

LEGISLATIVE FINANCE - HOUSE / SENATE FINANCE COMM. FILES 8879

HB 154 cont., HB 155 475 66

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SENATE COMMITTEE REPORT

Raw
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FURTHER

5/7/89

DATE TURNED INTO OFFICE 5/9/89

Mr. President:

FIN

Committee considered CSHB 154 (2d FIN)

making miscellaneous supplemental appropriations for the 1989 fiscal year and prior fiscal years, making supplemental and special appropriations related to the Exxon Valdez oil spill, the state cold weather disaster, and recommended purposes, and lapsing a certain prior allocation; efd

- replace with 2 CS CSHB 154) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and _____) technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul Tub
[Signature]
[Signature]
[Signature]

[Signature]

Chair signature and recommendation

Committee Backup attached

[Signature] COCHAIR

DO NOT PASS UNLESS AMENDED

Original sponsor: Rules/Governor

Funding Information

General Fund	\$228,084,225
Other Funds	14,870,719
	<u>\$242,954,944</u>

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 154 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making miscellaneous supplemental appropria-
7 tions for the 1989 fiscal year and prior fiscal
8 years, making supplemental and special appropriations
9 related to the Exxon Valdez oil spill, the state cold
10 weather disaster, and for other purposes, and lapsing
11 a certain prior allocation; and providing for an
12 effective date."

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

14 * Section 1. (a) The sum of \$12,298,000 is appropriated to the Office
15 of the Governor to pay for increases in the costs of state health benefits
16 for the fiscal year ending June 30, 1989, from the following sources:

17	Federal Receipts	\$ 698,100
18	General Fund Match	210,500
19	General Fund	7,167,800
20	General Fund/Program Receipts	220,000
21	General Fund/Mental Health Trust	401,700
22	Inter-agency Receipts	833,800
23	University of Alaska Interest Income	37,800
24	University of Alaska Dormitory, Food, 25 and Auxiliary Service	109,800
26	State Corporation Receipts	106,100
27	Highway Working Capital Fund	588,800
28	International Airports Revenue Fund	538,200
29	Public Employees Retirement Fund	77,300

1	Second Injury Fund Reserve Account	2,700
2	Disabled Fishermen's Reserve Account	19,900
3	Surplus Property Revolving Fund	7,600
4	Teachers' Retirement System Fund	66,200
5	Veterans' Revolving Loan Fund	12,500
6	Commercial Fishing Revolving Loan Fund	32,200
7	University of Alaska Student Tuition Fee and Services	146,500
8	University of Alaska Indirect Cost Recovery	58,700
9	Judicial Retirement System	600
10	National Guard Retirement System	500
11	University Restricted Receipts	215,600
12	Permanent Fund Dividend Fund	151,000
13	Small Business Loan Fund	1,600
14	Tourism Revolving Loan Fund	800
15	Capital Improvement Project Receipts	558,300
16	Mining Revolving Loan Fund	5,400
17	Child Care Revolving Loan Fund	500
18	Historical District Revolving Loan Fund	100
19	Fisheries Enhancement Revolving Loan Fund	7,800
20	Alternative Energy Revolving Loan Fund	8,800
21	Residential Energy Conservation Loan Fund	8,700
22	Power Development Revolving Loan Fund	1,200
23	Bulk Fuel Revolving Loan Fund	900

24 (b) The sum of \$1,300,000 is appropriated from the general fund, as
25 general fund program receipts from active employee health insurance premi-
26 ums tax credits, to the Office of the Governor to offset the costs of state
27 health benefit increases for the fiscal year ending June 30, 1989.

28 (c) The sum of \$2,400,000 is appropriated from the general fund, as
29 general fund program receipts received from Aetna active employee extended
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1 liability and maturity reserves, to the Office of the Governor to offset
2 the costs of state health benefit increases for the fiscal year ending June
3 30, 1989.

4 * Sec. 2. The sum of \$105,130 is appropriated from the general fund to
5 the Office of the Governor, division of elections, for additional costs of
6 the 1988 primary and general elections and for the cost of a special elec-
7 tion for House District 13. This appropriation is for the fiscal year
8 ending June 30, 1989.

9 * Sec. 3. The sum of \$16,600 is appropriated from the general fund to
10 the Office of the Governor for the operating costs of the Alaska Finfish
11 Farming Task Force for the fiscal year ending June 30, 1989.

12 * Sec. 4. The sum of \$1,410,000 is appropriated from the general fund
13 to the Department of Administration for longevity bonus payments for the
14 fiscal year ending June 30, 1989.

15 * Sec. 5. The sum of \$348,400 is appropriated from the general fund to
16 the Department of Administration, office of public advocacy, for additional
17 contract costs for the fiscal year ending June 30, 1989.

18 * Sec. 6. The sum of \$70,000 is appropriated from the general fund to
19 the Department of Administration, labor relations agency, for increased
20 legal and administrative costs for the fiscal year ending June 30, 1989.

21 * Sec. 7. The sum of \$97,600 is appropriated from the general fund to
22 the Department of Administration to pay the Internal Revenue Service for
23 backup withholding payments, associated interest, and penalties for all
24 departments for tax years 1985 and 1986.

25 * Sec. 8. The sum of \$215,200 is appropriated from the general fund to
26 the Department of Administration for the settlement agreed to in Blomfield
27 v. State for the fiscal year ending June 30, 1989.

28 * Sec. 9. The sum of \$154,000 is appropriated from the general fund to
29 the Department of Law for litigation costs associated with the Kotzebue

1 hangar for the fiscal year ending June 30, 1989.

2 * Sec. 10. (a) The sum of \$242,735 is appropriated from the general
3 fund to the Department of Law to pay judgments and claims against the state
4 for the fiscal year ending June 30, 1989.

5 (b) The appropriation made by (a) of this section may not be used to
6 pay litigation expenses or attorney fees incurred by private litigants in a
7 suit against the State of Alaska challenging the results of the 1988 gen-
8 eral election for House of Representatives District 13-A unless payment of
9 litigation expenses and attorney fees is ordered by a court.

10 * Sec. 11. The sum of \$200,000 is appropriated from the general fund to
11 the Department of Law to pay increased costs associated with Weiss v. State
12 for the fiscal year ending June 30, 1989.

13 * Sec. 12. The sum of \$46,600 is appropriated from the general fund to
14 the Department of Revenue to refund additional aviation fuel revenue to the
15 Municipality of Anchorage under AS 43.40.010 for the period of January 1,
16 1984 through June 30, 1988.

17 * Sec. 13. The sum of \$3,411,200 is appropriated from the general fund
18 to the Department of Revenue to refund additional fiscal year 1989 fisher-
19 ies tax revenue under AS 43.75.130.

20 * Sec. 14. The sum of \$67,000 is appropriated from the permanent fund
21 dividend fund to the Department of Revenue, permanent fund dividend divi-
22 sion, to pay additional administrative costs associated with identifying
23 fraudulent or duplicate dividend applications and publication of dividend
24 booklets for the fiscal year ending June 30, 1989.

25 * Sec. 15. The sum of \$7,776,400 is appropriated from the following
26 funding sources to the Department of Education for the public school foun-
27 dation program for the fiscal year ending June 30, 1989:

28	General Fund	\$5,499,100
29	P.L. 81-874 Funds	2,277,300

1 * Sec. 16. The sum of \$1,995,010 is appropriated from federal funds
2 received through P.L. 81-874 to the public school foundation account
3 (AS 14.17.010) for distribution to the Anchorage, Fairbanks, and Kodiak
4 school districts for fiscal year 1988 costs of military on-base special
5 education students.

6 * Sec. 17. The sum of \$25,000 is appropriated from the general fund to
7 the Department of Education, Alaska Vocational Technical Center, for re-
8 placement of unrealized training and building funds for the fiscal year
9 ending June 30, 1989.

10 * Sec. 18. The sum of \$700,000 is appropriated from the general fund to
11 the Department of Health and Social Services, adult public assistance
12 program, for costs associated with increased caseloads and cost-of-living
13 adjustments for the fiscal year ending June 30, 1989.

14 * Sec. 19. The sum of \$136,600 is appropriated from the general fund to
15 the Department of Health and Social Services, postmortem examination pro-
16 gram, to pay for unmet costs of examinations and burials ordered by the
17 courts for the fiscal year ending June 30, 1989.

18 * Sec. 20. The sum of \$3,032,100 is appropriated to the Department of
19 Health and Social Services, medicaid facilities program, to pay for costs
20 associated with increased caseloads and price increases for the fiscal year
21 ending June 30, 1989, from the following sources:

22	Federal Receipts	\$1,515,100
23	General Fund Match	1,517,000

24 * Sec. 21. The sum of \$1,723,900 is appropriated to the Department of
25 Health and Social Services, medicaid non-facilities program, to pay for
26 unmet costs associated with increased caseloads and price increases for the
27 fiscal year ending June 30, 1989, from the following sources:

28	Federal Receipts	\$ 527,100
29	General Fund Match	1,196,800

1 * Sec. 22. The sum of \$1,084,400 is appropriated from the general fund
2 to the Department of Health and Social Services, general relief medical
3 program, to pay for unmet costs associated with increased caseloads and
4 prices for the fiscal year ending June 30, 1989.

5 * Sec. 23. The sum of \$115,000 is appropriated to the Department of
6 Health and Social Services, medical assistance - central administration
7 program, to pay for unmet costs associated with increased legal fees for
8 the fiscal year ending June 30, 1989, from the following sources:

9	Federal Receipts	\$57,500
10	General Fund Match	57,500

11 * Sec. 24. The sum of \$844,800 is appropriated to the Department of
12 Health and Social Services, medical assistance - claims processing program,
13 to pay for unmet costs associated with increased claims volume and needed
14 system changes for the fiscal year ending June 30, 1989, from the following
15 sources:

16	Federal Receipts	\$633,600
17	General Fund Match	211,200

18 * Sec. 25. The sum of \$165,000 is appropriated from the general fund to
19 the Department of Health and Social Services, purchased services - res-
20 idential child care program, to pay for unmet costs associated with out-of-
21 state placements for the fiscal year ending June 30, 1989.

22 * Sec. 26. The sum of \$53,700 is appropriated from federal receipts to
23 the Department of Health and Social Services, medicaid - Indian Health
24 Service program, to pay for unmet costs associated with increased caseloads
25 and prices for the fiscal year ending June 30, 1989.

26 * Sec. 27. The sum of \$216,000 is appropriated from federal receipts to
27 the Department of Health and Social Services, medicaid - state facilities
28 program, to pay for unmet costs associated with increased caseloads and
29 prices for the fiscal year ending June 30, 1989.

1 * Sec. 28. The sum of \$230,250 is appropriated from the general fund to
2 the Department of Health and Social Services, public assistance adminis-
3 tration program, to pay the first of four installments to the federal
4 government in settlement of the 1981 food stamp program sanction. This
5 appropriation is for the fiscal year ending June 30, 1989.

6 * Sec. 29. The sum of \$1,024,000 is appropriated from the second injury
7 fund to the Department of Labor, workers' compensation program, to pay for
8 unmet costs associated with lump-sum settlements for the fiscal year ending
9 June 30, 1989.

10 * Sec. 30. The sum of \$53,700 is appropriated from the general fund to
11 the Department of Military and Veterans' Affairs for additional costs of
12 the veterans' burial allowance program for the fiscal year ending June 30,
13 1989.

14 * Sec. 31. The sum of \$3,557 is appropriated from the general fund to
15 the Department of Military and Veterans' Affairs for additional utility
16 costs for the fiscal year ending June 30, 1988.

17 * Sec. 32. The sum of \$50,000 is appropriated from the general fund to
18 the Department of Natural Resources, division of parks and outdoor recrea-
19 tion, for federal land and water conservation fund match for the Kachemak
20 Bay land exchange for the fiscal year ending June 30, 1989.

21 * Sec. 33. The sum of \$20,000 is appropriated from the general fund to
22 the Department of Natural Resources, division of parks and outdoor recre-
23 ation, for legal services in the Blanas Investments, Inc., claim for the
24 fiscal year ending June 30, 1989.

25 * Sec. 34. The sum of \$28,000 is transferred from the Agriculture
26 Reserve Loan Fund to the general fund and is appropriated from the general
27 fund to the Department of Natural Resources for completion of the sewage
28 pretreatment facility at the Mt. McKinley Meat and Sausage Plant for the
29 fiscal year ending June 30, 1989.

1 * Sec. 35. The sum of \$2,100,000 is appropriated from federal receipts
2 to the Department of Natural Resources for fire suppression activities for
3 the fiscal year ending June 30, 1989.

4 * Sec. 36. The sum of \$240,000 is appropriated from the general fund to
5 the Department of Fish and Game, division of administration, for the cost
6 of administering the fish and game licensing program for the fiscal year
7 ending June 30, 1989.

8 * Sec. 37. The sum of \$246,409 is appropriated to the Department of
9 Fish and Game, division of wildlife conservation, to offset unrealized
10 federal receipts in fiscal years 1986 and 1987, as identified in the legis-
11 lative audit of the Department of Fish and Game for fiscal year 1987, from
12 the following sources in the amounts listed

13	General Fund	\$140,000
14	Fish and Game Fund	106,409

15 * Sec. 38. The sum of \$198,500 is appropriated from the general fund to
16 the Department of Public Safety, violent crimes compensation board, for
17 payment of claims for the fiscal year ending June 30, 1989.

18 * Sec. 39. The sum of \$85,000 is appropriated from the general fund to
19 the Department of Public Safety to pay increased prisoner transportation
20 costs associated with the opening of the Spring Creek Correctional Center
21 for the fiscal year ending June 30, 1989.

22 * Sec. 40. The sum of \$658,800 is appropriated from the general fund to
23 the Department of Corrections to comply with arbitrators' decisions on
24 labor issues for the 1987 and 1988 fiscal years.

25 * Sec. 41. The sum of \$1,550,000 is appropriated from the general fund
26 to the Department of Corrections for additional major medical expenses for
27 the fiscal year ending June 30, 1989.

28 * Sec. 42. The sum of \$20,000 is appropriated from the general fund to
29 the Department of Corrections for payment of the Cleary Monitor for the
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1 fiscal year ending June 30, 1989.

2 * Sec. 43. The sum of \$300,000 is appropriated from the general fund to
3 the Department of Community and Regional Affairs for payment as an orga-
4 nizational grant to the Lake and Peninsula Borough under AS 29.05.190 for
5 the fiscal year ending June 30, 1989.

6 * Sec. 44. The sum of \$27,852 is appropriated from the general fund to
7 the Department of Community and Regional Affairs to pay revenue sharing
8 entitlements for the unincorporated communities of Red Devil and Oscarville
9 for the fiscal year ending June 30, 1989.

10 * Sec. 45. (a) The sum of \$30,800 is appropriated from the Atka trust
11 fund account in the general fund to the Department of Community and Region-
12 al Affairs for payment to the City of Atka under AS 44.47.150 for the
13 fiscal year ending June 30, 1989.

14 (b) The sum of \$50,000 is appropriated from the general fund to the
15 Department of Community and Regional Affairs for payment as an organiza-
16 tional grant to the City of Atka under AS 29.05.180 for the fiscal year
17 ending June 30, 1989.

18 * Sec. 46. (a) The sum of \$425,000 is appropriated from the general
19 fund to the Department of Community and Regional Affairs to pay additional
20 costs for day care assistance for the fiscal year ending June 30, 1989.

21 (b) The unexpended balance of the portion of the appropriation made
22 in sec. 24, ch. 95, SLA 1987, page 102, line 24, that is allocated on page
23 102, line 25 (Child Care - \$11,100,700), lapses into the general fund
24 June 30, 1990.

25 * Sec. 47. The sum of \$3,500,000 is appropriated from the general fund
26 to the Department of Education for the fiscal year ending June 30, 1990, to
27 be used as supplemental grants to school districts to address issues
28 related to single/dual site problems and geographic area differential
29 problems.

1 * Sec. 48. The sum of \$1,000,000 is appropriated from the following
2 funding sources to the Department of Transportation and Public Facilities,
3 Alaska marine highway system, for vessel operations for the fiscal year
4 ending June 30, 1989:

5 General Fund \$400,000

6 General Fund Program Receipts \$600,000

7 * Sec. 49. The sum of \$298,600 is appropriated from the general fund to
8 the Department of Transportation and Public Facilities, disabled business
9 enterprise/external equal employment opportunity component, for the costs
10 of office operations and for the costs of an internal task force created in
11 response to a federal review that found the program to be in non-compliance
12 with federal regulations. This appropriation is for the fiscal year ending
13 June 30, 1989.

