operations and maintenance		534,500
2	Airports	179,400	
3	Highways	330,800	
4	North Slope Haul Road	24,300	
5	Western Region operations and maintenance		166,300
6	Airports	63,200	
7	Highways	102,400	
8	Administration	700	

9 * Sec. 13. The sum of \$227,700 is appropriated from the general fund to
10 the Office of the Governor, division of elections, for additional operating
11 costs for the fiscal year ending June 30, 1981

12 * Sec. 14. The sum of \$225,100 is appropriated from the general fund and
13 the sum of \$16,000 is appropriated from program receipts to the Department
14 of Administration, division of retirement and benefits, to pay costs of the
15 elected public officers retirement system, for the fiscal years ending
16 June 30, 1979, 1980 and 1981, and for additional legal expenses of the
17 supplemental benefits program.

18 * Sec. 15. The sum of \$2,084,600 is appropriated to the Office of the
19 Governor for fiscal year 1981 costs of the negotiated agreement with the
20 Labor, Trades and Crafts bargaining unit signed on April 20, 1981 from the
21 following sources:

22	General Fund	\$ 1,551,700
23	Federal funds	90,700
24	Highway Working Capital Fund	248,500
25	International Airport Revenue Fund	189,900
26	Surplus Property Revolving Fund	3,800

27 * Sec. 16. The sum of \$2,000,000 is appropriated from the general fund
28 to the Office of the Governor for the National Communications Program.

29 * Sec. 17. The sum of \$275,000 is appropriated from the general fund to

1 the Department of Transportation and Public Facilities for payment as a
2 grant to the Municipality of Anchorage for completion of the Montague Manor
3 storm drain.

4 * Sec. 18. The sum of \$55,000 is appropriated from the general fund to
5 the Department of Transportation and Public Facilities for payment as a
6 grant to the Municipality of Anchorage for completion of the Girdwood
7 container site access road paving and canopy.

8 * Sec. 19. The sum of \$120,000 is appropriated from the general fund to
9 the Department of Transportation and Public Facilities for payment as a
10 grant to the Municipality of Anchorage for emergency road improvements in
11 the Glen Alps service area.

12 * Sec. 20. The unexpended and unobligated portions of the appropriations
13 made in secs. 1 - 3, 8 - 9 and 12 - 15 of this Act lapse into the general
14 fund June 30, 1981.

15 * Sec. 21. The unexpended and unobligated portion of the appropriation
16 made in sec. 16 of this Act lapses into the general fund June 30, 1982.

17 * Sec. 22. The appropriations made in secs. 4 - 7 and 10 - 11 of this
18 Act are for capital projects and are subject to AS 37.25.020.

19 * Sec. 23. The appropriations made in secs. 17 - 19 of this Act shall be
20 disbursed in accordance with AS 37.05.315.

21 * Sec. 24. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).

Letter to Bockup

<u>Funding Information</u>	
General Fund	\$916,700
Other Funds	-0-
	<hr/>
	\$916,700

Introduced: 3/9/81
Referred: Transportation and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 295

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making supplemental appropriations to the
7 Department of Administration and the Department of
8 Transportation and Public Facilities; and providing
9 for an effective date."

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

11 * Section 1. The sum of \$68,900 is appropriated from the general fund to
12 the Department of Administration, division of retirement and benefits, to
13 pay the administrative costs of the deferred compensation program.

14 * Sec. 2. The sum of \$613,100 is appropriated from the general fund to
15 the Department of Transportation and Public Facilities, to pay cost overruns
16 and architectural fees for various projects in the state.

17 * Sec. 3. The sum of \$234,700 is appropriated from the general fund to
18 the Department of Transportation and Public Facilities to pay the claim
19 settlement on the Cold Bay dock project.

20 * Sec. 4. The unexpended and unobligated parts of the appropriations
21 made in this Act lapse into the general fund June 30, 1981.

22 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
23 070(c).

MEMORANDUM

State of Alaska

RECEIVED

JAN 28 1981

BUDGET AND MANAGEMENT

5100402

TO: Ron Lehr, Director
Division of Budget and Management
Office of the Governor

DATE: January 27, 1981

FILE NO:

TELEPHONE NO: 465-2200

FROM: Commissioner W. R. Hudson
Department of Administration

SUBJECT: FY 81 Supplemental
Deferred Compensation

The Department of Administration, Division of Retirement and Benefits, Deferred Compensation Program requests a supplemental appropriation for FY 81 of 68.9 General Funds.

