

ALASKA LEGISLATURE

1953

HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000

1	(1) Department of Administration	
2	(A) AR3589-95 Telecommun Services	\$ 32,269.88
3	(B) AR7394-97 OPA Computerization	19.06
4	(C) AR11613-98 Central Duplicating/Mail	193,562.00
5	(2) Department of Community and Regional Affairs	
6	AR52704-96 Rural Devel Grants 95	78.41
7	(3) Department of Environmental Conservation	
8	AR49731-97 Lab Analysis	1,807.33
9	(4) Department of Law	
10	AR13883-97 18-Ketchikan Pulp	1,457.14
11	(5) Department of Revenue	
12	AR15538-97 Child Support Enforc	43,398.55

13 (b) The expenditures by the Department of Education from Adak School District assets
 14 for legal services related to the closure of the Adak School District, during the following fiscal
 15 years and in the following amounts, are ratified:

16	Fiscal Year	Amount
17	1997	\$72,873.54
18	1998	63,305.91

19 (c) The expenditures by the Department of Natural Resources for fire suppression, in
 20 the amount of \$5,391,004, for the fiscal year ending June 30, 1998 (AR37313-98 Fire General
 21 Fund) are ratified.

22 * Sec. 21. CORRECTIONS COMPUTERIZED MANAGEMENT INFORMATION
 23 SYSTEM. Section 131, ch. 139, SLA 1998, page 41, lines 4 - 6, is amended to read:

24		APPROPRIATION	OTHER
25		ITEMS	FUNDS
26	Procurement and Development of a	<u>1,074,000</u>	<u>1,074,000</u>
27	Computerized Management	[500,000]	[500,000]
28	Information System (ED 99)		

29 * Sec. 22. CONSTITUTIONAL BUDGET RESERVE FUND. Section 42(b), ch. 139, SLA
 30 1998, is amended to read:

31 (b) If the unrestricted state revenue available for appropriation in fiscal year

1 1999 is insufficient to cover the general fund appropriations made for fiscal year 1999,
2 the amount necessary to balance revenue and general fund appropriations [, NOT TO
3 EXCEED \$700,000,001,] is appropriated to the general fund from the budget reserve
4 fund (art. IX, sec. 17, Constitution of the State of Alaska).

5 * **Sec. 23. DEPARTMENT OF REVENUE.** The sum of \$460,000 is appropriated from the
6 constitutional budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) to the
7 Department of Revenue, treasury division, for investment management costs, including
8 management fees, safekeeping and custody, and audit, for the constitutional budget reserve
9 fund for the fiscal year ending June 30, 1999.

10 * **Sec. 24. VPSO PAROLE SUPERVISION PILOT PROGRAM.** Section 31, ch. 137, SLA
11 1998, page 25, lines 29 - 30, is repealed.

12 * **Sec. 25. LAPSE PROVISIONS.** (a) The appropriation made by sec. 2 of this Act is to
13 capitalize a fund and does not lapse.

14 (b) The appropriations made by secs. 6(g) and (h) and 8(a) of this Act are for capital
15 projects and lapse under AS 37.25.020.

16 * **Sec. 26.** The appropriations made by secs. 22 and 23 of this Act are made under art. IX,
17 sec. 17(c), Constitution of the State of Alaska.

18 * **Sec. 27. RETROACTIVITY.** (a) Section 20(b) of this Act is retroactive to July 1, 1996.

19 (b) Section 23 of this Act is retroactive to July 1, 1998.

20 * **Sec. 28.** This Act takes effect immediately under AS 01.10.070(c).

#1

AMENDMENT

A dopted no job (

OFFERED IN THE HOUSE

TO: CHFB 100, Draft Version "H" dated 3/7/99

Page 7 Line 23

Delete: 13,264,600 and 15,132,200

Insert: 13,921,500 and 14,475,300

This amendment will limit the transfer of funds to the specific amount needed to fund the short fall in CAMA for FY 99

Adopted w/oobj

#2a

AMENDMENT

OFFERED IN THE HOUSE

BY: Rep Mulder

TO: CHHB 100, Draft Version "H" dated 3/7/99

Page 3 Line 9

Delete: 316,000 and 316,000

Insert: 331,000 and 331,000

This amendment corrects an error in the draft. The reduction proposed by the department was \$35,000, not \$50,000. This makes the draft consistent with the spreadsheet.

Held & #2b
~~Adopted~~
no/obj

AMENDMENT

OFFERED IN THE HOUSE

BY: Rep Mulder

TO: CHHB 100, Draft Version "H" dated 3/7/99

Page 9 Line 30

Delete: 3,102,900 and 2,720,500

Insert: 3,202,600 and 2,820,200

This amendment balances the DOT/PF section to account for the deletion of the former subsection 18(e) which would have authorized an increase of 100,000 in program receipts. This corrects the Draft to reflect the net number intended.

Adopted #3
no/obj

I-GH1023VH.1
Cramer ✓
3/8/99

AUSTREMAN

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 100(FIN), Draft Version "H" dated 3/7/99

1 Page 13, following line 9:

2 Insert a new bill section to read:

3 "* Sec. 24. FISH AND GAME. The sum of \$50,000 is appropriated from general fund
4 ^{statutory designated} program receipts to the Department of Fish and Game for the pink salmon pre-emergent fry
5 sampling program in the Kodiak Management Area for the fiscal year ending June 30, 1999."

6 Renumber the following bill sections accordingly.

Administrative Office
20520 Brown Road
Monroe, Washington 98272
Telephone (425) 486-9872
Fax (425) 487-9122

The Cannery (seasonal)
P.O. Box 38
Larsen Bay, Alaska 99624
Telephone (907) 847-2250
Fax (907) 847-2244



February 25, 1999

Representative Alan Austerman
State of Alaska, House of Representatives
Alaska State Capital
Juneau, Alaska 99801

RE: Funding of Kodiak Island ADF&G pre-emergence studies

Dear Representative Austerman:

This letter serves to confirm the availability of funds in an amount up to \$50,000 to be used specifically for the 1999 pre-emergence studies in the Kodiak Island Salmon Management Area.


We are acutely aware of the fiscal challenges the State of Alaska is facing. While we hope that private funding of a project that was formerly covered under the State's expenditures does not set a precedent, we feel the information is critical to the local salmon industry - both from a processing and a harvester perspective.

If you have any questions, or are in need of further details, please do not hesitate to contact me at our Monroe offices.

In appreciation of your continued support and cooperation, I remain

Sincerely,

KODIAK SALMON PACKERS, INC.



John W. Lotzgesell
Executive Vice President and CFO

TO: Geron Bruce
Legislative Liaison
Commissioner's Office

DATE: February 25, 1999

Alaska Department of Fish and Game
Juneau

FROM: Peter J. Probasco
Regional Supervisor
Division of Commercial Fisheries
Management and Development
Kodiak

FAX NO: (907) 486-1641
TELEPHONE NO: (907) 486-1801
File: h:Gbruce02251999.doc

Subject: Kodiak management area - Pre-emergent fry sampling.

The Alaska Department of Fish and Game has been contacted by a group of Kodiak processors (letter attached) who are willing to contribute \$50,000 to fund the operation of the Kodiak archipelago pre-emergent fry sampling project this spring. This project's funding was cut for fiscal years FY98 and FY99, in order to meet fiscal year budget reductions.

The purpose of this memo is to provide you with a project description and associated costs. My understanding is this information is needed by Representative Alan Austerlitz to justify his request for an increase in program receipt authority in FY99 for ADF&G.

Project Description

The pink salmon pre-emergent fry sampling program estimates over-winter stream mortality. These data are used in conjunction with escapement estimates to forecast the future return of pink salmon to the Kodiak Management Area. Pink salmon are very important to the commercial fisheries of Kodiak, providing more fish and poundage than all other salmon species combined. Pink salmon returns are highly variable, dependent on escapement and environmental conditions affecting annual survival. Returns have ranged from approximately 2 million to 55 million adults. Forecasting salmon returns is important for industry planning. Pre-emergent sampling has been conducted on KMA streams since 1988.

Project costs

Line - 100	\$ 11.5
Line - 200	\$ 0.0
Line - 300	\$ 33.0
Line - 400	\$ 5.0
Line - 500	\$ 0.0
Total	\$ 49.5

Actual sampling procedure requires a three-man crew to be transported to specific sites on key index streams by helicopter. A Bell 206L1 "Long Ranger" helicopter is contracted for this work. ADF&G applies for "Special Use Permits" with U.S. Fish & Wildlife Service and the National Park Service to access streams located within these agencies' respective boundaries. Salmon fry excavation and enumeration is accomplished by using a water pump to force an air/water mixture through a steel probe at random points within the pre-selected portion of each stream bed. A circular collection frame, approximately two feet in diameter, circumscribes the area excavated and all light material, including eggs and fry, which bubble up out of the gravel are swept into a tapered collection net attached to the downstream side of the collection frame. The contents of the net are emptied into a plastic pan, and fry and eggs are identified and counted. The number of live fry for each stream is used to determine each stream's fry index of relative abundance.

Geron Bruce

February 25, 1999

Proper management of Kodiak's major commercial pink salmon fisheries are greatly assisted in having an accurate measure (forecast) of potential run strength and distribution. This information greatly assists Kodiak processors and fishermen in preparing for the upcoming salmon season.

Cc: D. Mecum, W. Donaldson, D. Prokopowich

Alaska House of Representatives

#4

Richard Foster
P.O. Box 1630
Nome, Alaska 99762-1630
907-443-5036
Fax 907-443-2162



During Session
State Capitol
Juneau, Alaska 99801-1182
907-465-3789
1-800-478-3789
Fax 907-465-3242

Majority Whip

HOUSE BILL 100
Amendment No. _____

Adopted

OFFERED IN THE HOUSE FINANCE COMMITTEE
BY: REPRESENTATIVE RICHARD FOSTER

Amendment 4
Section 16 page 10, line 10, Maintenance and Operations, Northern Region
Highways and Aviation, is amended to add \$ 235,650 increasing the total
appropriation to \$37,342,650 and the General Fund to \$36,558,450

The increment is for manually opening the following roads spring of 1999.

Taylor Highway	\$132,000
Boundary Spur	10,500
McCarthy Road	8,700
Nome/Teller Road	35,700
Nome/Council Road	34,700
Glacier Creek/Nome	10,100
Fairbanks Creek Road;	3,950
Tofty Road/Manley;	
Eureka/Rampart	

Kougarok Road/Nome
Dettler By BASS 43,000

ProRata to Retain \$ 235,650

or total \$ 37,342,650

03/08/99

Power Cost Equalization

failed

AMENDMENT # 5

By: Rep. Grussendorf

TO: CSHB 100 (FIN)

Page 4, line 6:

Insert new section:

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS.

The sum of \$1,400,000 is appropriated from the power cost equalization and rural electric capitalization fund (AS 42.45.100) to the Department of Community and Regional Affairs for the power cost equalization program for the fiscal year ending June 30, 1999.

Renumber all sections accordingly.

ROLL CALL: HOUSE FINANCE COMMITTEE

Date 3/9/99

Subject: Am 5

Member	YES	NO
J. DAVIES	✓	
G. DAVIS		✓
FOSTER	✓	
GRUSSENDORF	✓	
KOHRING		✓
MOSES	✓	
WILLIAMS	✓	
AUSTERMAN		✓
BUNDE		✓
MULDER		✓
THERRIALT		✓

TOTAL

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PASSED _____

FAILED 5-6

03/08/99

Perseverance Trail Repairs

failed

AMENDMENT # *6*

By: Rep. Grussendorf

TO: CSHB 100 (FIN)

Page 1, lines 10-13:

* Sec. 2. DISASTER RELIEF FUND. The sum of \$12,131,500 [\$11,997,000] is appropriated to the disaster relief fund (AS 26.23.300) for costs associated with declared disasters from the following sources:

General Fund	<u>\$9,731,500</u>	[\$9,597,000]
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ROLL CALL: HOUSE FINANCE COMMITTEE

Date 3/8/99

Subject: 6 HB 100

Member	YES	NO
G. DAVIS		✓
FOSTER	✓	
GRUSSENDORF	✓	
KOHRING		✓
MOSES	✓	
WILLIAMS		✓
AUSTERMAN	✓	
BUNDE		✓
J. DAVIES	✓	
THERRIALT		✓
MULDER		✓

TOTAL

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PASSED _____

FAILED _____

W/D

Amendment

7

Offered in House Finance
To: CSHB 100 (FIN)

BY REPRESENTATIVE JOHN DAVIES

- 1. Page 10, Sec 16, line 10,
- 2. Amended to read "Northern Region Highways and 37,381,800 36,597,600"

The intent of this amendment is to restore funds to manually open the following highways / roads as described in the March 5, 1999 letter from Commissioner Joe Perkins to Representative Eldon Mulder.

1.	The Taylor Highway	
	a. Taylor Highway /Eagle	\$132,000
	b. Boundary Spur	\$10,500
3.	Nome - Teller	\$35,700
5.	Nome / Council	\$37,700
6.	Glacier Creek /Nome	\$10,100
9.	Fairbanks Creek Road	\$3,950
	Tofty Road / Manley	
	Eureka / Rampart	
10.	U.S. Creek	\$1,850
11.	Kougarok Road /Nome	\$43,000
	Dexter Bypass	
	Total	\$274,800

Failed

AMENDMENT 8

BY: Rep.

House Finance Committee
FY'99 Supplemental Budget

To: CSHB 100 (HFC work draft 3/7/99)

Page 1, Section 2. Disaster Relief Fund.

Page 1, line 10

Delete "\$11,997,000"
Insert "\$13,673,600"

Page 1, line 13

Delete "\$9,597,000"
Insert "\$11,273,600"

This provides full funding for Western Alaska Fisheries Disaster.