14 * Sec. 50. The sum of \$1,932,200 is appropriated from the general fund
15 to the Department of Transportation and Public Facilities, maintenance and
16 operations components, for additional maintenance and operations. The
17 appropriation made by this section lapses into the general fund August 31,
18 1989.

19 * Sec. 51. The sum of \$88,200 is appropriated from the general fund to
20 the Department of Transportation and Public Facilities, Alaska marine
21 highway system, for payment of outstanding bills for the fiscal year ending
22 June 30, 1988.

23 * Sec. 52. The sum of \$200,000 is appropriated from the general fund to
24 the University of Alaska to pay extraordinary costs associated with severe
25 cold weather experienced in January and February 1989 for the fiscal year
26 ending June 30, 1989.

27 * Sec. 53. The sum of \$20,000 is appropriated from the general fund to
28 the University of Alaska, Fairbanks, to pay the state share of the Confer-
29 ence on Shared Living Resources of the Bering Sea for the fiscal year

1 ending June 30, 1989.

2 * Sec. 54. The sum of \$153,481 is appropriated from the general fund to
3 the following agencies for the fiscal year ending June 30, 1989, to pay
4 miscellaneous claims and stale-dated warrants:

5 Administration	\$45,053
6 Law	605
7 Health and Social Services	1,700
8 Commerce and Economic Development	1,494
9 Military and Veterans' Affairs	1,114
10 Fish and Game	4,297
11 Public Safety	5,253
12 Corrections	3,600
13 Community and Regional Affairs	74,710
14 Transportation and Public Facilities	15,655

15 * Sec. 55. The sum of \$18,520 is appropriated from the general fund to
16 the Legislative Council for operation of the Task Force on Guiding and Game
17 for the fiscal year ending June 30, 1989.

18 * Sec. 56. (a) The sum of \$20,000,000 is appropriated from the general
19 fund to the Office of the Governor for expenditures by state agencies that
20 are necessary and appropriate, and that, in the best judgment of the attor-
21 ney general, are reimbursable from third parties as Exxon Valdez oil spill
22 related expenses for

23 (1) social, economic, and environmental assessments of the oil
24 spill as set out in 43 CFR 11;

25 (2) other social, economic, and environmental assessments; and

26 (3) mitigation of the effects of the oil spill.

27 (b) The expenditure of funds for the purposes set out in (a)(2) and
28 (3) of this section is conditioned upon the

29 (1) submission to the Legislative Budget and Audit Committee by

1 the governor of a report setting out a procedure to ensure that all expen-
2 ditures under (a)(2) and (3) of this section are necessary and appropriate
3 and, in the best judgment of the attorney general, are reimbursable from
4 third parties as Exxon Valdez oil spill related expenditures; and

5 (2) approval of those procedures by the committee.

6 (c) The appropriation made by this section shall be allocated between
7 the fiscal years ending June 30, 1989 and June 30, 1990.

8 (d) The unexpended and unobligated balance of the appropriation made
9 by this section lapses February 15, 1990.

10 * Sec. 57. (a) The sum of \$3,500,000 is appropriated from the general
11 fund to the Department of Law for litigation costs associated with the
12 Exxon Valdez oil spill.

13 (b) The sum of \$277,400 is appropriated from the general fund to the
14 Department of Public Safety to meet increased demands on state agency
15 operations for fish and wildlife protection, fire prevention, and state
16 trooper enforcement activities directly relating to the Exxon Valdez oil
17 spill.

18 (c) The sum of \$312,100 is appropriated from the general fund to the
19 Department of Labor to meet increased demands on state agency operations
20 for occupational safety and health monitoring, employment services staff-
21 ing, and local hire promotion and enforcement directly relating to the
22 Exxon Valdez oil spill.

23 (d) The sum of \$142,200 is appropriated from the general fund to the
24 Department of Commerce and Economic Development to meet increased demands
25 on state agency operations for weight station operations and division of
26 insurance, claims adjustment assistance, directly relating to the Exxon
27 Valdez oil spill.

28 (e) The appropriations made by this section may be allocated for
29 expenses incurred during the fiscal years ending June 30, 1989, and

1 June 30, 1990.

2 (f) The unexpended and unobligated balances of the appropriations
3 made by this section lapse February 15, 1990.

4 * Sec. 58. The sum of \$1,530,000 is appropriated from the general fund
5 to the Department of Environmental Conservation for the oil pollution
6 control program to respond to needs identified as a result of the Exxon
7 Valdez oil spill. The unexpended and unobligated balance of this
8 appropriation lapses into the general fund June 30, 1990.

9 * Sec. 59. It is the intent of the legislature that funds appropriated
10 under secs. 56 - 58 of this Act will not be used to fund salaries and
11 benefits for existing, budgeted state positions. State agencies are au-
12 thorized to establish, fund, and use program or project employees for the
13 duration of the Exxon Valdez oil spill program. All allocations from the
14 appropriations made in secs. 56 - 58 of this Act and all state agency
15 expenditures from those allocations shall be charged to the fund source
16 code 1051 Exxon Valdez oil spill. The departments expending funds under
17 these sections shall ensure that positions needed to supervise contractual
18 services or perform necessary in-house tasks will be deleted upon comple-
19 tion of the project for which the position is needed. The departments
20 expending funds under these sections for contractual or personal services
21 shall ensure that Alaska residents are hired to perform the services to the
22 maximum extent possible. The governor shall report on compliance with this
23 intent by the first day of the Second Session of the Sixteenth Alaska State
24 Legislature in conjunction with a status report on the activities related
25 to the Exxon Valdez oil spill.

26 * Sec. 60. (a) The sum of \$750,000 is appropriated from the general
27 fund to the fisheries enhancement revolving loan fund (AS 16.10.505) to
28 provide emergency loans to private nonprofit hatcheries in Prince William
29 Sound for expenses arising from the Exxon Valdez oil spill.

1 (b) The appropriation made by this section is for capitalization of a
2 loan fund and does not lapse under AS 37.25.010.

3 * Sec. 61. The sum of \$25,000 is appropriated from the general fund to
4 the Department of Community and Regional Affairs for payment as a grant
5 under AS 37.05.316 to Alaska Legal Services Corporation for services to
6 indigent persons affected by the Exxon Valdez oil spill during the fiscal
7 year ending June 30, 1989.

8 * Sec. 62. The sum of \$1,462,000 is appropriated from the general fund
9 to the Department of Education for payment as a grant under AS 37.05.316 to
10 the Southwest Region Rural Education Attendance Area for reconstruction of
11 the Aleknagik school.

12 * Sec. 63. The sum of \$20,000 is appropriated from the general fund to
13 the Department of Fish and Game for travel expenses for the Alaska members
14 of the North Pacific and Bering Sea Fisheries Advisory Body to attend
15 negotiating sessions of the Advisory Body on high seas fishing issues
16 during fiscal years 1989 and 1990.

17 * Sec. 64. The sum of \$500,000 is appropriated from the general fund to
18 the Department of Environmental Conservation for payment as a grant under
19 the village safe water program for repair of the water system in Noatak.

20 * Sec. 65. The sum of \$78,000 is appropriated from the general fund to
21 the Department of Administration for payment as a grant under AS 37.05.315
22 to the City of Tanana for repair of the sprinkler system in the Tanana
23 Elder's residence.

24 * Sec. 66. The sum of \$700,000 is appropriated from the general fund to
25 the Department of Environmental Conservation for clean-up of the Unalakleet
26 oil discharge.

27 * Sec. 67. The sum of \$2,000,000 is appropriated from the general fund
28 to the Department of Military and Veterans' Affairs, disaster relief fund,
29 for the statewide emergency declaration of disaster January 28, 1989 for

1 repair, renovation, and replacement of equipment and sewer and water sys-
2 tems damaged as a result of the severe cold weather and to provide economic
3 relief to communities that have experienced undue hardship due to increased
4 utility and maintenance costs resulting from the statewide cold-weather
5 disaster. The unobligated and unexpended balance of this appropriation
6 lapses to the general fund June 30, 1990.

7 Sec. 68. (a) The greater of (1) \$150,000,000 or (2) an amount equal
8 to two-thirds of the revenue generated in fiscal years 1989 and 1990 by the
9 enactment by the First Session of the Sixteenth Alaska State Legislature of
10 a version of HB 118, relating to the oil and gas properties production tax,
11 is appropriated to the principal of the Alaska permanent fund (AS 37.13.-
12 010) from the revenue generated by the enactment by the First Session of
13 the Sixteenth Alaska State Legislature of a version of HB 118.

14 (b) Beginning on the effective date of this section, the commissioner
15 of revenue shall make monthly deposits to the principal of the Alaska
16 permanent fund of the appropriation made by (a) of this section. A monthly
17 deposit to the Alaska permanent fund shall be in an amount determined by
18 the commissioner of revenue to be in excess of the revenues necessary to
19 finance state government operation for the month in which the deposit is
20 made.

21 * Sec. 69. The sum of \$10,000 is appropriated from the general fund to
22 the Department of Natural Resources, division of forestry, Big Lake office,
23 to provide winter access for firewood harvest on state lands.

24 * Sec. 70. (a) The sum of \$1,000,000 is appropriated from the general
25 fund to the Department of Corrections for the planning, design, expansion,
26 and renovation of correctional facilities.

27 (b) The appropriation made by this section lapses into the general
28 fund June 30, 1991.

29 * Sec. 71. The sum of \$1,000,000 is appropriated from the general fund

1 to the University of Alaska for statewide repairs and renovations.

2 * Sec. 72. (a) The sum of \$95,000 is appropriated from the general
3 fund to the Department of Administration for payment as a grant under
4 AS 37.05.315 to the City of Seldovia for a wastewater treatment project,
5 contingent on (b) of this section.

6 (b) The appropriation made by (a) of this section is contingent upon
7 the governor vetoing or the Department of Environmental Conservation not
8 expending the appropriation of \$95,000 to the Department of Environmental
9 Conservation for payment as a 50 percent matching grant to the City of
10 Seldovia for a wastewater treatment project contained on page 86, line 8 of
11 SCS CSHB 163 (Finance), enacted by the First Session of the Sixteenth
12 Alaska State Legislature, or a substantially similar appropriation if a
13 different version of the bill is ultimately enacted.

14 * Sec. 73. The sum of \$75,000 is appropriated from the general fund to
15 the Office of the Governor for the operation of the Alaska Commission on
16 Children and Youth for the fiscal year ending June 30, 1990.

17 * Sec. 74. The sum of \$4,000,000 is appropriated from the general fund
18 to the petroleum and chemical storage tank account in the oil and hazardous
19 substance release response fund (AS 46.08.010).

20 * Sec. 75. The sum of \$225,000 is appropriated from the Railbelt energy
21 fund (AS 37.05.520) to the Department of Commerce and Economic Development,
22 Alaska Power Authority, to conduct feasibility level studies of 138
23 kilovolt electrical interties between Anchorage and the Kenai Peninsula and
24 between Healy and Fairbanks. This appropriation is for the fiscal year
25 ending June 30, 1990.

26 * Sec. 76. The sum of \$450,000 is appropriated from the general fund to
27 the Department of Transportation and Public Facilities to match local
28 contributions made on February 17, 1989, by the City of St. George for
29 construction activities related to harbor project undertaken by the United

1 States Army Corps of Engineers pursuant to contract #DACW 85-88-B-008.

2 * Sec. 77. The appropriations made in secs. 62, 64 - 66, 69, 71, and 76
3 of this Act are for capital projects and lapse under AS 37.25.020.

4 * Sec. 78. Section 74 of this Act takes effect on the effective date of
5 an Act enacted by the First Session of the Sixteenth Alaska State Legisla-
6 ture establishing a petroleum and chemical storage tank account in the oil
7 and hazardous substance release response fund.

8 * Sec. 79. Except for sec. 74 of this Act, this Act takes effect imme-
9 diately under AS 01.10.070(c).

5/2/89
Sen. Duncan
Adopted

AMENDMENT TO CSHB154 (2D FIN) (EFD FLD)

Section 46 (b) Delete June 30, 1989

Insert June 30, 1990

5/8/89
Sen. Frank
Adopted

* Section ⁴⁷~~58~~. The sum of \$3,500,000 is appropriated from the general fund to the Department of Education for the fiscal year ending June 30, 1990 to be used as supplemental grants to school districts to address issues related to single/dual site problems and geographic area differential problems.

Removes both existing Subsections (a) + (b)

5/8/89
Senator
Duncan
Adopted

5/9/89 revised
DEC Oil Pollution Control Increment

AMENDMENT

SCS for CS HB 154 (Finance)

~~page 14, line 3~~

~~delete "\$5,700,000"~~

insert "\$3,170,000"

Sec. 60

page 14, line 16 through 17 delete all material

insert the following:

(f) The sum of \$1,530,000 is appropriated from the general fund to the Department of Environmental Conservation for the Oil Pollution Control program to respond to needs identified as a result of the Exxon Valdez oil spill. The unexpended and unobligated balance of this appropriation lapses into the general fund June 30, 1990.

page 14, section 60

add new subsection (g):

The unexpended and unobligated balance of the appropriations made by subsections (a) through (e) lapse February 15, 1990.

5/8/89
Duncan
Adopted
#6

AMENDMENT TO HB 154

PAGE 15 SEC. 63

LINE 15

after " to indigent persons affected by the Exxon Valdez oil spill"
add "during the fiscal year ending June 30, 1989."

Delete (b).

5/2/99
Duncan
Adopted
#1

SCS CSHB 154 (Finance)

Sec. 84. The sum of 75.0 is appropriated from the general fund to the Office of the Governor for the operation of the Alaska Commission on Children and Youth.

RENUMBER SECTIONS ACCORDINGLY

Zheroff
5/8/89
Adopted
2

AMENDMENT

SCS CS HB 154 (FINANCE)

Add a new section as follows:

Sec. 85. The sum of \$450,000 is appropriated from the general fund to the Department of Transportation and Public Facilities to match local contributions made on February 17, 1989 by the City of St. George for construction activities related to harbor project undertaken by the United States Army Corps of Engineers pursuant to contract #DACW 85-88-B-008.

Zheroff
5/8/89

~~_____~~

3

AMENDMENT

SCS CS HB 154 (FIN)

Sec. 86. The sum of \$774,000 is appropriated from the general fund to the Department of Education for payment as a grant under AS 37.05.316 to the Lake & Peninsula School District for the Newhalen-Iliamna Elementary School.

5/8/89
Franklin
New
Language
Adapted
#4

RE: AMENDMENT TO CS FOR HOUSE BILL NO. 154 (2nd Finance)

AMENDMENT # _____.

BY :

Replace Sec. 49 with the following:

* Sec. ⁵⁰ 49. The sum of \$1,932,200 is appropriated from the general fund to the Department of Transportation and Public Facilities, maintenance and operations components, for additional maintenance and operations. The appropriation made by this section lapses into the general fund August 31, 1989.

5/2/89
Ker Hula
2 round
~~_____~~
#5

from
1,000,000

~~_____~~

Sec. 86 The sum of ~~66,000,000~~ is appropriated from the ~~Railroad~~ fund in the general fund (AS 37.05.520) to the city of Seward for payment as a grant under AS 37.05.315 for construction of a transmission line and related facilities from Lawing to Fort Raymond substation.

Ker Hula

5/8/81
Duncan
Adopted
#6

AMENDMENT TO HB 154

PAGE 15 SEC. 63

LINE 15

after " to indigent persons affected by the Exxon Valdez oil spill"
add "during the fiscal year ending June 30, 1989."

Delete (b).

Enc. 72

JD Motter to rescind action
failing to adopt funding
for Houston bridge

~~_____~~

SUS CS HB 154 (Fix) #7

5/9/89

Zhroff
5/2/89

~~Final~~

#8

AMENDMENT

SCS CS HB 154 (FIN)

Sec. 86. The sum of \$637,700 is appropriated from the general fund to the Department of Public Safety, Alaska State Troopers, Detachments, for operating costs for the fiscal year ending June 30, 1990.

6-5000Ax
Lauterbach
5/8/89
Frank
Adopted.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB ~~154~~ (Finance)

154

Page ____, after line ____:

Insert new bill sections to read:

"* Sec. A. The sum of \$^{4,000,000}~~6,000,000~~ is appropriated from the general fund to the petroleum and chemical storage tank account in the oil and hazardous substance release response fund (AS 46.08.010).

