

**ALASKA LEGISLATURE**

**2414**

**HOUSE and SENATE FINANCE COMMITTEE FILES,**

**2001 - 2002**

## Department of Law

### FY2002 Judgments & Claims - General Funds

Item #	Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
12	Bankston, Gronning et.al, P.C. ITF for Melissa Witteveen Melissa Witteveen v. DMV	Reversal of administrative revocation of driver's license due to supreme court striking down "use it and lose it" law	5/11/01	\$500.00	\$51.16	\$551.16	
13	Richard Brandon v. Corrections	Ambiguity as to filing fee deadline in inmate civil case	9/4/01	\$87.00	\$7.48	\$94.48	
14	Foster, Pepper, Rubini & Reeves Ulmer v. Alaska Restaurant and Beverages	Challenge to ballot initiative increasing state's liquor taxes	11/9/01	\$1,595.67	\$91.67	\$1,687.34	
15	Volland & Taylor, P.C. Cleary v. Smith	Monitoring, compliance and enforcement of the Final Order in prisoner class action	1/24/02	\$9,892.48	\$446.79	\$10,339.27	\$600,440.55

Department of Law

FY 2002 Judgments - Other Fund Sources

Item #	Case Name	Description	Date	Amount	Interest	Total	Fund Source
1	Dennis Bailey, Esq. ITF Terri Hale Terri Hale v. State, PERS	Settlement in occupational disability case	10/11/01	\$185,000.00	\$0.00	\$185,000.00	PERS Fund

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

\*\*This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. If any of the information changes, please immediately advise the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. **Case Name:** Cleary v. Smith
2. **Case Number:** 3AN-81-5274 Civil
3. **Judge/Justices:** Elaine Andrews
4. **Date Judgment entered:** January 24, 2002
5. **Did the date of the cause of action accrue on or after August 7, 1997?** No.
6. **Amount to be paid:** \$9,892.48
7. **Interest Rate:** 10.5% **Effective Date:** January 24, 2002
8. **Requested hourly rate and total compensation of attorneys to be paid:**  
64.1 hours at \$145/hr = \$ 9,294.50  

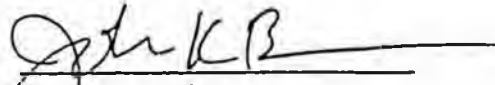
Costs	\$ 597.98
Total fees and costs	\$ 9,892.48
9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:**  
As requested, above.
10. **Payable to:** Volland & Taylor, P.C.  
211 H Street  
Anchorage, AK 99501
11. **EIN:** 92-0076898 **or** **SSN:**

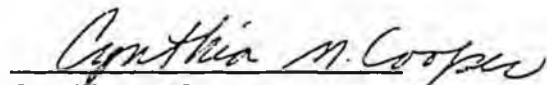
12. Send check to: \_\_\_ above address

Departmental contact: XX

Departmental attorney contact:

Departmental Approval:

  
\_\_\_\_\_  
John K. Bodick  
Assistant Attorney General

  
\_\_\_\_\_  
Cynthia M. Cooper  
Deputy Attorney General

(907)269-6379  
\_\_\_\_\_  
Telephone Number

2/3/02  
\_\_\_\_\_  
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST  
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: Cleary v. Smith

Case No.: 3AN-81-5274 Civil

**1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.**

The trial court found that the Final Order in this prisoner class action required payment of attorney's fees and costs incurred by counsel in monitoring compliance and enforcement of the Final Order. This particular attorney fee is for work performed on behalf of Subclasses A and B to enforce compliance with the Final Order, to determine the effect the Alaska Prison Litigation Reform Act (PLRA), AS 09.19.200, has on the Final Order, and in regard to the end of court monitoring and the role of counsel.

**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.**

The case involves issues regarding conditions of confinement of male prisoners which resulted in a Final Order and is still subject to court overview and enforcement. Most recently, the case included issues regarding the extent to which legislation, specifically the Alaska PLRA, can override existing court judgments.

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

Yes. The state moved to dismiss this case under the Alaska PLRA and the court issued a preliminary order upholding the constitutionality of the statute. The court has not yet entered a full opinion so the extent to which the state prevailed remains unclear. The court did end all court monitoring of Department affairs and dismissed class counsel.

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.

No grounds existed to challenge plaintiff's fees and costs which were necessary to secure the dismissal of class counsel and the end to court monitoring.

5. What was the source of the State's liability in this case?

The Department of Corrections entered into a Final Settlement Agreement and Order to settle prisoner class action claims in 1990 which is still binding on the state but limited in application by the Alaska PLRA.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

The Department of Corrections has worked to attain full compliance with the Final Order and the Department of Law has moved to terminate the Final Order under the Alaska PLRA.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

This case is now inactive as court oversight has ended. To achieve this result, the Department of Corrections managed its state-wide prison population to remain below court-imposed capacities and contracted with the Corrections Corporation of America to house Alaska prisoners at a facility located in Arizona.

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

Cases regarding injunctive relief for prisoners should be reviewed and evaluated with reference to the Alaska PLRA, AS 09.19.200.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

Not at this time. The legislature passed the PLRA in 1999.

Attorney completing form:

Date: 1-31-02

  
John K. Bodick  
Assistant Attorney General

Phone Number : (907)269-6379

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

MICHAEL CLEARY, *et al.*,

Plaintiffs,

vs.

ROBERT SMITH,

Defendants.

Case No. 3AN-81-5274 CI

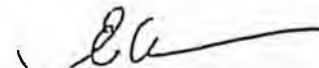
ORDER

Upon review of Plaintiffs' Motion for Attorneys' Fees and Costs, defendants' opposition, if any, and the record on file herein, and good cause appearing therefor,

IT IS HEREBY ORDERED that plaintiffs are awarded the sum of \$9,892.48 from defendants for full payment of attorneys' fees and costs incurred by the offices of Volland & Taylor, P.C., in representing plaintiffs from January 1, 2001, through November 20, 2001.

DATED at Anchorage, Alaska this 24 day of Jan, 2001.

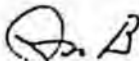
BY THE COURT

  
Elaine Andrews  
Judge of the Superior Court

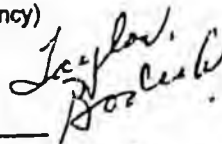
LAW OFFICES  
VOLLAND & TAYLOR  
A PROFESSIONAL CORPORATION  
211 H STREET  
ANCHORAGE, AK 99501  
(907) 276-5231

I certify that on 1/25/01 a copy  
of the above was mailed to each of the following at  
their addresses of record (list names if not an agency)

CSED  AG  PD  DA



Administrative Assistant



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

MICHAEL C'LEARY, *et al.*,

Plaintiffs,

vs.

ROBERT SMITH, *et al.*,

Defendants.

Case No. 3AN-81-5274 CI

JUDGMENT

IT IS HEREBY ORDERED that judgment is entered against defendant State of Alaska for the sum of \$9,892.48 for full payment of attorneys' fees and costs incurred by the offices of Volland & Taylor, P.C., in representing plaintiffs from January 1, 2001, through November 20, 2001.

This judgment shall bear interest entered at the rate of 10.5% per annum.

DATED at Anchorage, Alaska this 21 day of Jan, 2002

BY THE COURT

(Elaine Andrews)  
Elaine Andrews  
Judge of the Superior Court

LAW OFFICES  
VOLLAND & TAYLOR  
A PROFESSIONAL CORPORATION  
211 H STREET  
ANCHORAGE, AK 99501  
(907) 276-5231

I certify that on 1/31/02 a copy  
of the above was mailed to each of the following at  
their addresses of record (list names if not an agency)

CSED  AG  PD  DA

(Signature)  
Administrative Assistant

(Signature)  
Taylor  
Boeck

# MEMORANDUM

## STATE OF ALASKA

*Department of Public Safety  
Division of Administrative Services*

**To:** Annalee McConnell  
Director  
Office of Management & Budget  
Office of the Governor

**Date:** February 26, 2002

**From:** Karen Morgan *Karen R. Morgan*  
Director  
Division of Administrative Services  
Department of Public Safety

**Phone:** 465-5488

**Subject:** FY02 Supplemental  
Budget Request

The Department of Public Safety respectfully requests that the FY 2002 Supplemental Budget Request be amended from \$30.0 to \$87.5 to fully fund forensic examinations related to sexual assault and sexual abuse of minors in the Alaska State Trooper Detachment BRU.

This \$57.5 increase is expected to fund unanticipated costs as a result of implementing Chapter 57, SLA 2000. This legislation states that sexual assault victims will not be required to pay for the costs associated with examinations. Prior to its enactment, the State of Alaska did not receive bills from some hospitals for the costs associated with these exams. Since the Department did not receive bills in the past, it was not possible to anticipate the total costs associated with these examinations.

cc: Commissioner Glenn G. Godfrey  
Department of Public Safety

# MEMORANDUM


State of Alaska  
Department of Transportation & Public Facilities  
Commissioner's Office

TO: Annalee McConnell, Director  
Office of Management and Budget

DATE: February 21, 2002

FAX NO: (907) 586-8365

TELEPHONE NO: (907) 465-3900

  
FROM: Joseph L. Perkins, P.E.  
Commissioner

SUBJECT: Amend Supplemental  
request for FY2002

The Department of Transportation and Public Facilities (DOT&PF) is requesting an amendment to an FY2002 capital budget supplemental item contained in HB 415 and SB 292. The \$150,000 general fund program receipts request for Hillcrest Bridge repair, contained in Section 17 (e)(3) can be deleted. This appropriation is no longer needed. The insurance company representing the driver of the vehicle causing the bridge damage will be dealing directly with the contractor regarding the necessary repair work.

If you have any questions or need further information, please contact Nancy Slagle at 465-3911.

cc: Nancy Slagle, Administrative Services Director  
Kurt Parkan, Deputy Commissioner  
Dave Eberle, Regional Director, Central Region  
Tom Brigham, Statewide Planning

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

TONY KNOWLES, GOVERNOR

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

March 5, 2002

The Honorable Dave Donley  
The Honorable Pete Kelly  
The Honorable Eldon Mulder  
The Honorable Bill Williams  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

Dear Finance Committee Co-Chairs:

Please consider the following amendment to the regular supplemental bills, SB 292 and HB 415:


**Amend section 11, Judgments and Claims, to read as follows:**

Sec. 11. JUDGMENTS AND CLAIMS. The sum of 792,000 [\$785,500] is appropriated to the Department of Law to pay judgments and claims against the state for the fiscal year ending June 30, 2002, from the following sources in the amounts listed:

SOURCE	AMOUNT
General fund	607,000 [600,500]
Public Employees Retirement Trust Fund	185,000

Back-up information on the amendment is attached along with an updated spreadsheet. If you have any questions, please call me (465-4660) or Joan Brown (465-4681).