ROLL CALL: HOUSE FINANCE COMMITTEE

Date _____

Subject: Am 8

Member	YES	NO
FOSTER	✓	
GRUSSENDORF	✓	
KOHRING		✓
MOSES	✓	
WILLIAMS		✓
AUSTERMÄN		✓
BUNDE		✓
J. DAVIES	✓	
G. DAVIS		✓
MULDER		✓
THERRIAULT		✓

TOTAL

4	8
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PASSED _____

FAILED _____

failed
3-7

AMENDMENT 9

BY: Rep. Davies

House Finance Committee
FY'99 Supplemental Budget

To: CSHB 100 (HFC work draft 3/8/99)

page 3 after line 10

Sec. 5 Department of Corrections: Cleary.

Add new subsection.

(i) "The sum of \$170,000 is appropriated from the general fund to the Department of Corrections, division of institutions, for staffing related costs at the Cook Inlet Correctional Center for the fiscal year ending June 30, 1999."

ROLL CALL: HOUSE FINANCE COMMITTEE

Date _____

Subject: Am 9

Member	YES	NO
<u>GRUSSENDORF</u>	✓	
<u>KOHRING</u>		✓
<u>MOSES</u>	✓	
<u>WILLIAMS</u>		✓
<u>AUSTERMAN</u>		✓
<u>BUNDE</u>	—	
<u>J. DAVIES</u>	✓	
<u>G. DAVIS</u>		✓
<u>FOSTER</u>		✓
<u>TERRIAULT</u>		✓
<u>MULDER</u>		✓

TOTAL

3	1
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PASSED _____

FAILED ✓

AMENDMENT 10

Failed

BY: Rep. Davies

House Finance Committee
FY'99 Supplemental Budget

To: CSHB 100 (HFC work draft 3/7/99)

Sec. 5 Department of Corrections: Cleary.
Page 2

(c) The sum of "\$3,130,000" [\$3,050,000] is appropriated from the general fund to the Department of Corrections, division of institutions, for increased costs associated with out-of-state contract beds for the fiscal year ending June 30, 1999.

ROLL CALL: HOUSE FINANCE COMMITTEE

Date _____

Subject: Am 10

Member	YES	NO
KOHRING		✓
MOSES	✓	
WILLIAMS		✓
AUSTERMAN		✓
BUNDE		—
J. DAVIES	✓	
G. DAVIS		✓
FOSTER		✓
GRUSSENDORF	✓	
MULDER		✓
TERRIAULT		✓

TOTAL

3	7
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PASSED _____

FAILED _____

Failed

2-7

AMENDMENT 11

BY: Rep.

House Finance Committee
FY'99 Supplemental Budget

To: CSHB 100 (HFC work draft 3/7/99)

Page 13, Lines 10-11

Delete Section 24 (VPSO Parole Supervision Pilot Program)

ROLL CALL: HOUSE FINANCE COMMITTEE

Date _____

Subject: Am 11

Member	YES	NO
MOSES		
WILLIAMS		✓
AUSTERMAN		✓
BUNDE		
J. DAVIES	✓	
G. DAVIS		✓
FOSTER		✓
GRUSSENDORF	✓	
KOHRING		✓
TERRIAULT		✓
MULDER		✓

TOTAL

2	7
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PASSED _____

FAILED _____

Amended

170011-11
no/oby

Amendment 12

Offered in House Finance
To: CSHB 100 (FIN)

BY REPRESENTATIVE JOHN DAVIES

1. Page 8, Sec 12, line 12,
2. Amended to read "*Sec 12. Department of Natural Resources. The sum of ~~\$78,270~~"

\$92,0

This amendment is to fund a Program Service Aides in the Fairbanks and Anchorage
Recorders office.

W/D

AMENDMENT 13

BY: Rep.

House Finance Committee
FY'99 Supplemental Budget

To: CSHB 100 (HFC work draft 3/7/99)

Page 1, Section 2. Disaster Relief Fund.

Page 1, line 10

Delete "\$11,997,000"
Insert "\$13,331,500"

Page 1, line 13

Delete "\$9,597,000"
Insert "\$10,931,500"

This provides full funding for Southeast rain/wind disaster.

adopted

#14

This proposed amendment is based on the amended version of CSHB 100 (FIN)

Section 9 (l) of CSHB 100 (FIN) should be amended to read:

	ALLOCATIONS	APPROPRIATION ITEMS	GENERAL ITEMS	OTHER FUNDS
Public Assistance Admin		<u>66,581,100</u> [65,466,100]	<u>25,491,000</u> [25,521,000]	<u>41,090,100</u> [39,945,100]
Public Assistance Administration		<u>1,653,100</u> [1,683,100]		
Quality Control		988,100		
Public Assistance Field Services		22,581,700		
Fraud Investigation		1,156,400		
Public Assistance Data Processing		4,919,900		
Alaska Work Program		10,424,100		
Child Care Benefits		<u>24,857,800</u> [23,712,800]		

Adopted
AMENDMENT

15 7-2

OFFERED IN THE HOUSE

TO: CHHB 100, Draft Version "H" dated 3/7/99

[Handwritten signature]

Page 13 Line ~~7~~ 213

Delete: [, NOT TO EXCEED \$700,000,001,]

Insert: Insert ", not to exceed 900,000,001,"

ROLL CALL: HOUSE FINANCE COMMITTEE

Date _____

Subject: 15

Member	YES	NO
WILLIAMS	✓	
AUSTERMAN	✓	
BUNDE		
J. DAVIES		✓
G. DAVIS	✓	
FOSTER	✓	
GRUSSENDORF		✓
KOHRING	✓	
MOSES		
MULDER	✓	
TERRIAULT	✓	

TOTAL

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PASSED _____

FAILED _____

3-9-99

	GOV	HCS	Department	Component	Supplemental Purpose	Gov.'s Proposed		Gov.'s Amended		House		Notes
	Sec	Sec				GF	Non-GF	GF	Non-GF	GF	Non-GF	
	#	#										
3	1	1	Comm & Reg Aff		DISASTER/ECONOMIC: Extend lapse date for 1997 Bristol Bay/Kuskokwim River disaster relief to 6/30/2001							Extended lapse date is needed to allow sufficient time for communities to complete current projects, and allow for the award and completion of new grants Fed grant ends 2/28/01.
4	2	2	Military & Vet Affairs		DISASTER: Southeast Rain/Wind Disaster	2,730.0	2,400.0	2,730.0		1,385.5		Delete 1,200 for DOT/PF that will be recovered from Feds, Eliminate Perseverance Trail funding 134.5 Total cost of 740.0 reduced by existing Disaster Relief Fund Authorization
5	2	2	Military & Vet Affairs		DISASTER: Endcott Mountain Flood	278.1		278.1		278.1		1,678.8 will be made available in FY00 matching grant funds
6	2	2	Military & Vet Affairs		DISASTER/ECONOMIC: Western Alaska Fisheries Disaster	9,600.0		9,600.0	2,400.0	7,923.4	2,400.0	
7	3	3	Natural Resources		DISASTER: Fire Suppression	7,000.0		7,000.0		7,000.0		FY 1999 year to date
8	4	4	Law		Judgments	2,094.9	15.3	1,868.0	15.3	1,868.0	15.3	GF and PERS Fund
9			TOTAL DISASTERS & JUDGEMENTS			21,703.0	2,415.3	21,476.1	2,415.3	18,485.0	2,415.3	
11	5a	out	Corrections	Cook Inlet	Cook Inlet staffing to increase maximum bed capacity	350.0		170.0		0.0		CLEARY - Reduce vacancy to allow for an increase in available beds from 403 to 460. Cleary allows a facility to exceed its emergency capacity if certain staffing/prisoner ratios.
12	5b	5a	Corrections	Inmate health Care	Inmate Health Care	500.0		500.0		500.0		Prisoners are being sent to Arizona, Hold Instate facilities staff constant Increased cost for medical care services resulting primarily from increases in medical supplies and laboratory expenditures
13	5c	5b	Corrections	Institution Director's	Tents for May and June	300.0		100.0		100.0		Operational costs for housing prisoners in tents at Fairbanks in the months of May and June 1999
14	5d	5c	Corrections	Out-of-State contracts	Out-of-state beds contract price adjustment per agreement in May to budget beds at \$45 while RFP was on the street.	4,288.1		3,130.0		3,050.0		CLEARY-Decision made in May to budget at \$45/day since contract was out for RFP. Final contract \$53.00p/day. This contract was out for RFP. Final contract \$53.00p/day. This funding will pay for 874 beds.
15	5e	5d	Corrections	Transportation & Class	Prisoner Transport	365.0		365.0		365.0		Eliminate additional PO, ask transportation be more efficient, considering funding of transportation request CLEARY - Increased number and costs of prisoners being transported both Instate and to out-of-state facilities
16	5f-h	5e-h	Corrections	Various	Community Residential Centers reductions due to timing changes	(525.0)		(615.0)		(625.0)		CRC funding reductions due to timing changes: Nome -490; Bethel -50; Existing CRCs -50.0, CRC Offender Sup. -35.0
new		21	Corrections	Admin & Ops	Allows expenditure of secured Federal Funds for updating computer systems (OBSCIS & HOFA)						574.0	Allows expenditure of federal funds secured in excess of FY 99 authorization
new		24	Corrections	VPSO Parole Supervision Pilot Program						(115.0)		Contract not signed, not a time to begin new programs that are not mission critical. Currently being done with POs
17			CLEARY			6,278.1	-	3,850.0	-	3,275.0	-	
18	6a	6a	Administration	Finance	Travel savings analysis		35.0		35.0		35.0	Statutory Designated Program Receipts

GOV Sec #	HCS Sec #	Department	Component	Supplemental Purpose	Gov.'s Proposed		Gov.'s Amended		House		Notes	
					GF	Non-GF	GF	Non-GF	GF	Non-GF		
19	6b	6b	Administration	General Services	Federal surplus property fund		100.0		100.0		100.0	Environmental Assessment of fuel which spoiled at the BIA administrative site in Bethel. The fuel had been transferred to the State's surplus property
20	6c	6c	Administration	Leasing	Underfunding	678.4		678.4		678.4		Includes settlement costs of 40.0 GF. Down from earlier estimate of 1,096.6.
21	6d	6d		Office of Public Advocacy	Underfunding	563.0		563.0		563.0		Based on caseload projections
22	6e	6e		Public Defender	Underfunding	297.0		297.0		297.0		Had to fill positions in Barrow, Nomo, Dillingham, Kotzebue, & Bethel due to caseload.
23	6g	6g	Administration	Pioneers Home	Pioneers Home boiler replacement in Fairbanks (Pioneers' Home Receipts are GF)	500.0	537.0	500.0	537.0	500.0	537.0	Eliminate remodeling. Not critical can be addressed in FY 00 500.0 excess Housing Receipts and 537.0 AHFC. Total project cost is 1,307.0
24	6h	6h	Administration	Pioneers Home	Certified nurse aides for Pioneers Homes with critical (Pioneers' Home Receipts are GF)	500.0		500.0		500.0		Excess housing Receipts for 5 Certified Nurse Aides for homes with critical staff shortages.
25	7	out	Comm & Reg Affairs		Power Cost Equalization program from PCE fund		1,700.0		1,400.0		0.0	Supplemental is needed in order to maintain the funding level at 85% of program need through the end of FY99. Statute required pro-ratio to level of funding. Supplemental request ignores statute. Funding will reduce PCE funds available for FY 00
26	8	7	Corrections	Correctional Industries	Pay vendors for supplies & materials		750.0		750.0		750.0	Additional correctional industry production receipts from increased sales.
27	9	out	Debt Service		FY 99 debt payments switch to AHFC	(1,143.9)		(1,143.9)			0.0	Reduce GF into Debt Retirement Fund in CH 137 SLA 99 due to lower than projected AHFC payments for FY99 capital
28	10a	8a	Education	AVTEC	Marine Simulator receipts		2,500.0		2,500.0		2,500.0	Fund source change to reduce appearance of GF. Can be discussed in FY00 Federal receipts not previously anticipated for Marine Simulator program at AVTEC-funds needed now so program can be ready for Fall 99
29	10b	8b	Education	Foundation	Foundation formula reduction - Alyeska Central School summer school	(1,500.0)		(4,000.0)		(4,000.0)		Due to lower completion rate in Alyeska Central School summer session and reduced ADM in Foundation Formula
30	10c	8c	Education	Voc Rehabilitation	Change funding source from Statutory Designated PR to the Vocational Rehabilitation Small Business							Net zero, non-GF funding switch. This adjustment is in the FY 2000 budget request.
31	11e	9e	Health & Social Services	Chronic and Acute Medical Assistance	(Formerly General Relief Medical - GRM) Underfunded for anticipated caseload	1,200.0		1,145.0		1,145.0		(Partially offset by reductions elsewhere within the department) Dept of H & SS will move funds and exchange GF with C&RA. Effect is greater use of Fed funds
		8l	Health & Social Services	Public Assistance Administration	Authorize use of federal funds to offset child assistance funds moved to CAMA. Also GF savings in Pub Ast Adm	(30.0)		(30.0)		(30.0)	1,145.0	
32	11o	out	Health & Social Services		Prior year medical claims	21.0		withdrawn		0.0		Withdrawn
33	11m	9m	Health & Social Services	Subsidized Adoptions	Caseload growth	656.9	164.3	656.9	164.3	656.9	164.3	Partially offset by reductions elsewhere within the department