* Sec. B. Section A of this Act takes effect on the effective date of an Act enacted by the First Session of the Sixteenth Alaska State Legislature establishing a petroleum and chemical storage tank account in the oil and hazardous substance release response fund."

5/8/89
Adopted
10

AMENDMENT

TO: SCS CSMB 154

BY FRANK

Section _____. The sum of \$ 225,000. is appropriated from the railbelt energy fund to the Department of Commerce and Economic Development, Alaska Power Authority to conduct feasibility level studies of 138 kv electrical interties between Anchorage and the Kenai Peninsula and between Healy and Fairbanks. This appropriation is for the fiscal year ending June 30, 1990.

5/9/39

11

Adopted

P.F

Technical change

p. 18 Sec. 84

Line 28

Change " 79-82 "

to " 79-83 "

5/8/89

→ 2786

27

0750

Binkley

~~XXXXXXXXXX~~

#12

Sec. 86	Aniak	750.0
	Emmonak	500.0
	Kaltag	600.0
	Kotlik	200.0
	Lower Kalskag	400.0
	Port Graham	100.0
	Shageluk	400.0
	Teller	100.0
	Togiak	300.0
	Tyonek	400.0
	White Mountain	400.0
	Total	4,150.0

for contract jails. (Sec. 78)

failing to adopt funding

Notice to rescind action

Re



SOS AS MR 154 (Fin)

#13

5/9/89

5/8/89

DEC Oil Pollution Control Increment

AMENDMENT

CS HB 154 (2nd Finance)(efd fld)

page 11, line 6:

delete "\$35,700,000"

insert "\$34,170,000"

page 13, line 18, insert new section:

Sec. ____ . (a) The sum of \$1,530,000 is appropriated from the general fund to the Department of Environmental Conservation for the Oil Pollution Control program to respond to needs identified as a result of the Exxon Valdez oil spill. The unexpended and unobligated balance of this appropriation lapses into the general fund June 30, 1990.

renumber sections accordingly

DEC OIL POLLUTION CONTROL INCREMENT

During the closeout of the DEC/Environmental Quality Projects component, the conference committee "backed out" the \$1.8 million House increment for Oil Spill and Emergency Response with an understanding that this increment would be addressed in HB 154, the supplemental.

The House-approved \$1.8 million increment was for 9 months average personal services. Because there is an overlap of 270.0 between the fiscal note for SB 264 (Response Corps), the appropriate figure to appropriate for the increment can be reduced to \$1,530,000.

1,800.0	House Oil Spill and Emergency Response increment
- 270.0	overlap with SB 264
<hr/>	
1,530.0	increment net of SB 264

The proposed increment would provide the department with the needed resources to:

- inspect oil terminal facilities, tankers and barges;
- review contingency plans for the state's approximately 400 facilities, tankers and barges;
- conduct spill drills;
- ensure appropriate financial responsibility;
- allow for the aquisition of mobile laboratory equipment; and
- initiate appropriate cost recovery actions.

The level of funding requested by this appropriation would provide the department with the capability to implement currently existing statutory functions.

This funding does not overlap with the fiscal notes of SB 261 or SB 264.

5/8/89
JCL 10

4-14-89

Department of Law
FY 89
Supplemental Judgments

<u>Judgment</u>	<u>Date of Judgment</u>	<u>Amount</u>	<u>Interest thru 6/30/89 Anticipated</u>	<u>Total</u>	<u>Cummulative Total</u>
1) AK Legal Svcs Reid v. State	05/25/88	1,000.00	33.54	1,033.54	1,033.54
2) K Clarkson (Perkins Coie) State v. Ak Public TV	08/12/88	514.10	5.70	519.80	1,553.34
3) R Wagstaff Anchorage Internation Airport	04/27/88	1,000.00	43.75	1,043.75	2,597.09
4) Gregory Cook	09/13/88	157.67	-0-	157.67	2,754.76
5) Trustees (4) Ak Trustees v. State	06/10/87 (Supreme) 12/24/87 (Superior)	16,931.79 42,005.98	3,708.77 6,787.45	69,433.99	72,188.75
6) Ashburn & Mason Cleary v. State	10/13/88	1144.26	87.11	1231.37	73,420.12
7) Ak. Legal Services State v. W.P. Bobby	01/23/87	8,708.91	2,258.14	10,967.05	84,387.17
8) Phillip Volland Cleary v. State	11/08/88	15,000.00	1,028.12	16,028.12	100,415.29
9) City of Kotzebue Kotzebue v. State	08/22/88	10,000.00	912.92	10,912.92	111,328.21
10) Kenai Peninsula Boro KPB v. State	07/12/88 (Supreme) 12/22/88 (Superior)	18,944.75 32,171.62	1,956.05 1,792.25	54,864.67	166,192.88
11) Kenneth Jacobus Crawford v. State	07/12/88 (Supreme) 12/22/88 (Superior)	6,290.15 18,013.73	649.56 1,003.53	25,956.97	192,149.85

Department of Law
 FY 89
Supplemental Judgments

<u>Judgment</u>	<u>Date of Judgment</u>	<u>Amount</u>	<u>Interest thru 6/30/89 Anticipated</u>	<u>Total</u>	<u>Cummulative Total</u>
12) Washington State v. ADF&G/Pub. Safety	11/28/88	86,622.00 61,335.00		147,957.00	340,106.85
13) K.D. Owsichek v. State Guide Board	10/21/88	1,589.25	117.27	1,706.52	341,813.37
14) Stephen Marks Stambaugh v. CFEC	02/07/89	1,750.00	73.50	1,823.50	343,636.87
15) Advocacy Svcs/AK White v. API	12/20/88	420.00	-0-	420.00	344,056.87
16) D. Clocksin Finkelstein v. State	03/01/89	12,000.00	427.00	12,427.00	356,483.87
17) Delaney-Wiles Judge Inquiry	10/19/88	1,000.00	-0-	1,000.00	357,483.87
18) Corey Borgeson Ak Ski Corp v. State	02/14/89	202.50	-0-	202.50	357,686.37
19) Timothy Stearns Cleary v. State	04/10/89	17,200.00	411.36	17,611.36	375,297.73
TOTAL		<u>354,001.71</u>	<u>21,296.02</u>	<u>375,297.73</u>	

5/8/89

MEMORANDUM

State of Alaska

TO: Alison M. Elgee, Director
Office of Management and Budget
Division of Budget Review
Office of the Governor

DATE: May 8, 1989

FILE NO:

TELEPHONE NO:

THRU:

SUBJECT: State/Federal
Projects

FROM: Gary L. Hayden, Director
Facility Construction & Operation
Dept. of Environmental Conservation

Janet Clarke called this morning and asked that I provide you with backup on three projects for which a State appropriation had been requested in order to secure federal funds. Specifically, she asked that I explain the situation in Kotzebue, Aniak and Tyonek.

Kotzebue - \$450,000

The Kotzebue project is a water source improvement project. IHS funding of \$1,250,000 was provided by a line item in the federal appropriations bill, PL 86-121. According to IHS, the language in the bill calls for State matching funds. IHS used a previous State appropriation of \$800,000 for phase I of the project. They are hoping for an additional \$450,000 for phase II.

Tyonek - \$400,000

The total project need is for \$1,312,000. IHS funding will be for \$912,000. The recommended sanitation facilities are a gravity sewer collection system, sewer service lines, community septic tanks, ocean outfall and sludge disposal. Also, water service curb stops and water treatment plant/water source building improvements are needed. The VSW portion would include sewer service lines with connections to new sewer main and water treatment plant/water source building improvements.

The VSW project would compliment the IHS project in that it would provide sewer service lines and modified sewer connections to the IHS installed sewer mains. The VSW project funding would also provide the renovation of the water source building and intake structure. Several failed septic tanks have been reported. A combined IHS/VSW project will alleviate a health hazard by replacing failed septic tank systems with a community sewer system.

Aniak - \$750,000

The Aniak project is phase II of the sewer system. The new sewer system will hook-up 49 units of housing and two schools. This project will be coordinated with a HUD housing project and the hook-up of 24 new housing units.

All houses and facilities to be hooked up currently have individual septic systems. 95% of the City's water is obtained via shallow sand point wells including the community food processing facility and day care. This area has flooded 13 times in 20 years. Individual septic systems have failed due to flooding. IHS and EPA personnel have reported concerns related to contamination of the aquifer during floods.

Phase I has been completed. This project will never be cheaper. The HUD housing project was projected to begin in March 1989.

Other Projects

These three projects are not unique. There are other projects that were in our budget request where State dollars are needed to augment and help communities obtain possible federal funds. Table I presents the State/federal needs who are candidates to receive IHS federal funds. Table II lists those projects who are expecting to receive federal funds from the EPA construction grants program.

If there is consideration of maximizing federal dollars, I request that all the projects in Tables I and II be looked at. If you have any questions, I have alot more backup on all these projects. Please feel free to call me.

Attachments

cc: Amy Kyle
Janet Clarke

Suggested VSM FY90 Capital Budget
Federal/State Contributions Projects

10/04/88

Project	Community	District Engineer	IMS \$	Other \$	VSM \$	Relative Rank	Fund Note	Scope of Work	Comments
→	Ansch	Coolidge	0100,000.00	0377,000.00	0200,000.00	1	2	Sewer main extension for existing system expansion	Need to serve school & existing homes (add MUD \$ needed)
	Concord	Coolidge	0300,000.00		0300,000.00	1	1	Extension to water and sewer mains	Need to complete utility system
	Kallag	Weaver	0200,000.00		0400,000.00	1	1	Water and sewer to new subdivision.	AE has estimate project can be split into 2 phases
	Polish	Coolidge	0150,000.00		0200,000.00	1	1	MB haul, lagoon and refuse disposal	
	Lower Kalslag	Coolidge	0100,000.00		0400,000.00	1	1	Lift station, lagoon and sewer extensions to replace failing d.f	
B 373	Port Graham	Coolidge	0100,000.00	0700,000.00	0100,000.00	1	3,1	Extension of transmission main through community	
	Shagrin	Weaver	0200,000.00	0200,000.00	0400,000.00	1	2	New washeteria	Project contingent on cooperative funding
	Teller	Weaver		0150,000.00	0100,000.00	1	2	Expand current project of MB and water haul system	Good cooperative project
	Ingish	Fairbanks	0350,000.00		0300,000.00	1	1	Water storage tank and water service connections	
	Lyons	Fairbanks	0200,000.00		0400,000.00	1	1	Extend community sewer system and improve water treatment plant	
	White Mountain	Weaver	0400,000.00	0775,000.00	0400,000.00	1	2	Community sewer disposal w/ treatment & disposal reqd. Existing u	Good cooperative project
			02,300,000.00	02,002,000.00	03,600,000.00				
<i>= NOT funded in (SHP) 163 5/8/89</i>									
	Kabler	Weaver		0250,000.00	0100,000.00	2	2	Lagoon rehabilitation, presently overloaded condition	
J 373	Chignik Lake	Fairbanks	100,000.00	0375,000.00	0250,000.00	2	2,1	Washeteria renew., new mains and transmission line	
	Gullana	Coolidge	150,000.00		0150,000.00	2	2	Larger water storage tank	
	Ranokotal	Fairbanks	050,000.00		0350,000.00	2	1	Water storage tank	
	Neberghuk	Coolidge	0125,000.00	0325,000.00	0150,000.00	2	2,1	Sewer line and connection to MUD subdivision	VSM currently has \$ in project.
	hualal	Weaver		0250,000.00	0400,000.00	2	2	Lagoon relocation or bank stabilization water/sewer in MUD homes	Community wants erosion control vs. proposed relocation
	Port Lions	Fairbanks	0100,000.00		0300,000.00	2	2	Replace old water mains	AE currently completing engineering design
	Selawik	Weaver	0150,000.00		0100,000.00	2	2	Washeteria upgrade & AE study of circulating system recommended	
in	Shaitoolik	Weaver		0250,000.00	0400,000.00	2	2,1	New water storage tank and Washeteria renew	MUD project is planned
	Sheldon Point	Coolidge	050,000.00		0200,000.00	2	2	Renov of pump house & add MB haul work	Project funding contingent on VSM contribution
	South Malah	Fairbanks	0200,000.00		0250,000.00	2	2	Community sewer and individual mains	
17-372	Stevens Village	Weaver	0349,000.00		0200,000.00	2	1	Washeteria work	ICC management agreement to be completed
			01,164,000.00	01,650,000.00	02,050,000.00				
	Erpuk	Coolidge	0400,000.00		0400,000.00	3	3	Money bucket, refuse disposal	A planning report is required
	Klathman	Fairbanks	0200,000.00	0400,000.00		3	2	Lagoon and lift station.	Community priority should be confirmed
	Kuzgillingok	Coolidge	050,000.00		0100,000.00	3	3	Solid waste disposal facilities	Project funding contingent on VSM \$ contribution
	Marshall	Coolidge	075,000.00		0275,000.00	3	3	Larger water storage tank	
38 385	Hollaballa	Fairbanks		0375,000.00	0300,000.00	3	2,1	completion of 16 inch transmission main	
	St. Mary's	Coolidge	0150,000.00		0300,000.00	3	3	Perphouse/filter plant construction	Corrects fuel spill problem & provides water filtration
	Ugashik	Fairbanks	0150,000.00		0150,000.00	3	3	Service to 4 homes and solid waste	
			01,025,000.00	0775,000.00	01,075,000.00				
			01,549,000.00	01,027,000.00	07,975,000.00				

Footnotes:
Fund Note 1-IMS project in progress 2- other funding as reserved MUD utility
3-Other funding is LBA funds
Relative Rank 1- High 2- Medium 3- Low

TABLE I
3/6/89

PROJECT COST PROJECTIONS FOR EPA FUNDED PROJECTS

PROJECT	FEDERAL SHARE	STATE SHARE (50% matching grant)	HTB/63
Anchorage Campbell Creek Int-Phases 1 & 2	\$4,130,000	\$1,500,000	1,000,000
Cordova Interceptor Inflow/Infiltration Correction	\$2,604,000	\$444,000	
Juneau Mendenhall Incinerator	\$3,126,000	\$1,600,000	1,000,000
Fairbanks Sewer Rehabilitation	\$550,000	\$1,000,000	
Ketchikan Sewage Treatment Plant Upgrade	\$1,840,000	\$860,000	φ
Nome Sewage Treatment Plant	\$2,100,000	\$1,332,000	750,000
Soldotna Sewage Treatment Plant Upgrade	\$1,240,000	\$0	

= NOT fully funded in CS HTB/63
5/8/89

TABLE II
3/6/89

KENNETH R. ATKINSON
 JOHN M. CONWAY
 BRUCE E. GAGNON
 ROBERT J. DICKSON
 W. MICHAEL MOODY
 GEORGE M. KAPOLCHOK
 JOHN A. TREPTOW
 PATRICK B. GILMORE
 SUSAN WRIGHT MASON
 RICHARD E. VOLLERTSEN
 GARY M. QUARINO
 NEIL T. O'DONNELL
 ROBIN O. BRENA
 PAUL F. LYNCH
 CATHLEEN NELSON McLAUGHLIN
 CRAIG F. STOWERS

LAW OFFICES OF
ATKINSON, CONWAY & GAGNON, INC.
 A PROFESSIONAL CORPORATION
 420 L STREET
 SUITE 500
 ANCHORAGE, ALASKA 99501

CABLE ADDRESS:
 COVER
 TELEPHONE 276-1700
 AREA CODE 907
 TELEX NUMBER:
 26-517
 TELECOPIER/FACSIMILE:
 (907) 278-2082

May 24, 1988

The Honorable Steve Cowper
 Governor of Alaska
 Office of the Governor
 P.O. Box A
 Juneau, Alaska 99811

P E R S O N A L

Re: Reimbursement of Legal Expenses
 and Costs to Governor Sheffield

Dear Governor Cowper:

I am writing this letter at the request of and on behalf of Governor Sheffield. Specifically, to seek your assistance in including the reimbursement of his expenses and attorney's fees in the amount of \$302,652.82 as a supplemental appropriation to the Department of Law in the Claims and Judgments Section of the Supplemental Appropriation Bill.

I seek your assistance because I truly believe that it is only fair that Governor Sheffield be reimbursed those funds so that he can pay off the loans he incurred to pay those expenses. While I am not clear as to what happened in the waning moments of the legislative session, I do understand that at least at some point a majority of the House and a majority of the Senate were in favor of the appropriation. The Associated Press also reported that you were in favor of that appropriation as well. It is simply unfortunate that the provision was deleted in the Legislature's rush to adjournment.