As explained in the attached memorandum from Paul Arnoldt, it was planned that the recipients of this program would be assessed a fee to pay the administrative costs. This plan, however, was not implemented due to a lack of specific statutory authority. This authority is being requested in the Department's legislative package for the 1981 session.

If you have any questions, please call me or Judy Crondahl at 465-2277.

WRH/mjc
cc: Paul B. Arnoldt
Judy Crondahl
Attachment

To Typists
2/17/81

MEMORANDUM

State of Alaska

TO: Judy Crondahl
Director
Division of Administrative Services
Department of Administration

DATE: January 24, 1981

FILE NO:

TELEPHONE NO: 465-4460

Paul B. Arnoldt
FROM: Paul B. Arnoldt
Director
Division of Retirement & Benefits
Department of Administration

SUBJECT: Supplemental Budget
Request

Our FY 81 budget request contained a provision which shifted the cost of administering the Deferred Compensation Plan from General Funding to Program Receipts. This transfer was accomplished in an effort to shift the cost of the program from the general public to those deriving benefits from the plan and was based on the Governor's policy guidelines.

Subsequent to the legislature's authorization of funds under Program Receipts for the Deferred Compensation Plan, it was our intent to assess a \$5.00 monthly fee upon every participant of the plan to fund the administrative costs of the program. However, the Department of Law deemed the charge of a fee inappropriate without specific statutory authority.

Therefore, in FY 81 we are overfunded in Program Receipts by \$68.9 (thousands) and underfunded in General Funds by the same amount. We are requesting a supplement to our FY 81 budget in the General Fund area to cover the deficit. Our Supplemental Request Analysis for the Other Benefits component is attached.

We shall be seriously underfunded in the General Fund area, if our request is not fulfilled. Your assistance with our supplemental request is appreciated.

PBA/ch

RECEIVED
JAN 27 1981

Dept. of Administration
Administrative Services

FY 80 SUPPLEMENTAL REQUEST ANALYSIS

	1	2	3	4	5	6	7	8	9	10
	FY 79 ACTUAL	FY 80 FINAL AUII.	FY 80 ACTUAL	FY 81 GOV. BUDGET	FY 81 INITIAL AUII.	FY 81 CURRENT AUII.	FY 81 EXPENDITURES + ENCUMBRANCES 7/1/ to 12/31/81	FY 81 OTHER OBLIGATIONS 7/1/ to _____	FY 81 PROJECTED EXPENDI- TURES + ENCUMBRANCES to 6/30	FY 81 (DEFICIT) OR EXCESS.
GENERAL SERVICES	167.9	277.3	256.2	332.6	456.1	456.1	196.0		260.1	
FE	4.2	5.4	2.6	11.8	13.8	13.8	1.9		11.9	
INDIRECT SERVICES	41.4	382.7	384.3	296.7	424.2	424.2	134.1		290.1	
UTILITIES	1.0	4.8	4.2	3.9	4.3	4.3	1.0		3.3	
PHONE	3.9	41.0	40.8	7.9	6.2	6.2	.9		5.3	
POST. TRAVEL		9.7	9.7	9.3	9.3	9.3	9.3			
PROPERTY CLAIMS										
LIABILITIES		31.3	28.8	31.3	43.9	43.9			43.9	
TOTAL	218.4	752.2	726.6	687.5	957.8	957.8	343.2		614.6	
GENERAL RECEIPTS										
FEDERAL MATCHING										
GENERAL FUND	170.9	217.5	187.1	201.6	213.4	213.4	139.4		142.9	(68.9)
Program AGENCY RECEIPTS		463.7	475.5	408.4	633.3	633.3	164.7		399.7	68.9
Other Funds	47.5	71.0	64.0	77.5	77.5	77.5	34.1		43.4	
P/E Ret					14.3	14.3			14.3	
Teachers Ret					14.3	14.3			14.3	
N.G.					5.0	5.0	5.0			

DRU: Labon Services

COMPONENT: Other Benefits

REVISED: _____

MEMORANDUM

DOT/PT
WILSON
State of Alaska

TO: Ron Lehr, Director
Division of Budget and Management
Office of the Governor

DATE: December 16, 1980

FILE NO:

TELEPHONE NO:

FROM: John C. Bates *JCB*
Deputy Commissioner
Department of Transportation
and Public Facilities

SUBJECT: Supplemental Capital
Budget Request-Facilities

Attached, is this Department's Supplemental Budget Request. This request represents cost overruns on currently active Facilities projects.