	GOV	HCS	Department	Component	Supplemental Purpose	Gov.'s Proposed		Gov.'s Amended		House		Notes
	Sec	Sec				GF	Non-GF	GF	Non-GF	GF	Non-GF	
	#	#										
34	11	9	Health & Social Services		Various deletions to offset formula and cost increases	(1,021.5)		(1,021.5)		(1,021.5)		Reductions to various programs from cost savings measures to partially offset needed supplemental funding (above) Other shortfalls in other programs were covered within existing appropriations, e.g. ATAP covered Adult Public Assistance and Longevity Bonus Dept of H & SS will move funds and exchange GF with C&RA. Effect is greater use of Fed funds
new		9a	Health & Social Services	Child Assistance	Replace GF with available Federal Funds					(1,145.0)	1,145.0	
35	13	11	Law	Oil & Gas Litigation	Oil & Gas Litigation reduction	(100.0)		(100.0)		(182.0)		Reduction to help offset cost of supplemental More aggressive billing and management will save additional 150.0
36	12	10	Natural Resources		Insert performance bond language							Net zero appropriation to use proceeds from bonds guaranteeing the reclamation of state land
37	14	12	Natural Resources	Recorder's Office	Increased workload	92.0		92.0		92.0		Recording activity increased due to refinancing and increased mining activity
38	15a,b	12a,b	Public Safety	Alaska State Troopers	Net zero 200.0 transfer from AST to AST Detachments							Technical adjustment
39	15c	12d	Public Safety	AST Detachments	Unanticipated costs	312.7		312.7		249.6		Unexpected cost increases for Employee moves (63.1); academy cost (103.5); aircraft & Helo repairs (112.0); Communication costs (34.1)
40	16	14	Public Safety	Fish & Wildlife Protection	Lapse date extension to allow for replacement of vessels							Eliminate moving costs.
41	17	15	Revenue	Child Support enforcement	Replace federal funds lost due to lower ATAP collections	880.0		880.0		880.0		Technical change: original appropriation should have been a capital item
new		23	Revenue	Treasury	Fund CBR investment management costs	460.0		460.0		460.0		Failed CBR vote in 1998
42	18a-c	16ab	Transportation	International Airports	Add/delete capital supplemental for Fed aviation program							Fund source change (IARF to Fed Rcpts) and scope change
43	18g,h,l	16e-h	Transportation	Various	Delete GF/PR where receipt shortfalls are forecast in FY 99	(307.9)		(307.9)		(307.9)		
		16g	Transportation	Northern Region	Plow roads					235.7		Open roads that were planned to be plowed open in FY 99 budget to allow those who planned on opening to fulfill commitments based on open roads
44	18d	new	Transportation	Measurement Standards	Transfer unused GF/PR to Design & Engineering	100.0		100.0		70.0		Delete, can deal with this in FY 00 Budget
45	18e	16d	Transportation		Harborview facility maintenance	235.0		235.0		235.0		
46	19a	17	University	UAF	Arctic Research Center, non-GF					7,000.0	7,000.0	Approve new grant authorization for International Arctic Research Center (IARC) Receipts. Other subsections unnecessary
47	20	18	Various Agencies		Miscellaneous claims & state-dated warrants	69.0		81.2		81.2		Misc claims are prior year bills which cannot be paid from existing appropriations per AS 37.25.010(b). State-dated warrants are those warrants presented to the state for payment which are more than 2 years old
		24	Fish & Game	Com Fish	Receive designated grant						50.0	Private funding for 1999 pre-emergent Salmon fry sampling
48	SUBTOTAL - DELETE/ADD SUPPLEMENTALS					2,461.7	6,786.3	(102.1)	12,486.3	(42.6)	13,426.3	
49												
50	21	19	All departments		Governor's unallocated reductions	(6,251.0)		(6,251.0)		(6,251.0)		Belt-tightening announced 2/4

GOV Sec #	HCS Sec #	Department	Component	Supplemental Purpose	Gov.'s Proposed		Gov.'s Amended		House		Notes
					GF	Non-GF	GF	Non-GF	GF	Non-GF	
TOTAL DELETE/ADD SUPPLEMENTALS					(3,789.3)	5,788.3	(6,353.1)	12,486.3	(6,293.7)	13,428.3	
TOTAL SUPPLEMENTAL					23,191.8	8,201.6	18,773.0	14,901.6	15,446.4	15,841.6	
FY 99 spending plan supplemental target					16,500.0		16,500.0		16,500.0		
Total above (below) spending target					6,691.8		2,273.0		(1,053.7)		
RATIFICATIONS											
54	22	20	Administration	Central Duplication	Ratification: FY99 shutdown costs (193.6)						
55	22	20	Education	District Support	Ratification: Adak school district close-out (FY97 & FY98) (138.2)						
56	22	20	Natural Resources	Fire Suppression	Ratification: FY98 fire (disaster) costs (5,391.0)						
57	22	20	Revenue	CSED	Ratification: FY98 costs (43.3)						
CBR Draw											
58	22	Increase cap on CBR draw to 900,000,001 for FY 1999									

STATE OF ALASKA

MEMORANDUM

State of Alaska
Department of Law
Division of Administrative Services

TO: Annalee McConnell, Director
Office of Management and Budget

DATE: 3 March, 1999

FROM: Kathryn Daughetee, Director *Kad*
Division of Administrative Services

PHONE: 465-3673

SUBJECT: FY 99 Judgments and Claims

The Department of Law hereby withdraws general fund supplemental appropriations for the following items:

Planned Parenthood of Alaska v. State -	\$160,156.30
Planned Parenthood of Alaska v. State -	<u>\$ 91,938.50</u>
Total Amount Withdrawn	\$252,094.80

The state has appealed these superior court decisions. The state is not obligated to pay these judgments pending a ruling by the supreme court on the appeal. If these obligations are affirmed by the supreme court, they will be included in a future request for supplemental appropriation and absent specific language in the judgment to the contrary, interest will accrue from the October, 1998 dates currently effective in each of the above cases, through the anticipated future date of payment.

FY 99 Judgments & Claims - The attached schedule, now totaling \$1,867,827.31 in general funds and \$15,296.09 in other funds reflects the current level of judgments and claims awaiting legislative appropriation. As you know, we will be requesting increases to these amounts as we are made aware of additional items. To date, the following fund sources are requested:

\$ 1,867,827.31	General Funds
<u>\$ 15,296.09</u>	PERS Fund
\$ 2,135,218.20	Total Funds

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

cc: Reading File

Department of Law

FY99 Judgments - General Funds

Item #	Payable to/Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
1	Daniel Aaronson, Esq. CSED v. Doug Barnette	Vacating a default judgment re regarding paternity	5/20/98	\$386.42	45.13	\$431.55	
2	Bauer & Carse CSED v. James Savage	Jurisdiction to modify child support obligation	5/12/98	\$806.66	96.07	\$902.73	
3	Downes, MacDonald & Levengood	Dissolution of the Marriage of David K. and Vallrie J. Hendren	4/16/98	\$315.15	30.39	\$345.54	
4	Trustees for Alaska Kachemak Bay Conservation Society v. State of Alaska	Challenge to state oil and gas lease sale 85A - Cook Inlet	7/20/98	\$39,000.00	3,870.62	\$42,870.62	
5	Kenneth Kirk, Esq. Wrightson v. State	Interstate paternity case	5/6/98	\$189.48	17.44	\$206.92	
6	George T. Freeman, Esq. Robert Boyd v. State DOTTF, C'itty, and Campbell	Wrongful discharge	9/11/98	\$175,000.00	14,700.00	\$189,700.00	
7	Susan Sember Muhammed Khan V. State	Discrimination/Wrongful discharge	6/10/98	\$500,000.00	25,952.04	\$525,952.04	
8	Earthjustice Legal Defense Fund, Inc Weiss v. State	Mental Health Land litigant claims for attorney fees and costs	4/13/98	\$456,225.08	58,140.57	\$514,365.65	
9	Earthjustice legal Defense Fund Inc. Alaska Environmental Center v. Weiss	Scope of attorney's fee awards to public interest litigants	6/13/97 and 2/17/98	\$1,299.61	257.91	\$1,557.52	
10	Clifford, Lyons & Garde Newton v. State	Whistleblower wrongful discharge	9/22/98	\$100,000.00	8,083.56	\$108,083.56	
11	David Baranow Paul Vidal v. Bobbie Vidal	Mortgage payment in-lieu of child support	10/31/98	\$344.25	18.26	\$362.51	
12	Houston & Houston Gregory Walz v. Roxanne Valz	Shared custody/Public assistance issue	11/20/98	\$200.00	0.00	\$200.00	
13	Planned Parenthood of Alaska v. State	Challenging the constitutionality of parental consent to minor's abortion statute	10/5/98	Withdrawn		\$0.00	

Department of Law

FY99 Judgments - General Funds

Item #	Payable to/Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
14	Stephan H. Williams Planned Parenthood of Alaska v. State	Statute limiting partial birth aboritions unconstitutional	4/15/98	Withdrawn		\$0.00	
15	Perkins Coie Cleary v. Smith	Rights of incarcerated individuals	12/22/98	\$17,751.75	937.47	\$18,689.22	
16	Rice, Volland & Taylor Cleary v. Smith	Rights of incarcerated individuals	12/22/98	\$37,034.16	2,024.20	\$39,058.36	
17	Verne. E. Rupright Doc v. Burton	Challenge to Sex Offender Registration Act	9/1/98	\$9,497.51	825.11	\$10,322.62	
18	Robert H. Wagstaff Howard Bess v. Fran Ulmer	Same sex marriage amendment	12/11/98	\$11,623.27	512.06	\$12,135.33	
19	Mary Alice McKeen, Esq Oliver Gabrielli v. Claudia Gabrielli	Effect of unrecorded quitclaim deed on rights of CSED	11/22/98	\$3,156.29	152.19	\$3,308.48	
20	Paul Arrington c/o Keene & Currall Paul Arrington v CSED	Child Support payment amount	12/2/98	\$3,093.54	142.39	\$3,235.93	
21	Olaf Totland c/o Paul Hoffman Olaf Totland v. CSED	Child Support payment amount	12/23/98	\$1,713.68	70.99	\$1,784.67	
22	Lee Holen Law Office Minder v. State	Whistleblower/Wrongful Discharge	10/12/98	\$94,533.66	0.00	\$94,533.66	
23	Brockman v. State	Whistleblower/Wrongful Discharge	11/27/98	\$246,500.00	15,533.96	\$262,033.96	
24	Aleutians East Borough Peninsula Marketing Assoc, Aleutians East Borough et al. V. Rosier	Challenge to the Board of Fisheries and ADF& G's authority to regulate and manage commercial salmon fishery in South Unimak/Shumagin Islands	5/12/97	\$5,632.50	\$1,032.14	\$6,664.64	
25	Claim of Gaylene's Word Services against the Alaska Court System	Administrative Rule 47	12/4/98	\$26,785.00	0.00	\$26,785.00	

Department of Law

FY99 Judgments - General Funds

Item #	Payable to/Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
26	Larson, Timbers & Thomas Edward Davis v. CSED	Retroactive modification of child support obligation	7/8/97	\$899.50	186.82	\$1,086.32	
27	Tanana Chiefs Conference, Inc. CSED v. Native Village of Minto	Failure to comply with a withholding order	4/30/96	\$1,615.22	537.14	\$2,152.36	
28	Bryan Timbers Lewis Nararak v. CSED	Income averaging used in calculation of child support obligation	9/16/97	\$891.00	167.12	\$1,058.12	\$1,867,827.31

Department of Law

FY99Judgments - Other Fund Sources

Item #	Case Name	Description	Date	Amount	Interest	Total	Fund Source
1	Law Offices of William Soule Williams v. PERS	Application for occupational disability benefits under PERS	8/7/96	\$10,621.92	\$3,229.79	\$13,851.71	PERS
2	Mary Ann Williams c/o Law Offices of William Soule Stalnaker v. Williams	Application for occupational disability benefits under PERS	9/9/98	\$1,331.75	\$112.63	\$1,444.38	PERS

Department of Law

JUDGMENTS/CLAIMS FOR PAYMENT

(Please Type)

1. Case Name: Edward Davis v. State of AK, Dept. of Revenue, CSED
2. Case Number: 2NO-96-121 Civil
3. Date Judgment entered: July 8, 1997
4. Did the date of the cause of action accrue on or after August 7, 1997? No
5. Amount to be paid: \$899.50
6. Interest Rate: 10.5% Effective Date: July 8, 1997
7. Payable to: Edward Davis
c/o Larson, Timbers & Thomas, P.C.
PO Box 61
Nome, AK 99762
8. EIN: or SSN: 430-13-9931
9. Send check to: above address Departmental contact:

Departmental contact

Departmental Approval

Scott Davis
Name


Deputy Attorney General

(907) 465-3600
Telephone Number

3/1/99
Date

**This form will be used for the purpose of standardizing the submission of claims and will expedite the payments to the claimants, thereby reducing the amount of lost interest to the state. If any of the information changes, please advise the Deputy Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3676 as soon as any changes are known. .

Judgment Award Questionnaire

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

Case Name: Davis v. State of Alaska, DOR, CSED

Case No.: 2NO-96-121 CI

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

This appeal concerned the effective date of a modification of an administrative support order. Under the procedures at the time, CSED would modify an administrative support order as of the date that it served a notice of review on the obligor. CSED followed this notice procedure when it modified Edward Davis's support order in the present case. However, while the appeal was pending, the Alaska Supreme Court issued its decision in Boone v. Gipson, in which the court strictly construed the notice needed to trigger the effective date of modification. Under the new rule announced in Boone, the effective date set by CSED in Davis' case would have been incorrect. Therefore, we agreed not to contest Davis's appeal to the superior court.

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

N/A

3. Did the state prevail on any issues? If so, describe.

No.

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

Yes. The appellant sought actual attorney's fees, which we successfully defended against. The court awarded him only 40% of actual fees.

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

As a result of the ruling in Boone, CSED revised its notice forms so that the forms clearly trigger the effective date of modification under Civil Rule 90.3 as interpreted in Boone.

Attorney completing form: Scott Davis

DATE: February 26, 1999.

Department of Law

JUDGMENTS/CLAIMS FOR PAYMENT

(Please Type)

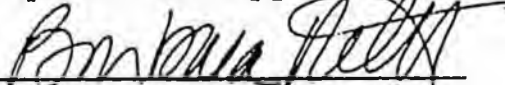
1. Case Name: State of Alaska, Dept. of Revenue, CSED v. Native Village of Minto
2. Case Number: 4FA-95-200 CI
3. Date Judgment entered: April 30, 1996
4. Did the date of the cause of action accrue on or after August 7, 1997? No
5. Amount to be paid: \$1,615.22
6. Interest Rate: 10.5% Effective Date: April 30, 1996
7. Payable to: Tanana Chiefs Conference, Inc.
122 1st Avenue, Ste. 600
Fairbanks, Alaska 99701-3850
8. EIN: 92-0040308 or SSN:
9. Send check to: above address Departmental contact:

Departmental contact

Scott Davis
Name

(907) 465-3600
Telephone Number

Departmental Approval


Deputy Attorney General

3/1/99
Date

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Judgment Award Questionnaire

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

Case Name: SOA, DOR, CSED v. Native Village of Minto

Case No.: 4FA-95-200 CI

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

CSED sued the Native Village of Minto for failure to comply with a withholding order. Minto raised issues of sovereign immunity and a statute of limitations defense. Although we argued that the statute had been tolled, the court dismissed the complaint because the six year statute of limitation (AS 09.10.120) had run.