As you know, following the investigation and the Grand Jury proceedings which focused on Governor Sheffield's performance of his official duties, he asked the Attorney General's Office to provide counsel and was advised that it had a "conflict" and refused to represent to defend him. He was advised to retain his own counsel, which he did. You may recall that the Senate had retained and paid a special prosecutor and a battery of independent counsel to pursue the Grand Jury investigation before the Alaska State Senate.

TELECOPIED TO

Sheffield

DATE 5/24 x 6/1

The Honorable Steve Cowper
May 24, 1988
Page 2

Governor Sheffield was eventually cleared of all suggested charges emanating from the Grand Jury and the Alaska State Senate found that the Grand Jury Report was a gross and unfair abuse of power. It was felt that the people of the State of Alaska had a compelling interest in assuring that those charges were fully aired and tested. When the matter was concluded, the Alaska State Senate decided that the evidence did not warrant impeachment or any other adverse action. I think it can be fairly stated that Governor Sheffield was in fact the "prevailing party" and had this been a court proceeding, he would have been entitled to reimbursement as a matter of law.

I am appealing to you, not as a matter of law, but on the grounds of fundamental fairness to take such steps as are necessary to include a supplemental appropriation in the FY 1988 budget.

Please accept my thanks in advance for reviewing the matter.

Very truly yours,

ATKINSON, CONWAY & GAGNON

By 

John M. Conway

JMC:pkk
cc: Grace Berg Schaible
William J. Sheffield

4948.5

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

A C & G, Inc.
RECEIVED

AM MAY 31 1988 PM
11 10 11 12 1 2 3 4 5 6 7

May 27, 1988

Mr. John Conway
Atkinson, Conway & Gagnon, Inc.
420 L Street
Suite 500
Anchorage, AK 99501

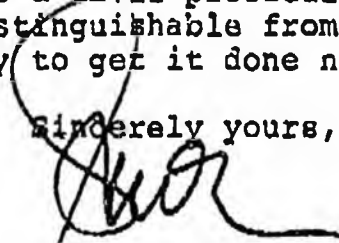
Dear John,

I am in receipt of your letter of May 24, 1988, regarding Governor Sheffield's expenses and attorney fees.

I wrote a letter to the Legislature presenting this item for consideration, which is the customary way to submit budget revisions. As I told Bill, my impression was that a majority of both houses favored this repayment. Apparently the appropriation was a victim of partisan bickering at the last minute.

This matter is one of first impression, but most of us agree that it was more analogous to a civil proceeding than anything else and clearly distinguishable from a criminal case. In any event we'll try to get it done next year.

Sincerely yours,


Steve Cowper
Governor

TELECOPIED TO

Sheffield

DATE 0/1/88

KENNETH R. ATKINSON
JOHN M. CONWAY
BRUCE E. GAGNON
ROBERT J. DICKSON
W. MICHAEL MOODY
GEORGE M. KAPOLCHOK
JOHN A. TREPTOW
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ROBIN O. BRENA
SUZANNE B. KINNEY

LAW OFFICES OF
ATKINSON, CONWAY & GAGNON, INC.
A PROFESSIONAL CORPORATION
420 L STREET
SUITE 500
ANCHORAGE, ALASKA 99501

May 27, 1987

CABLE ADDRESS:
DOVER

TELEPHONE 276-1700
AREA CODE 907

TELEX NUMBER:
26-517

TELECOPIER/FACSIMILE:
(907) 272-2082

Mr. Gary Bader, Director
Division of Administrative Services
Department of Administration
P. O. Box A
Juneau, Alaska 99811

Re: Reimbursement of Legal Expenses
and Costs to Governor Sheffield

Dear Mr. Bader:

The purpose of this letter is to request, on behalf of Governor Sheffield, reimbursement from the Department of Administration to Governor Sheffield the costs and legal expenses which he incurred in connection with the proceedings held before the Alaska State Senate in 1985.

It has been recognized that public officials may be subject to investigations that are much more intrusive and searching than would be warranted if only a private citizen were involved. Public policy also recognizes that the capacity to render public service, with all of its attendant burdens and exposures, should not depend on that official's personal wealth, or lack of it. It is recognized that, where no criminal charges actually result, and the investigation relates to the official's performance of his public duties, the public ought to be prepared to indemnify him for the expenses incurred.

The investigation and the Grand Jury proceedings focused solely on Governor Sheffield's performance of his official duties. Nevertheless, it was necessary, in order to avoid any improprieties, that the Governor retain separate counsel to defend himself, and not to rely upon the Attorney General's office. The Attorney General's

Mr. Gary Bader
May 27, 1987
Page 2

office refused to represent or to defend him. The State of Alaska retained and paid a special prosecutor and a battery of independent counsel to pursue the Grand Jury investigation before the Alaska State Senate. Governor Sheffield was eventually cleared of all suggested charges emanating from the Grand Jury and the Alaska State Senate found that the Grand Jury Report was a gross and unfair abuse of power. The people of the State of Alaska had a compelling interest in assuring that those charges were fully aired and tested. When the matter was concluded, the Alaska State Senate decided that the evidence did not warrant impeachment or any other adverse action. We believe it only fair and appropriate that the State of Alaska reimburse the Governor for the expenses and costs which he incurred in successfully defending against those charges.

The costs and expenses totaled \$302,652.82. Enclosed you will find statements from Messrs. Atkinson, Conway & Gagnon, Inc. and Hughes, Hubbard & Reed. I can represent to you that those statements have been paid, but should you require additional documentation, kindly let me know.

We look forward to your advices.

Very truly yours,

ATKINSON, CONWAY & GAGNON

By

John M. Conway

JMC:pkk
Enclosures
cc: William J. Sheffield

KENNETH R. ATKINSON
JOHN M. CONWAY
BRUCE E. GAGNON
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PATRICK B. GILMORE
SUSAN WRIGHT MASON
RICHARD E. VOLLERTSEN
GARY M. GUARINO
NEIL T. O'DONNELL
ROBIN O. BRENA
PAUL P. LYNCH
CATHEEN NELSON McLAUGHLIN

LAW OFFICES OF
ATKINSON, CONWAY & GAGNON, INC.
A PROFESSIONAL CORPORATION
420 L STREET
SUITE 300
ANCHORAGE, ALASKA 99501

July 7, 1987

CABLE ADDRESS:
DOVER
—
TELEPHONE 276-1700
AREA CODE 907
—
TELEX NUMBER:
28-817
—
TELECOPIER/FACSIMILE:
(907) 272-2082

The Honorable Garrey Peska
Commissioner
State of Alaska
Department of Administration
Post Office Box C
Juneau, Alaska 99811-0200

Re: Reimbursement of Legal Expenses
and Costs to Governor Sheffield

Dear Mr. Peska:

This will acknowledge and thank you for your letter dated June 18, 1987, in which you inquired as to whether Governor Sheffield's request for reimbursement of legal expenses related to the 1985 impeachment proceedings before the State Senate was being presented to the Department of Administration pursuant to AS 44.77 and 2 AAC 25. The answer is no.

2 AAC 25.010(d) expressly excludes claims for attorney's fees from those procedures.

AS 39.20 provides for compensation and allowances, including the reimbursement and payment of expenses incurred by the Governor. It is my understanding that the Department of Administration has routinely reimbursed the Governor's office for expenses pursuant to this statute.

The Department of Law is obligated to provide advice, counsel and defense for any matters arising out of a Governor's performance of his public duties. In this instance, Governor Sheffield specifically asked then Attorney General Norman Gorsuch to provide such advice and defense. Governor Sheffield was advised by Attorney General Gorsuch that the Department of Law had determined

The Honorable Garrey Peska
July 7, 1987
Page 2

that it had a "conflict" and he advised Governor Sheffield to seek and retain separate counsel. The clear implication of that exchange was that Governor Sheffield would be reimbursed, by the State, for his legal expenses.

Governor Sheffield was eventually cleared of all suggested charges made by the Grand Jury and, additionally, the Alaska State Senate found that the Grand Jury Report was a gross and unfair abuse of power. This finding was confirmed by the Alaska Judicial Council which has recommended substantial changes in the investigative procedure of the Grand Jury in Alaska including protection of public figures from public disclosure of groundless charges. (The Investigative Grand Jury in Alaska, Alaska Judicial Council, February 1987) Further, the Alaska State Senate found the charges to be groundless and determined, by vote, that the "evidence" did not warrant impeachment or any other adverse action. Under these circumstances, it is quite apparent that it is only fair and appropriate that Governor Sheffield, and additionally any Governor in the future who is forced to incur legal expenses in responding to charges arising out of his performance of his public duties, is entitled to be reimbursed for those expenses and costs.

If you need any further information, please let me know. We look forward to your further advices.

Very truly yours,

ATKINSON, CONWAY & GAGNON

By _____
John M. Conway

JMC:pkg
cc: Grace Berg Schaible, Esq.
Mr. Gary Bader
Mr. William J. Sheffield

B-4 Tuesday, July 19, 1988, The

orage Times

Robert B. Atwood
President and Publisher

Elaine Atwood
Assistant Publisher

William J. Tobin
Vice-President, Editor-in-Chief

Editorials

Alaska Fe

Unpopular, but right

THE QUESTION of whether to reimburse former Gov. Bill Sheffield for \$302,652 in private legal expenses is proving to be a tough one for Gov. Steve Cowper and members of the Alaska Legislature.

One reason they're floundering is because there has been a lack of direction from the voters on how to handle this hot potato.

In truth, most of the legislators and the governor apparently believe they should pay the money — even if they really don't want to.

The funds, of course, would cover fees charged the governor by the high-powered lawyers he used in his successful defense at impeachment hearings in 1985.

Because no charges came from the hearings, and because Mr. Sheffield was never convicted of anything, there is a general sense among the politicians that the state owes the former governor and should pay the bill.

THERE'S SOME dispute, apparently, over whether Mr. Sheffield might have called upon the attorney general's office to handle his defense — or at least requested that the attorney general, out of his budget, hire an outside attorney to represent him.

Instead, Mr. Sheffield went to his long-time personal attorney, John Conway of Anchorage, one of the state's top lawyers and one who is highly regarded in the legal community. Mr. Conway, in turn, brought in as

associate counsel a lawyer who gained national fame during the Watergate hearings, Phillip Lacovara. They didn't come cheap.

The concept of reimbursement, regardless of the magnitude of the bill, is based on the generally accepted rule that a public official called upon to defend himself for actions taken in the course of his official duties is entitled to legal representation at public expense.

IN THIS case, however, it is clear that many of the politicians are fearful they will incur the voters' wrath if they pay Mr. Sheffield's bill. They'd feel a lot more comfortable if there existed a clear advance mandate telling them what to do.

An appropriation to pay the legal bills was included in the Senate's version of the 1989 fiscal year budget in the last legislative session, but the House refused to go along with the deal — and the Senate later struck the item from its bill. Gov. Cowper said he favored the payment, but that he wasn't about to sponsor it himself.

Four legislative leaders have now petitioned the governor, by letter, to include the reimbursement in his next budget bill — to be presented to the 1989 legislative session. They argue that the state is morally obligated to pick up Mr. Sheffield's legal costs, even though it may not be a politically popular thing to do.

And the fact is that under the circumstances, they're right.

SCIENTISTS ARE STUDYING STRESS HORMONES IN PACIFIC SALMON WHICH LEAD TO THEIR EARLY DETERIORATION FOR CLUES TO THE AGING PROCESS IN HUMANS...

JERRY FLO
THE ANCHORAGE TIMES

Democrats' minority

ATLANTA — As always, Jesse L. Jackson is making it difficult to distinguish his larger-than-life personality from the cause he represents. The man's ego has been so much on display in the maneuverings surrounding the Democratic National Convention that it has almost snuffed out the sympathy Jackson's concerns and constituency should command.

On the surface, the endless discussions between the Jackson camp and the hierarchy of prospective nominee Michael S. Dukakis' organization have focused on the role Jackson would play in bringing the convention to an upbeat, harmonious ending and in campaigning for Democrats this autumn. There was less to this dispute than met the eye, because it was so obviously in both men's interests to reach an accommodation on those questions. Dukakis wanted Jackson's support and Jackson wanted to be part of the "team" leaving here.



son. They came from the can Council on E umbrella organization's colleges and the Education of the States, the vernors and legislative issues.

They joined in cause of what I shared deep concern over the pace of "mirment" and the evidence that as crease toward bel the school-age nation, their lagging could divide and

Editorial Opinion and Comment of



Daily News - Miner

"Independent in All Things . . . Neutral in None"

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.

Pay ex-governor's legal expenses

The issue of paying the legal costs of ex-Gov. Bill Sheffield's defense from impeachment hearings three years ago isn't a burning issue. But it is a political hot potato for state legislators. Who would want to sponsor a bill to appropriate \$302,652 to reimburse the former governor?

Sheffield has been unsuccessful in lobbying for the money for more than a year.

Still, the issue is not dead. This week a bipartisan group of legislative leaders wrote Gov. Steve Cowper seeking his support for reimbursement of the man he retired from the governor's mansion two years ago.

One of those lawmakers, Republican Sen. Jan Falks, put it this way: "Politically it's not correct, but morally it's the right thing to do. I think the man deserves the money."

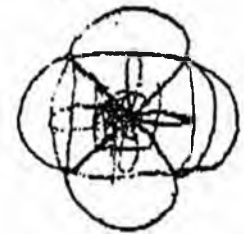
Others petitioning Cowper were House Speaker Ben Grussendorf, D-Sitka; House Finance Chairman Al Adams, D-Kotzebue; and Senate Finance Co-chairman John Binkley, R-Bethel.

In 1985, a Juneau grand jury accused Sheffield of improperly steering a lucrative state office lease in Fairbanks to a friend and political ally, and of later lying about his involvement. However, the grand jury did not return any indictments. And a panel of legislators investigating the affair found no reason to impeach the governor.

Sheffield was unable to get any legal help from the state's attorney general when he found himself in hot water, and that is the reason the ex-governor should receive repayment.

"In further reflection on the state's responsibility to reimburse Gov. Sheffield, we continued to agree that given the attorney general's advice that he retain separate counsel to defend himself following the grand jury's report, it is appropriate for the state to reimburse him," the legislative leaders told Gov. Cowper.

Although Sheffield's role in the Fairbanks office lease clearly was improper, we believe the ex-governor's legal bills should be paid because, first, he was not indicted nor was he impeached and, second, he was unable to get help from the state attorney general's office as a chief executive should have been able to under the circumstances.



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AREA CODE 907

TELECOPIER/FACSIMILE:
(907) 272-2082

March 22, 1989

PERSONAL

Douglas B. Baily
Attorney General
State of Alaska
Box K
Juneau, Alaska 99811

Re: Reimbursement of Legal Expenses and Costs
to Governor Sheffield

Dear Doug:

I am writing to you to seek your assistance on behalf of Governor Sheffield in support of the pending supplemental appropriation to reimburse him for his expenses and attorney's fees which were incurred in 1985. I truly believe that it is only fair that Governor Sheffield be reimbursed those funds so that he can pay off the loans he incurred to pay those expenses, and I want to share with you the circumstances under which those expenses were incurred.

Following the investigation and the grand jury proceedings which focused on Governor Sheffield's performance of his official duties, i. e. centralizing state office space in Fairbanks, he asked the Attorney General's office to provide counsel and was advised that it had a "conflict" and refused to represent or to defend him. He was advised to retain his own counsel, which he did. You may recall that the Senate had retained and paid a special prosecutor and a battery of independent counsel to pursue the grand jury investigation before the Alaska State Senate.

Governor Sheffield was eventually cleared of all suggested charges emanating from the grand jury. The Alaska State Senate found that the grand jury report was a gross and unfair

Douglas B. Baily
March 22, 1989
Page 2

abuse of power. It was felt that the people of the State of Alaska had a compelling interest in assuring that those charges were fully aired and tested. When the matter was concluded, the Alaska State Senate decided that the evidence did not warrant impeachment or any other adverse action. I think it can be fairly stated that Governor Sheffield was in fact the "prevailing party" and had this been a court proceeding, he would have been entitled to reimbursement as a matter of law.

I am enclosing a copy of Governor Cowper's letter to me of May 27, 1988 expressing his support for the appropriation, together with a copy of a letter dated July 7, 1988 from Senator Faiks and Binkley and Representatives Grussendorf and Adams which I am informed was signed and sent to the Governor, also supporting the appropriation. You will also find enclosed a copy of an editorial that appeared in the July 19, 1988 edition of the Anchorage Times.