The projects for which we are requesting supplemental funding are:

1. Pilot Station School
2. Architectual Fees
3. Southeast - Project Overruns
4. Interior/Western Project Overruns
5. Central Region Project Overruns
6. Juneau Subport and Reroof
7. Governor's Mansion Fire Sprinkler

<i>IN FY82</i>	1,100.0	<i>OK - new proj.</i>
	49.0	} 613.1 Sl01404
	59.6	
	230.0	
	274.5	
	62.6	<i>add. to 66 project</i>
	<u>185.0</u>	<i>" " " "</i>
	1,960.7	

Marvin Spahr 4070

Typed 2/17/81

RECEIVED
DEC 16 1980
BUDGET AND MANAGEMENT

Project Title Architectual Fees			Location (s) Statewide		Election Districts Served		Start Date 7/1/80		Completion Date 6/30/81	
AGENCY REQUEST			Operational Cost & No. Personnel Increase -- (Decrease)		First Operating Year _____	Ultimate Annual Year _____	GOVERNOR'S REQUEST		Approval <input type="checkbox"/>	
							Deferred <input type="checkbox"/>		Disapproved <input type="checkbox"/>	
1002	Federal Receipts		Funding	Federal Receipts			1002	Federal Receipts		
1003	G/F Match			General Fund			1003	G/F Match		
1004	General Fund	49.0	Source				1004	General Fund		
1005	I/A Receipts						1005	I/A Receipts		
	G.O. Bonds							G.O. Bonds		
			Total Annual Operational Cost							
			Position (FTE)							
			Previous Year-Priority		Agency Priority	Governor's Priority				
Total			49.0				Total			

PROJECT DESCRIPTION

This project will complete payment to architects for completed projects.

35a PROJECT DESCRIPTION -
PROPOSED CAPITAL
PROJECT

CATEGORY

AGENCY DOT/PF

PROGRAM

RECEIVED
DEC 16 1980
BUDGET AND MANAGEMENT

Page 1 of 2
Revised Date

RECEIVED
DEC 16 1980
BUDGET AND MANAGEMENT
FY 82

35a PROPOSED CAPITAL PROJECT

01 1143(B/80)

	Total	Budget Year	Budget Year Plus 1	Budget Year Plus 2	Budget Year Plus 3	Budget Year Plus 4	Remaining Cost
Planning and Engineering							
Land							
Construction							
Equipment							
Administration and Other	49.0	49.0					
Total Annual Expenditure (Capital Cost)	49.0	49.0					

Project Justification

This project represents architectural fees which have been submitted to DOT/PF for projects which were closed out prior to receipt of the fees. The fees are entirely justified and should be paid as soon as possible.

Project Type

- Building Construction (C)
- Other Improvement (I)
- Equipment (E)
- Land (L)
- Professional Services (P)
- Other (O)

Project Characteristics

- Totally New Facility
- Addition to Existing Facility
- Renovation of Existing Facility
- Major Maintenance or Repair
- Supplement Previously Authorized
- Funds to Enable Completion
- One of Several Phases
- Major External Funding Source
- Other

Site Features

NO YES

- Site Currently Owned?
- All Utilities Available?
- Access Already Available?

PROJECT TITLE

CATEGORY

AGENCY

DOT/PF

PROGRAM

Page 2 of 2
Revised Date

FY 82

35b

PROJECT JUSTIFICATION

PROPOSED CAPITAL PROJECT

Capital Project Expenditures (Cash Flow)	Total	Budget Year	Budget Year Plus 1	Budget Year Plus 2	Budget Year Plus 3	Budget Year Plus 4	Remaining Cost
Planning and Engineering							
Land							
Construction							
Equipment							
Administration and Other	59.6	59.6					
Total Annual Expenditure (Capital Cost)	59.6	59.6					

Project Justification

The budgets for those physically-completed projects described on form "35a" cannot be closed due to outstanding debts. With the requested funding, these debts will be paid and the project accounts closed.

Project Type

- Building Construction (C)
- Other Improvement (I)
- Equipment (E)
- Land (L)
- Professional Services (P)
- Other (O)

Project Characteristics

- Totally New Facility
- Addition to Existing Facility
- Renovation of Existing Facility
- Major Maintenance or Repair
- Supplement Previously Authorized
- Funds to Enable Completion
- One of Several Phases
- Major External Funding Source
- Other

Site Features

NO YES

- Site Currently Owned?
- All Utilities Available?
- Access Already Available?