Sincerely,

  
for Annalee McConnell  
Director

Attachments

cc: David Teal  
Legislative Finance

FY2002 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
1	Sec. No.	Department	BRU or Component	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
2	<b>FAST TRACK SUPPLEMENTAL</b>								
3	1	Court System	Judicial Conduct	Legal fees in excess of FY2001 supplemental. Actual amount is \$6829.77.	6.8				6.8
4	2(a)	Comm & Ec Dev	Alaska Science & Technology Foundation	Idaho National Engineering and Environmental Laboratory Grant Contract for Alaska Business Research. Funds are available March 1, 2002.			25.0	Statutory Designated Prog Rcpts	25.0
5	2(b)	Comm & Ec Dev	International Trade & Business Development	International Trade and Business Endowment - replace unrealized FY02 Investment Earnings - Fund Source Change	230.4		-230.4	Internal'l Trade and Dev. Fund Earnings Reserve	0.0
6	3	Corrections	Palmer Correctional Center	New well including pump and wellhouse as primary water well has failed and is nonrepairable. Statutory designated program receipts (SDPR) are from interest earnings of Northern Tobacco Securitization Corporation (NTSC).			172.2	Statutory Designated Prog Rcpts	172.2
7	4(a)	Health & Soc Svcs	Medicaid Services	Medicaid Services - Projected to run out April 16. \$4.57m GF is for FY2001 bills paid in FY2002; 1.8m GF is from underfunding last year below low case scenario; 6.34m GF is for caseload at mid-case range and cost increases, particularly for seniors and disabled.	12,712.5	106,618.0	23,903.3	Statutory Designated Prog Rcpts	143,233.8
8	4(b)	Health & Soc Svcs	Subsidized Adoptions & Guardianship	Formula program caseload growth	2,529.6				2,529.6
9	5	Transportation	Marine Highway Stabilization Fund	Marine Highway Stabilization Fund FY02 deficit due to Columbia fire and fuel cost increases. If not funded, Spring/Summer service would need to be drastically cut, reducing revenues during highest revenue season. Ships would be put into lay-up status for extended periods.	2,876.9				2,876.9
10	6	Military & Vets	Disaster Planning & Control	Costs to maintain 24-hour State Emergency Coordination Center (SECC), the agency that coordinates all federal, state and local jurisdictional responses associated with any disaster or event.	100.0				100.0
11	7	Natural Resources	CIP	Scope change for SLA97, CH50, Sec 15(k), P9, L13 - from prepare and administer the Kalgin Island II, Caribou Hills, S. Ninilchik-Dome View, South Ninilchik Bldg timber sales in Kenai Peninsula to Kenai Peninsula to reduce risks from wildfire.					0.0
12	8	Governor	Elections	Costs for printing and mailing a Primary Election Voter Education Guide in time to explain the new law (shifted from FY2003 budget which will be amended)	25.0				25.0
13	9(a)	Comm & Ec Dev	Power Cost Equalization & Rural Electrification Fund	Technical correction to add the inadvertently omitted FY02 appropriation from the Power Cost Equalization Endowment fund to the Power Cost Equalization and Rural Electrification Fund			7,062.2	PCE EF	7,062.2
14	9(b)	Comm & Ec Dev	Power Cost Equalization & Rural Electrification Fund	Fully fund the statutory formula in the PCE statute. Cost increase is due to higher fuel costs.	1,100.0				1,100.0

FY2002 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
1	Sec. No.	Department	BRU or Component	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
15	9(c)	Comm & Ec Dev	Power Cost Equalization	Fully fund PCE statute. Increase due to higher fuel costs.			1,100.0	PCE	1,100.0
16	9(d)(1)	Comm & Ec Dev	Power Cost Equalization	Delete sufficient authorization from FY02 to pay FY01 late bills			-56.8	PCE	-56.8
17	9(d)(2)	Comm & Ec Dev	Power Cost Equalization	Add authorization to pay power cost equalization program FY01 late bills			56.8	PCE	56.8
18	10(a)(1)	Transportation	Northern Region Highways & Aviation	Charidalar (James Dalton Hwy) Maintenance Station Replacement- Temporary rental and other costs of vacating the maintenance station due to imminent structural failure.	127.8				127.8
19	10(a)(2)	Transportation	Central Region Highways & Aviation	East Fork (Parks Hwy- S of Cantwell) Maintenance Station Replacement- Temporary rental and other costs of vacating the maintenance station due to imminent structural failure.	21.9				21.9
20	10(a)(3)	Transportation	Central Region Highways & Aviation	Willow (Parks Hwy) Maintenance Station Replacement- Temporary rental and other costs of vacating the maintenance station due to imminent structural failure.	45.5				45.5
21	10(a)(4)	Transportation	Northern Region Highways & Aviation	Nome Maintenance Station Imminent Structural Failure - Temporary rental and other costs of vacating the maintenance station to due imminent failure.	72.0				72.0
22	10(b)	Transportation	Northern Region CIP	Chandalar Maintenance Station Replacement Design Costs (SDPR from NTSC - see line 6)			456.8	Statutory Designated Prog Rcpts	456.8
23	10(c)	Transportation	Southeast Region CIP	Title change from West Douglas Highway Extension to Gastineau Channel Second Crossing to match federal project name change					0.0
24	11(a)	University	Systemwide Small Planning, Design and Construction	Funding authority needed in excess of the FY02 small project non-gf receipt authority for Lena Point fisheries and ocean sciences facility for simultaneous excavation with NOAA to prevent disruption and damage to the facility at a later date.			800.0	UA Rcpts	800.0
25	11(b)	University	CIP	Scope Change for Sec 3, Ch 61, SLA 2001 to include UAA Heating, Ventilation, and Air Conditioning Piping Replacement Phases 1-4					
26	12			Lapse Provisions					
27	13			Retroactivity					
28	14			Effective Date					
29	<b>FAST TRACK BILL TOTAL</b>				<b>19,848.4</b>	<b>106,618.0</b>	<b>33,289.1</b>	<b>0.0</b>	<b>159,755.5</b>
30	[REDACTED]								
31	[REDACTED]								
32	<b>REGULAR SUPPLEMENTALS</b>								
33	1(a)(1)	Administration	Finance	Contractual costs for maintenance of the State payroll system (AKPAY) core database	150.0				150.0
34	1(a)(2)	Administration	General Relief	Shortfunding for projected caseload	273.0				273.0
35	1(a)(3)	Administration	Leasing	Shortfunding of the amount required to pay leases with the private sector	1,300.0				1,300.0
36	1(a)(4)	Administration	Leasing	FY02 appropriation for the Anchorage Jail lease is short \$4,784.38	4.8				4.8
37	1(a)(5)	Administration	Office of Public Advocacy	Shortfunding of current year exacerbated by increased costs	1,865.0				1,865.0
38	1(a)(6)	Administration	Public Defender	Shortfunding of current year need and fiscal notes	600.0				600.0
39	1(a)(7)	Administration	Public Defender	Mental Health Court attorney approved by the Mental Health Trust			73.0	MHTAAR	73.0

FY2002 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
1	Sec. No.	Department	BRU or Component	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
40	1(b)-(c)	Administration	Senior Services	Senior Services Employment Program hold harmless -- Federal regulations not promulgated so funds not needed.	-120.0				-120.0
41	2(a)	Comm & Ec Dev	Alaska Aerospace Development Corporation	Replace \$311.9 of unrealized FY02 Alaska Science & Technology Foundation Investment Earnings with AADC receipts.			0.0		0.0
42	2(a)	Comm & Ec Dev	Alaska Aerospace Development Corporation Facilities Maintenance	Replace \$69.2 of unrealized Alaska Science & Technology Foundation FY02 Investment Earnings with AADC receipts.			0.0		0.0
43	2(b)	Comm & Ec Dev	Power Project Fund	Denali Commission Appropriation to the Power Project Fund		4,900.0			4,900.0
44	2(c)	Comm & Ec Dev	Alaska Aerospace Development Corporation	Grant from the U.S. Department of Defense for Kodiak Launch Complex Improvements- Infrastructure Safety Upgrades, Range Safety System, and Road Improvements		20,000.0			20,000.0
45	3(a)	Corrections	Facility-Capital Improvement Unit	The \$160.5 general fund fiscal note funding Ch. 32, SLA 2001 (HB 149 Private Prison in Kenai) is no longer needed since Kenai voters rejected the proposal. Funds are reappropriated to Inmate Health Care.					0.0
46	3(b)	Corrections	Inmate Health Care	Shortfunding in health care costs resulting from continued inflation of pharmacy costs, staff salaries (includes \$676.0 for health care worker/nurses salary costs), contract physician costs and hospital care.	1,839.5				1,839.5
47	3(c)	Corrections	Parole Board	Shortfunding in operations due to increased prisoner hearings and Parole Board activity <b>AMD Feb 28 Decrease GF by 15.0 from 100.0 to 85.0</b>	85.0				85.0
48	3(d)	Corrections	CIP	Offender Tracking Information System Development		762.0			762.0
49	4	Military & Veterans' Affairs	Disaster Relief Fund	The Disaster Relief Fund directly funds the core services of the Division of Emergency Services, 10 full-time positions and the match for another 10 positions. Fund capitalization to cover the core services costs has been done in the supplemental for several years.	680.0				680.0
50	5(a)(1)	Education	Pupil Transportation	Cost for new bus routes approved in current year	541.6				541.6
51	5(a)(2)	Education	Schools for the Handicapped	Education costs for children in state custody who require out-of-state placement	165.5				165.5
52	5(b)	Education	Foundation	Use balance in foundation program resulting from the October student count to fund supplemental needs.	-1,975.9				-1,975.9
53	5(c)	Education	CIP	Federal School Renovation, Individuals with Disabilities Education Act (IDEA) and Technology grants for local school districts		5,400.0			5,400.0
54	5(d)(1)-(2)	Education		Along with a reappropriation of \$198.6 from the Department of Law, this will fund the McGraw-Hill assessment contract increase of \$498.9.	300.3				300.3
55	6	Environ Cons		Amend the FY02 appropriation made by Sec. 89, Ch. 61 for implementation of the cruise ship bill to correct the fund source from statutory designated program receipts to the Commercial Passenger Vessel Environmental Compliance Fund.					0.0
56	7	Natural Resources	Fire Suppression	Fixed costs and fire suppression costs incurred to date. Updated costs for spring fire suppression will be provided as needed.	7,235.0				7,235.0