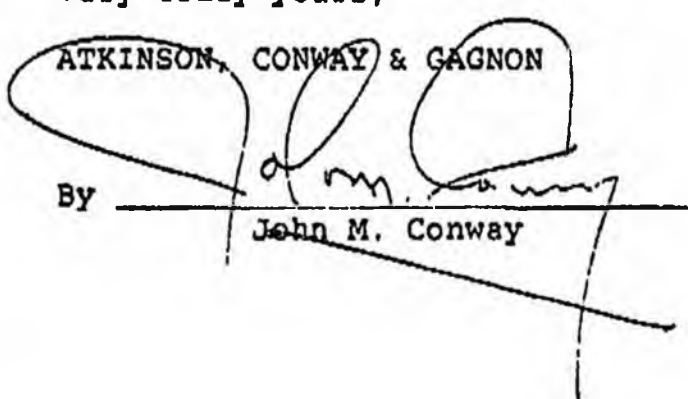
Thanks for considering the foregoing.

Please accept my personal congratulations on your appointment as Attorney General.

Very truly yours,

ATKINSON, CONWAY & GAGNON

By


John M. Conway

JMC:pkk
Enclosures
cc: William Sheffield

CS.

5/8/89
Sic. 47
Fischer

March 14, 1989

WORK DRAFT

proposed HESS CS FOR SB 179

SECTION 1. A district with an ADM of 1,000 or less that consists of one funding community shall receive additional units as determined under the following table:

<u>District ADM</u>	<u>Units</u>
0 - 200	2.00
201-300	1.75
301-400	1.50
401-500	1.00
501-1000	0.75

DEPARTMENT OF EDUCATION												
SINGLE/DUAL SITE PROPOSED SOLUTION (A) SB 179 & HB 185												
WITH DEPT. OF ED. PROPOSED SOLUTION SB 179 &												
PREPARED 3/13/89 HB 185												
INCREASED UNITS FOR DISTRICTS UNDER THE										SINGLE FUNDING SOLUTION (A) COMMUNITY DISTRICTS		
SCHOOL DISTRICT	PROJECTED FY90 ADM	K-12 UNITS	ADJUSTMENT FACTOR SINGLE/DUAL	INCREASED K-12 UNITS	AREA COST DIFF.	ADJUSTED INCREASED K-12 UNITS	ONE HUNDRED PERCENT ASSESSED VALUE	ASSESSED VALUE PER ADM	AVERAGE ASSESSED VALUE PER ADM	ADJUSTED UNITS	INCREASED ENTITLEMENT	DEPT. OF ED. FUNDING PROPOSAL
11 ADAK	638.00	48.53	6%	2.91	1.27	3.70		\$0	0.75	0.95	\$222,000	\$57,000
12 ALASKA GATEWAY	477.00	57.59		0.00	1.19	0.00		\$0		0.00	\$0	\$0
13 ALEUTIAN REGION	115.00	22.36		0.00	1.31	0.00		\$0		0.00	\$0	\$0
14 ANCHORAGE	38,747.00	2,591.49		0.00	1.00	0.00	\$10,833,550,410	\$279,597		0.00	\$0	\$0
15 ANNETTE ISLAND	414.00	33.60	8%	2.69	1.03	2.77		\$0	1.00	1.03	\$166,200	\$61,800
16 BERING STRAIT	1,298.00	161.33		0.00	1.39	0.00		\$0		0.00	\$0	\$0
17 BRISTOL BAY	246.00	24.67	8%	1.97	1.27	2.50	\$118,180,200	\$180,407		0.00	\$150,000	\$0
18 CHATHAM	317.00	44.31		0.00	1.03	0.00		\$0		0.00	\$0	\$0
19 CHUGACH	101.00	17.58		0.00	1.14	0.00		\$0		0.00	\$0	\$0
20 COPPER RIVER	588.00	68.65		0.00	1.14	0.00		\$0		0.00	\$0	\$0
21 CODOVA	428.00	34.53	8%	2.76	1.11	3.06	\$116,103,500	\$271,270	1.00	1.11	\$183,600	\$66,600
22 CRAIG	217.60	20.51	12%	2.46	1.03	2.53	\$38,783,800	\$178,234	1.75	1.80	\$151,800	\$108,000
23 DELTA GREELY	900.00	65.13	6%	3.91	1.16	4.54		\$0	0.75	0.87	\$272,400	\$52,200
24 DILLINGHAM	460.00	36.67	8%	2.93	1.27	3.72	\$121,551,200	\$264,242	1.00	1.27	\$223,200	\$76,200
25 FAIRBANKS	13,175.00	903.94		0.00	1.04	0.00	\$3,670,877,260	\$278,624		0.00	\$0	\$0
26 GALENA	145.00	15.67	12%	1.88	1.30	2.44	\$19,585,100	\$135,070	2.00	2.60	\$144,400	\$156,000
27 HAINES	365.00	33.06	4%	1.32	1.05	1.39	\$112,613,100	\$308,529		0.00	\$83,400	\$0
28 HOONAH	235.00	21.67	12%	2.60	1.08	2.81	\$22,722,100	\$96,690	1.75	1.89	\$168,600	\$113,400
29 HYDABURG	106.00	12.83	12%	1.54	1.03	1.59	\$9,499,000	\$89,613	2.00	2.06	\$95,400	\$123,600
30 IDITAROD	407.00	56.41		0.00	1.33	0.00		\$0		0.00	\$0	\$0
31 JUNEAU	4,675.00	314.34		0.00	1.00	0.00	\$1,353,312,100	\$289,479		0.00	\$0	\$0
32 KAKE	183.00	18.20	12%	2.18	1.03	2.25	\$17,730,300	\$96,887	2.00	2.06	\$135,000	\$123,600
33 KASHUNAMIUT	165.00	17.00	12%	2.04	1.33	2.71		\$0	2.00	2.66	\$162,600	\$159,600
34 KENAI	8,476.00	672.77		0.00	1.00	0.00	\$3,521,734,280	\$415,495		0.00	\$0	\$0
35 KETCHIKAN	2,491.00	174.64	3%	5.24	1.00	5.24	\$832,989,600	\$334,400		0.00	\$314,400	\$0
36 KLAWOCK	184.00	18.27	12%	2.19	1.03	2.26	\$9,677,900	\$52,597	2.00	2.06	\$135,600	\$123,600
37 KODIAK	2,250.69	180.20		0.00	1.09	0.00	\$594,626,000	\$264,197		0.00	\$0	\$0
38 KUSPUK	402.00	56.16		0.00	1.33	0.00		\$0		0.00	\$0	\$0
39 LAKE & PENINSULA	367.15	63.72		0.00	1.31	0.00		\$0		0.00	\$0	\$0
40 LOMER KUSKOKWIM	2,735.50	291.46		0.00	1.42	0.00		\$0		0.00	\$0	\$0
41 LOMER YUKON	1,301.00	145.56		0.00	1.35	0.00		\$0		0.00	\$0	\$0
42 MAT-SU	8,252.00	578.13		0.00	1.00	0.00	\$2,289,990,180	\$277,507		0.00	\$0	\$0
43 MENANA	196.00	19.07	12%	2.29	1.20	2.75	\$16,515,500	\$84,263	2.00	2.40	\$165,000	\$144,000
44 NOME	765.00	56.73	6%	3.40	1.34	4.56	\$140,082,900	\$183,115	0.75	1.01	\$273,600	\$60,600
45 NORTH SLOPE	1,259.00	122.78		0.00	1.45	0.00	\$12,291,969,430	\$9,763,280		0.00	\$0	\$0
46 NORTHWEST ARCTIC	1,613.97	164.17		0.00	1.45	0.00	\$158,046,000	\$97,924		0.00	\$0	\$0
47 PELICAN	41.00	6.63	12%	0.80	1.08	0.86	\$10,655,300	\$259,885	2.00	2.16	\$51,600	\$129,600
48 PETERSBURG	647.00	48.89	6%	2.93	1.00	2.93	\$173,084,000	\$267,518	0.75	0.75	\$175,800	\$45,000
49 PRIBILOF	163.00	20.47	8%	1.64	1.30	2.13		\$0		0.00	\$127,800	\$0
50 RAILBELT	336.00	37.66		0.00	1.23	0.00		\$0		0.00	\$0	\$0
51 SITKA	1,402.80	111.93	4%	4.48	1.00	4.48	\$474,159,200	\$295,832		0.00	\$268,800	\$0
52 SKAGWAY	135.00	15.00	12%	1.80	1.05	1.89	\$55,458,400	\$410,803		0.00	\$113,400	\$0
53 SOUTHEAST ISLAND	509.00	81.05		0.00	1.04	0.00		\$0		0.00	\$0	\$0
54 SOUTHWEST REGION	495.00	68.20		0.00	1.31	0.00		\$0		0.00	\$0	\$0
55 ST. MARY'S	112.00	13.33	12%	1.60	1.30	2.08	\$4,184,700	\$37,363	2.00	2.60	\$124,800	\$156,000
56 TAHAMA	88.00	11.33	12%	1.36	1.30	1.77	\$11,511,900	\$130,817	2.00	2.60	\$106,200	\$156,000
57 UNALASKA	180.00	18.00	12%	2.16	1.27	2.74	\$96,568,740	\$536,493		0.00	\$164,400	\$0
58 VALDEZ	715.00	53.61	6%	3.22	1.11	3.57	\$1,457,131,320	\$2,037,946		0.00	\$214,200	\$0
59 WRANGELL	523.00	40.49	8%	3.24	1.00	3.24	\$104,344,800	\$199,512	0.75	0.75	\$194,400	\$45,000
60 YAKUTAT	128.00	14.53	12%	1.74	1.08	1.88	\$19,041,900	\$148,765	2.00	2.16	\$112,800	\$129,600
61 YUKON FLATS	345.00	52.85		0.00	1.44	0.00		\$0		0.00	\$0	\$0
62 YUKON-KOYUKUK	506.00	71.32		0.00	1.34	0.00		\$0		0.00	\$0	\$0
63 YUPIIT	300.00	36.67		0.00	1.41	0.00		\$0		0.00	\$0	\$0
64												
65												
66												
67 TOTALS	101,521.71	7,865.69		69.28		78.39	\$38,696,280,120		30.25	34.79	\$4,703,400	\$2,387,400
68												
69												

70 NOTE: THE TOTAL ASSESSED VALUE EXCLUDING NORTH SLOPE & VALDEZ IS \$24,947,179,370
71 THE TOTAL ADM OF CITY/BOROUGHES EXCLUDING NORTH SLOPE & VALDEZ IS 56,668
72 AVERAGE ASSESSED VALUE PER ADM IS \$287,847

Assessed valuation of 257,000
Below that / single site fix.
for
... ..

SCHOOL DISTRICT	CURRENT FOUNDATION SUPPORT	STATE TUITION	OTHER STATE REVENUE	FY80 SUPPLEMENTAL ASSISTANCE		SUB-TOTAL STATE CITY/BOROUGH APPROX.	CITY/BOROUGH EARNINGS ON INVESTMENTS	CITY/BOROUGH IN-KIND SERVICES	CITY/BOROUGH OTHER LOCAL REVENUE	SUB-TOTAL CITY/BOROUGH REVENUE	REAL'S OTHER REVENUE	DEDUCTIBLE FEDERAL FL 874	OTHER FEDERAL REVENUE	SUB-TOTAL FEDERAL REVENUE	TRANSFERS FROM OTHER FUNDS	FY89 BUDGETED TOTAL REVENUES	FY89 ADJUSTED UNITS	REVENUES PER ADJ. UNITS
				GRANTS	REVENUE													
NORTH SLOPE	17,120,980	80	80	17,120,980	816,282,000	80	80	660,000	116,342,000	80	1580,890	80	6580,890	80	824,043,870	197.64	1121.655	
WILDEZ	82,665,645	147,640	8600,000	83,413,085	83,413,388	8172,641	80	825,000	83,610,849	80	810,075	80	810,075	80	87,034,009	63.41	1110.925	
ST. FAMILY'S	11,315,395	80	8100,000	11,645,395	817,805	8120,000	80	12,000	8139,805	80	80	815,000	815,000	80	81,718,400	22.22	877.336	
BLANCK	81,074,758	812,000	8200,000	81,176,758	821,889	815,000	80	80	836,889	80	8305,344	80	8305,344	80	81,746,391	23.77	873.870	
PELICAN	8334,173	82,480	810,823	8347,476	826,990	85,000	80	80	829,990	80	80	80	80	80	8370,566	9.62	872.824	
WILDES	81,903,324	812,000	80	82,005,324	823,000	860,417	80	15,000	8284,117	80	813,096	80	813,096	80	82,805,037	38.72	872.444	
KETCHIKAN	89,093,258	870,823	80	89,164,081	85,597,783	815,000	8313,911	120,000	85,746,711	80	810,660	87,836	818,496	80	814,929,291	206.13	872.427	
TARNAVA	81,028,841	824,000	80	81,480,841	80	810,100	8102,000	80	8112,100	80	882,918	80	882,918	80	81,394,079	19.28	872.307	
CHLENA	81,221,122	84,000	80	81,409,122	8105,997	835,000	850,000	15,000	8235,997	80	8165,450	82,182	8167,632	80	81,796,951	21.45	871.859	
REMAI	829,875,088	875,182	80	829,950,270	817,605,868	80	84,313,750	832,100	823,951,718	80	8117,761	836,000	8153,761	824,464	854,080,213	759.96	871.162	
SETLA	86,076,445	815,000	897,807	86,889,052	82,978,379	80	80	120,680	82,999,059	80	80	80	80	80	89,293,331	131.71	870.559	
LAKE	81,157,861	80	871,000	81,178,861	811,000	822,000	877,519	80	899,519	80	8158,941	87,219	8166,160	80	81,611,970	23.06	869.964	
FADREMARKS	848,284,778	83,567,250	80	851,852,028	822,800,000	80	80	8315,000	823,115,000	80	857,213	80	857,213	80	877,024,241	1,103.01	869.851	
JUNEAU	816,895,828	890,000	80	817,005,828	89,681,000	80	80	80	89,681,000	80	816,496	830,000	844,496	80	826,711,324	363.37	869.675	
TIGLITAT	81,060,123	812,700	810,000	81,182,823	8156,420	84,000	80	811,500	875,920	80	8103,665	15,000	8108,665	80	81,390,508	20.46	868.029	
HYDREBUR	8940,776	80	810,806	8101,582	832,618	81,000	81,200	80	834,618	80	80	811,000	811,000	80	81,114,600	16.40	867.963	
CORONA	82,189,448	8139,737	80	82,329,185	8495,929	850,000	815,000	813,016	8573,945	80	824,494	80	824,494	81,500	83,012,424	45.02	866.913	
WENNA	81,626,992	853,392	80	81,680,384	843,731	85,000	80	1500	849,231	80	80	80	80	89,550	81,855,965	27.74	866.906	
FRIBLOF	81,368,995	80	80	81,368,995	80	80	80	80	80	80	850,000	860,005	860,005	80	82,027,600	30.19	866.500	
AKIC	82,242,675	80	80	82,242,675	80	80	80	80	80	80	8231,800	82,017,223	82,017,223	80	84,491,698	67.59	866.455	
SKAGWAY	8930,028	80	849,706	8109,734	8156,618	82,500	80	80	8159,118	80	8547	80	8547	80	81,259,099	18.99	866.303	
UNALASKA	81,200,426	80	875,057	81,275,483	8287,332	817,000	80	867,950	8362,282	80	872,465	80	872,465	80	81,825,030	27.60	866.124	
WASSELL	82,520,605	8119,227	80	82,639,832	858,063	830,000	829,000	80	8397,063	80	82,597	815,000	817,597	80	83,229,482	68.95	865.975	
BUSTOL BAY	81,475,069	80	899,000	81,574,069	8372,000	845,000	80	17,500	8424,500	80	8289,639	80	8289,639	888,656	82,466,364	37.71	865.667	
MICHOZAGE	8130,877,983	86,650,000	8185,000	8137,712,983	862,707,794	81,650,000	80	8425,000	864,782,794	80	8273,333	8150,000	8423,333	81,400,000	8204,319,112	3,114.27	865.607	
NOONAH	81,459,272	850,000	80	81,509,272	840,000	810,000	815,000	810,000	815,000	80	8172,906	812,600	8185,506	80	81,859,778	28.58	865.531	
ITITARD	84,243,966	80	89,400	84,333,366	80	80	80	80	80	80	8179,800	8762,456	8762,456	80	85,461,803	83.44	865.458	
KUPUK	84,368,813	80	80	84,368,813	80	80	80	80	80	80	8126,984	8480,493	8480,493	80	85,229,290	82.93	865.179	
KASHUMUTUT	8980,834	80	80	8980,834	80	80	80	80	80	80	8807,166	80	8807,166	80	81,933,600	29.70	865.104	
AMETTE ISLAND	81,301,188	80	80	81,301,188	80	80	80	80	80	80	8115,000	81,316,212	81,316,212	80	82,807,703	43.59	864.412	
CHAG	81,281,333	80	837,250	81,318,583	871,635	829,205	815,115	80	8115,955	80	843,060	80	843,060	80	81,552,698	21.15	864.294	
BERING STRAIT	811,452,009	80	80	811,452,009	80	80	80	80	80	80	8733,000	84,086,442	84,819,442	80	816,458,951	257.66	863.879	
NOPE	84,681,255	89,000	8253,306	84,963,561	8433,920	860,000	8145,200	8629,400	80	850,540	844,500	895,040	80	85,468,081	88.87	863.779		
BAIT-SU	829,378,571	841,000	81,218,725	830,647,296	812,762,819	80	80	818,000	812,780,819	80	822,519	850,000	872,519	80	843,495,664	685.53	863.634	
YUKON-KOYUKA	84,967,235	80	83,630	85,000,865	80	80	80	80	80	80	81,361,365	850,000	81,431,365	80	86,686,930	105.81	863.198	
CHITMAN	82,289,244	80	80	82,289,244	80	80	80	80	80	80	8111,000	8406,927	8406,927	80	83,297,171	50.78	862.158	
KODIAK	811,608,347	8632,000	80	812,040,347	82,390,000	80	80	850,000	82,440,000	80	8251,219	810,000	8361,219	80	814,741,566	234.15	862.954	
LAKE & PENINSULA	84,506,951	80	80	84,506,951	80	80	80	80	80	80	8189,108	8952,918	8952,918	80	85,644,977	89.88	862.850	
SOUTHWEST REGION	84,830,737	80	80	84,830,737	80	80	80	80	80	80	8225,000	81,525,063	81,525,063	80	86,605,800	105.93	862.360	
SOUTHEAST ISLAND	84,752,273	80	80	84,752,273	80	80	80	80	80	80	8101,020	8785,727	8785,727	80	85,723,220	92.30	862.007	
LOWER YUKON	89,527,660	80	80	89,527,660	80	80	80	80	80	80	8345,000	84,108,667	84,108,667	80	813,981,527	225.33	861.775	
KING COVE	8983,631	80	810,897	8994,528	872,659	80	83,804	80	876,463	80	8265,427	80	8265,427	80	81,389,618	22.52	861.706	
ALASKA GATEWAY	84,701,600	80	80	84,701,600	80	80	80	80	80	80	8122,500	80	80	80	84,824,100	78.36	861.563	
YUKON FLATS	84,113,688	80	80	84,113,688	80	80	80	80	80	80	8130,000	81,082,912	81,082,912	80	85,326,600	86.61	861.501	
RADEBELT	83,059,019	80	80	83,059,019	80	80	80	80	80	80	840,000	840,384	840,384	80	83,199,403	51.07	861.473	
DELTA GREEN	84,374,775	80	80	84,374,775	80	80	80	80	80	80	875,000	81,051,663	81,051,663	80	85,501,638	89.57	861.187	
YUPIIT	83,271,367	80	80	83,271,367	80	80	80	80	80	80	850,000	898,833	898,833	80	84,311,200	70.67	861.005	
ALUTIAN REGION	81,694,644	80	80	81,694,644	80	80	80	80	80	80	825,000	8264,756	8264,756	80	82,004,400	32.99	860.758	
LOWER KUSKOKWIM	826,275,678	80	80	826,275,678	80	80	80	80	80	80	80	85,770,393	80	832,046,071	527.67	860.731		
NORTHWEST ARCTIC	812,925,814	80	80	812,925,814	8337,444	8225,000	80	8120,000	8682,444	80	82,904,060	8210,000	83,114,060	80	816,752,318	276.33	860.424	
PETERSBURG	82,794,876	80	80	82,794,876	8707,725	835,000	80	80	8742,725	80	816,600	80	816,600	80	83,552,199	58.62	860.597	
COPPER RIVER	84,909,521	80	80	84,909,521	80	80	80	80	80	80	845,000	8363,879	8366,879	80	85,321,208	87.80	860.544	
CHUGACH	81,145,423	80	80	81,145,423	80	80	80	80	80	80	810,000	8271,700	8271,700	80	81,427,123	23.59	860.497	
SAND POINT	81,211,521	80	810,000	81,251,521	8143,279	80	80	80	8143,279	80	80	80	80	81,394,990	23.08	860.433		
PELLINGHAM	82,712,282	80	80	82,712,282	8319,335	840,000	80	815,000	8374,335	80	8322,616	80	8322,616	80	83,504,533	53.38	860.030	