PROJECT TITLE Project Cost Overruns

CATEGORY Facilities

35b PROJECT JUSTIFICATION
PROPOSED CAPITAL PROJECT

AGENCY DOT/PF

PROGRAM Southeast Region

Page 1 of 1
Revised Date

FY 82

Project Title		Location(s)		Election Districts Served		Start Date		Completion Date	
Project Overruns		Interior & Western Region		Various					
AGENCY REQUEST			Operational Cost & No. Personnel Increase -- (Decrease)		First Operating Year	Ultimate Annual Year	GOVERNOR'S REQUEST		
							Approved	Deferred	Disapproved
1002	Federal Receipts		Funding	Federal Receipts			1002	Federal Receipts	
1003	G/F Match			General Fund			1003	G/F Match	
1004	General Fund	230.0	Source				1004	General Fund	
1005	I/A Receipts						1005	I/A Receipts	
	G.O. Bonds		Total Annual Operational Cost					G.O. Bonds	
			Position (FTE)						
			Previous Year-Priority	Agency Priority	Governor's Priority				
Total		230.0					Total		

PROJECT DESCRIPTION

The project listed in this capital budget request have been funded by previous budgets. All projects listed in this request are in the DOT/PF, Interior & Western Regions and involve projects such as pioneer homes, office buildings, skill centers, sewer improvements, and schools.

The cost overruns involve various components of the projects, ranging from change orders requested by the client agencies to changes in building codes or need for additional design work.

CATEGORY Facilities
 AGENCY Department of Transportation & Public Facilities
 PROGRAM Interior & Western Region

Page 1 of 3
 Revised Date

FY 82

35a PROJECT DESCRIPTION -
 PROPOSED CAPITAL
 PROJECT

Capital Project Expenditures (Cash Flow)	Total	Budget Year	Budget Year Plus 1	Budget Year Plus 2	Budget Year Plus 3	Budget Year Plus 4	Remaining Cost
Planning and Engineering							
Land							
Construction							
Equipment							
Administration and Other							
Total Annual Expenditure (Capital Cost)	230.0						

Project Justification

Project Need:

Additional funding is needed at this time to cover the overruns and insure completion without claims against the projects. As shown on the attached sheet, the claims run in cost from \$500 to approximately \$50,000.

For the Interior Region there are 14 projects now in an over-spent category. It is anticipated that the requested funds in total, and as reflected for each individual project will complete the projects as presently scheduled and anticipated by the client agencies.

The projects, by type, range from building construction to improvement and equipment. Project characteristics involve new facilities, addition to existing facilities and renovation of existing facilities, and, in some cases, major maintenance and repair.

These funds are also needed to supplement previously authorized funds which will enable completion of the project as needed by the client agency.

The project purposes include protection of human health and safety, protection of capital assets, the improvement of the efficiency and economy of state government, and, in some cases, to accommodate new program requirements.

Project Type

- Building Construction (C)
- Other Improvement (I)
- Equipment (E)
- Land (L)
- Professional Services (P)
- Other (O)

Project Characteristics

- Totally New Facility
- Addition to Existing Facility
- Renovation of Existing Facility
- Major Maintenance or Repair
- Supplement Previously Authorized
- Funds to Enable Completion
- One of Several Phases
- Major External Funding Source
- Other

Site Features

NO YES

- Site Currently Owned?
- All Utilities Available?
- Access Already Available?