FY2002 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
1	Sec. No.	Department	BRU or Component	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
	8(a) - (b)	Fish & Game	CIP	Change fund source on \$28.2 due to shortfall in Commercial Fisheries Limited Entry Commission (CFEC) collections - Dock replacement in King Salmon. (SDPR from NTSC - see line 6)				Rcpt Supp Svcs to Statutory Designated Prog Rcpts	0.0
57								same	0.0
58	8(a) - (b)	Fish & Game	CIP	Change fund source on \$78.8 due to CFEC shortfall - Statewide facilities repair & maintenance. (SDPR from NTSC - see line 6)				same	0.0
59	8(a) - (b)	Fish & Game	CIP	Change fund source on \$145.0 due to CFEC shortfall - Upper Cook Inlet and Kuskokwim River Coho project (SDPR from NTSC - see line 6)				same	0.0
60	8(a) - (b)	Fish & Game	CIP	Change fund source on \$63.0 on FY01 CIP project due to CFEC shortfall - Copper River (Miles Lake) Sonar. (SDPR from NTSC - see line 6)				same	0.0
61	8(a) - (b)	Fish & Game	CIP	Change fund source on \$88.5 due to CFEC shortfall - Mariculture development program. (SDPR from NTSC - see line 6)				same	0.0
62	8(a) - (b)	Fish & Game	CIP	Change fund source on \$200.0 due to CFEC shortfall - Vessel and aircraft repair and maintenance. (SDPR from NTSC - see line 6)				same	0.0
63	9(a)	Governor	Elections	Redistricting: add carryforward language for the remaining balance of the \$947.4 appropriation made in Sec. 20, Ch. 60, SLA 2001					0.0
64	9(b)	Governor		Correct a drafting error in Sec. 36(c), Ch. 61 by adding reference to fiscal year 2001.					0.0
65	9(c)	Governor	Governmental Coordination	Change RPL 01-2-8022 Coastal Impact Assistance Program from Operating to Capital					0.0
66	3(d)	Governor	CIP Governmental Coordination	Additional authorization for the Coastal Impact Assistance Program		3,335.7			3,335.7
67	10(a)(1)	Health & Soc Svcs	Adult Public Assistance	Formula program caseload growth	541.0				541.0
68	10(a)(2)	Health & Soc Svcs	Board on Alcohol & Drug Abuse	Cost of co-locating with AK Mental Health Board			40.9	MHTAAR	40.9
69	10(a)(3)	Health & Soc Svcs	Bureau of Vital Statistics	Increased receipt supported services authority so general funds can be transferred to Community Health/Emergency Medical Services for two-way radio costs			75.0	Rcpt Supp Svcs	75.0
70	10(a)(4)	Health & Soc Svcs	Foster Care Special Needs	Shortfunding of formula program from caseload growth projections	304.6				304.6
71	10(a)(5)	Health & Soc Svcs	General Relief Assistance	Formula program growth	190.7				190.7
72	10(b)	Health & Soc Svcs	Comm Health/EMS	Correct HB 228 Sale of Tobacco Products fiscal note fund source from Tobacco Settlement to Tobacco Use Cessation and Education Fund	-487.9		487.9	Tobacco Use Cessation & Ed Fund	0.0
73	11	Law		Judgments and Claims \$816,486.85 AMD Feb 28 Decrease GF by 31.5 from 631.5 to 600.5 AMD Mar 5 Increase GF by 6.5 from 600.5 to 607.0	607.0		185.0	PERS Fund	792.0
74	12(a)	Law		Law Office Assistant reclassification costs		1.7	129.4	Inter-Agency Rcpts	131.1

FY2002 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
1	Sec. No.	Department	BRU or Component	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
	12(b)	Law		Fund the \$214.4 general fund portion of the Law Office Assistant reclassification costs with the reappropriation of funds within the Department of Law					0.0
75									
	13	Military & Vets	Army Guard Facilities Maintenance	Federal funds for increased telecommunications costs for the Distance Learning project		350.0			350.0
76									
	14(1)	Natural Resources	Geological Development	Federal grant awards for geological projects		493.4			493.4
77									
	14(2)	Natural Resources	Parks Mgmt	Increased fuel costs	20.2				20.2
78									
	14(3)	Natural Resources	Parks Mgmt	Increased costs for two-way radio circuits	40.7				40.7
79									
	14(4)	Natural Resources	Recorder's Office	Costs of title records for new title companies. Title insurance laws require companies to have duplicate records for the past 25 years.			300.0	Statutory Designated Prog Rcpts	300.0
80									
	14(4)	Natural Resources	Recorder's Office	Assume recording duties in Valdez, Glennallen, and Seward that were previously done by the Courts System without charge. Increased costs to process heavy volume of mortgage refinance activity and implement completed classification study.			235.0	Rcpt Supp Svcs	235.0
81									
	15(a)(1)	Public Safety	AST	Increased fuel costs	106.1				106.1
82									
	15(a)(2)	Public Safety	AST- Prisoner Transport	Increased prisoner transports based on higher volume of cases	172.9				172.9
83									
	15(a)(3)	Public Safety	AST Detachments	Increased fuel costs	125.3				125.3
84									
	15(a)(4)	Public Safety	AST Detachments	Recruitment Academy Training	81.0				81.0
85									
	15(a)(5)	Public Safety	AST Detachments	Standby pay due to heightened security	67.5				67.5
86									
	15(a)(6)	Public Safety	AST	Standby pay due to heightened security	15.7				15.7
87									
	15(a)(7)	Public Safety	VPSO	Standby pay due to heightened security	11.8				11.8
88									
	15(a)(8)	Public Safety	AST Detachments	Emergency guard hires needed to guard offenders in areas with no jails.	59.0				59.0
89									
	15(a)(9)	Public Safety	AS Detachments	Medical examination costs for sexual assault/abuse cases <b>AMD Feb 28 Increase GF by 57.5 from 30.0 to 87.5</b>	87.5				87.5
90									
	15(a)(10)	Public Safety	AST Detachments	Increased costs for two-way radio circuits	102.4				102.4
91									
	15(a)(11)	Public Safety	Fish & Wildlife	Increased fuel costs	247.4				247.4
92									
	15(b)	Public Safety	Batterers Intervention Program	Fund source change to correct the overall allocation of PFD felon funds in FY2002.	63.9		-63.9	PFD Fund	0.0
93									
	16(a)(1)	Revenue	Alcohol Beverage Control Board	Contractual costs for a hearing officers to conduct formal hearings on liquor licenses	20.0			General Fund Program Rcpts	20.0
94									
	16(a)(2)	Revenue	Permanent Fund Dividend Division	Legal costs awarded by state Supreme Court in a class-action suit filed on behalf of applicants denied dividends.			89.9	PFD Fund	89.9
95									
	16(a)(3)	Revenue	Permanent Fund Dividend Division	Overtime costs to resolve eligibility review and appeal case backlog.			31.9	PFD Fund	31.9
96									
	16(b)	Revenue	Child Support Enforcement	Recover cost of increased number of paternity testings required by court orders.	43.0				43.0
97									
	16(c)	Revenue	Child Support Enforcement	Appropriation of interest earned on reserve account balance	60.0				60.0
98									

FY2002 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
1	Sec. No.	Department	BRU or Component	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
	16(d)	Revenue	Treasury Division	Correct fund source for Ch 60, SLA 2000 PCE Fund/Sale of 4 Dam Pool/Energy (HB 446) fiscal note.					0.0
99	16(e)	Revenue	Treasury Division	Repeal fiscal note funding for Ch. 32, SLA 2001 (HB 149 Kenai Private Prison) since Kenai voters did not approve the private prison development.	-20.0				-20.0
100	17(a)	Transportation	Central Region Highways & Aviation	Whittier Tunnel Maintenance and Operations for June 7-30 (current contract expires)			178.0	Rcpt Supp Svcs	178.0
101	17(b)(1)	Transportation	Central Region Facilities	Fuel and Utility Cost Increases	240.9				240.9
102	17(b)(2)	Transportation	Northern Region Facilities	Fuel and Utility Cost Increases	230.6				230.6
103	17(b)(3)	Transportation	Southeast Region Facilities	Fuel and Utility Cost Increases	140.3				140.3
104	17(b)(4)	Transportation	Central Region Highways & Aviation	Fuel and Utility Cost Increases	381.0				381.0
105	17(b)(5)	Transportation	Northern Region Highways & Aviation	Fuel Cost Increases	569.2				569.2
106	17(b)(6)	Transportation	Southeast Region Highways & Aviation	Fuel Cost Increases	39.2				39.2
107	17(c)(1)	Transportation	Ted Stevens Anchorage International Airport (TSAIA) Administration	Utility Cost Increases			10.0	Internat'l Airports Rev Fund	10.0
108	17(c)(2)	Transportation	TSAIA Facilities	Utility Cost Increases			467.0	Internat'l Airports Rev Fund	467.0
109	17(c)(3)	Transportation	TSAIA Field & Equipment Maintenance	Utility Cost Increases			60.0	Internat'l Airports Rev Fund	60.0
110	17(c)(4)	Transportation	TSAIA Safety	Utility Cost Increases			8.0	Internat'l Airports Rev Fund	8.0
111	17(d)	Transportation	State Equipment Fleet Administration	Add authority for increased usage of fuel credit card system			250.0	Highway Working Capital Fund	250.0
112	17(e)(1)	Transportation		Glenn Highway Rut Repair from McCarrey St. to Highland Rd.		6,000.0			6,000.0
113	17(e)(2)	Transportation		Dimond Boulevard Rut Repair		6,000.0			6,000.0
114	17(e)(3)	Transportation		Hillcrest (Anchorage) Bridge Repair- 3rd party repayment for damages. AMD Feb 28 Deleted request for \$150.0 GFPR				General Fund Program Rcpts	0.0
115									

FY2002 SUPPLEMENTALS

	A	B	C	D	E	F	G	H	I
1	Sec. No.	Department	BRU or Component	Supplemental Need	General Funds	Federal Funds	Other Funds	Fund Source	Total Funds
116	17(e)(4)	Transportation		Northern Region Materials Lab Worker Safety Compliance Upgrade. (SDPR from NTSC - see line 6)			600.0	Statutory Designated Prog Rcpts	600.0
117	18(a)-(d)	University	CIP	Eliminate federal receipts since funding source was changed to university receipts via RPL 45-2-0007 for Arctic Supercomputer purchase.		-32,000.0			-32,000.0
118	18 (e)	University		Replace unrealized investment earnings from the Alaska Science and Technology Foundation	1,753.3		-1,753.3	ASTF	0.0
119	19	Misc Claims	Administration	Miscellaneous Claims: -0-, State-dated warrants: 23,744.07	23.7				23.7
120	19	Misc Claims	Corrections	Miscellaneous claims: \$3,204.11	3.2				3.2
121	19	Misc Claims	Fish & Game	Miscellaneous claims: \$3,761.00	3.8				3.8
122	19	Misc Claims	Health & Soc Svcs	Miscellaneous claims: \$21,499.91	21.5				21.5
123	19	Misc Claims	Law	Miscellaneous claims: \$27,060.49	27.1				27.1
124	19	Misc Claims	Military & Veterans' Affairs	Miscellaneous claims: \$274.00	0.3				0.3
125	19	Misc Claims	Public Safety	Miscellaneous claims: \$293.88	0.3				0.3
126	19	Misc Claims	Transportation	Miscellaneous claims: \$32.96					0.0
127				<b>REGULAR SUPPLEMENTAL BILL TOTAL</b>	<b>18,838.0</b>	<b>15,242.8</b>	<b>1,403.8</b>		<b>35,484.6</b>
128									
129	<b>TOTAL FOR BOTH BILLS MINUS THE \$16.5m GF PLACEHOLDER IN FISCAL SUMMARY</b>				<b>22,186.4</b>	<b>121,860.8</b>	<b>34,692.9</b>		<b>178,740.0</b>
130									
131				<b>Ratifications:</b>					
132	20(a)(1)	Transportation		AR 61669-2001 Reimbsble Authority	165,066.62				
133	20(a)(2)	Transportation		AR 64790-2015 Reimbursable Authority	34,614.23				
134	20(a)(3)	Transportation		AR 58904-2001 Reimbursable Proj.	96,773.16				
135	20(b)	Natural Resources	Fire Suppression	FY2001 Fire suppression costs AR 37313-01 Fire Suppression	4,730,000.00				
136	21			Lapse Provisions					
137	22			Retroactivity					
138	23			Effective Dates					
139	24			Immediate Effective Date					