5/8/89

M. Khala 5/1/89

Anal. 615 a Sec 57, Chapter 173 SCA 88

SIC 47

School District	Approp	26874 Settlement	Adoff. (mitigation)	
Adak	798962	798962	0	
Alaska Gateway	29032	29032	0	
Aleutian	11246	11246	0	
Anchorage	2101738	2101738	0	
Annette	298441	298441	0	
Berry Strait	154627	154627	0	
Chatham	190290	190290	0	
Cordova	483155	483155	0	
Delta / Gadek	272889	272889	0	
Haines	3300	0	3300	
Homak	30358	30358	0	
Hudakus	49211	40311	8900	
Iditarod	343800	0	343800	249100
Juneau	46199	46199	0	
Kanai	492856	492856	0	
Ketchikan	434060	434060	0	
King Cove	76200	0	76200	55,200
Klawock	53999	53999	0	
Kusuk	328200	0	328200	237800
Lower Yukon	1454461	1454461	0	
Mat-Su	485911	485911	0	
Nenana	44349	17949	26400	
Pelican	21304	21304	0	
Petersburg	449122	449122	0	
Palmdale	261843	261843	0	
Sand Point	144265	144265	0	
Sitka	97807	97807	0	
South Island	192587	71987	120600	87,400
Smethway Region	439711	439711	0	
St. Mary	139100	0	139100	
Unalaska	134023	134023	0	
Valdez	68410	68410	0	
Wasilla	371790	371790	0	
Yukon-Koyukuk	408000	0	408000	295,700
Yupik	30000	0	30000	21,800
CPS	121320	121320	25000	947,000
	11093066	9583566	1509500	

STATE OF ALASKA-DEPARTMENT OF EDUCATION
 PUBLIC SCHOOL FOUNDATION PROGRAM
 PREPARED 2/24/88

SCHOOL DISTRICT	FY87 AREA DIFF		FY88 AREA DIFF		PROPOSED REDISTRIBUTION	
	REVISED/FINAL STATE AID FY87	REVISED STATE AID FY87	FY88 AREA DIFF LESS FY87 AREA DIFF	TOTAL OF FY88 POSITIVES	FY87 20% DISTR.	COLUMN 5 LESS COLUMN 6
ADAK	\$1,922,975	\$2,721,937	\$798,962	\$798,962		\$798,962
ALASKA GATEWAY	\$3,628,055	\$3,657,287	\$29,032	\$29,032		\$29,032
ALEUTIAN REGION	\$1,241,265	\$1,377,346	\$136,101	\$136,101	\$114,855	\$11,246
ANCHORAGE	\$116,110,731	\$118,212,659	\$2,101,738	\$2,101,738		\$2,101,738
ANNETTE ISLAND	\$1,409,291	\$1,707,731	\$298,441	\$298,441		\$298,441
BERING STRAIT	\$10,300,426	\$10,455,051	\$154,627	\$154,627		\$154,627
BREIDENBACH	\$1,851,474	\$1,606,253	(\$245,221)	\$0		\$0
CHATANUA	\$2,100,569	\$2,290,359	\$189,790	\$189,790		\$189,790
CHUGACH	\$1,241,245	\$1,198,607	(\$42,639)	\$0		\$0
COPPER RIVER	\$3,523,955	\$3,042,617	(\$481,339)	\$0	\$315,550	\$0
CORCOVA	\$2,027,207	\$2,520,462	\$493,255	\$493,255		\$493,255
CRAIG	\$1,454,284	\$1,321,689	(\$132,594)	\$0		\$0
DELTA GREELY	\$4,084,651	\$4,362,529	\$277,839	\$277,839		\$277,839
DILLINGHAM	\$3,395,721	\$3,044,170	(\$351,551)	\$0		\$0
FAIRBANKS	\$62,222,703	\$61,145,770	(\$1,076,933)	\$0	\$32,500	\$0
GALENA	\$1,411,261	\$1,253,781	(\$157,480)	\$0		\$0
HAINES	\$1,933,337	\$1,925,050	(\$8,287)	\$0	\$121,700	\$0
HOONAH	\$1,444,936	\$1,475,294	\$30,358	\$30,358		\$30,358
HONOLULU	\$429,527	\$368,997	(\$60,530)	\$40,311		\$40,311
ISITAPOD	\$4,537,228	\$5,872,421	\$1,335,193	\$0		\$0
JANEAU	\$14,416,177	\$14,677,126	\$260,949	\$260,949	\$214,750	\$46,199
KAKE	\$1,279,114	\$1,245,526	(\$33,588)	\$0		\$0
KACHURANIUT	\$1,336,725	\$1,344,591	\$7,865	\$7,865	\$104,709	\$0
KENAI	\$27,227,892	\$27,720,748	\$492,856	\$492,856		\$492,856
KETCHIKAN	\$7,378,310	\$7,812,970	\$434,660	\$434,660		\$434,660
KING COVE	\$1,165,094	\$1,119,079	(\$46,015)	\$0		\$0
KILADOCK	\$1,110,074	\$1,264,072	\$153,999	\$53,499		\$53,499
KUGIAT	\$11,196,639	\$9,572,044	(\$1,624,595)	\$0	\$10,000	\$0
KUSKOKUM	\$3,971,984	\$3,495,936	(\$476,048)	\$0		\$0
LAKE & PENINSULA	\$4,374,911	\$4,185,013	(\$189,898)	\$0		\$0
LOWER KUSKOKUM	\$21,252,024	\$20,614,900	(\$637,125)	\$0		\$0
LOWER YUKON	\$7,607,877	\$9,062,339	\$1,454,461	\$1,454,461		\$1,454,461
MAT-SU	\$26,244,201	\$27,330,112	\$1,085,911	\$1,085,911		\$1,085,911
MENANA	\$1,082,637	\$1,107,585	\$24,949	\$17,949		\$17,949
MOOSE	\$5,098,355	\$4,626,889	(\$471,466)	\$0		\$0
NORTH SLOPE	\$8,298,391	\$7,230,281	(\$1,068,110)	\$0		\$0
NORTHWEST ARCTIC	\$11,010,793	\$10,906,349	(\$104,444)	\$0		\$0
PELLICAN	\$538,337	\$559,641	\$21,304	\$21,304		\$21,304
PETERSBURG	\$2,547,830	\$2,997,451	\$449,622	\$449,622		\$449,622
PRIBILOF	\$842,137	\$1,103,980	\$261,843	\$261,843		\$261,843
RAILLELT	\$3,274,577	\$2,437,247	(\$837,330)	\$0		\$0
SAND POINT	\$852,367	\$996,332	\$143,965	\$144,265		\$144,265
SITKA	\$5,403,364	\$5,501,171	\$97,807	\$97,807		\$97,807
SKAGWAY	\$627,275	\$871,729	\$244,454	\$244,454	\$251,520	\$0
SOUTHEAST ISLAND	\$3,671,020	\$3,743,017	\$71,997	\$71,997		\$71,997
SOUTHWEST REGION	\$4,010,176	\$4,449,887	\$439,711	\$439,711		\$439,711
ST. MARY'S	\$1,371,773	\$1,369,008	(\$2,765)	\$0		\$0
TANANA	\$1,008,253	\$1,311,314	\$303,061	\$0		\$0
UNALASKA	\$1,111,392	\$1,245,414	\$134,023	\$134,023		\$134,023
VALDEZ	\$3,110,044	\$3,178,455	\$68,411	\$68,410		\$68,410
WRANGELL	\$2,106,295	\$2,478,575	\$372,280	\$171,790		\$171,790
YAKUTAT	\$1,115,007	\$1,128,712	\$13,705	\$0	\$39,200	\$0
YUKON FLATS	\$4,500,000	\$4,359,969	(\$140,031)	\$0		\$0
YUKON-KOYUKUK	\$5,730,111	\$5,472,989	(\$257,122)	\$0		\$0
YUPIK	\$3,241,445	\$2,736,849	(\$504,596)	\$0		\$0
ZCS	\$2,323,176	\$2,183,606	(\$139,570)	\$121,120		\$121,120
TOTAL	\$1,008,411,700	\$1,022,603,276	\$14,191,576	\$10,175,438	\$1,176,100	\$1,521,566

MEMORANDUM

5/8/89
State of Alaska
Department of Law

TO: Alison M. Elgee, Director
Office of Management and Budget
Division of Budget Review

DATE: April 11, 1989

FILE NO:

TEL. NO: 465-3672

SUBJECT: Judgment Supplemental

FROM:

Richard I. Pegues
Richard I. Pegues, Director
Administrative Services
Department of Law

The following information is being provided in response to your request of yesterday, regarding the four new judgments contained in the Department of Law's revised judgment supplemental request, which was dated March 22, 1989.

1. Owsichek v. State Guide Licensing and Central Board. Amount \$ 1,706.52. This is to pay the costs and fees in the Supreme Court, in the case that eventually overruled the use of exclusive guide areas. Trial court costs have not yet been awarded. The state prevailed at trial, but this decision was overturned. Plaintiff is seeking \$ 111,000 for trial costs; however, the state is vigorously opposing this claim. The state had previously been awarded \$ 10,000 for its costs and fees, until the decision was overturned.

Stanbaugh v. CFEC. Amount \$1,823.50. These are cost and fees awarded against the state when the CFEC administratively withheld transfer of a limited entry permit from one brother to another, where the brother holding the permit was facing commercial fishing violations. The court held that the CFEC could not withhold transfer of a permit under these circumstances. The legislature is currently considering legislation, HB 201, that addresses this issue.

Glena White v. API. Amount \$ 420.00. Individual privacy considerations prevent the department from commenting about this case, other than to state that a mixup in documents held by the court was eventually resolved by the department. Alaska Advocacy Inc., who represented the Plaintiff requested \$ 3,200, but this amount was reduced at the state's request.

Finkelstein v. State. Amount \$ 12,427.00. This was a dispute involving the outcome of the District 13 House of Representatives election. The amount is for attorney costs and fees. A more detailed explanation of this matter is attached. The department's revised request of March 22, contained an error in the computation in the interest for this claim by erroneously showing the interest due as \$ 4,269.96. The actual interest due is \$ 427.00. Therefore the department's request should be reduced by \$3,842.96, resulting in a judgement supplemental request of \$ 356,483.87. A corrected revised judgments listing is attached.

Allison M. Elgee

April 11, 1989
Page 2

Except for the Finkelstien claim, which is a negotiated amount, and except for State of Washington claims, which are tax court awards, all of the judgments are court-awarded amounts. Lastly, I have attached a memorandum to Representative Steve Rieger dated February 16, 1989, which describes the eleven judgements that were included in the department's initial supplemental request. Please let me know if I can provide any additional information.

RIP:djm

Attachments (3)

MEMORANDUM

State of Alaska
Department of Law

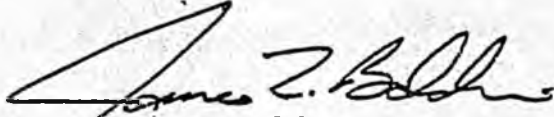
TO: Dick Pegues, Director
Div. of Administrative Services
Department of Law

DATE: April 11, 1989

FILE NO.:

TEL. NO.: 465-3600

SUBJECT: Settlement of attorney's
fees claim, Finkelstein
v. Stout



FROM: James L. Baldwin
Assistant Attorney General
Governmental Affairs-Juneau

This memorandum will serve as supporting documentation for our settlement of a claim for attorney's fees filed by counsel representing David Finkelstein. The case, Finkelstein v. Stout, was an election contest relating to the 1988 general election to fill the seat representing district 13 in the House of Representatives. The official count made by the division of elections gave Finkelstein's opponent Bradley the highest vote total by 3 votes. However, Finkelstein appealed to the Alaska Supreme Court alleging that there was election misconduct which would have changed the result of the election. The court agreed with some of the points raised by Finkelstein and ordered a new election.