PROJECT TITLE Project Overruns

CATEGORY Facilities

AGENCY Department of Transportation
& Public Facilities

PROGRAM Interior & Western Region

Page <u>2</u> of <u>3</u>
Revised Date _____

FY 82

35b PROJECT JUSTIFICATION
**PROPOSED CAPITAL
PROJECT**

OVER EXPENDITURES

INTERIOR REGION

<u>PROJECT #</u>	<u>NAME</u>	<u>AMOUNT OVERSPENT*</u>	<u>BUDGETED AMOUNT</u>	<u>% OVERSPENT</u>
+H-60040	Fairbanks HVAC Building	-\$2,324.68	\$22,000	10.6%
**H-80111	Glennallen Employment Center	- 524.59	7,500	7.0%
H-80189	Nulato Building Sewer & Water	-2,431.13	865,933	0.3%
H-90060	Cantwell School	-0-	500,285	-0-
H-90061	Cantwell Roof	-1,525.42	32,115	1.64%
H-90120	Galena Elementary/High	-29,078.37	4,125,000	0.07%
+H-90140	Glennallen Multi-Purpose	-100,071.46	1,109,009.26	9.02%
H-90150	Glennallen Voc./Ed.	-933.42	479,317.00	1.77%
H-90300	Mentasta Elementary School	-8,481.11	253,993	1.07%
H-90360	Northway Elementary/Secondary	-2,726.50	1,698,689.31	0.16%
H-90460	Tanana Voc./Ed.	-3,365.34	468,000	0.72%
H-90609	Nulato HS Roof	-0-	300,000	-0-
+H-91132	Stevens Village	-1,893.89	12,632.00	15%
H-91135	Fort Yukon	-3,225.00	327,675	0.0098%
	TOTAL	-156,580.91		

WESTERN REGION

+H-80190	Selawik Community Service	-\$20,332.05	\$1,079,313	1.88%
+**H-80191	Allakanuk Community Service	-50,580.03	1,001,00	5.05%
H-92601	Kolzebue Senior Citizens	-2,459.12	904,670	0.27%
	GRAND TOTAL	-\$229,952.11		

- * - This information is based on 9-30-80 210 Run.
- ** - These projects belong to Central Region.
- + - See attached memo for statement regarding these projects.

Project Title Project Cost Overrun			Location(s) Central		Election Districts Served 5-18		Start Date July '81		Completion Date June '82		
AGENCY REQUEST			Operational Cost & No. Personnel Increase -- (Decrease)		First Operating Year _____	Ultimate Annual Year _____	GOVERNOR'S REQUEST				
							Approved	Deferred	Disapproved		
1002	Federal Receipts		Funding Source	Federal Receipts			1002	Federal Receipts			
1003	G/F Match			General Fund			1003	G/F Match			
1004	General Fund	274.5					1004	General Fund			
1005	I/A Receipts						1005	I/A Receipts			
	G.O. Bonds							G.O. Bonds			
			Total Annual Operational Cost								
			Position (FTE)								
			Previous Year-Priority		Agency Priority	Governor's Priority					
Total			274.5						Total		

PROJECT DESCRIPTION

Nineteen building projects within the Central Region involving completed projects and those under construction. The type of buildings include: Pioneer homes, court facilities, fish hatcheries, skill centers, sewer improvements, junior high and high schools. Project characteristics include new facilities, addition to existing facilities, major maintenance and repair, and renovation of existing facilities.

35a PROJECT DESCRIPTION -
PROPOSED CAPITAL
PROJECT

CATEGORY Facilities Planning
AGENCY DOT/PE
PROGRAM Supplemental

Page 1 of 1
Revised Date

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FINANCIAL AND MANAGEMENT

FY 82

Capital Project Expenditures (Cash Flow)	Total	Budget Year	Budget Year Plus 1	Budget Year Plus 2	Budget Year Plus 3	Budget Year Plus 4	Remaining Cost
Planning and Engineering							
Land							
Construction							
Equipment							
Administration and Other							
Total Annual Expenditure (Capital Cost)	274.5						

Project Justification

The cost overruns involve various components of the projects, ranging from change orders requested by the client agencies to changes in building codes or need for additional design work. Additional funding is needed at this time to cover the overruns and insure completion without claims against the projects. These funds are also needed to supplement previously authorized funds which will enable completion of the project.

The project purposes include protection of human health and safety, protection of capital assets, the improvement of the efficiency and economy of the state government, and, in some cases, to accommodate new program requirements.

Project Type

- Building Construction (C)
- Other Improvement (I)
- Equipment (E)
- Land (L)
- Professional Services (P)
- Other (O)

Project Characteristics

- Totally New Facility
- Addition to Existing Facility
- Renovation of Existing Facility
- Major Maintenance or Repair
- Supplement Previously Authorized
- Funds to Enable Completion
- One of Several Phases
- Major External Funding Source
- Other

Site Features

NO YES

- Site Currently Owned?
- All Utilities Available?
- Access Already Available?

PROJECT TITLE Project Cost Overruns

CATEGORY Facilities Planning

AGENCY DOT/PF

PROGRAM Supplemental

Page 1 of 2
Revised Date

FY 82

PROJECT JUSTIFICATION
35b **PROPOSED CAPITAL PROJECT**

Documentation of Estimated Capital Costs: Based on current records - 10% annually.