# MEMORANDUM

State of Alaska  
Department of Law  
Division of Administrative Services

TO: Annalee McConnell, Director  
Office of Management and Budget

DATE: 28 February, 2002

FROM: Kathryn Daughhete, Director *KAD*  
Division of Administrative Services

PHONE: 465-3673

SUBJECT: FY 2002 Supplemental Items

## FY 2002 Judgments and Claims

The attached schedules, totaling \$791,953.21 reflect the current level of judgments and claims awaiting legislative appropriation. The funds for this request are as follows:

\$606,953.21 General Fund  
\$185,000.00 PERS Fund

Please contact me if you need further information regarding this request.

cc: Bruce Botelho, Attorney General  
Barbara Ritchie, Deputy Attorney General, Civil Division  
Cynthia Cooper, Deputy Attorney General, Criminal Division  
Dean Guaneli, Chief Assistant Attorney General, Criminal Division

## Department of Law

### 2002 Judgments & Claims - General Funds

Item #	Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
1	ACLU Planned Parenthood of Alaska, et al v. Commissioner Perdue/DHSS	Challenge to legislative elimination of funding for the General Relief Medical Program	10/9/99 01/05/01 09/20/01	\$236,026.16	\$33,882.51	\$269,908.67	
2	Foster Pepper Rubini & Reeves ACLU v. State	Challenge to 1996 campaign finance reform legislation	4/27/00 08/30/01	\$107,954.28	\$23,706.39	\$131,660.67	
3	Steven D. Smith, P.C. CSED v. Ragula	Child support lien and withholding lien vs. attorney's lien	6/30/00 9/27/01	\$2,344.08	\$268.48	\$2,612.56	
4	Michael Gershel, Esq. Brooker v. Brooker	Agreements between private parties not involving CSED	10/30/01	\$525.00	\$31.46	\$556.46	
5	Hagans, Ahearn, McLaughlin & Webb Herold v. State	Wrongful termination	1/2/02	\$80,000.00	\$0.00	\$80,000.00	
6	Alaska Legal Services Corporation Quinhagak v. U.S.	Subsistence jurisdiction over navigable rivers	9/30/96 10/24/00	\$82,525.07	\$16,955.56	\$99,480.63	
7	Marston & Cole Trust Fund Thomas Brown v. DMV	Right to due process re: telephonic testimony in driver's license revocation administrative hearing	1/7/02	\$414.43	\$52.81	\$467.24	
8	Kasmar & Slone ITF Peter T. Knight Peter T. Knight v. DMV	Right to due process re: telephonic testimony in driver's license revocation administrative hearing	1/7/02	\$873.20	\$17.69	\$890.89	
9	Randall Luffberry, Esq. ITF Donald A. Ryall Donald Ryall v. DMV	Challenge to administrative revocation of driver's license	10/31/01	\$1,262.14	\$75.31	\$1,337.45	
10	Ingaldson Maassen, P.C. ITF Nicholas Digel Nicholas Digel v. DMV	Reversal of administrative revocation of driver's license due to supreme court striking down "use it and lose it" law	5/7/01	\$229.01	\$23.66	\$252.67	
11	Larry L. Caudle Brandon Garrett v. DMV	Reversal of administrative revocation of driver's license due to supreme court striking down "use it and lose it" law	5/7/01	\$536.50	\$64.55	\$601.05	

**Department of Law**

**2002 Judgments & Claims - General Funds**

Item #	Case Name	Description	Date	Amount	Interest	Total	Cumulative Total
12	Bankston, Gronning et.al, P.C. ITF for Melissa Witteveen Melissa Witteveen v. DMV	Reversal of administrative revocation of driver's license due to supreme court striking down "use it and lose it" law	5/11/01	\$500.00	\$51.16	\$551.16	
13	Richard Brandon v. Corrections	Ambiguity as to filing fee deadline in inmate civil case	9/4/01	\$87.00	\$7.48	\$94.48	
14	Foster, Pepper, Rubini & Reeves Ulmer v. Alaska Restaurant and Beverages	Challenge to ballot initiative increasing state's liquor taxes	11/9/01	\$1,595.67	\$91.67	\$1,687.34	
15	Volland & Taylor, P.C. Cleary v. Smith	Monitoring, compliance and enforcement of the Final Order in prisoner class action	1/24/02	\$9,892.48	\$446.79	\$10,339.27	
16	Keesal, Youong & Logan State, ex rel, Jaylen Cromety v. John Shivers	Paternity issue	2/23/02	\$273.88	\$4.05	\$277.93	
17	Alaska Law Center Albert Rivera v. State, CSED	Paternity issue	2/14/02	\$6,000.00	\$234.74	\$6,234.74	\$606,953.21

Department of Law

2002 Judgments - Other Fund Sources

Item #	Case Name	Description	Date	Amount	Interest	Total	Fund Source
1	Dennis Bailey, Esq. ITF Terri Hale Terri Hale v. State, PERS	Settlement in occupational disability case	10/11/01	\$185,000.00	\$0.00	\$185,000.00	PERS Fund

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

\*\*This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. If any of the information changes, please immediately advise the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. Case Name: *Albert Rivera v. State of Alaska, Dept. of Revenue, Child Support Enforcement Division*

2. Case Number: 3AN-99-9264 CI

3. Judge/Justices: Judge Gregory Motyka

4. Settlement entered: 2/14/02

5. Did the date of the cause of action accrue on or after August 7, 1997? No

6. Amount to be paid: \$6,000

Interest Rate: 10.5%

Effective Date: 2/14/02

8. Requested hourly rate and total compensation of attorneys to be paid: None. The claim for attorney's fees was included in the overall settlement amount (\$6,000).

9. Court approved/ordered hourly rate and total compensation of attorneys to be paid: none

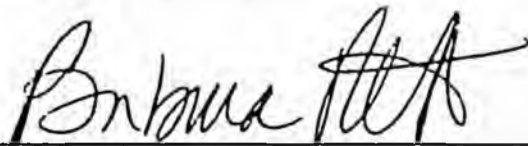
10. Payable to: Albert Rivera, c/o Alaska Law Center, 211 E. 5<sup>th</sup> Avenue, Anchorage, AK 99501

11. EIN: or SSN: 552-15-9834

12. Send check to:  above address Departmental contact: \_\_\_\_\_

Departmental attorney contact: Departmental Approval:

\_\_\_\_\_  
Diane L. Wendlandt  
Assistant Attorney General

  
\_\_\_\_\_  
Barbara J. Ritchie  
Deputy Attorney General

\_\_\_\_\_  
(907) 269-5228  
Telephone Number

\_\_\_\_\_  
2/27/02  
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST  
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: *Albert Rivera v. State of Alaska, Dept. of Revenue, Child Support Enforcement Div.*

Case No.: 3AN-99-9264 CI

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

In 1993, CSED issued an order for Albert Rivera to pay child support for Linda Rivera. CSED did not establish paternity because he was named as the father on the child's birth certificate. Upon receiving the support order, Rivera requested an informal conference. He requested a blood test to determine whether he was the child's father and sought custody of the child. CSED told Rivera that he would have to go to court to address paternity and custody. Rivera immediately filed a court action for custody, claiming that he was Linda's father. Eventually, the parties agreed that Rivera could have custody of Linda. Once Rivera had custody of Linda, he did paternity testing, which excluded him as the father. In October 1998, he obtained a court order that he was not Linda's father.

CSED collected \$19,149.95 in child support from Rivera from late 1994 into 1998. Of that amount, \$9,117.76 was distributed to the child's custodian, and \$5,109.59 was sent to the federal government. The State of Alaska retained \$4,008.17 for welfare reimbursement, and \$502.14 was returned to Mr. Rivera.

In the custody action (to which CSED was not a party), Rivera obtained a judgment ordering CSED to refund the money collected from him. His lawyer wrote to this office and demanded payment of the judgment. With limited knowledge of the case, we declined payment on the grounds that the judgment was void because CSED was not a party to the action. Therefore, the court had no jurisdiction to require anything of CSED regarding the matter.

In November 1999, Rivera filed an action against the State for reimbursement of the \$19,000 collected from him by CSED. On November 6, 2001, the court granted CSED's motion for partial summary judgment, finding that the State was only liable for the amount that it actually retained as public assistance reimbursement. The court denied Rivera's cross-motions for summary judgment. At that point, CSED offered to settle all claims, including any claim for attorney's fees, for \$6,000. The settlement and release was signed on February 14, 2002, and the stipulation for dismissal was filed with the court a week later.

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.

The Alaska Supreme Court and CSED have since resolved the legal issue presented by this case. CSED issued a child support order because Mr. Rivera was identified as the child's legal father on her birth certificate. The Alaska Supreme Court has since held that the fact that a man's name is on a child's birth certificate is not conclusive on the question of paternity. Instead, it only creates a rebuttable presumption of paternity. In such cases, a putative father must be given an opportunity to rebut the presumption when a support order is established. If CSED refused to allow a putative father to rebut the presumption (as was its policy a number of years ago), the court will find the support order to be void (based on a violation of the putative father's right to due process) and will require CSED to refund some or all of the support collected from the putative father.

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

Yes. Rivera sought to recover the entire \$19,000 that CSED had collected from him, plus costs and attorney's fees. A portion of this amount had already been disbursed to the child's custodian. In addition, a portion of the welfare reimbursement was paid to the federal government as the "federal share" under applicable federal regulations. CSED filed a motion for partial summary judgment, asking the court to limit the State's liability to the amount actually retained by the state (*i.e.*, not disbursed to the custodian or the federal government). The court granted this motion which made the settlement of this case for \$6,000 possible.

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.

This matter was settled, as described in response to question 3, above. The settlement did not specify the amount designated as costs and fees, as opposed to other damages. However, CSED conceded that approximately \$4,000 was owed to Rivera as state reimbursement for public assistance. Thus, at most, \$2,000 could be attributed to costs and fees and other damages, including interest on the reimbursement. If the matter had not been settled and additional litigation had been necessary, plaintiff's claim for costs and fees (in addition to prejudgment interest on the reimbursement amount) would likely have exceeded this amount by a substantial amount.

5. What was the source of the State's liability in this case?

As explained in response to question 2, CSED refused to allow the plaintiff to raise paternity when it established an administrative support order against him. CSED believed that the birth certificate created an irrebuttable presumption of paternity. The Alaska Supreme Court has since held that the refusal to allow a putative father to rebut the presumption of paternity violates

the putative father's right to due process. Therefore, the support order was void and CSED was required to refund the amounts it retained, under a theory of restitution and unjust enrichment.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

CSED has developed several new policies under which it now allows a putative father to rebut the presumption of paternity in the context of a proceeding to establish a support order. In such cases, CSED will provide paternity testing if the putative father challenges paternity either when the support order is originally issued or within a certain period of time after the order is established. As a result, this situation should not arise in the future.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

As explained in response to question 6, CSED has adopted procedures that should prevent such a case from arising again.

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

No. CSED has fully remedied the problem which gave rise to this case.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

No. CSED has already adopted the necessary policies and procedures which will prevent this situation from arising in the future.