Finkelstein subsequently filed a motion for attorney's fees based on the public interest litigant theory of recovery of full attorney's fees. Counsel for Finkelstein alleged that they had incurred approximately \$30,000 in fees. From prior experience, I estimated that the court could give them at least half of what they requested. We have been unsuccessful in defeating motions of this type in other elections-related cases. One example that comes to mind is the reapportionment case, Carpenter v. Hammond / Kenai Penin. Boro. v. Hammond. I also determined that this office spent approximately \$9,000 in defending the election contest in the supreme court.

I negotiated with counsel for Finkelstein to arrive at a mutually acceptable amount to avoid the expense of further litigation and the devotion of more time by counsel and the court to ancillary issues. We agreed to pay \$12,000 plus interest at the statutory rate. The amount was set higher than our costs because Finkelstein employed two attorneys in his appeal. Our agreement is memorialized in writing. As provided in the settlement agreement, Finkelstein withdrew his motion for attorney's fees. Bradley failed to file a motion for costs or fees or request settlement. In any case, he was clearly not the prevailing party in the action.

I hope this memorandum will serve your purposes.

JLB/pjg

FEES AND COSTS AGREEMENT

For and in consideration of the payment of the sum of Twelve Thousand Dollars (\$12,000) by the Appellees Sandra Stout, Director of the Alaska Division of Elections, and Stephen A. McAlpine, Lieutenant Governor of Alaska to Appellant David Finkelstein, and other good and valuable consideration, the parties to this Agreement, for their heirs, executors, administrators, successors and assigns, hereby release each other and each other's employees, agents, attorneys, insurers, successors, assigns, affiliates and personal representatives from all fees and costs claims and demands of any kind or nature relating to the litigation entitled Finkelstein v. Stout, et al, Supreme Court Case No. S-3107. The settlement amount represents partial compensation for attorneys fees and costs incurred by Finkelstein in bringing this case.

The parties to this Agreement agree to execute, through counsel, any stipulations or other documents necessary to carry out the effect of this Agreement.

This Agreement in no way acknowledges fault or liability and is intended to represent a reasonable compromise of any claims made by Finkelstein.

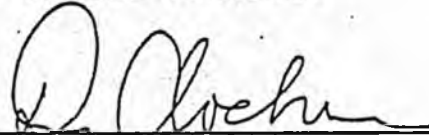
Should the money to fund this Agreement not be appropriated by the Alaska Legislature and approved by the Governor by July 1, 1989, this Agreement will be of no force and effect, and the parties are free to litigate the question of costs and fees. Upon the execution of this Agreement by both parties,

interest at the statutory rate shall begin to accrue, and any appropriation shall include interest from that date.

Finkelstein agrees, upon the execution of this Agreement, to withdraw his Motion for Costs and Fees now pending in the Supreme Court and not to re-file that motion while this Agreement is effective.

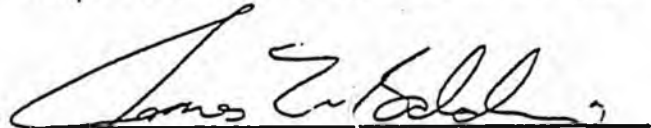
This Agreement is not contingent upon review or approval by Intervenor W.E. Brad Bradley or his counsel.

DATE: Feb 29, 1989



Don Clocksin
Attorney for David Finkelstein

DATE: 3/4/89



James L. Baldwin
Assistant Attorney General
On behalf of Stout and McAlpine

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
OIL POLLUTION CONTROL AND EMERGENCY RESPONSE

Introduction

The Department of Environmental Conservation has limited resources dedicated to oil pollution control and emergency response. This means that the Department is not able to fully implement the oil pollution control program and that there is limited capacity to respond to emergencies in a way that maximizes results and minimizes disruption.

During spill events, the Department has had to rely on untrained staff from non-emergency response programs for assistance. For example, the Department invested two person-years in responding to the T/V Glacier Bay spill in Cook Inlet during 1987, using staff from the oil pollution prevention, air, solid waste, hazardous waste, and seafood inspection projects. Currently, the Department has approximately 35 staff from the Environmental Quality Division in Valdez to assist in response to the largest oil spill release in the history of the United States. These staff have been borrowed from the laboratory, the five sections in the Division's Central Office, the three Regional Offices, several District Offices, and the Division of Environmental Health. As of April 2, 1989, just over a week into the spill response, the Department has invested almost 2 person-years. This creates significant impact on the Department's workplan. Commitments made in most other projects will not be met. An increase in the Emergency Response and Oil Pollution Prevention Projects will minimize impacts on other projects during major spill events.

The Department has been asked to identify the resources that would be needed to fully implement these initiatives. The results are included below.

EMERGENCY RESPONSE

New positions allocated for the Emergency Response Project will be distributed as shown below.

<u>Location</u>	<u>FTE</u>
Northern Regional Office	1.0
South Central Regional Office	2.0
South East Regional Office	1.0
Central Office	<u>1.5</u>
TOTAL	5.5

This task requires the following resources.

<u>Object Class</u>	<u>Funds</u>	<u>FTE</u>
100 Personal Services	229.5	4.5
200 Travel	16.0	
300 Contractual Services	32.0	
400 Supplies	7.0	
500 Equipment	<u>40.5</u>	
TOTAL	325.0	

The Department receives approximately 3,000 spill reports each year and is only able to respond on-site to a handful of these. Without the ability to actively monitor the way a party responsible for a spill conducts a cleanup, the Department cannot ensure that the cleanup took place; that it was timely; that it will not result in longterm environmental problems; or that the contaminated material was properly disposed of. The Department cannot adequately protect health, the environment, and drinking water resources from spills that may not be properly cleaned up.

To increase the amount of money in the Oil and Hazardous Substance Release Response fund is not enough. The Department requires staff that are trained and available to respond to routine spills and to provide oversight during cleanups by responsible parties to ensure that cleanup is timely and appropriate. These staff need to be identified to function as a team, capable of responding individually to small spills or as a unit to direct response for large spills. It is very important to have trained personnel who have developed strong expertise in cleanup methods and who have clearly assigned and practiced roles for major events. These staff must also develop knowledge of response procedures for organizations with related responsibilities, including other state and federal agencies, local governments, and industries.

The Department estimates that 4.5 new positions are required for this task. In addition to spill response, one of these positions will be responsible for the procurement process to hire a term contractor(s) to assist the state during emergency spill response and to manage the contract(s). Oil and Hazardous Substance Release Response Fund can be used to support this contract. The position will also be responsible for developing agreements with other agencies and local governments on response procedures.

The other 3.5 FTE will be stationed in the Regional Offices. They will be responsible for activating the term contractor for spills in their respective Region which exceed the ability of Department staff to respond to. These staff will respond directly to an additional 400 spills annually, either to conduct cleanup, or to provide technical assistance and oversight of responsible parties conducting cleanups. These activities

include short-term spill investigations, developing spill sampling programs, and conducting spill mitigation and cleanup activities.

Costs addressed in this proposal include: the purchase of personal protective clothing; medical monitoring physicals which are required of individuals who may be potentially exposed to hazardous substances in the course of their job; and monitoring equipment to obtain in-field measurements when evaluating the danger posed by a spill and the appropriate response methods.

These positions will be available to assist other Regions during major spill events.

COST RECOVERY

This task requires the following resources:

<u>Object Class</u>	<u>Funds</u>	<u>FTE</u>
100 Personal Services	42.5	1.0
200 Travel	3.5	
300 Contractual Services	8.0	
400 Supplies	1.0	
500 Equipment	<u>5.0</u>	
TOTAL	60.0	

The Department is required, by statute, (46.08.070) to seek recovery of expenses for the cost incurred in the cleanup or containment of oil or a hazardous substance that has been released. Currently, the Department does not have the capability to seek cost recovery from responsible parties for all releases of oil or hazardous substances. This means that the Oil and Hazardous Substance Release Response Fund is being depleted and, in many instances, not reimbursed. The purpose of this increment will be to ensure that cost recovery actions are initiated for all appropriate expenditures from the Oil and Hazardous Substance Release Response Fund. This task includes .5 FTE to ensure that field purchases and all expenditures are made within the state procurement requirements and are documented appropriately, and to provide assistance to the State Attorney General's office in preparing cases for cost recovery actions and civil penalties on an additional 50 cases per year. The task also includes .5 FTE for administrative tasks such as reviewing, approving and tracking expenditures from the Oil and Hazardous Substance Release Response Fund to ensure that payments made from the fund are accounted for under the proper coding.

OIL POLLUTION CONTROL

There are five major tasks in the Oil Pollution Prevention Project: contingency planning, contingency plan drills, facility

inspections, tanker/barge inspections, and financial responsibility. Each one is shown separately below for ease of review, however, the individuals hired will have some responsibility for portions of the first four tasks. The fifth task, Financial Responsibility, will be solely conducted by two new half time positions and a small portion of an existing position.

New Position Totals for the Oil Pollution Prevention Project

The positions for the Oil Pollution Prevention Project increment will be allocated as shown below. Position locations have only been identified as far as the Regional Offices. Some of the positions will be placed in the District Offices.

<u>Location</u>	<u>FTE</u>
Northern Regional Office	5.0
South Central Regional Office	7.0
South East Regional Office	3.5
Central Office	<u>2.0</u>
TOTAL	17.5

TASK I - Contingency Planning

The funding needed is as below:

<u>Object Class</u>	<u>Funds</u>	<u>FTE</u>
100 Personal Services	255.0	5.0
	32.0	1.0
200 Travel	25.0	
300 Contractual Services	48.0	
400 Supplies	6.0	
500 Equipment	<u>30.0</u>	
TOTAL	396.0	6.0

There are approximately 225 contingency plans throughout the state covering as many as 400 facilities, tankers and barges. These plans must be revised, reviewed and approved every three years. Currently the Department is conducting a limited review of approximately 75 plans each year. At the current staffing levels there is limited opportunity to evaluate minor deficiencies in contingency plans and to determine if the best available technology has been incorporated in an ongoing basis. This increment will allow for a more thorough review of plans, including an evaluation as to whether the level of equipment and resources identified in the plan are adequate to respond to the types of spills the facility/vessel may experience. This aspect of the review may be especially time consuming, as it requires adequate knowledge of the facility and its operations to determine the most likely scenarios to occur. Experience has

shown that the facilities will not often identify the most likely scenarios. The Department receives 5-10 monthly requests for amendments to existing contingency plans which must also be reviewed and approved. This level of additional funding will provide the Department with resources to review and approve amendments to contingency plans, provide technical assistance to facilities, and to conduct enforcement actions when necessary against facilities which violate the provisions of the oil pollution control regulations.

This increment will include one technical position to oversee the development and implementation of a database designed to track all work in the oil pollution control project including contingency plan review, spill drills, facility/vessel inspections, and certificates of financial responsibility.

TASK II - Contingency Plan Drills

This increment consists of the following:

<u>Object Class</u>	<u>Funds</u>	<u>FTE</u>
100 Personal Services	178.5	3.5 Technical
	32.0	1.0 Clerical
200 Travel	17.5	
300 Contractual Services	36.0	
400 Supplies	4.5	
500 Equipment	<u>22.5</u>	
TOTAL	291.0	4.5

There are approximately 400 facilities, tankers, and barges covered by the 225 contingency plans in the state. The Department has authority to conduct 2 spill drills per year at facilities with approved contingency plans (approximately 800 drills/year). The Department may conduct additional drills at a facility/tanker/barge if the initial drills were not conducted to the satisfaction of the Department.

At the current time, the Department has the resources to conduct spill response drills or participate in facility-sponsored drills at only a few facilities per year. A considerable amount of planning goes into the preparation, development, and execution of a spill drill to tailor it to each individual facility or vessel and to test the capabilities of a facility to respond to a spill with the resources and within the response times indicated in the approved contingency plan. Drills are a good way to maintain real readiness at affected facilities, but they require considerable planning and evaluation to be useful.

Facility preparedness could be increased dramatically by conducting a minimum of one drill per year for each of the 225 contingency plans, even though more than one facility or vessel

may be covered under one plan.

This increment will allow the Department to plan and conduct or to participate in one facility-sponsored drill per year at an additional 70 facilities. At this increased level of funding the Department will be able to conduct one drill at each facility every three years. As the Department becomes more experienced in developing and conducting drills over the next several years, this same staffing level should be able to conduct drills at up to 100 facilities per year, which equates to one drill at each facility every two years.

TASK III - Facility Inspections

This increment consists of the following resources:

<u>Object Class</u>	<u>Funds</u>	<u>FTE</u>
100 Personal Services	153.0	3 Technical
	16.0	.5 Clerical
200 Travel	15.0	
300 Contractual Services	28.0	
400 Supplies	3.5	
500 Equipment	<u>17.5</u>	
TOTAL	233.0	3.5

Currently the Department has the ability to conduct about 30 major terminal facility inspections per year. This proposal would allow the Department to inspect an additional 60 facilities each year, to ensure that the facility has readily accessible, the equipment and resources identified in the contingency plan, to identify unsafe operating procedures that may result in a spill, and to determine if facility personnel are familiar with the contingency plan and its requirements. These inspections will be conducted independent of spill drills since many drills will not require the deployment of all equipment identified in a contingency plan.

The Department estimates that there are as many as 100 facilities/vessels operating in the state without approved contingency plans. The Department will inspect an additional 30 facilities which have not submitted contingency plans to evaluate their compliance with the regulations. Technical assistance will be offered to those facilities to bring them into compliance.

TASK IV - Tanker Inspections

This increment consists of the following:

<u>Object Class</u>	<u>Funds</u>	<u>FTE</u>
100 Personal Services	102.0	2 Technical

	16.0	.5 Clerical
200 Travel	10.0	
300 Contractual Services	20.0	
400 Supplies	2.5	
500 Equipment	<u>12.5</u>	
TOTAL	163.0	2.5

The Department conducts approximately 20 tanker vessels each year with current resources. Under this task, one FTE will be stationed in the Kenai District Office and one in the Prince William Sound District Office. The .5 clerical support will be divided among these two offices. This increment will allow the Department to conduct an additional 100 tanker/barge inspections each year to determine if the equipment and resources identified in their respective contingency plans is available and readily accessible. The position stationed in Valdez will also be able to greatly increase the department's oversight of the terminal of the Alyeska pipeline.

TASK V - Financial Responsibility

This increment consist of the following:

<u>Object Class</u>	<u>Funds</u>	<u>FTE</u>
100 Personal Services	25.5	.5 Technical
	18.0	.5 Administrative
200 Travel	2.5	
300 Contractual Services	8.0	
400 Supplies	1.0	
500 Equipment	<u>5.0</u>	1
TOTAL	60.0	

Under state statutes, oil terminal facilities, including vessels, are required to provide proof of financial responsibility to respond in damages prior to operating in the state. This is intended to ensure that each facility has the resources necessary to pay any third party damages that may result from a spill. The Department maintains financial responsibility information for over 100 accounts, many of which cover multiple facilities and vessels. Requests for approval of financial responsibility from spot chartered vessels are received at a rate of about 5 per month. The Department has evidence that many facilities and vessels are out of compliance with the financial responsibility requirements. With this increment the Department will follow up with facilities that do not have the required financial responsibility and seek compliance with the regulations.

**ADDITIONAL SUPPORT REQUIRED FOR THE EMERGENCY RESPONSE
AND OIL POLLUTION PREVENTION PROJECTS**

LABORATORY

<u>Object Class</u>	<u>Funds</u>	<u>FTE</u>
100 Personal Services	76.5	1.5 Technical
200 Travel	7.5	
300 Contractual Services	12.0	
400 Supplies	1.5	
500 Equipment	<u>7.5</u>	
TOTAL	105.0	1.5

This increment includes one additional chemist and .5 additional technical staff responsible for maintaining a new mobile laboratory, ensuring that it is fully stocked with the appropriate equipment and that all items with a shelf-life are replaced before they expire. This staff will travel with the lab to release sites to provide quick analysis of samples which will aid in the decision-making process for addressing cleanup of releases. When not in use for emergency response, this mobile lab will be used for the investigation of a portion of the 300 sites throughout the state which are suspected of being contaminated with oil or hazardous substances.

The attached fiscal summary shows the one time costs for purchase of the mobile lab (including a truck and trailer) and the laboratory equipment necessary to provide laboratory support at spill sites. A detailed equipment list is attached.