Analysis of Estimated Operational Expense: No changes.

Identification of Alternatives Considered: None available - projects must be completed.

<u>PROJECT #</u>	<u>NAME</u>	<u>AMOUNT OVERSPENT</u>
H80008	ANC Pioneers Home - Phase I	\$ 29,647.19
H80046	Lake Nunavegalak Rearing	1,623.10
H80067	Kenai Court & Office	425.76
H80094	AK Skill Ctr	14,414.67
H80098	Seward Skill Ctr - Dorms	154.38
H80130	Seward Hwy Maint Bldg	1,210.93
H80191	Alakanuk Comm Service	50,580.03
H80194	Anc Court Facility Remodel	63,445.23
H80321	Fire Lake Sewer	126.07
H80323	Anc Pioneers Home	12,206.82
H80356	Seward M & O Shop	1,248.93
H90050	Bethel Jr Hi Roof Repair	7,529.96
H90370	Pilot Point School	10,727.22
H90440	Sleetmute Elem.	455.87
H91042	Bethel HS Under Floor	33,499.89
H91044	Bethel Dorm Roof	2,161.55
H91047	Bethel Reg Fire Code	10,771.30
H20273	Anch Pioneer Home - Phase II	18,566.61
H91703	Mcgrath Sewer & Water	15,725.57
	TOTAL	\$274,471.08

Project Cost Overrun

CATEGORY Facilities Planning
AGENCY DOT/PF
PROGRAM Central Region

Page 2 of 2
Revised Date

FY 82

CONTINUATION
FROM:


MEMORANDUM

RECEIVED
State of Alaska JAN 22 1981

TO: Ronald Lehr, Director
Division of Budget & Management
Office of the Governor

5092-502
DATE: January 21, 1981
5091402
FILE NO:

TELEPHONE NO:

FROM: John C. Bates 
Deputy Commissioner
Planning and Programming
Department of Transportation
and Public Facilities

SUBJECT: Supplemental Request

We request that the supplemental request submitted by the Department on December 19, 1980 be amended to include \$234,670 for a claim settlement on the Cold Bay Dock project.

This supplemental request represents that portion of the claim we were unable to pay at time of settlement plus 8% interest. The amount owed the claimant is \$220,000 plus 10 months of interest for a total of \$234,670.

Your support for this request will be appreciated.

Project Title Cold Bay Dock Reconstruction Claim Settlement			Location (s) Cold Bay, Alaska		Election Districts Served 15		Start Date		Completion Date			
Aviation fuel dock project AGENCY REQUEST			Operational Cost & No. Personnel Increase -- (Decrease)		First Operating Year _____		Ultimate Annual Year _____		GOVERNOR'S REQUEST Approved <input type="checkbox"/> Deferred <input type="checkbox"/> Disapproved <input type="checkbox"/>			
1002	Federal Receipts		Funding Source	Federal Receipts				1002	Federal Receipts			
1003	G/F Match			General Fund				1003	G/F Match			
1004	General Fund	\$237,600							1004	General Fund		
1005	I/A Receipts								1005	I/A Receipts		
	G.O. Bonds									G.O. Bonds		
			Total Annual Operational Cost									
			Position (FTE)									
			Previous Year Priority		Agency Priority		Governor's Priority					
Total			\$237,600						Total			

PROJECT DESCRIPTION

The Cold Bay Dock was completely reconstructed with a \$1,980,000 Aviation G.O. Bond (Ch.248 SLA76) and a \$500,000 General Fund (Ch.131 SLA77) appropriation. The construction contract was awarded to Riley Pleas, Inc. a Seattle firm, in July, 1977. Work proceeded through 1978 and occupancy of the structure began in January, 1979. Prior to final acceptance of the facility a number of deficient welds were discovered by the State Inspector leading to delays in processing of payment to the contractor. The Contractor subsequently filed a claim to recover increased costs which he alleged were the result of poor design and unreasonable tolerances. A settlement of the claim was negotiated and accepted by the Commissioner of DOT/PF on September 24, 1980. The agreement called for payment of \$250,000 (at 8% annual interest) to satisfy all claims, rights and remaining contract costs. The funds remaining in the appropriation, \$30,000, were paid in December, 1980, leaving a balance of \$220,00 to be paid. This appropriation will provide the funds needed to make that final payment.