Attorney completing form:

Date:

\_\_\_\_\_  
Diane L. Wendlandt

\_\_\_\_\_  
Assistant Attorney General

\_\_\_\_\_  
(907) 269-5228

### SETTLEMENT AND RELEASE

For and in consideration of the sum of \$6,000 (Six Thousand Dollars), Albert Rivera (hereinafter referred to as "releasor") does hereby release, agree not to sue, and forever discharge the State of Alaska, its agencies, agents, representatives, employees, servants, successors in interest, and assigns (hereinafter referred to as "releasees"), from any and all actions, causes of actions, suits, controversies, claims and damages of every kind and nature accrued, or to accrue, arising out of his interaction with the Child Support Enforcement Division, which became the subject of *Albert Rivera vs. State of Alaska, Department of Revenue, Child Support Enforcement Division*, Superior Court Case No. 3AN-99-9264 Civil, (hereinafter, the "events").

By virtue of this settlement and release the releasor hereby unequivocally releases the releasees from any and all claims which were raised or could have been raised arising from the above-referenced events, including but not limited to damages arising out of any and all monetary damages, pain and suffering, and any and all other expenses, and releasor hereby covenants and agrees that he will not, either by himself or in concert with others, or by virtue of judicial proceedings of any kind whatsoever, make or cause to be made, acquiesce in or assist in the bringing of any further claims or actions for damages against releasees arising out of the events above described.

It is the intent of releasor to unequivocally release and discharge releasees from any and all claims accrued or which may accrue in the future, as a result of any change

in the nature or extent of the injuries or damages claimed or as a result of discovery of new injuries or damages. In this connection, the releasor has discussed this matter with his attorney and other advisors and experts as releasor has deemed appropriate, has been advised of and is familiar with the case of *Witt v. Watkins*, 579 P.2d 1065 (Alaska 1978), and still desires to settle this matter in accord with the settlement amount set forth in this release.

Releasor further states that no promise or inducement which is not herein expressed has been made to his to secure this settlement and release. Releasor represents that the settlement which led to the execution of this release was not secured under duress or in haste at the instigation of releasees and that releasor is not, in agreeing to this settlement and to this release, at a bargaining disadvantage because of the nature of the suit, or any injury, loss or damage or for any other reason, and that the undersigned has been represented by an attorney throughout the course of negotiations which led to this settlement.

Releasor agrees to dismiss with prejudice the State of Alaska and its agencies and employees from the above-referenced litigation.

Releasor hereby agrees through his attorney to execute the appropriate stipulation for dismissal with prejudice with each party to bear its own costs and attorney's fees. Releasor declares that each of the terms of this settlement and release have been carefully read and that the terms of this Settlement and Release are fully understood and voluntarily accepted for the purpose of making a full and final compromise.

It is expressly agreed by Releasor that at the time of the signing of this release no assignment of any claim stated or otherwise, has been made or executed to any other individual, firm or corporation, or any other entity as a result of the incident hereinabove mentioned. It is further agreed that Releasor is to satisfy any and all attorney liens, medical liens, and/or government liens, insurance liens, or any other types of liens presently asserted or to be asserted.

It is understood that this agreement represents the final settlement of a disputed claim; releasees do not by reason of this release and settlement admit any liability, negligence, or responsibility on the part of releasees by reason of the "events." Nothing contained herein should be deemed to be an admission of liability, negligence, or responsibility on the part of the State of Alaska or any of its employees.

I HAVE READ EACH PAGE OF THIS RELEASE AND HAVE OBTAINED EXPLANATIONS FROM MY ATTORNEY OF ANY MATERIAL IN THIS AGREEMENT WHICH I DID NOT UNDERSTAND WHEN I READ IT.

Date: 2-14-02

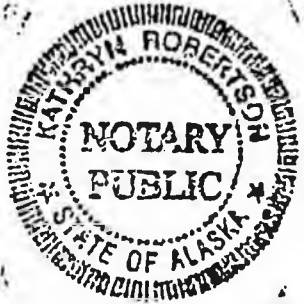
By: Albert Rivera  
Albert F. Rivera

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

THIS IS TO CERTIFY that on the 14 day of February, 2002, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned as such,

this day personally appeared Albert Rivera, known to me and to me known to be the person named in and who executed the foregoing instrument, and he acknowledged to me that he executed the same freely and voluntarily, with knowledge of its contents, for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.



*Kathryn Robertson*

NOTARY PUBLIC for Alaska

My commission expires: \_\_\_\_\_

My Commission Expires  
June 26, 2002



Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST  
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: *State, ex rel, Jaylen Cromery v. John Shivers*

Case No.: 3AN-01-8689 Civil

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

This claim arose in the context of a paternity action filed by CSED to establish that John Shivers is the father of the child, Jaylen Cromery. Mr. Shivers is a member of the military. Therefore, under the Soldiers and Sailors Civil Relief Act, 50 U.S.C. § 520, a default judgment cannot be entered against him until counsel has been appointed. The appointed counsel must contact the defendant, determine whether the defendant's active military service would have a material effect on the defendant's ability to respond to the action, and advise the defendant on the possibility of a default if the defendant does not answer or obtain a stay. Appointed counsel is entitled to recover attorney's fees at the rate of \$40 per hour under Administrative Rule 12(e)(5), but not to exceed a total of \$500.

Attorney Douglas Davis was appointed as Mr. Shivers' counsel on October 23, 2001. *See* Order Appointing Attorney, attached. Mr. Davis performed his statutory duties from November 2, 2001 through November 30, 2001. On January 23, 2002, he sent a bill to this office for his attorney's fees. In his bill, he used a billing rate of \$225 per hour, plus paralegal work at the rate of \$95 per hour and costs of \$3.88, for a total bill of \$1,457.63. *See* Invoice, attached. The assistant attorney general handling the case responded to the bill, explaining the restrictions on fees set forth in the administrative rule and stating that she would submit the claim for the amount required under the rule (\$273.88). *See* Letter, attached.

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.

No issues of state policy or law were involved in this case. This was a routine paternity case. Because of the defendant's military service, appointment of counsel was required before a default

could be entered. This expense is required by both state and federal law, as described more fully in answer to question 1.

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

Yes. Paternity was established.

**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. As explained in response to question 1, the attorney sought \$1,453.75 in attorney's fees. This request, however, was based on a billing rate of \$225 per hour. Under Administrative Rule 12(e)(5), reimbursement for attorney's fees is limited to \$40 per hour. For this reason, the claim is being submitted for only \$270 in attorney's fees, plus costs of \$3.88.

**5. What was the source of the State's liability in this case?**

The Soldiers and Sailors Civil Relief Act, 50 U.S.C. § 520, requires the appointment of counsel before a default judgment may be entered against a member of the military. The state (CSED) is required to pay the attorney's fees related to that appointment.

**6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?**

There is no preventative action needed. Payment of attorney's fees in cases involving appointment of counsel under the Soldiers and Sailors Civil Relief Act is required by state and federal law. Short of changing the federal law, there is nothing the agency can do to prevent this liability in appropriate cases. CSED is required to establish paternity where paternity is contested in its open cases. To do so, CSED must file actions against putative fathers. If the putative father is properly served but fails to respond, CSED must ask that a default judgment be entered. If the putative father is a member of the military, appointment of counsel is required. Thus, the expense cannot be avoided.

**7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.**

Please see answer to question 6 above.

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

Please see answer to question 6 above.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

Please see answer to question 6 above.

Attorney completing form:

\_\_\_\_\_  
Diane L. Wendlandt  
Assistant Attorney General

Date:

\_\_\_\_\_  
February 20, 2002

\_\_\_\_\_  
(907) 269-5228

Phone Number

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL

1031 WEST 4<sup>TH</sup> AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-5903  
PHONE: (907)269-6616  
FAX: (907)276-3456

February 12, 2002

Douglas R. Davis  
Law Offices of Keesal, Young & Logan  
1029 W. 3<sup>rd</sup> Avenue, 6<sup>th</sup> Floor  
Anchorage, AK 99501

Re: State, ex rel. Cromery v. Shivers  
Case No. 3AN-01-8689 CI  
CSED No. 001106815

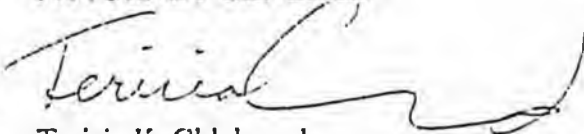
Dear Mr. Davis:

This letter is in response to the invoice that you provided to the Office of the Attorney General requesting payment for the services you provided in the above referenced case. I have submitted your invoice for payment, but not at the amount stated on the invoice. We are not questioning your billing and we realize that you provided a valuable service in this case. However, the order appointing you as counsel to this case limited the rate of reimbursement to \$40 per hour. For that reason I forwarded the invoice with the request that reimbursement be limited to \$270 for attorney's fees (for 6.75 hours work) and the costs. Thank you.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:

  
Terisia K. Chleborad  
Assistant Attorney General

TKC:eag

TKC/EAG/OTHER/LETTERS/DAVISI.LTR

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R. AUDETTE PAUL  
STELIOS A. CHRISOPoulos  
THOMAS R. TRAINOR  
DIANA J. COBURN  
BRIAN A. CALIHOUN

CL. A. KEESAL, J.H.  
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ROBERT H. LOGAN  
MICHAEL M. GLESS  
PETER K. DOUTIN  
SCOTT T. PRATT  
TERRY ROSS  
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DAVID M. BARTHOLOMEW  
ROBERT J. STENLER  
LISA M. BERTAIN  
JANET SIMMONS STEMLER

ROBERT J. BOCKO\*\*  
MICHELE R. FROM  
ROBERT B. ERICSON  
ELIZABETH P. BEAZLEY  
PAUL J. SCHUNACHER  
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HERBERT H. RAY, JR.\*\*  
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JULIE L. TAYLOR  
STACEY MYERS GARRETT  
JON W. ZINICK\*  
DOUGLAS R. DAVIS\*\*  
GORDON C. YOUNG  
ELIZABETH H. LINDH  
KELLY J. MOYNIHAN  
KIMBERLY WONG  
JOHN M. WHELAN  
DENA L. MURPHY  
SARAH TONG SANGMEISTER

OF COUNSEL  
MICHAEL H. WOODDELL\*\*  
KEESE H. TAYLOR, JR.  
RICHARD A. APPELBAUM\*  
NEAR ANNUAL, U.S.C.O. (RET.)

SCOTT R. MAGEE  
ERIC R. ADLER  
ELIZABETH A. KENDRICK

January 23, 2002

\* ADMITTED IN ALASKA  
† ADMITTED IN WASHINGTON  
‡ ADMITTED IN WASHINGTON & CALIFORNIA  
§ ADMITTED IN ALASKA & CALIFORNIA  
¶ ADMITTED IN DISTRICT OF COLUMBIA & FLORIDA  
\*\* REGISTERED FOREIGN LAWYER WITH THE LAW SOCIETY  
OF HONG KONG & ADMITTED IN NEW YORK  
ALL OTHERS ADMITTED IN CALIFORNIA

RECEIVED

JAN 24 2002

Department of Law  
Office of Attorney General  
3rd Judicial District  
Anchorage, Alaska

Via Mail

Department of Law  
Attn: Terisia K. Chleborad  
1031 W. Fourth Avenue  
Suite 200  
Anchorage, AK 99501

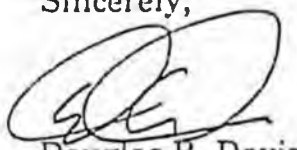
Re: *State of Alaska, Department of Revenue, Child Support  
Enforcement Division, ex rel, Jaylen E. Cronety v. Shivers*  
Case No.: 3AN-01-8689 CV  
Our File No.: 5905-1

Dear Ms. Chleborad:

In accordance with the Court's order of October 15, 2001, we enclose a copy of our invoice for fees and costs which we understand will be paid for by the State in accordance with the Court's order.