ADMINISTRATION

<u>Object Class</u>	<u>Funds</u>	<u>FTE</u>
100 Personal Services	93.5	3.0 Administrative
200 Travel	0	
300 Contractual Services	24.0	
400 Supplies	3.0	
500 Equipment	<u>15.0</u>	
TOTAL	135.0	3.0

This budget will provide administrative support for the new Emergency Response and Oil Pollution Prevention Project staff, including processing of time sheets, payroll, purchases, travel reimbursements. It also includes additional Personnel Office support for this increase in staff.

31-Mar-89

FISCAL SUMMARY

	Cost/FTE	Totals
Emergency Response		
4.5 FTE Technical	70.0	295.0
Equipment/travel/training		30.0
Cost Recovery		
0.5 FTE Technical	70.0	35.0
0.5 FTE Administrative	50.0	25.0
Contingency Planning		
5.0 FTE Technical	70.0	350.0
1.0 Clerical	46.0	46.0
C-Plan Drills		
3.5 FTE Technical	70.0	245.0
1.0 FTE Clerical	46.0	46.0
Facility Inspections		
3.0 FTE Technical	70.0	210.0
0.5 Clerical	46.0	23.0
Tanker Inspections		
2.0 FTE Technical	70.0	140.0
0.5 Clerical	46.0	23.0
Financial Responsibility		
0.5 Technical/Enforcement	70.0	35.0
0.5 Admin Assistant	50.0	25.0
Laboratory		
1.0 FTE Chemist	70.0	70.0
0.5 FTE Technical (Monitoring)	70.0	35.0
Administration		
3.0 FTE Administrative	45.0	135.0
	
	SUBTOTAL	1768.0
Mobile Lab Equipment (one time costs)		400.0
	
27.5	GRAND TOTAL	2168.0

VE COWPER
GOVERNOR



cc
HB 154

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 6, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill amending appropriations and making miscellaneous supplemental and special appropriations. It is explained in more detail in material being furnished by my division of budget review to the finance committees.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Steve Cowper".

Steve Cowper
Governor

HB

155

HOUSE COMMITTEE REPORT

File

(11)

Date Referred: April 21, 1989

FURTHER REFERRALS:

Date of Committee Action: 3/14/90

The FINANCE Committee considered:

HB 155

HOUSE BILL NO. 155

[MATERNITY/ADOPTION/FAMILY LEAVE]

"An Act relating to employee health insurance coverage, employment rights based on pregnancy, childbirth, and related conditions, and family leave."

RECOMMENDATIONS:

- be replaced with CS HB 155 (FIN) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

fiscal impact LABOR

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

(2) zero with analysis Admin Admin.

zero fn/analysis _____

SIGNING DO PASS:

[Signature] KOPONEN

[Signature] BROWN

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>[Signature]</u> Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Rieger	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Phillips	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Barnes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Larson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Signature] Hoffman

Chairman's Signature Larson

[Signature]

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
Title: CSHB155: Relating to employment BRU: Labor Relations
rights based on pregnancy, childbirth, *
Sponsor: Brown, Ulmer, et al. Components: _____
Requestor: Brown

* sick leave, and family leave

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The bill provides guaranteed leave entitlements separate and apart from the collective bargaining process. As such, it alters the environment for bargaining, but neither adds nor detracts from the cost of that process in and of itself.

Prepared by: Dianne M. Corso Phone: 465-4404
Division: Labor Relations Date: _____

Approved by Commissioner: Frank S. Baxter Date: 1/19/90
Agency: Department of Administration

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Adopted

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: * _____ BRU: Personnel
 Sponsor: Ulmer, et al. Components: Personnel
 Requestor: Brown

* An Act relating to employment rights based on pregnancy, childbirth and related conditions and adoption.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would not have a direct fiscal impact on the Division of Personnel either in 1990 or in subsequent years. Although full implementation of this legislation would result in cost throughout State government, these costs cannot be quantified accurately.

Prepared by: David K. F. Otto *DKF* Phone: 465-4430
 Division: Division of Personnel Date: 1/23/90
 Approved by Commissioner: Frank S. Baxter *Frank Baxter* Date: 1/23/90
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Adopted

CONTINUATION of FISCAL NOTE ANALYSIS

CSHB 155 (draft)

The leave guarantees found in this legislation would result in the following costs:

1. Sick leave usage could be expected to increase because it will become available under a new set of circumstances;
2. Training costs would increase. Employees who exercise their full rights under this legislation could be absent for 18 weeks in a 12- or 24-month period. Substitutes would be required for many, if not all, of these employees. Most substitutes would require either on-the-job or outside training before they could perform the full duties of the position temporarily vacated by the absent employee. If the training is provided on the job, the cost to the employer would be reduced productivity. If the training required is provided by an outside agency, such as computer training, the costs could be measured in lost productivity, plus the direct cost of providing the training;
3. Although substitute employees could be hired and possibly trained to temporarily replace employees who take leave, they could not be expected to produce at the same level as permanent, journey level employees;
4. When leave is taken to recuperate or care for a family member, employees are not required to take 18 weeks of leave consecutively. If leave is taken sporadically and in short increments, it would be difficult to plan for the effective replacement of the absent employee. In cases where a replacement could not be found, an employee's absence could result in increased overtime, reduced productivity and/or lowered morale. These results may be most prevalent in institutions that require 24-hour coverage, such as Pioneers' Homes, correction facilities or the Alaska Psychiatric Institute.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSHB 155 (FIN) (HESS)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
Title: "An Act relating to....
family leave." BRU: Labor Standards & Safety
Sponsor: Brown, et al. Components: Wage & Hour
Requestor: House Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	51.0	51.0	51.0	51.0	51.0	51.0
TRAVEL	6.0	6.0	6.0	6.0	6.0	6.0
CONTRACTUAL	5.4	5.4	5.4	5.4	5.4	5.4
SUPPLIES	0.4	0.4	0.4	0.4	0.4	0.4
EQUIPMENT	1.2	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	64.0	62.8	62.8	62.8	62.8	62.8

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	64.0	62.8	62.8	62.8	62.8	62.8
FEDERAL FUNDS						
OTHER						
TOTAL	64.0	62.8	62.8	62.8	62.8	62.8

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary) Note: there is no fiscal impact in FY 90.

Under the provisions of this bill, the department would investigate alleged violations of the family leave law and attempt reconciliation. In order to do this, a Wage & Hour Investigator II located in Anchorage would be hired. This position would travel throughout the state to investigate the complaints. An effective date of July 1, 1990 is assumed.

Prepared by: Tom Stuart, Director Phone: 264-2452
Division: Labor Standards & Safety Date: 1/18/90
Approved by Commissioner: Jim Sampson Date: 1/18/90
Agency: Department of Labor

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Adopted

Position Title Wage & Hour Investigator II			No. of Positions 1	Range/Step 18A	Barg. Unit GGU
Time Status PFT	Staff Months 12		Location Anchorage		Election District
Type of Expenditure			Amount		
1			2		3
Salary			\$37,356		
Benefits			13,735		
Premium Pay					
Other					
Total Personal Services			\$51,091		
Travel			6,000		
Contractual			5,400		
Commodities			400		
Equipment			1,200		
Other					
Total Cost			\$64,091		
Funding Source for Total Cost					
Federal Receipts 1002					
G. F. Match 1003					
General Fund 1004			\$64,091		
GF Program Receipts 1005					
Other					

Justification

This position would investigate alleged violations of the family leave law. The investigator would attempt to resolve violations by conference, conciliation, and persuasion.

Travel costs would allow the investigator to cover complaints in all parts of the state.

Contractual and commodity costs are average per-employee costs. Equipment would be a one-time expense for desk, chair, cabinets, etc.

**Request For
New Position**

Agency Labor
 BRU Labor Standards & Safety
 Component Wage & Hour

Page 2 of 2
 Revised Date

FY 90

Original sponsor(s): REP. BROWN, Ulmer, Gruenberg, Ellis, Spohnholz, Goll

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 155 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to employment rights based on preg-
7 nancy, childbirth and related conditions, sick leave,
8 and family leave."

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

10 * Section 1. SHORT TITLE. This Act may be known as the Alaska Family
11 Protection Act.

12 * Sec. 2. FINDINGS AND PURPOSE. (a) The legislature finds that

13 (1) generally, parents are the best providers of care for their
14 children;

15 (2) the number of single-parent households and two-parent house-
16 holds in which the single parent or both parents work outside the home is
17 increasing significantly;

18 (3) it is important to the development of a child and to the
19 family unit that parents be able to participate in early childrearing and
20 the care of a child who has a serious health condition;

21 (4) the lack of employment opportunities to accommodate working
22 parents can force individuals to choose between job security and parenting;
23 and

24 (5) it is important for the family unit that a person be able to
25 care for a parent or spouse who has a serious health condition.

26 (b) The legislature declares that the purposes of this Act are

27 (1) to balance the demands of the workplace with the needs of
28 families, and to promote stability and economic security in families;

29 (2) to entitle employees to take reasonable leave for the birth

1 or adoption of a child, for the care of a child, spouse, or parent who has
2 a serious health condition, and in case of their own serious health condi-
3 tion; and

4 (3) to accommodate the legitimate interests of employers.

5 * Sec. 3. AS 14.20.140 is amended by adding a new subsection to read:

6 (c) Notwithstanding a teacher's right to continued employment
7 under AS 23.10.500 - 23.10.550, a school district may notify a teacher
8 of nonretention under this section for the following school year for a
9 permissible reason.

10 * Sec. 4. AS 14.20.145 is amended to read:

11 Sec. 14.20.145. AUTOMATIC REEMPLOYMENT. If notification of
12 nonretention is not given according to AS 14.20.140, a teacher is
13 entitled to be re-employed in the same district for the following
14 school year on the contract terms the teacher and the employer may
15 agree upon, or if no terms are agreed upon, the provisions of the
16 previous contract are continued for the following school year, subject
17 to AS 14.20.158. The right to be reemployed according to this section
18 expires if the teacher does not accept reemployment within 30 days
19 after the date on which the teacher receives a contract of reemploy-
20 ment. A teacher who is on family leave under AS 23.10.500 - 23.10.550
21 must comply with the 30-day deadline in this section to retain the
22 teacher's reemployment rights under this section.

23 * Sec. 5. AS 14.20.590 is amended by adding a new subsection to read:

24 (b) Notwithstanding any provision of AS 14.20.550 - 14.20.610 to
25 the contrary, a negotiations agreement between an employer subject to
26 AS 23.10.500 - 23.10.550 and an employee bargaining organization that
27 conflicts with the benefit provisions of AS 23.10.500 - 23.10.550 is
28 void unless the agreement provides benefits at least as beneficial to
29 the employee as those provided by AS 23.10.500 - 23.10.550 or unless

1 the commissioner of education has waived compliance with AS 23.10.-
2 500 - 23.10.550 under AS 23.10.530(c).

3 * Sec. 6. AS 23.10 is amended by adding new sections to read:

4 ARTICLE 7. PREGNANCY, CHILDBIRTH, AND FAMILY LEAVE.

5 Sec. 23.10.500. EMPLOYMENT BENEFITS AND PRIVILEGES FOR HEALTH
6 AND FAMILY CARE. (a) An employer shall grant an employee whose
7 health is affected by pregnancy, childbirth, or a related medical
8 condition the same employment benefits and privileges that the em-
9 ployer grants to other employees with similar ability to work who are
10 not so affected, including allowing the employee to take disability or
11 sick leave or other accrued leave that the employer makes available to
12 temporarily disabled employees.

13 (b) An employee is eligible to take family leave if the employee
14 has been employed by the employer for at least 35 hours a week for at
15 least six consecutive months or for at least 17 1/2 hours a week for
16 at least 12 consecutive months immediately preceding the leave. An
17 employer shall permit an eligible employee to take family leave for a
18 total of 18 workweeks during any 24-month period. The leave may be
19 unpaid leave. However, the employee may choose to substitute, or the
20 employer may require the employee to substitute, accrued paid vacation
21 leave, sick leave, personal leave, or other paid leave during this
22 period. If the employee is entitled to a longer period of time under
23 (a) of this section, then the longer period applies. An eligible
24 employee is entitled to take family leave

25 (1) because of pregnancy, the birth of a child of the
26 employee, or the placement of a child, other than the employee's
27 stepchild, with the employee for adoption, in which case the entitle-
28 ment to leave expires at the end of the 12-month period beginning
29 after the date of the birth or placement; an employer may require that

1 an employee using family leave under this paragraph take the leave in
2 a single block of time;

3 (2) in order to care for the employee's child, spouse, or
4 parent who has a serious health condition; in this paragraph, "child"
5 includes the employee's biological, adopted, or foster child, step-
6 child, legal ward, or a child to whom the employee stands in loco
7 parentis; and

8 (3) because of the employee's own serious health condition.

9 (c) Notwithstanding (b) of this section, if a parent or child of
10 two employees employed by the same employer has a serious health
11 condition, the employer is not required to grant family leave to both
12 employees simultaneously.

13 (d) During the time that an employee is on leave under this
14 section, the employer shall maintain coverage under any group health
15 plan at the level and under the conditions that coverage would have
16 been provided if the employee had been employed continuously from the
17 date the leave began to the date the employee returns from leave under
18 (e) of this section. However, the employer may require that the
19 employee pay all of the costs for maintaining health insurance cover-
20 age during a period of unpaid leave.

21 (e) Unless the employer's business circumstances have changed to
22 make it impossible or unreasonable, when an employee returns from
23 leave under this section, the employer shall restore the employee

24 (1) to the position of employment held by the employee when
25 the leave began; or

26 (2) to a substantially similar position with substantially
27 similar benefits, pay, and other terms and conditions of employment.

28 (f) This section does not apply to an employer's small business
29 facility if the total number of employees employed within 50 road

1 miles of the small business facility, including those employed at the
2 facility, was fewer than 21 during the 20 consecutive workweeks in
3 which the employer employed at least 21 employees at all business
4 facilities.

5 (g) An employer may refuse to grant an employee family leave
6 under (b) of this section if the employer establishes that

7 (1) the salary received by the employee places the employee
8 in the top 10 percent of all employees in facilities of the employer
9 covered by this section; and

10 (2) the employee has skills, knowledge, or experience that
11 cannot be provided satisfactorily by other employees during the period
12 of the proposed leave and that are necessary to the employer during
13 that time to meet a business necessity.

14 Sec. 23.10.510. EMPLOYEE NOTICE. If the necessity for leave
15 under AS 23.10.500 is foreseeable based on an expected birth or adop-
16 tion or on planned medical treatment or supervision, the employee
17 shall provide the employer with prior notice of the expected need for
18 leave in a manner that is reasonable and practicable. If the necessi-
19 ty for leave under that section is foreseeable based on planned medi-
20 cal treatment or supervision, the employee shall also make a reason-
21 able effort to schedule the treatment or supervision so as not to
22 disrupt unduly the operations of the employer, subject to the approval
23 of the health care provider of the employee or the employee's child,
24 spouse, or parent.

25 Sec. 23.10.520. EMPLOYEE TRANSFER. (a) A pregnant employee may
26 request a transfer to a suitable position under this section. An
27 employer may not fill the position with a person other than the re-
28 questing employee until the employer has offered the position to the
29 employee and the employee has refused the offer. A position is

1 suitable if

2 (1) it is an existing unfilled position in the same admin-
3 istrative division in which the employee is currently employed and is
4 less strenuous or less hazardous than the employee's current position;

5 (2) transfer to the position is recommended by a licensed
6 health care provider;

7 (3) the employee is qualified and immediately able to
8 perform the duties of the position; and

9 (4) the transfer will not subject the employer to legal
10 liability.

11 (b) An employer shall compensate an employee who receives a
12 transfer under this section at a rate at least equal to the lesser of
13 the rate, as adjusted by changes to compensation that apply generally
14 to the work force, at which

15 (1) the employee was compensated immediately before re-
16 questing the transfer; or

17 (2) the position into which the employee transfers is
18 compensated.

19 Sec. 23.10.530. APPLICATION TO OTHER LAWS. (a) The provisions
20 of AS 23.10.500 - 23.10.550 do not affect any other provision of law
21 relating to sex discrimination, pregnancy, or parenthood.

22 (b) The provisions of AS 23.10.500 - 23.10.550 are subject to
23 collective bargaining. However, except as provided in (c) of this
24 section, a collective bargaining contract is void unless it contains
25 terms giving employees benefits at least as beneficial to the employee
26 as those provided by AS 23.10.500 - 23.10.550.

27 (c) The commissioner of education may approve a collective
28 bargaining agreement entered into between a school district or a
29 regional educational attendance area and a bargaining organization