RECEIVED

FEB 24 1981

BUDGET AND MANAGEMENT

CATEGORY Transportation

AGENCY DOT/PF

PROGRAM Ports and Harbors

Page	of
Revised Date	

FY 82

**35a PROJECT DESCRIPTION -
PROPOSED CAPITAL
PROJECT**

Project Title Cold Bay Dock Reconstruction Claim Settlement			Location(s) Cold Bay, Alaska		Election Districts Served 15		Start Date		Completion Date			
Aviation fuel dock project AGENCY REQUEST			Operational Cost & No. Personnel Increase -- (Decrease)		First Operating Year _____		Ultimate Annual Year _____		GOVERNOR'S REQUEST Approved <input type="text"/> Deferred <input type="text"/> Disapproved <input type="text"/>			
1002	Federal Receipts		Funding Source	Federal Receipts				1002	Federal Receipts			
1003	G/F Match			General Fund				1003	G/F Match			
1004	General Fund	\$237,600							1004	General Fund		
1005	I/A Receipts								1005	I/A Receipts		
	G.O. Bonds									G.O. Bonds		
			Total Annual Operational Cost									
			Position (FTE)									
			Previous Year-Priority		Agency Priority		Governor's Priority					
Total		\$237,600							Total			

PROJECT DESCRIPTION

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FEB 24 1981

BUDGET AND MANAGEMENT

CATEGORY Transportation

AGENCY DOT/PF

PROGRAM Ports and Harbors

Page _____ of _____

Revised Date _____

FY 82

**35a PROJECT DESCRIPTION -
PROPOSED CAPITAL
PROJECT**

Capital Project Expenditures (Cash Flow)	Total	Budget Year	Budget Year Plus 1	Budget Year Plus 2	Budget Year Plus 3	Budget Year Plus 4	Remaining Cost
Planning and Engineering							
Land							
Construction	\$237,600	\$237,600					
Equipment							
Administration and Other							
Total Annual Expenditure (Capital Cost)							

Project Justification

See attached Letter of Agreement, correspondence and memorandum.

Non payment of the claim agreed to could result in further litigation by the contractor resulting in substantial costs to the State.

\$220,000 @ 8% simple interest for one year = \$237,600

Project Type

- Building Construction (C)
- Other Improvement (I)
- Equipment (E)
- Land (L)
- Professional Services (P)
- Other (O)

Project Characteristics

- Totally New Facility
- Addition to Existing Facility
- Renovation of Existing Facility
- Major Maintenance or Repair
- Supplement Previously Authorized
- Funds to Enable Completion
- One of Several Phases
- Major External Funding Source
- Other

Site Features

NO YES

- Site Currently Owned?
- All Utilities Available?
- Access Already Available?

PROJECT TITLE Cold Bay Dock Claim Settlement CATEGORY Transportation

PROJECT JUSTIFICATION
35b PROPOSED CAPITAL
PROJECT

AGENCY DOT/PF
PROGRAM Ports and Harbors

Page _____ of _____
Revised Date _____

FY 82

14B 295

March 9, 1981

The Honorable Jim Duncan
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would make supplemental appropriations to the Department of Administration and to the Department of Transportation and Public Facilities (DOT/PF).

The appropriation to the Department of Administration, in sec. 1 of the bill, would pay the administrative costs of the deferred compensation program in the division of retirement and benefits. Last year, it was the intent to fund these costs through program receipts (i.e., a \$5 monthly fee from every program participant); however, there is no specific statutory authority for imposing such a fee. Therefore, the Department of Administration is currently paying those administrative costs, which were not included in its FY 81 budget. In other words, last year's appropriation was based on a substantial amount of program receipts, but there are no program receipts.

Sections 2 and 3 of the bill contain appropriations to DOT/PF. The \$613,100 amount in sec. 2 would pay cost overruns and architectural fees for various projects in the state. The architectural fees are for services completed on several projects, but for which the fees have not yet been paid. The project cost overruns resulted from a range of situations, including change orders requested by the client agencies, changes in building codes, and necessary additional design work. Some of the projects involved have been completed and some have not.

The \$234,700 appropriation to DOT/PF in sec. 3 would pay the claim settlement on the Cold Bay dock project. A claim filed by the contractor was negotiated and an agreement was accepted by the commissioner of DOT/PF on

September 24, 1980. The appropriation would pay the balance of \$220,000 owed to the contractor, plus eight percent interest. Additional interest will accrue if payment is not made promptly.