We filed suit on January 25, 1995, alleging that the Native Village of Minto failed to accurately and timely respond to inquiries, and its failure to withhold and deliver an obligor's wages pursuant to an administrative Order to Withhold and Deliver. Both failures violate AS 25.27.260(a). The withholding order and inquiries were originally served on Minto on November 7, 1988. Minto did not respond to the inquiries within 14 days as required by AS 25.27.250(e). CSED sent letters to Minto on January 9 and 10, 1989, notifying it that no response had been made to the inquiries, which was a violation of state law. Minto responded to the inquiries on February 9, 1989, incorrectly stating that the obligor had never been in its employ. We argued that the statute of limitation was tolled until February 9, 1995, by Minto's late and inaccurate response to the inquiries. The court disagreed and held that the statute of limitation had run on November 21, 1994, the date Minto's answers to CSED's inquiries were due. Because the court dismissed the case on the statute of limitation grounds, it did not reach the sovereign immunity issues.

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

None.

3. Did the state prevail on any issues? If so, describe.

Yes. Minto argued that a two-year statute of limitation, AS 09.10.070(3), applied. We argued that AS 09.10.120, a six year period of limitation applicable to actions brought in the name of the state, applied. The court agreed that the six year statute of limitation governed this case.

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

Minto requested \$4,083.75 in actual attorney's fees and \$798.77 in costs for a total of \$4,882.52. We opposed the request. The court awarded only \$1,615.22 (20% of attorneys fees plus costs).

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

Both CSED and DOL have given employer noncompliance cases a heightened priority so that statute of limitation issues should not be raised in future cases.

Attorney completing form: Scott Davis

DATE: March 1, 1999

Department of Law

JUDGMENTS/CLAIMS FOR PAYMENT

(Please Type)


1. Case Name: Lewis Nakarak v. State of Alaska, Dept. of Revenue, CSED
2. Case Number: 2NO-97-40 Civil
3. Date Judgment entered: September 16, 1997
4. Did the date of the cause of action accrue on or after August 7, 1997? No
5. Amount to be paid: \$891.00
6. Interest Rate: 10.5% Effective Date: September 16, 1997
7. Payable to: Lewis Nakarak
c/o Bryan Timbers, attorney for Lewis Nakarak
P.O. Box 61
Nome, Alaska 99762
8. EIN: or SSN: 574-46-6653
9. Send check to: Bryan Timbers, attorney for Lewis Nakarak, P.O. Box 61, Nome, AK 99762

Departmental contact

Scott Davis
Name

(907) 451-2811
Telephone Number

Departmental Approval


Deputy Attorney General

3/1/99
Date

****This form will be used for the purpose of standardizing the submission of claims and will expedite the payments to the claimants, thereby reducing the amount of lost interest to the state. If any of the information changes, please advise the Deputy Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3676 as soon as any changes are known.**

Judgment Award Questionnaire

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

Case Name: Lewis Nakarak v. State of Alaska, Dept. of Revenue, CSED

Case No.: 2NO-97-40 Civil

1. Describe the circumstances or events resulting in this case and ultimately this judgment against the state. This was an administrative appeal to the superior court of CSED's modification increasing Mr. Nakarak's child support obligation. This increase was based on the most recent year of Mr. Nakarak's income information. Mr. Nakarak, a commercial fisherman, argued that his income for a period of eight years should be averaged for purposes of calculating his child support obligation. In Zimin v. Zimin, 837 P.2d 188 (Alaska 1992), the Alaska Supreme Court rejected a 10 year averaging of income for child support purposes, but found a three year period would be appropriate. We resolved the issue and dismissed the appeal by agreeing that CSED would average Mr. Nakarak's income for a period of 3 years as approved by the supreme court in Zimin. The three year average did not result in a 15% increase or decrease in Mr. Nakarak's child support obligation, the threshold for a material change in circumstances warranting modification. Thus, no change to Mr. Nakarak's child support obligation occurred, so CSED's modification was reversed. Thereafter, Nakarak's attorney moved for actual attorney's fees.

2. Describe issues of state policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case. None.

3. Did the state prevail on any issues? If so, describe. No. The parties resolved the case by dismissing the appeal.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the state? If so, describe to what extent we were successful. Yes. We argued that neither party prevailed because the agreement by the parties to average Mr. Nakarak's income over 3 years neither increased or decreased his child support obligation. We further argued that Mr. Nakarak was not entitled to actual fees even if he was the prevailing party. The court found that Mr. Nakarak prevailed because CSED's administrative modification was reversed and the result of the appeal did not otherwise increase Mr. Nakarak's child support obligation. The court denied the request for actual attorney's fees of \$1,507, but awarded \$750, plus costs of \$141.

5. Any recommendations concerning cases of this type in the future? CSED adopted a regulation in 1998 permitting the agency to average income over a three-year period where an obligor's income fluctuates dramatically. The agency now has clear guidelines in place for this situation.

Attorney completing form: Scott Davis

DATE: February 26, 1999

TONY KNOWLES, GOVERNOR

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

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

November 12, 1998

Sen. Randy Phillips
P.O. Box 142
Eagle River, AK 99577


Dear Sen. Phillips:

Please allow me to respond to your September 11, 1998 request of Dr. John Middaugh, the state epidemiologist, for an accounting of all money received by the state from the Centers for Disease Control and Prevention, and how and where it was spent. The Department of Health and Social Services has asked that OMB, because of our statewide perspective, supervise the collection of this data to make sure that you receive a complete answer. I asked the CDC to provide that information. Enclosed please find a report from the CDC detailing all grants to agencies within the state for the federal fiscal year 1998.

Two grants, numbers 13 and 21 on the list, grants 011991 and 015895 respectively, are noted only as being received by the State of Alaska. The Department of Health and Social Services administers both of these grants.

If I can be of further assistance, please feel free to call me at 465-4698.

Sincerely,

Dana Owen
Budget Analyst

cc: Annalee McConnell

*** GRANTS MANAGEMENT INFORMATION SYSTEM ***
 *** FY98 SPENDING FOR STATE OF ALASKA ***

10/29/98

GRANT NO	AMOUNT AWARDED	GRANTEE-NAME
1 002025	1,177,575	ALASKA DEPT OF HLTH AND SOCIAL SERVICES HIV PREVENTION PROJECT
2 002144	340,100	ALASKA DEPARTMENT OF HEALTH & SOCIAL SVC STATE-BASED DIABETES CONTROL PROGRAM
3 004372	392,972	ALASKA DEPT OF HLTH & SOC SVCS. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGN
4 004468	1,098,750	ALASKA DEPARTMENT OF HEALTH IMMUNIZATION PROGRAM
5 006257	115,000	ALASKA DEPT OF HEALTH & SOCIAL SERVICES HIV/AIDS SURVEILLANCE AND SEROPREVALENCE
6 007089	75,802	ALASKA DEPT OF HEALTH & SOC.SER. FATALITY ASSESSMENT AND CONTROL EVALUATION (FACE)
7 007863	412,121	ALASKA DEPT OF HEALTH AND SOCIAL SVCS. TUBERCULOSIS CONTROL PROGRAM AND AIDS
8 009005	240,345	ALASKA DEPARTMENT OF EDUCATION SCHOOL HLTH PROGRAMS TO PREVENT SERIOUS HLTH PROBLEMS & IMPROVE EDUCA
9 009235	388,012	ALASKA DEPT OF HEALTH & SOCIAL SVCS CORE CAPACITY BUILDING FOR TOBACCO PREVENTION AND CONTROL PROGRAMS
10 010659	87,015	ALASKA DEPT OF HEALTH & SOCIAL SERVICES BEHAVIORAL RISK FACTOR SURVEILLANCE SYSTEM
11 010706	415,013	ALASKA DEPART OF HEALTH & SOCIAL SVCS NATIONAL PROGRAM OF CANCER REGISTRIES
12 010970	1,751,104	ALASKA DEPT OF HEALTH & SOS SERVICES NATIONAL BREAST & CERVICAL CANCER EARLY DETECTION PROGRAM
13 011991	50,000	STATE OF ALASKA STATE-BASED BIRTH DEFECTS SURVEILLANCE DEMONSTRATION PROJECTS
14 013325	71,250	ALASKA DEPT. OF HEALTH & SOCIAL SERVICES MATERNAL AND CHILD EPIDEMIOLOGY PROGRAMS (MCHEP)
15 013483	98,423	STATE OF ALASKA DEPT OF HEALTH & SOC PREGNANCY RISK ASSESSMENT MONITORING SYSTEM
16 014025	25,000	ALASKA DEPARTMENT OF HEALTH CHILDHOOD LEAD POISONING PREVENTION & SURVEILLANCE OF BLOOD LEAD
17 014040	143,096	STATE OF ALASKA DOH & HUMAN SERVICES TRAUMATIC BRAIN INJURY SURVEILLANCE PROGRAM
18 014116	402,608	SE ALASKA REGIONAL HLTH CONSORTIUM 1997 NATIONAL BREAST & CERVICAL CANCER EARLY DETECTION PROGRAM
19 014470	30,008	ALASKA DEPT. OF HEALTH & SOCIAL SVCS STATE HLTH PROMOTION & CHRONIC DISEASE PREV DATABASES/CLEARINGHOUSES
20 014571	100,000	ALASKA DEPT OF HEALTH AND SOCIAL SERVICE POPULATION-BASED SURVEILLANCE OF FETAL ALCOHOL SYNDROME
21 015895	330,000	STATE OF ALASKA BUILDING ENVIRONMENTAL HEALTH RESPONSE CAPACITY IN ARTIC COMMUNITIES
22 015938	145,160	ALASKA DEPARTMENT OF HEALTH & SOCIAL SER PROGRAMS FOR THE PREVENTION OF FIRE RELATED INJURIES
23 099057	162,421	ALASKA DEPT OF HEALTH & SOCIAL SERVICES PROGRAM TO BUILD CAPACITY TO CONDUCT SITE-SPECIFIC ACTIVITIES

8,051,775		

*** BLOCK GRANT AWARDED FOR FY98 ***

GRANT NO	AMOUNT AWARDED GRANTEE NAME	PROGRAM NAME
AK1998	618,890 ALASKA DEPT OF HEALTH & SOC SERVICES	PREVENTIVE HEALTH SERVICES

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

3132 CHANNEL DRIVE
JUNEAU, ALASKA 99801-7898

TEXT: (907) 465-3652
FAX: (907) 586-8365
PHONE: (907) 465-3900

March 5, 1999

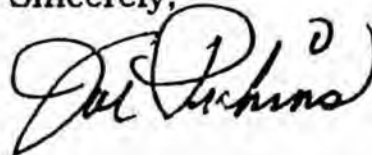
The Honorable Eldon Mulder
Alaska State Legislature
State Capitol, Room 501
Juneau AK 99801-1182

Dear Representative ~~Mulder~~ ^{Eldon}:

As per your request, enclosed is a listing of highway/roads not planned to be manually opened this spring with associated cost savings.

If you need additional information or clarification, please contact me at 465-3901.

Sincerely,



Joseph L. Perkins, P.E.
Commissioner

Enclosure

4.	Denali Highway (MP 0 - 82)	\$ 13,000	Road connects commercial lodges at Tangle Lakes, MacLaren River, and Gracious House. Will impact visitors whose trip are already booked.
5	Nome / Council Road	\$ 34,700	Road connects Nome to community of Council. Mostly summer activities in Council. Mining along road, bird viewing and subsistence activities impacted.
6	Glacier Creek / Nome	\$ 10,100	Probably most active mining area in Nome. Road accesses active gold mines. Impact on mining.
7	Denali Highway (MP 82-129)	\$ 7,500	Opens a through route for tourist loop from Fairbanks-Cantwell-Paxton-Delta-Fairbanks (many alternatives)
8	Copper River Hwy. / Cordova	\$ 15,000	Road accesses important fish count station for Copper River fishing near Million Dollar bridge. Tourism access to Miles and Childs Glaciers, and the Million Dollar Bridge. Accesses Carbon Mountain Road under Construction.
9	Fairbanks Creek Road; Tofty Road / Manley; Eureka/Rampart	\$ 3,950	Accesses active gold mines.
10	U.S. Creek	\$ 1,850	Accesses White Mountain National Recreation Area.
11	Kougarok Road / Nome Dexter Bypass	\$ 43,000	Recreation area, active mines, Pilgram Hot Springs, subsistence

<u>Highway/Road</u>	<u>Cost Savings</u>	<u>Discussion</u>
1. Taylor Highway a. Taylor Highway / Eagle	\$132,000	Connects town of Eagle with Alaska Highway. Numerous mines along route. Agreement made to commit \$50,000 to open road in early March for miners to haul fuel. Road will be open for one week in early March to the South Fork of the 40 mile River. Fairly heavy tourism in area. Is connector to Canada (Dawson) from both Eagle and Alaska Highway. Tours start in mid-May. Part of loop route for tours. Dawson to Eagle by water - out of Eagle by road.
b. Boundary Spur (Top of the World Highway)	\$ 10,500	Connects Alaska Highway and Eagle with Dawson, Yukon Territories. Accesses mines and used for tourism. Concern with opening expressed by Yukon government and major tourism companies.
2. McCarthy Road	\$ 8,700	Connects town of McCarthy with Alaska road system. Access for residents and tourists. New bridge across Kennecott River is foot bridge. Fuel and other bulk supplies usually cross river ice to town. Delayed opening will increase cost of delivery of supplies as foot bridge will be only access. State owned airport is on McCarthy side of river.
3. Nome - Teller Road	\$ 35,700	Connecting road from town of Teller to Nome. Supplies for Brevig Mission usually cross ice from Teller in spring. Will delay access for citizens of Teller and Brevig Mission to Nome. Construction materials to reconstruct store destroyed by fire in Brevig Mission need to cross ice. Some tourism impact Mining along road.