If there are any questions, please advise

Sincerely,

  
Douglas R. Davis

DRD:ab (121442)  
Enclosure

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 REAR ADMIRAL, U.S.G. (RET.)  
 SCOTT R. MAGEE  
 ERIC R. ADLEN  
 ELIZABETH A. KENDRICK

DEPARTMENT OF LAW  
 ATTN: TERISIA K. CHLEBORAD  
 ASSISTANT ATTORNEY GENERAL  
 1031 W. FOURTH AVE., SUITE 200  
 ANCHORAGE, AK. 99501

JANUARY 23, 2002  
 5905-1

INVOICE: 149255

FOR PROFESSIONAL SERVICES RENDERED  
*Please remit within 15 days*

RE: JAYLEN CROMETY, STATE OF ALASKA V.  
 RE: STATE V. SHIVERS  
 CHILD SUPPORT ENFORCEMENT DIVISION  
 CASE #3AN-01-8689

SERVICES

Nov 02, 01	DRD	EFFORTS TO LOCATE DEFENDANT; REVIEW SOLDIERS' AND SAILORS' RELIEF ACT.	.25
Nov 02, 01	JJL	CONDUCT BACKGROUND INVESTIGATION ON JOHN SHIVERS FOR LOCATION INFORMATION OBTAINED BY DATABASES.	.50

DEPARTMENT OF LAW  
JANUARY 23, 2002  
INVOICE: 149256

Page2

Nov 27, 01	DRD	REVIEW STATUS; LEGAL RESEARCH REQUIREMENTS OF SOLDIERS' AND SAILORS' RELIEF ACT; EFFORTS TO LOCATE CLIENT.	2.50
Nov 28, 01	DRD	EFFORTS TO LOCATE CLIENT; REVIEW CASE STATUS.	1.00
Nov 29, 01	DRD	EFFORTS TO LOCATE CLIENT; ATTEMPT TO LOCATE HOME NUMBER AND ADDRESS; TELEPHONE CONFERENCE WITH CLIENT'S COMMANDING OFFICER.	1.25
Nov 30, 01	DRD	TELEPHONE CONFERENCE WITH CLIENT'S COMMANDING OFFICER; PREPARE LETTER TO CLIENT.	1.25

DEPARTMENT OF LAW  
JANUARY 23, 2002  
INVOICE: 149256

Page3

RECAP OF HOURS:

DAVIS, DOUGLAS R.	6.25	HOURS AT \$ 225.00 EFFECTIVE RATE PER HOUR =	\$ 1,406.25
LEWIS, JOHN J.	.50	HOURS AT \$ 95.00 EFFECTIVE RATE PER HOUR =	\$ <u>47.50</u>

TOTAL HOURS 6.75

TOTAL FEES \$ 1,453.75

DISBURSEMENTS

OVERNIGHT DELIVERY	2.34
POSTAGE & MAILING	.34
PHOTOCOPY	<u>1.20</u>

TOTAL DISBURSEMENTS 3.88

TOTAL STATEMENT \$ 1,457.63

*Please remit within 15 days*

FEES & DISBURSEMENTS UNPAID (INCLUDING THIS STATEMENT): \$ 1,457.63  
(DOES NOT INCLUDE PAYMENTS RECEIVED AFTER 01/23/02)

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3 STATE OF ALASKA, DEPARTMENT )  
4 OF REVENUE, CHILD SUPPORT )  
5 ENFORCEMENT DIVISION, ex rel, )  
6 JAYLEN E. CROMETY, )

6 Plaintiff, )

7 vs. )

8 JOHN W. SHIVERS, JR. )

9 Defendant. )

RECEIVED  
OCT 23 2001

Department of Law  
Office of Attorney General  
3rd Judicial District  
Anchorage, Alaska

Case No. 3AN-01-8689 CIV

10 ORDER

11  
12 Having considered the Motion for Appointment of Counsel  
13 by the State of Alaska, Department of Revenue, Child Support  
14 Enforcement Division (CSED);

15 IT IS HEREBY ORDERED that Douglas R. Davis is  
16 appointed counsel for defendant, John W. Shivers, Jr., pursuant  
17 to and for the limited purposes contemplated by 50 U.S.C. § 520.

18 Plaintiff shall compensate the above-named attorney at  
19 the rates stated in Administrative Rule 12(e)(5)(B) and (D). If  
20 necessary to prevent manifest injustice, the undersigned judge  
21 may authorize payment of compensation or expenses in excess of  
22 the amounts provided therein. These fees and costs may later be  
23 included in plaintiff's cost bill under Civil Rule 79. For that  
24 reason, the above-named attorney shall submit a request for  
25 payment to the state before the action is concluded.  
26

Lecroy, Young & Logan  
1024 W 3rd Ave 6th FL  
A/1 99501

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

1 IT IS ALSO ORDERED that within 21 days of the date of  
2 this order, appointed counsel file with the court an affidavit  
3 setting forth what efforts under this appointment have been  
4 taken. This appointment does not extend to preparation of a  
5 defense on the merits of the lawsuit. The appointment and  
6 compensation for same, is limited to those duties set forth  
7 below, as required by the federal act:

8 (a) Appointed counsel shall determine whether or not  
9 defendant John W. Shivers, Jr., whose last know address is 8222  
10 Marymont Dr. #23, Laurel, MD 20707, (home phone no. 301-725-1835,  
11 work phone no. 301-677-5675), is in the active military service  
12 of the United States.

13 (b) Appointed counsel shall notify defendant John W.  
14 Shivers, Jr. of these proceedings against him and advise  
15 defendant of the protections of the Soldiers' and Sailors' Civil  
16 Relief Act.

17 (c) Appointed counsel shall determine whether defendant  
18 John W. Shivers' active military service has a material effect on  
19 his ability to proceed in this action such that an application to  
20 stay proceedings may be appropriate.

21 (d) Appointed counsel shall advise the defendant John W.  
22 Shivers that if no stay is granted, the State of Alaska has the  
23 right to move for a default against him if no answer to  
24  
25  
26

1 the complaint is filed. Appointed counsel will advise the  
2 defendant of the consequences of such a judgment.

3 IT IS SO ORDERED.

4 DATED: 10/15/01

5  
6 

7 SUPERIOR COURT JUDGE

8  
9 I certify that on 10/23/01  
10 a copy of the above was mailed/delivered  
11 to each of the following at their addresses

of record: T. Chelvard - Ag / J. Shivers / D. Douglas /

M. Lucas

Secretary/Deputy Clerk

Admin Asst

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT \_\_\_\_\_

STATE OF ALASKA DEPARTMENT OF REVENUE,  
CHILD SUPPORT ENFORCEMENT DIVISION,  
BY P/L, JAYLEN E CROMETY, Plaintiff(s),

vs.

JOHN W. SHIVERS, JR.,  
Defendant(s).

CASE NO. 3AN-01-8689 CI

ORDER APPOINTING ATTORNEY  
UNDER SOLDIERS' AND SAILORS'  
CIVIL RELIEF ACT

It is ordered that Douglas R. Davis, attorney, is appointed under the Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. Appendix §§ 510, 520 and 521, to represent and protect the interests of defendant, John W. Shivers, Jr.

Unless the box below is checked, plaintiff shall compensate the above-named attorney at the rates stated in Administrative Rule 12(e)(5)(B) and (D). If necessary to prevent manifest injustice, the undersigned judge may authorize payment of compensation or expenses in excess of the amounts provided therein. These fees and costs may later be included in plaintiff's cost bill under Civil Rule 79.

Plaintiff has shown an inability to pay for such representation. Therefore, counsel will be paid by the Alaska Court System as provided in Administrative Rule 12(e)(5). All claims for compensation must be submitted on court form ADM-121 within 30 days following disposition of the case.

This appointment, and compensation for same, is limited to those duties set forth below, as required by the federal act. This appointment does not extend to preparation of a defense on the merits of the lawsuit.

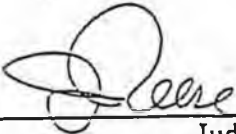
Counsel shall

1. contact the defendant and assure that defendant has actual notice of the lawsuit,
2. advise defendant of the protections of the Soldiers' and Sailors' Civil Relief Act,
3. advise defendant of the possibility of entry of default judgment and of the consequences of such a judgment, and
4. ascertain whether the defendant's ability to appear and defend his or her legal interests is affected in any way by defendant's military status and,
5. if the defendant wishes, move for a stay of the proceedings to enable defendant to obtain counsel or to prepare a defense on the merits of the case.

Upon completion of counsel's duties, counsel shall file an affidavit with the court setting forth the efforts made under this appointment.

It is further ordered that the time for opposition to plaintiff's motion for entry of default judgment is extended 40 days from the date of distribution of this order to enable appointed counsel to complete the above duties.

Effective Date 10/23/01

  
Judge  
John Reese  
Type or Print Judge's Name

I certify that on 10/23/01  
a copy of this order was sent to:

Plaintiff counsel: T. Chelborad - AG  
Defendant: John W. Shivers JR.  
Appointed counsel: Douglas & Davis  
Administrative Accounting

Clerk: M. Lucas

**SB**

**299**

**HFIN**

**FILE**



# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 299  
 (S) Publish Date: 2/27/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
 Title: Workers' Compensation Board BRU: Workers' Compensation  
 Component: Workers' Compensation  
 Sponsor: Senate L&C  
 Requester: Senate L&C Component Number: 344

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel	5.0	5.0	5.0	5.0	5.0	5.0
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1157 Workers Safety Account	5.0	5.0	5.0	5.0	5.0	5.0
Other (Specify Type)						
<b>TOTAL</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

Estimate of any current year (FY2002) cost: None

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

This bill provides for an additional panel of the Workers' Compensation Board in the south-central venue. The panel will allow for additional hearings in that venue to reduce the time lag and back log. The increase in the travel line of the budget is required to provide for the \$50.00 a day stipend paid to the individual panel members when they are presiding over board hearings and other board business. The total is derived from two members working an average of approximately four to five days per month.