Sincerely,

SJS

Jay S. Hammond
Governor

ALASKA STATE LEGISLATURE

TWELFTH Legislature FIRST Session

HOUSE BILL NO. 295

By THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

An Act making supplemental appropriations to the Department of Administration and the Department of Transportation and Public Facilities; and providing for an effective date.

Suppl. appro, Dept. of Admin. and Dept. of Transportation and Public Facilities

Introduced in the House 3/9, 1981

HISTORY IN THE HOUSE

19 81	Read first time and referred to Committee on										
Mar. 9	Transportation and Finance Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>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> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reconsideration										
	<table border="0"> <tr> <td>PASS</td> <td>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> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Sent to Senate										
CHIEF CLERK OF THE HOUSE											

HISTORY IN THE SENATE

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr> <td>PASS</td> <td>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> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Returned to House										
SECRETARY OF THE SENATE											

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.

Original sponsor: Rules/Governor

Funding Information

General Fund	\$4,762,637
Other Funds	532,900
	<u>\$5,295,537</u>

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 295 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making supplemental appropriations to the
7 Office of the Governor, the Department of Administra-
8 tion, and the Department of Transportation and Public
9 Facilities; and providing for an effective date."

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

11 * Section 1. The sum of \$68,900 is appropriated from the general fund to
12 the Department of Administration, division of retirement and benefits, to
13 pay the administrative costs of the deferred compensation program.

14 * Sec. 2. The sum of \$613,100 is appropriated from the general fund to
15 the Department of Transportation and Public Facilities to pay cost overruns
16 and architectural fees for various projects in the state.

17 * Sec. 3. The sum of \$234,700 is appropriated from the general fund to
18 the Department of Transportation and Public Facilities to pay the claim
19 settlement on the Cold Bay dock project.

20 * Sec. 4. The sum of \$477,989 is appropriated from the general fund to
21 the Department of Transportation and Public Facilities for payment of state
22 equipment fleet rentals for the 1979 and 1980 fiscal years.

23 * Sec. 5. The sum of \$46,748 is appropriated from the general fund to
24 the Department of Transportation and Public Facilities for payment of Bering
25 Sea storm repaid costs.

26 * Sec. 6. The sum of \$1,769,500 is appropriated from the general fund to
27 the Department of Transportation and Public Facilities for the following
28 allocation and appropriation items for the fiscal year ending June 30, 1981:

29 APPROPRIATION

	ALLOCATIONS	ITEMS
1		
2	Southeast Region operations and maintenance	\$ 111,900
3	Airports	4,500
4	Highways	107,400
5	Central Region operations and maintenance	771,100
6	Airports	175,000
7	Highways	596,100
8	Southcentral Region operations and maintenance	185,700
9	Airports	22,300
10	Highways	147,700
11	Administration	15,700
12	Interior Region operations and maintenance	534,500
13	Airports	179,400
14	Highways	330,800
15	North Slope Haul Road	24,300
16	Western Region operations and maintenance	166,300
17	Airports	63,200
18	Highways	102,400
19	Administration	700

20 * Sec. 7. The sum of \$2,084,600 is appropriated to the Office of the
21 Governor for fiscal year 1981 costs of the negotiated agreement with the
22 Labor, Trades and Crafts bargaining unit signed on April 20, 1981, from the
23 following sources:

24	General Fund	\$ 1,551,700
25	Federal funds	90,700
26	Highway Working Capital Fund	248,500
27	International Airport Revenue Fund	189,900
28	Surplus Property Revolving Fund	3,800

29 * Sec. 8. The unexpended and unobligated portions of the appropriations

1 made in this Act lapse into the general fund June 30, 1981.

2 * Sec. 9. This Act takes effect immediately in accordance with AS 01.-
3 10.070(c).

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Original sponsor: Rules/Governor

Funding Information

General Fund	\$4,762,637
Other Funds	532,900
	<u>\$5,295,537</u>

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 295 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act making supplemental appropriations to the
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28 allocation and appropriation items for the fiscal year ending June 30, 1981:

29 APPROPRIATION

	ALLOCATIONS	ITEMS
1		
2		\$ 111,900
3	Airports	4,500
4	Highways	107,400
5		771,100
6	Airports	175,000
7	Highways	596,100
8		185,700
9	Airports	22,300
10	Highways	147,700
11	Administration	15,700
12		534,500
13	Airports	179,400
14	Highways	330,800
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16		166,300
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