Alaska House of Representatives

Richard Foster
P.O. Box 1630
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During Session
State Capitol
Juneau, Alaska 99801-1182
907-465-3789
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Majority Whip

House Bill 100

Amendment No. _____

Offered in the House Finance Committee
By: Representative Richard Foster

SPONSOR'S STATEMENT

The Administration's decision to implement austerity measures by allowing rural roads to melt open rather than manually clearing them has serious impact.

The first issue is that, if roads are not manually opened and allowed to melt off instead, culverts will still be frozen and there will be a larger number of washouts, which will lead to a loss of portions of the roadbed.

The second issue is that the delayed openings were not announced until this winter. Since these roads were already closed at the time of the announcement it did not allow miners and other persons having personal and commercial interests an opportunity to have needed supplies on site so that the normal spring activities could be carried out. The fuel needed for a mining operation is a prime example. The seasons are already short and delaying mobilization reduces the season seriously. Mining start-up costs are high and in a shortened season it is impossible to reach the point in production where a profit can be realized.

The third issue is the economic impact on persons living in Nome and the outlying communities of Teller, Brevig Mission and Council.

Alakanuk, Brevig Mission, Chevak, Elim, Emmonak, Gambell, Golovin, Hooper Bay, Kotlik, Koyuk, Mckoryuk, Mountain Village, Newtok, Nightmute, Nome, Pitka's Point, St. Mary's, St. Michael, Savoonga, Scammon Bay, Shaktcolik, Sheldon Point, Stebbins, Teller, Toksook Bay, Tununak, Unalakleet, White Mountain

The Nome/Teller road connects to the town of Teller and is also utilized by residents living Brevig Mission since materials are brought to Teller by road and then brought across the ice to Brevig Mission. This year for instance, the materials to rebuild the Brevig Mission store, which burned this winter, need to be brought to Teller by truck and brought across the ice to reduce costs and to speed construction of the new store.

On the Taylor Highway, the communities of Eagle and Chicken are dependent upon the road system for supplies. The delivery of fuel and building supplies are particularly affected since they cannot be economically delivered by air.

The road system is also an important part of subsistence access for residents of these areas. A substantial number of residents travel to their camps along the road system in the spring for spring subsistence activities. In the Nome area there are over 200 individual campsites in just the Sitnasuak Native Corporation area.

The fourth issue is the loss of tourist related revenue. The Taylor Highway is a prime tourist destination for many of those traveling with the larger tour groups and for tourists who are driving to Alaska and touring by automobile or Recreational Vehicle. To access Canada the Boundary Cutoff must also be open. Those supplying services along this route depend upon the tourist trade to make their operations viable. The McCarthy Road is also a prime tourist destination.

In the Nome Region, not opening the roads seriously impacts what has been a growing tourist destination. Bird watchers have discovered that they can travel to the Seward Peninsula and view many species of birds that are typically native to Asia. The tours utilize portions of the Kougarok Road, the Nome/Council Road, and the Nome/Teller Road. These tours are booked well in advance and changing road opening dates will eliminate nearly all of those activities this spring. The bird watchers come to Nome, stay in the local hotels, eat in the local restaurants, shop at local stores and gift shops, and use rental vehicles to drive out to the watching areas. Nome has already been hard hit by the closing of Alaska Gold Company mining operations. The loss of these spring tourists will be another significant blow for a number of Nome's businesses.

Nome also has limited fishing guiding industry. It has developed a spring clientele who comes to Nome in late May and Early June for fly-fishing for trout and grayling in the Council area.

The bookings for bird watching and fishing for this spring have already been made and operators have made financial commitments based on these bookings.

If roads are going to be allowed to melt open, this decision needs to be made far enough in advance, so that other arrangements can be made. Just as for mining, shortening the season substantially reduces profitability and discourages the economic development that we should be encouraging.

Alaska State Legislature

SESSION

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INTERIM

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MEMBER

Community & Regional Affairs Committee
Health, Education & Social Services Committee
House Resources Committee
Special Committee on Fisheries



Representative Carl M. Morgan, Jr. District 36

HOUSE FINANCE COMMITTEE
MARCH 8, 1999
TAYLOR HIGHWAY

CHAIRMAN MULDER AND MEMBERS OF THE COMMITTEE, I AM HERE TODAY TO EXPRESS CONCERNS I HAVE OVER THE TAYLOR HIGHWAY. THE ALASKA PORTION OF THE TAYLOR HIGHWAY IS ABOUT 200 MILES LONG AND RUNS FROM TOK, THROUGH CHICKEN, EAGLE, AND BOUNDARY AND CONNECTS TO THE TOP OF THE WORLD HIGHWAY IN THE YUKON TERRITORY.

THE DEPARTMENT OF TRANSPORTATION HAS OUTLINED FISCAL YEAR 99 COST SAVINGS OF \$316,000 FOR NOT OPENING SEVERAL HIGHWAYS THIS SPRING, INCLUDING THE TAYOR, DENALI, COPPER RIVER AND NOME HIGHWAYS. SPECIFICALLY, I WOULD LIKE TO ADDRESS THE \$142,500 COST SAVINGS PROPOSED FOR THE TAYLOR HIGHWAY. I FEEL THAT REDUCING FUNDS FOR SNOW REMOVAL CREATES LIFE, HEALTH, SAFETY AND ECONOMIC ISSUES THAT FAR OUTWAY THE COST SAVINGS AS SHOWN BY THE GOVERNOR IN HB 100, THE SUPPLEMENTAL BILL.

PAGE TWO

I RECENTLY TRAVELED TO MY DISTRICT AND THE PEOPLE VOICED THEIR CONCERNS REGARDING THE DELAY IN OPENING THE TAYLOR HIGHWAY. FURTHER, I HAVE RECEIVED NUMEROUS LETTERS AND PHONE CALLS SINCE MY RETURN TO JUNEAU. I AM PROVIDING THESE LETTERS AND NEWSPAPER CLIPPINGS FOR YOUR REVIEW.

WHEN THE GOVERNOR BROUGHT FORTH HIS REDUCTIONS FOR FISCAL YEAR 99, HE STATED THAT THESE REDUCTIONS WERE TARGETED TO AREAS WHICH WOULD HAVE MINIMUM IMPACT ON THE CITIZENS OF THE STATE. I AM HERE TO LET YOU KNOW THAT THE COSTS TO THE RESIDENTS, VISITORS AND BUSINESSES OF SOUTHCENTRAL ALASKA FAR EXCEED THE \$142,500 COST SAVINGS TO THE FISCAL YEAR 99 BUDGET. THIS IS NOT A 'MINIMUM IMPACT' AS STATED BY COMMISSIONER PERKINS.

THE DELAY WILL HAVE A SIGNIFICANT LOSS TO THE TOURISM TRADE IN THE REGION AND WILL ADVERSELY EFFECT THE EFFORTS OF BUSINESSES AND INDIVIDUALS TO PROMOTE THE "TOP OF THE WORLD" HIGHWAY AS AN ALTERNATE ROUTE TO THE ALASKA HIGHWAY. ALREADY IT IS TOO LATE TO RE-ROUTE TOURISM PLANS AND SCHEDULES; LODGING AND RV RESERVATIONS. IF THE TAYLOR HIGHWAY IS NOT MAINTAINED AS IN THE PAST, ALTERNATIVE MEASURES FOR THE TOURISM INDUSTRY OF FLYING PASSENGERS OR CANCELING OPERATIONS UNTIL JUNE 1, COULD RESULT IN A POTENTIAL REVENUE LOSS OF \$1.4 MILLION DOLLARS. THE STATE WILL BE RESPONSIBLE FOR THE LARGE BUSES AND THEIR PASSENGERS WHEN THE ROAD PROVES HAZARDOUS.

PAGE THREE

THERE ARE AN ESTIMATED 80 PERMITTED MINES IN THE TOK, CHICKEN, EAGLE AND BOUNDARY AREA. THESE MINERS WILL BE IMPACTED BECAUSE THEY HAVE ONLY A SMALL WINDOW OF OPPORTUNITY TO ACQUIRE FUEL AND FOOD FOR THE MINING SEASON. THEY WILL BE UNABLE TO REACH THEIR CLAIMS IF THEY CANNOT HAUL THEIR FREIGHT BY APRIL 1, LOSING THE ENTIRE MINING SEASON. THESE COMMUNITIES ARE COUNTING ON THE DELIVERY OF FUEL, FOOD AND BUILDING MATERIALS AND CANNOT WAIT UNTIL JUNE 1, TO RECEIVE THEM.

FURTHER, HAVING MOTHER NATURE TAKE CARE OF THE TAYLOR HIGHWAY OPENING MAY RESULT IN A ROAD WASH OUT. THE COST TO REPAIR THE CULVERTS/WASHOUTS WOULD GREATLY EXCEED THE ESTIMATED SAVINGS.

I APPRECIATE THIS BODY AND THE GOVERNOR'S COMMITMENT IN COVERING THE CURRENT YEARS SHORTFALL. HOWEVER, I BELIEVE THE ALLOCATED COST SAVING MEASURES PROPOSED BY THE GOVERNOR SHOULD BE DONE BY OTHER MEANS.

I WOULD LIKE TO ASK THE COMMITTEE TO CONSIDER ALTERNATIVE MEASURES TO THE GOVERNOR'S PROPOSAL, AND ALLOW THE TAYLOR HIGHWAY TO OPEN ON TIME (END OF MARCH.)

Subject: student voice-Marina Trudelle

Date: Fri, 26 Feb 1999 11:19:12 +0000

From: "Marina Trudelle" <mtrudelle@eagle.agsd.schoolzone.net>

Organization: Alaska Gateway School District

**To: senator_georgianna_lcoln@legis.state.ak.us, joseph_perkins@dot.state.ak.us,
Representative_Carl_Morgan@legis.state.ak.us**

Hello my name is Marina Trudelle and I am from Eagle. I read** that the state was going to stop maintaing the road here.Me and many others think this will cause a lot of problems. This could likely rusult in a lot of problems including:

floods,

negative impacts on local problems,

delays for tourist and coaches,washouts,unchecked rock slides,untended Frost heavens,no glacier removal,more ruts,bumps and chuckholes,damage to local ans highway private property,delays in fuel deliveries,delay in building materal deliveries,greater risk for accidents,loss of accesiblity for local residents and miners,and possib loss of airport access and school bus route.

. You see i am 16 years old and I work on the Yukon Queen.They are building another boat so that two coaches can come in. And if the road was closed then that would mean that I and others will be out of a job. so please can you take into consideration of keeping the roads nice for us to drive in.Thank you for listeing.

Sincerly Marina Trudelle



March 5, 1999

The Honorable Carl Morgan
Alaska State Capital
Juneau, AK 99801

RE: Taylor Highway Maintenance

Dear Mr. Morgan,

It is my understanding that maintenance will be delayed on the Taylor Highway until June 1. This delay in maintenance will have a strong economic impact on our operation. We have operated on the Taylor Highway for several years and depend on this road being maintained for the safe passage of our motorcoaches from Tok to Eagle. We have planned our tours and itineraries according to how the Taylor Highway has been maintained in previous years. It was a surprise to learn that maintenance this year was going to be delayed until June 1.

This year we will begin our operation on the Taylor Highway May 19. Our capacity for this tour is 110 passengers in each direction. If the Taylor Highway is inaccessible we will be forced to fly passengers between Tok and Eagle. With the cost of chartering aircraft to fly 220 people between Tok and Eagle at \$15,000 per day, we are looking at a total cost of \$195,000. If in the future we could not depend on the Taylor Highway being maintained as in the past, and we were forced to cancel operations until June 1 our company could see a potential revenue loss of \$1,478,620. This figure was calculated assuming 220 passengers traveling each day between Fairbanks and Dawson from May 19 to June 1. The price of the tour between Fairbanks and Dawson is \$517 per person.

I thank you for your time and appreciate any effort to support funding for the maintenance of the Taylor highway as it has been maintained in the past.

Sincerely,

A handwritten signature in cursive script that reads "Ken Bechtel".

Ken Bechtel
Fairbanks Division Manager

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF ADMINISTRATIVE SERVICES

TONY KNOWLES, GOVERNOR

P.O. BOX 110650
JUNEAU, ALASKA 99811-0650
PHONE: (907) 465-3082
FAX: (907) 465-2499

March 8, 1999

The Honorable Eldon Mulder
The Honorable Gene Therriault
House Finance Committee, Co-Chair
State Capitol, Room 507 and 511
Juneau, AK 99801-1182

Dear Representatives Mulder and Therriault:

The Departments of Health and Social Services (DHSS) and Community and Regional Affairs (DCRA) were asked to review whether additional federal funds from welfare savings, Temporary Assistance for Needy Families (TANF), could be used to supplant general funds in the Day Care Assistance Program (DCAP), thus reducing the cost of the supplemental bill. Both Departments have reviewed this proposal and determined that \$1.8 million in additional general fund savings could be generated in DCAP, thus creating savings in the current fiscal year.

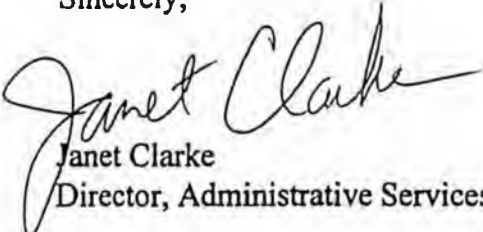
In the FY99 budget the DCAP program was cut by \$4.0 million and replaced with federal TANF funds. This would raise the general fund reduction to \$5.8 million. Both departments would like to emphasize that this reduction is not based on retroactively supplanting funds, which would present a number of federal and other legal issues, but is based on implementation beginning April 1, 1999.