Prepared by: Paul Grossi, Director Phone: 465-2790  
 Division: Workers' Compensation Date/Time: 2/22/02 2:49 PM  
 Approved by: Ed Flanagan, Commissioner Date: 02/22/02  
 Agency: Department of Labor and Workforce Development

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 299  
 (S) Publish Date: 2/27/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
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<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

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Estimate of any current year (FY2002) cost: None

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

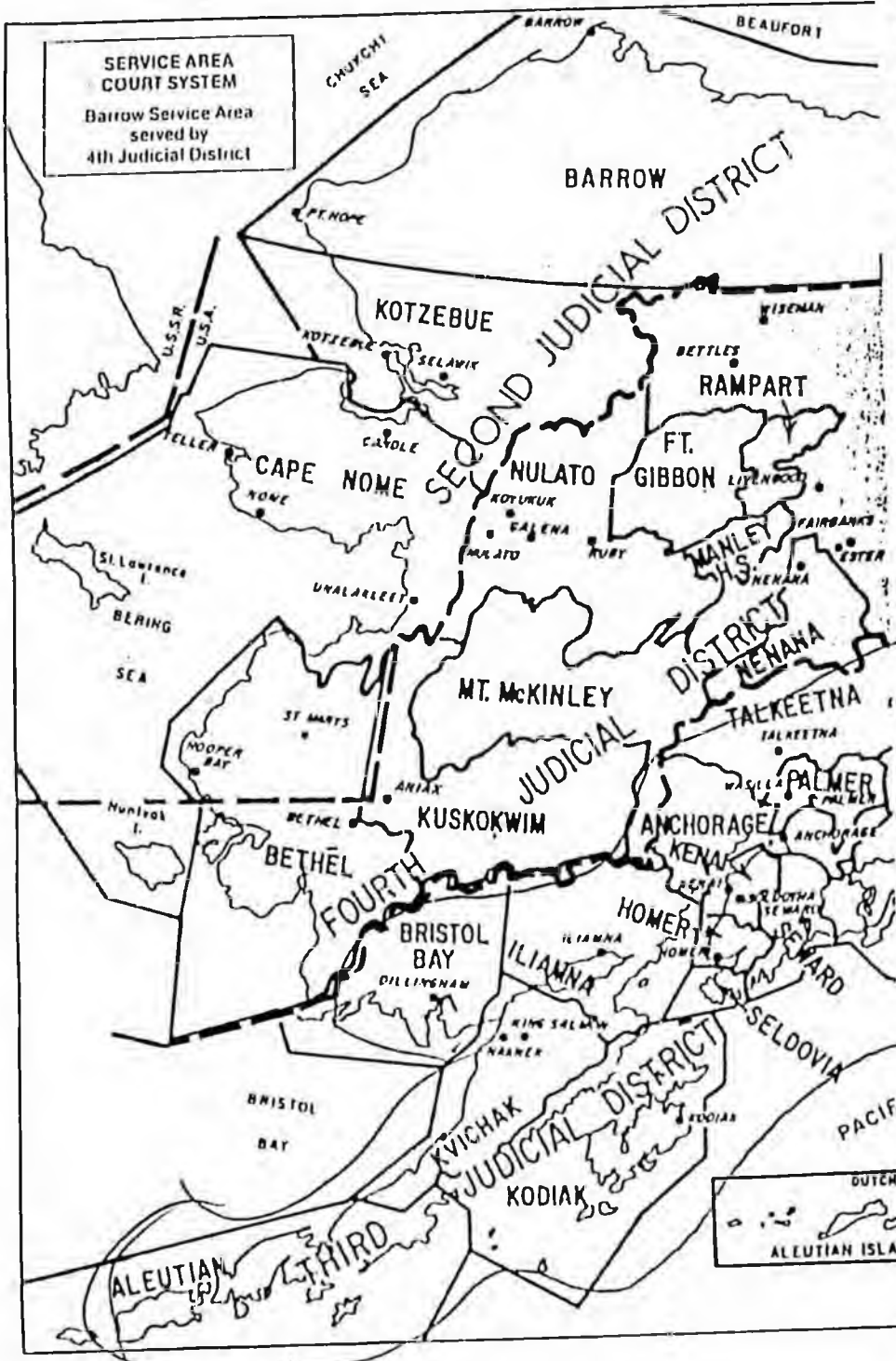
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 Division: Workers' Compensation Date/Time: 2/22/02 2:49 PM  
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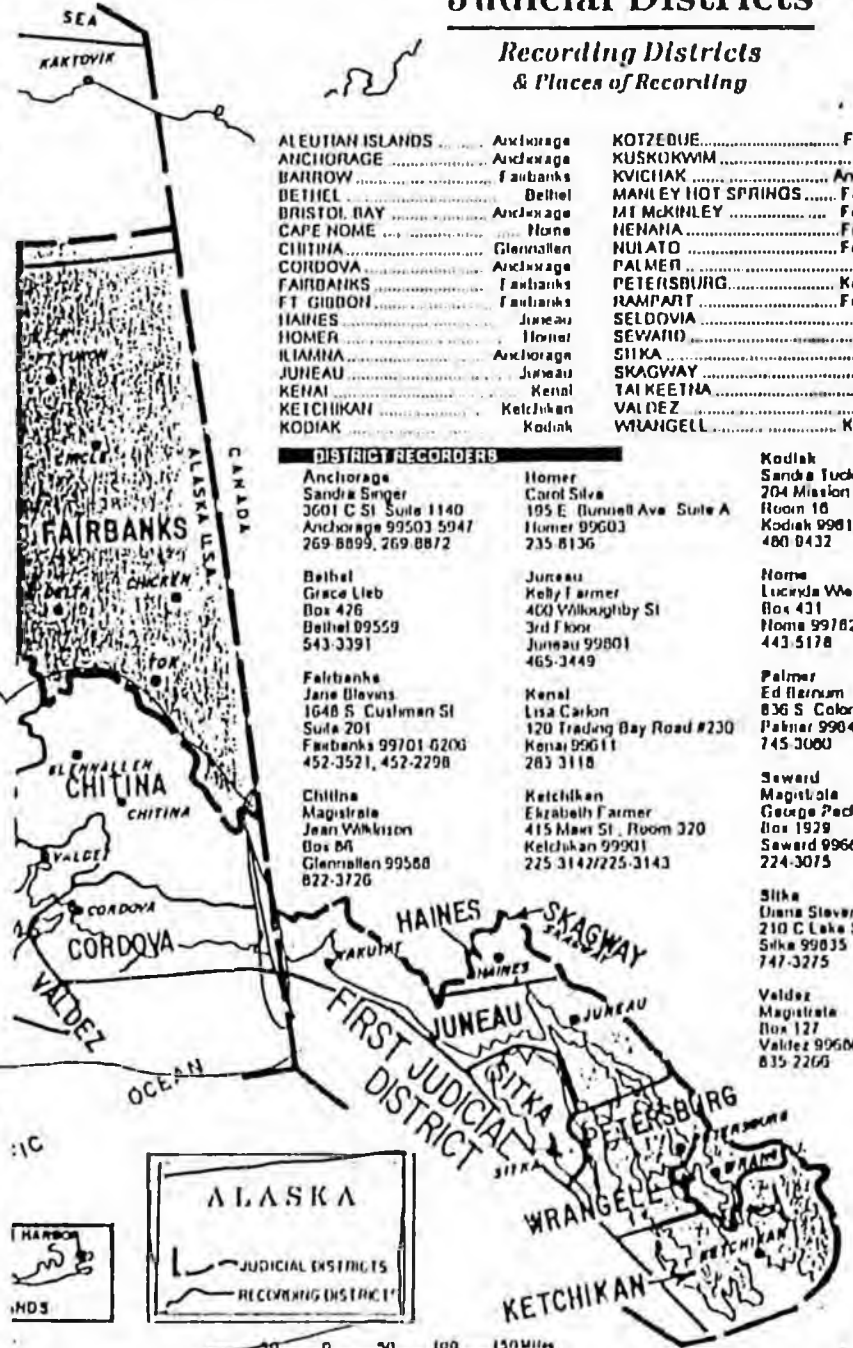
## Judicial Districts

### Recording Districts & Places of Recording

ALEUTIAN ISLANDS	Anchorage	KOTZEBUE	Fairbanks
ANCHORAGE	Anchorage	KUSKOKWIM	Bethel
BARROW	Fairbanks	KVICHAK	Anchorage
BETHEL	Bethel	MANLEY HOT SPRINGS	Fairbanks
BRISTOL BAY	Anchorage	MT MCKINLEY	Fairbanks
CAPE NOME	Homer	NENANA	Fairbanks
CHITINA	Glennallen	NULATO	Fairbanks
CORDOVA	Anchorage	PALMER	Palmer
FAIRBANKS	Fairbanks	PETERSBURG	Ketchikan
FT GIBBON	Fairbanks	RAMPART	Fairbanks
HAINES	Juneau	SELDOVIA	Homer
HOMER	Homer	SEWARD	Seward
ILIAMNA	Anchorage	SITKA	Sitka
JUNEAU	Juneau	SKAGWAY	Juneau
KENAI	Kenai	TAI KEETNA	Palmer
KETCHIKAN	Ketchikan	VALDEZ	Valdez
KODIAK	Kodiak	WRANGELL	Ketchikan

### DISTRICT RECORDERS

<b>Anchorage</b> Sandra Singer 3601 C St Suite 1140 Anchorage 99503 5947 269 8899, 269 8872	<b>Homer</b> Carol Silva 195 E. Burnett Ave Suite A Homer 99603 235 8136	<b>Kodiak</b> Sandra Tucker 704 Mission Road Hoonah Kodiak 99815 480 8432
<b>Bethel</b> Grace Lieb Box 426 Bethel 99559 543-3391	<b>Juneau</b> Kelly Farmer 400 Wiloughby St 3rd Floor Juneau 99801 465-3449	<b>Horne</b> Lucyda Weiler Box 431 Horne 99782 443 5178
<b>Fairbanks</b> Jane Olavus 1648 S. Cushman St Suite 201 Fairbanks 99701-6200 452-3521, 452-2298	<b>Kenai</b> Lisa Carlson 120 Trading Bay Road #230 Kenai 99611 283 3118	<b>Palmer</b> Ed Hansen 836 S. Colony Way Palmer 99845 745 3080
<b>Chitina</b> Magistrate Jean Wilkinson Box 85 Glennallen 99588 822-3726	<b>Ketchikan</b> Elizabeth Farmer 415 Main St., Room 370 Ketchikan 99901 225 3147/225-3143	<b>Seward</b> Magistrate George Peck Box 1929 Seward 99664 224-3075
		<b>Sitka</b> Diana Slavens 210 C. Lake St Sitka 99835 747-3275
		<b>Valdez</b> Magistrate Box 127 Valdez 99606 835 2266



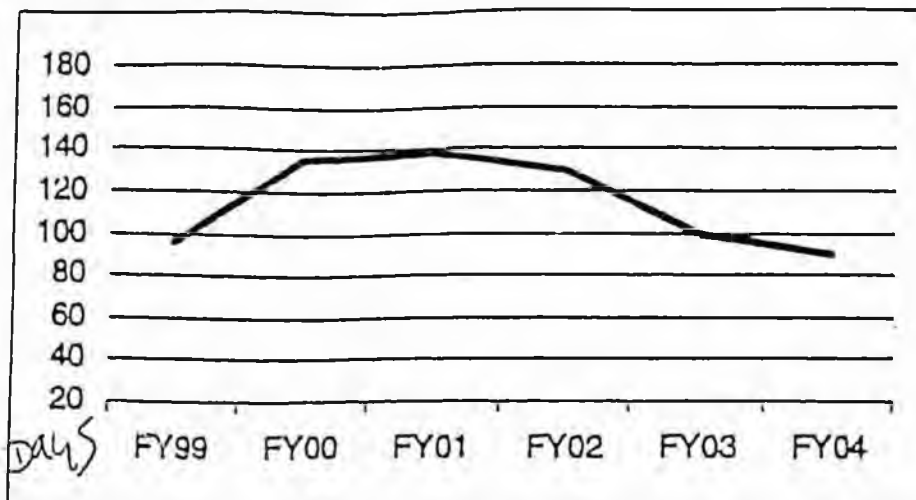
ALASKA  
JUDICIAL DISTRICTS  
RECORDING DISTRICTS

0 50 100 150 Miles  
ALASKA MAP SERVICE

## Key Performance Measures for FY2003

**Measure:**

The average time taken from a compensation hearing request until the date on which the hearing is scheduled.  
Sec 90(b)(1) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

Reduce the time lag between the request and scheduling of a hearing.