With this reduction the net impact of all sections for DHSS in the supplemental bill is a savings of over \$1.0 million. In other word, DHSS sections have generated savings of more than a net zero.

TANF federal funds are available because welfare caseloads in the Alaska Temporary Assistance Program have continued to decline, thus generating federal dollars that can be used for this purpose. The current version of HB 100 does need to be amended to allow DHSS to receive and expend the additional federal dollars that will be transferred to DCRA. The suggested language for these additional funds is enclosed.

If you have questions, or need additional clarification regarding this information, please contact me at 465-1630.

Sincerely,


Janet Clarke
Director, Administrative Services

Enclosure

cc: Representative Con Bunde, Capitol Building, Room 501
Representative Gary Davis, Capitol Building, Room 513
Representative Alan Austerman, Capitol Building, Room 434
Representative Richard Foster, Capitol Building, Room 410
Representative Ben Grussendorf, Capitol Building, Room 415
Representative Vic Kohring, Capitol Building, Room 421
Representative Bill Williams, Capitol Building, Room 502
Representative John Davies, Capitol Building, Room 422
Representative Carl Moses, Capitol Building, Room 500
Elmer Lindstrom, Special Assistant
Lisa Emerson, Budget Analyst, Administrative Services
Jim Nordlund, Director, Public Assistance
Randy Moore, Administrative Manager, Public Assistance
Verne Skagerberg, Budget Analyst, Administrative Services

Section 9 (l) of CSHB 100 (FIN) should be amended to read:

	ALLOCATIONS	APPROPRIATION ITEMS	GENERAL FUND	OTHER FUNDS
Public Assistance Admin		<u>66,518,000</u> [65,466,100]	<u>25,491,000</u> [25,521,000]	<u>41,027,000</u> [39,945,100]
Public Assistance Administration	<u>1,653,100</u> [1,683,100]			
Quality Control	988,100			
Public Assistance Field Services	22,581,700			
Fraud Investigation	1,156,400			
Public Assistance Data Processing	4,919,900			
Alaska Work Program	10,424,100			
Child Care Benefits	<u>24,794,700</u> [23,712,800]			

Dept	BRU/ Component	Description	Gov's Sec#	Federal	GF Total	Other	Other Fund Source	Total
		Supplemental allowance in budget plan			-16,500.0			-16,500.0
CRA		Disaster: Extend lapse date for 1997 Bristol Bay/Kuskokwim River disaster relief to 6/30/2001	1					0.0
DMV		Disaster Relief Fund	2	2,400.0	12,608.1			15,008.1
	✓	Southeast Rain/Wind Disaster 2,730.0 GF	2					0.0
	✓	Endicott Mountain Flood 278.1 GF	2					0.0
	✓	Western AK Fisheries Disaster 2,400.0 Fed 9,600.0 GF	2					0.0
DNR	✓	Disaster: Fire Suppression	3		7,000.0			7,000.0
LAW	✓	Judgments	4		2,094.9	15.3	P/E Retire	2,110.2
TOTAL DISASTERS & JUDGMENTS					2,400.0	6,203.0	15.3	7,618.3
DOC	Cook Inlet	Reduce Cook Inlet staffing vacancy to assist and address overcrowding at CIPT.	5	a		350.0		350.0
✓ DOC	Inmate Health Care	Inmate Health Care	5	b		500.0		500.0
✓ DOC	Institution Director's Office	Alternative housing for May & June	5	c		300.0		300.0
✓ DOC	Out-of-State contracts	Out-of-state beds contract price adjustment per agreement in May to budget beds at \$45 while RFP was on the street	5	d		4,288.1		4,288.1
✓ DOC	Transportation & Class.	Prisoner Transport	5	e		365.0		365.0
✓ DOC	Existing CRCs	Community Residential Centers reductions due to timing changes	5	f		-175.0		-175.0
✓ DOC	Nome Culturally Relevant CRC	Community Residential Centers reductions due to timing changes	5	g		-300.0		-300.0
✓ DOC	Bethel Culturally Relevant CRC	Community Residential Centers reductions due to timing changes	5	h		-50.0		-50.0
TOTAL CLEARY					0.0	6,278.1	0.0	6,278.1
✓ DOA	Finance	Travel savings analysis	6	a			35.0	Stat Desig 35.0
✓ DOA	General Services	Federal surplus property fund	6	b			100.0	Surpl Prop 100.0
✓ DOA	Leasing	Underfunding	6	c		678.4		678.4
✓ DOA	Office of Public Advocacy	Underfunding	6	d		563.0		563.0
✓ DOA	Public Defender	Underfunding	6	e		297.0		297.0
✓ DOA	Pioneers Home	Certified nurse aides for Pioneers Homes with critical shortages	6	f			500.0	Pioneers' Home Rec 500.0
✓ DOA	Pioneers Home	Pioneers Home boiler replacement in Fairbanks	6	g			500.0	Pioneers' Home Rec 500.0
✓ DOA/REV	Pioneers Home	Repeal AHFC appropriations and reappropriate for Pioneers Home boiler replacement in Fairbanks (net zero 537.0)	6	h				AHFC Rec 0.0
CRA		Power Cost Equalization program from PCE fund	7			1,700.0	Power Cost	1,700.0
DOC	Correctional Industries	Pay vendors for supplies & materials	8			750.0	Corr Ind	750.0
✓ Debt Service		FY99 debt payments below estimate	9			-1,143.9		-1,143.9

Dept	BRU/ Component	Description	Gov's Sec#	Federal	GF Total	Other	Other Fund Source	Total
✓ DOE	AVTEC	Marine Vessel Simulator receipts	10 a	2,500.0				2,500.0
✓ DOE	Foundation	Foundation formula reduction - Alyeska Central School summer school	10 b		-1,500.0			-1,500.0
✓ DOE	Voc Rehabilitation	Change funding source from Statutory Designated PR to the Vocational Rehabilitation Small Business Enterprise Fund.	10 c			0.0		0.0
✓ HSS		Reduce Emergency Medical Services Communications Equipment capital project	11 a		-30.0			-30.0
✓ HSS		Reduce Vital Statistics Archive Imaging and System Replacement capital project	11 b		-20.0			-20.0
✓ HSS		Reduce Welfare Reform Information System and Office Automation capital project	11 c		-200.0			-200.0
✓ HSS		Reduce Client Data Integration capital project	11 d		-25.0			-25.0
✓ HSS	Chronic and Acute Medical Assistance	(Formerly General Relief Medical - GRM) Underfunded for anticipated caseload	11 e		1,200.0			1,200.0
✓ HSS	Rural Services Grants	Alcohol and drug abuse reduction	11 f		-84.0			-84.0
✓ HSS		Community Mental Health Grants reduction	11 g					0.0
✓ HSS	Psychiatric Emergency Services	Community mental health grant reduction	11 h		-55.0			-55.0
✓ HSS	Services to the Chronically Mentally Ill	Community mental health grant reduction	11 h		-100.0			-100.0
✓ HSS	Services for Seriously Emotionally Disturbed Youth	Community mental health grant reduction	11 h		-69.6			-69.6
✓ HSS	Nursing	State Health Services reduction	11 i		-10.0			-10.0
✓ HSS	Healthy Families	State Health Services reduction	11 j		-20.0			-20.0
✓ HSS	Community Health Grants	State Health Services reduction	11 k		-20.9			-20.9
✓ HSS	Public Assistance Administration	Public Assistance Administration reduction	11 l		-30.0			-30.0
✓ HSS	Subsidized Adoptions	Caseload growth	11 m	164.3	656.9			821.2
✓ HSS	Community Developmental Disabilities Grants	Reduction	11 n		-387.0			-387.0
✓ HSS		Prior year medical claims	11 o		20.6			20.6
✓ DNR		Insert performance bond language	12					0.0
✓ LAW	Oil & Gas Litigation	Oil & Gas Litigation reduction	13		-100.0			-100.0
✓ DNR	Recorder's Office	Increased workload	14		92.0			92.0

Dept	BR//Component	Description	Gov's Sec#	Federal	GF Total	Other	Other Fund Source	Total
✓ DPS	Alaska State Troopers	Net zero 200.0 transfer from AST to AST Detachments	15 a,b					0.0
✓ DPS	AST Detachments	Unanticipated costs	15 c		312.7			312.7
✓ DPS	Fish & Wildlife Protection	Lapse date extension to allow for replacement of vessels	16					0.0
✓ DOR	Child Support Enforcement	Replace federal funds lost due to lower ATAP collections	17		880.0			880.0
✓ DOT	International Airports	Add/delete capital supplemental for Fed Aviation program	18 a	1,051.1				1,051.1
✓ DOT	International Airports	Add/delete capital supplemental for Fed Aviation program	18 b			-1,051.1	IARF	-1,051.1
✓ DOT	International Airports	Capital supplemental scope change	18 c					0.0
✓ DOT	Measurement Standards	Transfer unused GF/PR to Design & Engineering	18 d		100.0			100.0
✓ DOT	M&O	Statewide Facility Maint: Harborview facility maintenance	18 e		235.0			235.0
✓ DOT	M&O	Amend allocation relating to sec. 18(e)	18 f					0.0
✓ DOT	Measurement Standards	Delete GF/PR where receipt shortfalls are forecast in FY99	18 g		-364.0			-364.0
✓ DOT	Cent. Rgn Hiways & Av	Delete GF/PR where receipt shortfalls are forecast in FY99	18 h		-21.8			-21.8
✓ DOT	No. Rgn Hiways & Av	Delete GF/PR where receipt shortfalls are forecast in FY99	18 i		-21.8			-21.8
UoA	UAF	Arctic Research Center projects	19 a			7,000.0	UA Rec	7,000.0
UoA	UAF	Reduce appropriation	19 b					0.0
UoA	UAF	Fairbanks Campus reduction	19 c					0.0
UoA	UAF	Fairbanks Campus reduction by fund source	19 d	-3,500.0				-3,500.0
UoA	UAF	Fairbanks Campus reduction by fund source	19 e			-3,500.0	Student Tuition	-3,500.0
Various Agencies	<i>DISS, DOA</i>	Miscellaneous claims & stale dated warrants	20		69.0			69.0
SUBTOTAL - DELETE/ADD SUPPLEMENTALS					215.4	901.6	6,033.9	7,150.9
All dept		Belt tightening reductions	21 a,b,c,d	-6,251.0	-6,251.0			
TOTAL DELETE/ADD SUPPLEMENTALS					-6,035.6	-5,349.4	6,033.9	
DOA		Ratification: FY95 Telecommun Services (32.3) ISF	22 a1A					
DOA		Ratification: FY97 OPA Computerization (.1)	22 a1B					
DOA	Central Duplicating	Ratification: FY98 shutdown costs (193.6)	22 a1C					
CRA		Ratification: FY96 Rural Development Grants (.1)	22 a2					
DFC		Ratification: FY97 Lab Analysis (1.8)	22 a3					
LAW		Ratification: FY97 Ketchikan Pulp (1.4)	22 a4					
DOR		Ratification: FY97 Child Support Enforcement (43.4)	22 a5					
DOE	District Support	Ratification: Adak school district close-out (FY97 & FY98) (136.2)	22 b					

Dept	BRU/ Component	Description	Gov's Sec#	Federal	GF Total	Other	Other Fund Source	Total
DNR	Fire Suppression	Ratification: FY98 fire (disaster) costs (5,391.0)	22	c				
		RATIFICATIONS						
		Lapse Provisions	23					
		Retroactivity	24					
		Immediate effective date	25					

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-6077
FAX: (907) 465-2332

MEMORANDUM

TO: Annalce McConnell
Director
Office of Management and Budget

FROM: *for* Frank Rue *K Brooks*
Commissioner
Department of Fish and Game

DATE: February 26, 1999

SUBJECT: FY99 Supplemental Request
Amendment

The Department of Fish and Game has identified an additional two-year-old invoice, which brings our total Miscellaneous Claims request to \$1,600.40. Attached is a copy of the revised spreadsheet as well as the outstanding invoice.

If you have any questions or require additional information, please call me or Kevin Brooks in the Division of Administration at 465-5999.

Attachments

cc: Kevin Brooks
Margie Ridgeway
Geron Bruce
Kim Garner

02-26-99

15:39

RECEIVED FROM: 9074656078

P.M.

1999 Supplemental Appropriation

<u>Vendor</u>	<u>PVN</u>	<u>Invoice</u>	<u>Amount</u>
American Express	AME94300	3782 917521 81007	\$480.00
ATU Telecommmunications	ATU84020	5214TC	\$1,032.75
Fish & Wildlife Reference Svc	FWR87085	17210	\$5.10
Rayco Sales	RAS86077	24	\$50.00
Rayco Sales	RAS86078	1	<u>\$32.55</u>
Totals			\$1,600.40

FROM: BOEING MUN. DIRECTOR

FILE NO.: 9074656078

02-26-99 07:39 P.M.

Please enter Corporate Account Number on all checks and correspondence.

Corporate Services

8 1 124000 4
 Cash card account
 telephone number
 changed. Please note
 changes on reverse side.

ACCOUNT CANCELLED. RETURN ALL CHARGE CARDS.
 PAY BALANCE BY 02/26/99 AND AVOID
 FURTHER DELINQUENCY CHARGE.

Corporate Account Number: 3782-917521-81007
 Statement Closing Date: 02-04-99
 Total Amount Due: \$2,009.55

REAUME/DOA-BSSJ-BTA
 THE STATE OF ALASKA
 PO BOX 25526
 JUNEAU AK 99802-5526

MAIL PAYMENT TO:
 AMERICAN EXPRESS
 SUITE 0001
 CHICAGO IL 60679-0001



8291752189 002009550000052382

Detach here and return upper portion with check or money order. Do not staple or fold.

Summary of Corporate Card Account

Retain this portion for your files.



Corporate Services

Corporate Cardmember Name: REAUME/DOA-BSSJ-BTA
 Corporate Account Number: 3782-917521-81007
 Statement Closing Date: 02-04-99

11 15-3899 / 51 PG / 1 OF 2 / 1 02 / 11 210 000052826/BUHO1182

Previous Balance	New Charges	Other Debits	Payments Received	Other Credits	Total
\$1,857.17	\$.00	\$52.38	\$.00	\$.00	\$2,009.55

Card Number	Cardmember Name	Total Charges	Total Credits
3782-917521-81007	PREVIOUS BALANCE	\$1,857.17	
	REAUME/DOA-BSSJ-BTA	\$52.38	
	TOTAL CHARGES AND CREDITS	\$52.38	
	BALANCE DUE	\$2,009.55	
	000000 all 480 5444.44 11600706 - 11600000 - 72340 \$ 9,200.42 11600806 - 11600000 - 72310 \$ 797.55 OK 11600006 - 11600000 - 72991 (later)		F497 - 497 F498 F499
	<i>Delinquency Charges</i>		
	<i>Pay Federal funds</i>		

PAGE 1 OF 2

after closing date above will appear on next month's statement.

ACCOUNT, CALL TOLL-FREE 1-800-528-2122 OR WRITE US AT
 RIDERDALE, FL 33029-7812.

330.0+
 312.0+
 117.55+
 003
 2009.55+

02-26-99

15:39

707413574 YHT

RECEIVED FROM: 9074656078

207413574 P.05

THE STATE OF ALASKA
 PO BOX 25526
 JUNEAU AK 99802
 3782-917521-81007

AMERICAN EXPRESS BUSINESS TRAVEL ACCOUNT

12299

Month	New Charges	Delinquent	Other Debits	Payments	Credits	Balance Due	Recon	Balance	Actual Payment Amt.	Over/Short	Total	Variance
Aug 1997	\$4,962.00	\$10.00	\$0.00	(\$191.00) (\$191.00)	\$0.00	\$9,944.91	\$4,972.00	(\$4,552.00) (\$2,571.00) (\$1,981.00)	\$420.00		\$899.91	
Sep 1997	\$4,639.00	\$0.00	\$0.00	(\$8,045.00) (\$2,069.00) (\$2,424.00) (\$2,571.00) (\$1,981.00)	(\$288.00)	\$6,270.91	\$4,371.00	(\$4,371.00) (\$4,371.00)	\$0.00		\$899.91	
Oct 1997	\$6,899.19	\$0.00	\$8.00	(\$4,371.00) (\$4,371.00)	\$0.00	\$7,794.10	\$6,899.18	(\$6,899.18) (\$4,312.19) (\$2,587.00)	\$0.00		\$899.91	
Nov 1997	\$5,950.92	\$0.00	\$0.00	(\$13,798.39) (\$4,312.19) (\$2,587.00) (\$4,312.19) (\$2,587.00)	(\$453.00)	(\$801.38)	\$5,497.92	(\$5,497.92) (\$3,040.92) (\$2,457.00)	\$0.00		\$899.91	
Dec 1997	\$7,301.71	\$0.00	\$6,899.18 \$2,587.00 \$4,312.19	(\$5,497.92) (\$3,040.92) (\$2,457.00)	(\$1,105.00)	\$7,095.09	\$13,095.37	(\$13,095.37) (\$4,312.19) (\$2,587.00) (\$2,952.10) (\$3,244.08)	(\$0.00)		\$899.91	
Jan 1998	\$4,667.00	\$0.00	\$0.00	(\$6,195.18) (\$2,952.10) (\$3,244.08)	(\$147.40)	\$6,619.51	\$4,719.60	(\$4,719.60) (\$4,719.60)	\$0.00		\$899.91	
Feb 1998	\$5,446.28	\$0.00	\$0.00	(\$4,719.60) (\$4,719.60)	\$0.00	\$6,340.17	\$6,446.26	(\$6,446.26) (\$5,440.28)	\$0.00		\$899.91	
Mar 1998	\$12,386.81	\$15.00	\$912.00 \$912.00	\$0.00	(\$688.60)	\$19,065.48	\$12,726.31	(\$11,798.31) (\$5,824.81) (\$4,049.50) (\$2,124.00)	\$927.00	912.00 deposit 15.00 debit	\$1,826.81	
Apr 1998	\$4,387.52	\$0.00	\$0.00	(\$17,238.57) (\$5,024.81) (\$4,049.50) (\$2,124.00) (\$5,440.25)	\$0.00	\$6,214.43	\$4,387.52	(\$4,387.52) (\$2,666.50) (\$1,721.02)	\$0.00		\$1,826.91	
May 1998	\$469.00	\$29.29	\$0.00	\$0.00	(\$762.00)	\$5,860.72	(\$263.71)	\$0.00	(\$263.71)		\$1,663.20	
Jun 1998	\$0.00	\$52.95	\$0.00	(\$2,656.50) (\$2,656.50)	(\$860.51)	\$2,476.60	(\$807.58)	\$0.00	(\$807.58)		\$756.64	

FROM: BOB G. HON. DIRECTOR

FM: 10.1

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2075

February 26, 1999

The Honorable Sean Parnell
Co-chair, Senate Finance Committee
State Capital
Juneau, Alaska 99811

Re: Judgments and Claims –
Senate Bill No. 83, Sec. 4

Dear Senator Parnell:

At the Senate Finance Committee meeting on February 23, 1999, Senator Donley requested that I provide the committee an answer to question 5 on the Department of Law's judgments and claims form for each of the items for which an appropriation is sought in the FY99 supplemental budget bill (Senate Bill No. 83). The backup for Sec. 4 of the bill includes this form for each judgment/claim. However, some of the forms did not include an answer to question number 5, and some of the answers to that question were quite brief. This letter provides the information requested by the committee. I have also included a "Background" discussion for each case to give you the context for the recommendations.

Question 5 reads as follows: Any recommendations concerning cases of this type in the future?

1. *State CSED v. Barnette*

Background: This case involved the entry of a default judgment against a child support obligor. It was determined that the default was wrongly entered because the obligor was in the military serving on a military base at the time, and federal law prohibits entry of a default judgment against a person in the active military until an attorney is appointed.

Recommendations for future cases: The state needs to be careful when seeking a default judgment to be sure all requirements of the law have been met.

2. *State CSED v. Savage*

Background: In this case CSED sought to collect arrears and modify a child support order in Alaska under the Uniform Interstate Family Support Act even though neither the obligor, the mother, or the child lived in Alaska. The superior court ruled that Alaska could collect the arrears but could not modify the ongoing child support obligation.

Recommendations for future cases: This type of case will not recur. CSED has changed its policy concerning modification of child support orders, and now seeks modification in the state where the obligor lives.

3. *Dissolution of Marriage -- Hendren*

Background: In this case, the father had custody under the parties' dissolution. Later the father sent the child to live with the mother. The mother then applied for and received public assistance. CSED sought reimbursement from the father for public assistance received by mother. The superior court entered judgment against the father, and the Alaska Supreme Court reversed, holding that the state must modify the support order in order to obtain reimbursement.

Recommendations for future cases: We have advised CSED that when they identify cases where a non-custodial parent receives public assistance for a child, they should immediately refer the case to Law. We will then move for modification of the support order. By doing so, we can minimize the impact of the court's decision on the ability of the state to obtain reimbursement for public assistance.

4. *Kachemak Bay Conservation Society v. State*

Background: This was a challenge to oil and gas lease sale 85A. While this case was pending, the Alaska Supreme Court decided the lease sale 78 case, in which the court ruled that DNR must analyze the cumulative effects of a project in making its best interest findings and consistency determination. The lease sale 85A was then remanded to DNR for that analysis. The superior court found that the Kachemak Bay Conservation Society, a public interest litigant, was the prevailing party because the cumulative effects issues was the central issue in the case.

Recommendations for future cases: In the lease sale 78 case, the Alaska Supreme Court found that notwithstanding a coastal district's consistency determination, DNR must do an independent consistency determination. DNR is now following this ruling in making its best interest findings and consistency determinations.

5. *Wrightson v. State*

Background: This was a paternity case in which the court found paternity by estoppel. The father appealed on the grounds that he wanted a paternity test. The Alaska Supreme Court held that the trial court erred in taking the father's statement "I admit that I am called the father" as an admission and remanded the case for the trial court to decide whether to order a paternity test or hold a hearing on the estoppel issue.

Recommendations for future cases: Test results have now confirmed the father's paternity of the two children. In the future, we may want to urge paternity testing even after a court judgment of paternity has been entered when the father is seeking such relief.

6. *Boyd v. State DOTPF*

Background: This was a wrongful termination case brought by a senior level employee. Mr. Boyd separated from state service in 1993. The problem with the case was the process used for the evaluation and discharge of Mr. Boyd. The issue of greatest concern was the claim of breach of the covenant of good faith and fair dealing, a term that is inferred in every employment relationship.

Recommendations for future cases: More training in supervision and state evaluation policies might help avoid similar lawsuits in the future. Additional training would help ensure that managers do not make inadvertent mistakes in these areas.

7. *Khan v. State DMVA*

Background: This was a case brought in federal court alleging discrimination on the basis of race, national origin, and religion. Dr. Khan was laid off from DMVA in 1995. He also had a case pending before the Alaska State Commission for Human Rights, which concluded that there was substantial evidence to support the discrimination claims. In addition, Dr. Khan had grieved his layoff, and the arbitrator concluded that DMVA has failed to demonstrate that it had legitimate financial reasons for laying him off. This case had poor facts for the state.

Recommendations for future cases: More training in supervisory techniques might be helpful in avoiding these kinds of cases in the future. Layoff decisions should be carefully made and well documented, as should decisions not to rehire. If the allegations of discrimination were true, additional training in discrimination law would be warranted.

8. *Weiss & Alaska Center for the Environment v. State (Superior Court)*

Background: This was the case involving the defense of the proposed settlements of the Mental Health Trust Lands litigation. This judgment and no. 9 below are for attorney's fees and costs awarded by the court to the intervenor plaintiffs in this matter. The Alaska Supreme Court held that the intervenors were public interest litigants and that they were the prevailing party. Thus, they were entitled to full reasonable attorney's fees.

Recommendations for future cases: Mental health trust lands and the cash deposits in the trust settlement should be managed consistent with trust principles and the settlement legislation to avoid future claims of breach of trust.

9. *Weiss & Alaska Center for the Environment v. State (Supreme Court)*

See no. 8 above.

10. *Newton v. State Dept. of Labor*

Background: This was a federal whistleblower complaint filed against the Department of Labor in the U.S. Department of Labor. Mr. Newton was employed as an electrical inspector assigned to the Joint Pipeline Office. He was laid off in 1996. Mr. Newton alleged that he was terminated in retaliation for raising electrical safety concerns with the TAPS.

Recommendations for future cases: The Department of Law has provided training for supervisors with the Department of Labor on protected activity under the federal whistleblower statutes to try to prevent this type of case happening again. A problem with this case was Alyeska's history of treatment of whistleblowers, the very people that were working side-by-side with Mr. Newton.

11. *Vidal v. Vidal*

Background: This case involved CSED's effort to recover public assistance reimbursement from a non-custodial parent. The parties' support order allowed the non-custodial parent to make house payments in lieu of child support. When the custodial parent applied for and began receiving public assistance, the state filed a motion to modify the parties' child support order. The motion was denied because the court did not want to disrupt the support order that was working for the parties.

Recommendations for future cases: In lieu child support arrangements present difficulties for CSED in seeking reimbursement for public assistance. We did not appeal the decision in this case due to procedural problems with the record below. In addition, we have two cases now pending before the Alaska Supreme Court, which raise similar issues. Finally, we will be watching for a case that raises this issue

again, and will take steps to ensure the record is fully developed to provide a good foundation for appeal if such is necessary.

12. *Waltz v. Waltz*

Background: This case involved CSED's effort to modify a child support order so that the state could be reimbursed for some of the public assistance it paid on behalf of the child while the child was with the mother for the summer months. The court denied the motion, reasoning that it would be unfair to require the father to pay support to the mother for the two months she was exercising summer visitation.

Recommendations for future cases: When there is a shared custody situation in which the state provides public assistance for the support of a child, the state should review the case carefully to determine whether the parents are already bearing their share of the financial support through the existing custody and support arrangement before motion to modify support or seek public assistance reimbursement is filed.

13. *Planned Parenthood of Alaska v. State*

Background: This case involves the challenge to the constitutionality of the parental consent to minor's abortion statute.

Recommendations for future cases: The constitutional challenge to this controversial statute was to be expected. One could consider evaluating the issue of attorneys fees in public interest cases, for example, to limit such fees to the amounts allowed in Civil Rule 82 or some other standard.

14. *Planned Parenthood of Alaska v. State*

Background: This case involves the challenge to the constitutionality of the statute limiting "partial birth" abortions.

Recommendations for future cases: see response to no. 13 above.

15. *Cleary v. Smith*

Background: This is an award for attorney's fees and costs for a subclass in this action from September 1, 1997 through August 31, 1998.

Recommendations for future cases: Absent extraordinary circumstances, avoid entering into settlement agreements that bind the state for more than a reasonably short period of time. Such agreements could either expire or require reevaluation so the parties could argue that changed circumstances warrant changing the terms and conditions. Also, avoid settlement agreements that are broad in scope unless the class can clearly be defined for the limited period of the agreement.

16. *Cleary v. Smith*

Background: This is another award for attorney's fees and costs ordered by the court for counsel for a subclass.

Recommendations for future cases: see response in no. 15 above.

17. *Doe v. Burton*

Background: This was a constitutional challenge brought in federal court to Alaska's Sex Offender Registration Act. The Ninth Circuit decided that Doe's complaint could proceed under a pseudonym, although the case law in other circuits supported the state's position on this issue. Attorney's fees were awarded under federal law in this 42 U.S.C. section 1983 action.

Recommendations for future cases: The issue of filing under a pseudonym will not be litigated again as we now have a Ninth Circuit ruling.

18. *Bess v. Ulmer*

Background: This case involved the "same sex marriage" constitutional amendment. The issue was whether the amendment to the Alaska Constitution was a revision that could only be adopted by constitutional convention.

Recommendations for future cases: In the future, the state should be cautious about expedited consideration of election matters because it may interfere with a more considered approach to the court's decision-making. The major problem here was caused by the simultaneous briefing schedules set by the court. The process prevented the parties from directly joining issue on certain contentions. We urged the court not to expedite proceedings in this case, but to no avail.

19. *Gabrielli v. Gabrielli*

Background: In this case, the court held that a recorded child support lien is a judgment lien and takes priority over an unrecorded deed that was unrecorded at the time the lien was recorded. However, the court ruled against CSED under the facts of this case because to do otherwise would have required the custodial mother to pay the father's child support debt (reimbursement for public assistance received by the mother) at a time when she still had minor children to support.

Recommendations for future cases: This case established an important legal ruling in the First Judicial District concerning child support liens. The facts of these cases should be carefully evaluated to determine if a court would find that application of the judgment lien rules would promote the goals of the child support statutes.

20. *Arrington v. State CSED*

Background: This case involved CSED's efforts to modify the child support obligation of a self-employed commercial fisherman. Since Mr. Arrington was self-employed, it was very difficult for CSED to determine his adjusted income. There was an administrative decision that was appealed to the court; the court remanded that decision back to the agency. Finally, the state, working with Mr. Arrington, obtained a support order that set a fair child support obligation.

Recommendations for future cases: Using the administrative process to establish child support obligations for self-employed fishermen presents a difficult challenge for CSED. The agency has already taken steps to change their method of processing and establishing child support obligations in these types of cases which should diminish the chance of litigation in the future.

21. *Totland v. State CSED*

Background: The facts of this case were very similar to those in no. 20 above.

Recommendations for future cases: see response to no. 20 above.

22. *Minder v. State, Alaska Oil and Gas Conservation Commission*

Background: Mr. Minder sued the AOGCC after his position was eliminated due to budget cuts. He alleged retaliation for whistleblowing and other causes of action.

Recommendations for future cases: The most significant risk of exposure posed by this case was the whistleblower claim. Under the whistleblower law, it can be difficult to prove that an adverse personnel action is not the result of an employee's criticism of an employer, even when other legitimate reasons can be articulated. As a result, agencies should be careful in their responses to acts that might later be viewed as a criticism or a whistleblowing event. Unfortunately, even a measured response cannot entirely eliminate the risk that an employee will later allege retaliation if the employee receives an adverse personnel action such as a poor evaluation, dismissal, or, as here, a layoff.

23. *Brockman v. State DOC*

Background: In this case the plaintiff alleged that she was terminated from the Department of Corrections in violation of the whistleblower law. The facts leading to the lawsuit began in 1992 and 1993. She filed suit in 1995. DOC's position was that the employee was terminated because of performance issues. There were factual problems with the case in that certain critical personnel records had been purged from the file in the department's effort to enable the employee to "wipe the slate clean."

The state unsuccessfully tried to have the whistleblower claims dismissed by making arguments about the scope of protection under the statute.

Recommendations for future cases: Personnel officers should be very leery of cleaning up a problem employee's records in an attempt to give the employee a fresh start. In this case, the state's ability to show that the actions taken were fully warranted would have been severely undercut by the fact that Ms. Brockman's formal records did not reflect any problems in her performance. The personnel officer who took these steps is no longer employed by the state.

24. *Aleutians East Borough v. Rosier*

Background: In this case the commissioner of ADFG issued an Executive Order under the authority of AS 16.05.060 in derogation of a Board of Fisheries regulation. The plaintiff's filed suit challenging the commissioner's authority to take this action. The Alaska Supreme Court held that the commissioner does not have the authority to use the EO authority to act contrary to a Board regulation absent new information that was not available when the regulation was adopted.

Recommendations for future cases: This type of case will not happen again because the court decision clarified the law on this issue of importance to the Board of Fisheries and ADFG.

25. *Gaylene's Word Services v. Alaska Court System*

Background: This was a contract claim against the court system under Administrative Rule 47 concerning a contract for transcription services.

Recommendations for future cases: The court system is already examining its transcription service issues with the difficulties illustrated by this claim in mind, in an effort to avoid this situation developing again.

26. *Williams v. Public Employees Retirement System (Superior Court)*

Background: This case involved an appeal of a denial of occupational disability benefits; the PERS Board denied the appeal by a tie vote. The issue of the effect of the tie vote was appealed to court. The superior court ordered that the 7th member of the Board review the tapes of the proceedings and cast the deciding vote. The Alaska Supreme Court affirmed, holding that the PERS Board should have a regulation in place addressing the effect of a tie vote.

Recommendations for future cases: The PERS Board has now adopted a regulation addressing tie vote procedures, so this type of case will not happen again.

27. *Stalaker v. Williams (Supreme Court)*

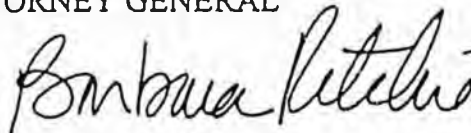
See response to number 26 above.

That completes all of the currently pending judgments/claims. Please contact me know if you have any further questions.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:



Barbara J. Ritchie
Deputy Attorney General

cc: Senate Finance Committee
House Finance Committee
Kathryn Daughettee, Administrative Services Director, DOLaw
Joan Brown, Budget Analyst, OMB
Legislative Finance

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

TONY KNOWLES, GOVERNOR

REPLY TO:

PO BOX 112000
JUNEAU, ALASKA 99811-2000
PHONE (907) 465-3376

March 3, 1999

Honorable Eldon Mulder
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Mulder:

Pursuant to discussions between you, myself, Commissioner Pugh on March 2, 1999, the following is the adjusted FY99 supplemental request from the Department of Corrections.

Cook Inlet Correctional Center: (Original request \$350.0 GF) REVISED REQUEST \$170.0 GF

The supplemental need for Cook Inlet Correctional Center is being driven by several factors, primarily due to higher prisoner population levels during the first five months of this fiscal year and due to overtime used for hospital coverage. The average population at Cook Inlet from July through September was 450 to 458; this required two additional 24-hour security posts to manage this level of prisoners. During October the average was 435, November was 430 and December was 420, this required one additional 24-hour security post. The population for January and February has shown a decline and the facility has been able to reduce the use of overtime.

Inmate Health Care: \$500.0 General Funds UNREVISED

The Inmate Health Care Component has experienced drastic increases in the costs for contract medical services, laboratory services, and pharmaceutical supplies in FY99. Contract medical services are necessary to provide the full spectrum of required medical services. Pharmaceutical costs for psychotropic and HIV prescriptions have increased in FY99 by 190% and 150% respectively over prior years. In addition, the FY99 contract proposal for laboratory services was an increase of 400% over the FY98 actual contract rate. Without these supplemental funds, the Inmate Health Care Component cannot provide the minimal medical care necessary to support existing prisoner levels.

Please note that once an individual is incarcerated they are no longer eligible, under Federal law, for Medicaid, Indian Health Services, Veterans or SSI benefits.

Alternative Housing: (Original Request \$300.0 GF) REVISED REQUEST \$100.0 GF

The 1998 Legislature appropriated \$300.0 for Alternative Institutional Housing (i.e., tents) in the FY99 Operating Budget to help reduce institutional overcrowding at specific sites. These funds provided alternative housing for 120 inmates during July and August at Fairbanks (40 beds), Ketchikan (20 beds), Lemon Creek (20 beds) and Palmer (40 beds) Correctional Centers. The funds covered Correctional Officer overtime to staff the temporary posts. The Department is requesting an additional \$100.0, rather than the original request of \$300.0, of supplemental funds be appropriated to allow the two Fairbanks tents to be utilized for the months of May and June. The current population trend would not require the Department to utilize the tents in the other three locations.

Out of State Contracts: (Original Request \$4,288.1 GF) REVISED REQUEST \$3,130.0 GF

Funding is needed to cover the per day bed cost increase of the new contract with the Central Arizona Detention Center (CADC) with a peak population of 874. The CADC final contract was settled in June 1998, the new CADC contract per day rate came in at \$53.50 for beds up to 853, \$53.00 for beds over 853, and \$52.50 for beds over 1,000. Funding is also needed to cover higher than anticipated contract aircraft costs for moving prisoners to and from the CADC site due to smaller than planned group transfers. The Agency had significant difficulty processing sufficient prisoners for transport to the CADC site that resulted in smaller groups being transported than originally planned resulting in higher costs. Funds are also needed to: cover the inmate workforce at a peak population of 874; to purchase several hot food carts to meet Cleary provisions and to purchase supplies for indigent inmates; and, to cover the personal services and office support costs of two new positions added to the DOC Arizona Office (a Adult Probation Officer and Administrative Clerk).

Transportation and Classification: \$365.0 General Funds UNREVISED

The Department of Corrections (DOC) transports offenders among state correctional facilities under delegation from the Alaska Department of Public Safety. DOC Prisoner Transportation Officers are responsible for all offender transportation among existing state correctional centers and, most recently, to the out of state contract facility in Arizona. Prisoner population levels have risen beyond the bed capacity of the Department's regional prison facilities. The increased prisoner population levels have required significant prisoner transports be accomplished, both in state and out-of-state, by the five (5) Prisoner Transportation Officers (PTO's) in the Transportation and

Transportation and Classification (continued):

Classification Unit. This involves heavy overtime usage and increased transportation expenses for charter and commercial transportation. Of this need, \$135.0 is to cover transportation expenses incurred by the DOC that would normally be reimbursed via a budgeted Reimbursable Services Agreement with the Department of Public Safety. However, due to a budget shortfall in their prisoner transportation budget, they can not fully fund the RSA. An additional \$230.0 of personal services and travel funds is required to cover the costs of premium pay for the prisoner transportation officers and for routine month-to-month transportation expenses. These funds will enable the prisoner transportation officers to continue moving prisoners back and forth among institutions and out-of-state contractors so that prisoner population levels can be balanced and managed at every in-state and out-of-state correctional facility.

**Correctional Industries Product Cost: \$750.0 Correctional Industries Fund
UNREVISED**

The Department of Corrections requests authority to receive and expend an additional \$750.0 in Correctional Industries Fund receipts for FY99. Correctional Industries continues to grow primarily by word of mouth and the customer base has expanded significantly. Due to the fire at the Palmer Mt. McKinley Meat and Sausage Plant last year, the number of live animals received and processed has substantially increased for FY99 compared to FY98. Additionally, the reconfiguration and more efficient use of office space have created extra furniture orders that have filled furniture production capacity up through fiscal year-end. The increased authorization will be used to make payments to vendors primarily for live stock purchases, production raw material supplies, and related freight charges.

**Existing Community Residential Centers: (Criginal (\$175.0) GF)
REVISED (\$50.0) GF**

The Department of Corrections original supplemental (delete) for this BRU did not assume the continued delays in the Nome Culturally Relevant CRC. Due to these continued delays more beds have been procured in the Anchorage area from the Existing CRC BRU. Therefore, the delete is being changed from (\$175.0) to (\$50.0).

**Nome Culturally Relevant Community Residential Center: (Original (\$300.0) GF)
REVISED (\$480.0) GF**

The Department of Corrections issued an RFP to secure 30 to 40 new CRC beds at Nome with an emphasis towards Culturally Relevant services being provided. An award was made in response to the RFP, however, a protest was filed by another prospective bidder which tied up the building permit issued by the City of Nome. The protest was lifted after the protester purchased the business of the successful bidder but the City of Nome has not yet issued the building permit. The new Nome Culturally Relevant CRC beds will not be available before June 1, 1999 for occupancy by state prisoners. The continued delay in opening the new facility has increased the original delete of (\$300.0) to (\$480.0).

**Bethel Culturally Relevant Community Residential Center: (\$50.0) General Funds
UNREVISED**

The Department of Corrections had delays in implementing culturally relevant program services at the existing Bethel Tundra Community Residential Center and thus has a one-time general fund delete of (\$50.0) to help offset the Agency's general fund supplemental needs.

CRC Offender Supervision: (Original (\$0.0) GF) REVISED (\$35.0) GF

CRC contracts have been issued for these services and due to the contract start dates a one time delete of (\$35.0) is available to offset the Agency's general funds supplemental request.

Should you have any questions about any of the revised supplemental items, please contact me. Your assistance in presenting these items for legislative supplemental appropriation is appreciated.

Sincerely,



Dwayne B. Peeples
Director

CC: Margaret M. Pugh, Commissioner
DOC Budget/Revenue Files

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF BUDGET REVIEW

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March 3, 1999

The Honorable Sean Parnell
The Honorable John Torgerson
The Honorable Eldon Mulder
The Honorable Gene Therriault
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Finance Committee Co-Chairs:

As discussed during the Finance Committee hearings last week, here are three changes to the supplemental bill (SB 83 and HB 100).

Amend Section 4 as follows to reflect two cases removed because of appeals and three cases added:

*Sec. 4. JUDGMENTS AND CLAIMS. The sum of \$1,883,300 [\$2,110,200] is appropriated to the Department of Law to pay judgments and claims against the state for the fiscal year ending June 30, 1999, from the following sources:

General fund	<u>1,868,000</u>	[2,094,900]
Public employees retirement fund	15,300	

Amend Section 7 to read:

*Sec. 7. DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS. The sum of \$1,400,000 [\$1,700,000] is appropriated from the power cost equalization and rural electric capitalization fund (AS 42.45.100) to the Department of Community and Regional Affairs for the power cost equalization program for the fiscal year ending June 30, 1999.

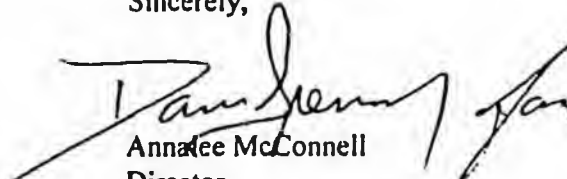
Amend Section 20, page 22, line 17 as follows:

MISCELLANEOUS CLAIMS.

DEPARTMENT	APPROPRIATION
Fish and Game	<u>\$1,600.40</u> [\$1,120.40]

Back-up material is attached. If you have any questions, please call Dan Spencer (x4681).

Sincerely,


Annalee McConnell
Director

Attachments
David Teal, Legislative Finance