FY99 - 95.8 days

FY00 - 135.8 days

FY01 - 137.7 days

FY02 - 130 days (projection)

FY03 - 100 days (projection)

FY04 - 90 days (projection)

The time lag has gotten worse because of two major factors: the hearing case load has been going up; and because of funding reductions, we had fewer hearing officers.

**Benchmark Comparisons:**

The benchmark for this measurement is 90 days. This is based on AS 23.30.110(c). This subsection of the statute provides for a hearing to be scheduled within 60 days of request if not opposed by a party. If an opposition is filed, as they are in the vast majority of cases, a prehearing must be held within 30 days to set a hearing. If the hearing is scheduled within 60 days from the prehearing, 90 days to set a hearing from the date of request is a reasonable benchmark. The division expects to be able to begin meeting the 90 day benchmark in FY04 if the current level of funding is not reduced.

**Background and Strategies:**

The increase in the hearing time lag was noted in FY00. There was an elimination of a hearing officer as a result of budget cuts, and at the same time there was a corresponding rise in the overall hearing caseload. The legislature granted an increment in the FY02 budget for an additional hearing officer to address the problem. The hearing officer was hired in September of 2001 and additional hearings are currently being scheduled.

The Department promulgated and the Workers' Compensation Board approved a new regulation that would require hearings to be scheduled within 60 days from prehearings to further define the legislative intent in AS 23.30.110(c). The regulation will have to be approved by the Department of Law and filed by the Lieutenant Governor to become final. The department anticipates that it will be finalized and in place by the end of fiscal year 2002.

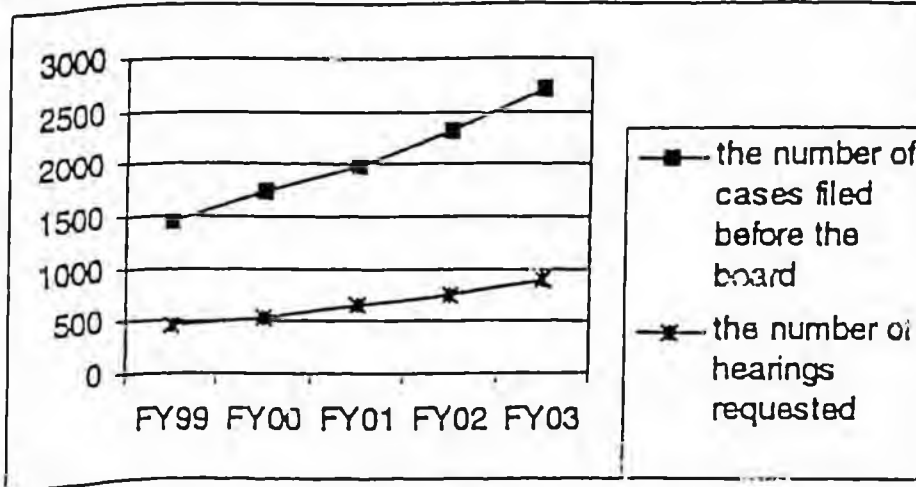
\* An additional Workers' Compensation Board panel in the Anchorage venue would expedite the handling of cases to

to reduce the time lag and address the back log. The department will present this situation to the legislature.

**Measure:**

The number of cases filed before the Workers' Compensation Board compared to the number of requests for hearing.  
 Sec 90(b)(2) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**



**Determine the hearing caseload**

- FY99 - 1446 cases filed - 459 hearings requested
- FY00 - 1746 cases filed - 539 hearings requested
- FY01 - 1987 cases filed - 651 hearings requested
- FY02 - 2324 cases filed - 760 hearings requested (projections based on current trends)
- FY03 - 2700 cases filed - 890 hearings requested (projections based on current trends)

**Benchmark Comparisons:**

There is no benchmark for this measure. This measurement will help determine the hearing caseload to give better understanding to hearing time lag and backlog problems.

**Background and Strategies:**

This measurement was requested by the house legislative budget subcommittee and will track the increases in both the number of cases filed and the number of hearings. Not all cases filed reach the hearing stage as a number are settled or otherwise resolved prior to the arrival of the hearing date.

# Alaska State Legislature

SENATOR  
BEN STEVENS  
716 WEST 4TH AVENUE  
ANCHORAGE, AK  
99501-2133  
(907) 269-0200  
FAX (907) 269-0204

*Session:*  
STATE CAPITOL  
JUNEAU, AK  
99801-1182  
(907) 465-4993  
FAX (907) 465-3872

Senate District JF

## Sponsor Statement

### CS SB 299

*"An act relating to the establishment of an Additional southcentral panel to the Alaska Workers' Compensation Board and to appointments to that panel."*

CSSB 299 would amend the Workers' Compensation Act to provide for an additional panel for the Alaska Workers' Compensation Board in the Southcentral venue. This is needed to help provide more hearings in that area of the state, and will address the need to reduce the lag time between when a worker files a claim and obtaining a hearing. It will also relieve a growing caseload.

The Alaska Workers' Compensation Act requires hearings to be conducted by panels of the Workers' Compensation Board. A panel consists of a labor member and an industry member, with a designee of the commissioner of the department of labor and workforce development. The commissioner's designee is an employee of the State of Alaska, while the other two members are lay volunteers who receive a \$50 per day stipend.

The industry seat members of the panels usually work in some management position, while the labor members are usually officers of labor unions. This makes for a very good mix for deciding these types of cases, but panel members also have full time jobs outside of the division, and, as a result, tend to be very busy, with limited time that they can devote to hearings. Consequently, there are only so many hearings that can be conducted with the current complement of panel members. With the adoption of the CS in the Senate Finance committee the effective date of the bill is January 1, 2003.

Enactment of SB 299 would provide much needed relief to the Worker's Compensation Board

**SB**

**299**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

RECORDED OUT  
MAY 22 2002

DATE: 2/27/02

FURTHER:

DATE TURNED IN TO OFFICE: 22 March 2002

Finance Committee considered **SENATE BILL NO. 299**  
*SB 299 WORKERS' COMPENSATION BOARD PANELS*

"An Act relating to the establishment of an additional southcentral panel to the Alaska Workers' Compensation Board and to appointments to that panel; and providing for an effective date."

and recommends:

- be replaced with CS SB 299 (FIN)
- adopt previous forthcoming CS
- attached amendmer...
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

same title

new title

**House Bill:**

same title

technical title

new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Labor	2/22/02	5.0		#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Linda Green</i>			✓	
<i>John Gustafson</i>	✓			
<i>Howard C. Olson</i>			✓	
<i>Sammy White</i>	✓			
<i>Gregory Thompson</i>	✓			
<i>Pete Hall</i>	✓			
<i>[Signature]</i>			✓	
COCHAIR:				
COCHAIR:				

REPORTED OUT  
 MAR 22 2002  
 STATE OF ALASKA  
 LEGISLATIVE COUNCIL

# FISCAL NOTE

STATE OF ALASKA  
 2002 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: SB 299  
 (S) Publish Date: 2/27/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Department: Labor and Workforce Development  
 Title: Workers' Compensation Board BRU: Workers' Compensation  
 Component: Workers' Compensation  
 Sponsor: Senate L&C  
 Requester: Senate L&C Component Number: 314

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel	5.0	5.0	5.0	5.0	5.0	5.0
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1157 Workers Safety Account	5.0	5.0	5.0	5.0	5.0	5.0
Other (Specify Type)						
<b>TOTAL</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>	<b>5.0</b>

Estimate of any current year (FY2002) cost: None

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill provides for an additional panel of the Workers' Compensation Board in the south-central venue. The panel will allow for additional hearings in that venue to reduce the time lag and back log. The increase in the travel line of the budget is required to provide for the \$50.00 a day stipend paid to the individual panel members when they are presiding over board hearings and other board business. The total is derived from two members working an average of approximately four to five days per month.

Prepared by: Paul Grossi, Director Phone: 465-2790  
 Division: Workers' Compensation Date/Time: 2/22/02 2:49 PM  
 Approved by: Ed Flanagan, Commissioner Date: 02/22/02  
 Agency: Department of Labor and Workforce Development

For distribution information, call the Governor's Legislative Office

Amended  
SENATE FINANCE  
COMMITTEE

Amendment Number: #1  
Bill Number: SB 299  
Sponsor: Kelly Date: 3/22/02  
Logged In By: J. Mindy

AMENDMENT

By Senator Pete Kelly

adopted

OFFERED IN THE SENATE  
TO: SB 299

Page 2 line 6 following "no"  
"take effect"

Delete "effect"  
Insert "be made"

Page 2 line 6 following "before"

Delete "July 1, 2002"  
Insert "January 1, 2003"

Page 2 DELETE lines 14 and 15

Insert "Sec. 3. This Act takes effect January 1, 2003."

**CS FOR SENATE BILL NO. 299(FIN)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the establishment of an additional southcentral panel to the Alaska  
2 Workers' Compensation Board and to appointments to that panel; and providing for an  
3 effective date."

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

5 \* **Section 1.** AS 23.30.005(a) is amended to read:

6 (a) The Alaska Workers' Compensation Board consists of a southern panel of  
7 three members sitting for the first judicial district, a northern panel of three members  
8 sitting for the second and fourth judicial districts, four [THREE] southcentral panels  
9 of three members each sitting for the third judicial district, and one panel of three  
10 members that may sit in any judicial district. Each panel must include the  
11 commissioner of labor and workforce development or the designated representative of  
12 the commissioner, a representative of industry, and a representative of labor. The  
13 latter two members of each panel shall be appointed by the governor and are subject to  
14 confirmation by a majority of the members of the legislature in joint session.

1 \* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3 TERMS AND INITIAL APPOINTMENTS. (a) The governor shall expeditiously  
4 make initial appointments to the new southcentral panel of the Alaska Workers'  
5 Compensation Board, authorized by sec. 1 of this Act. The appointments made under this #1  
6 subsection may not be made before January 1, 2003.

7 (b) Notwithstanding AS 23.30.005(c) and AS 39.05.055, the terms of the initially  
8 appointed members of the new panel who are representatives of labor or industry shall be set  
9 by the governor as follows:

10 (1) the member who is the representative of labor shall serve a term of two  
11 years;

12 (2) the member who is the representative of industry shall serve a term of  
13 three years. #1

14 \* Sec. 3. This Act takes effect January 1, 2003.



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 22 March 2002 TIME: 11:00 am

TO: Legal Sucs.

NUMBER OF PAGES, INCLUDING COVER SHEET: 2

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

NOTES: Final CS SB 299 (FIN) Phase  
w/ attached amendment

The Mundy

# Alaska State Legislature

SENATOR  
BEN STEVENS  
716 WEST 4TH AVENUE  
ANCHORAGE, AK  
99501-2133  
(907) 269-0200  
FAX (907) 269-0204



Session:  
STATE CAPITOL  
JUNEAU, AK  
99801-1182  
(907) 465-4993  
FAX (907) 465-3872

Senate District Jf

## Sponsor Statement

### SB 299

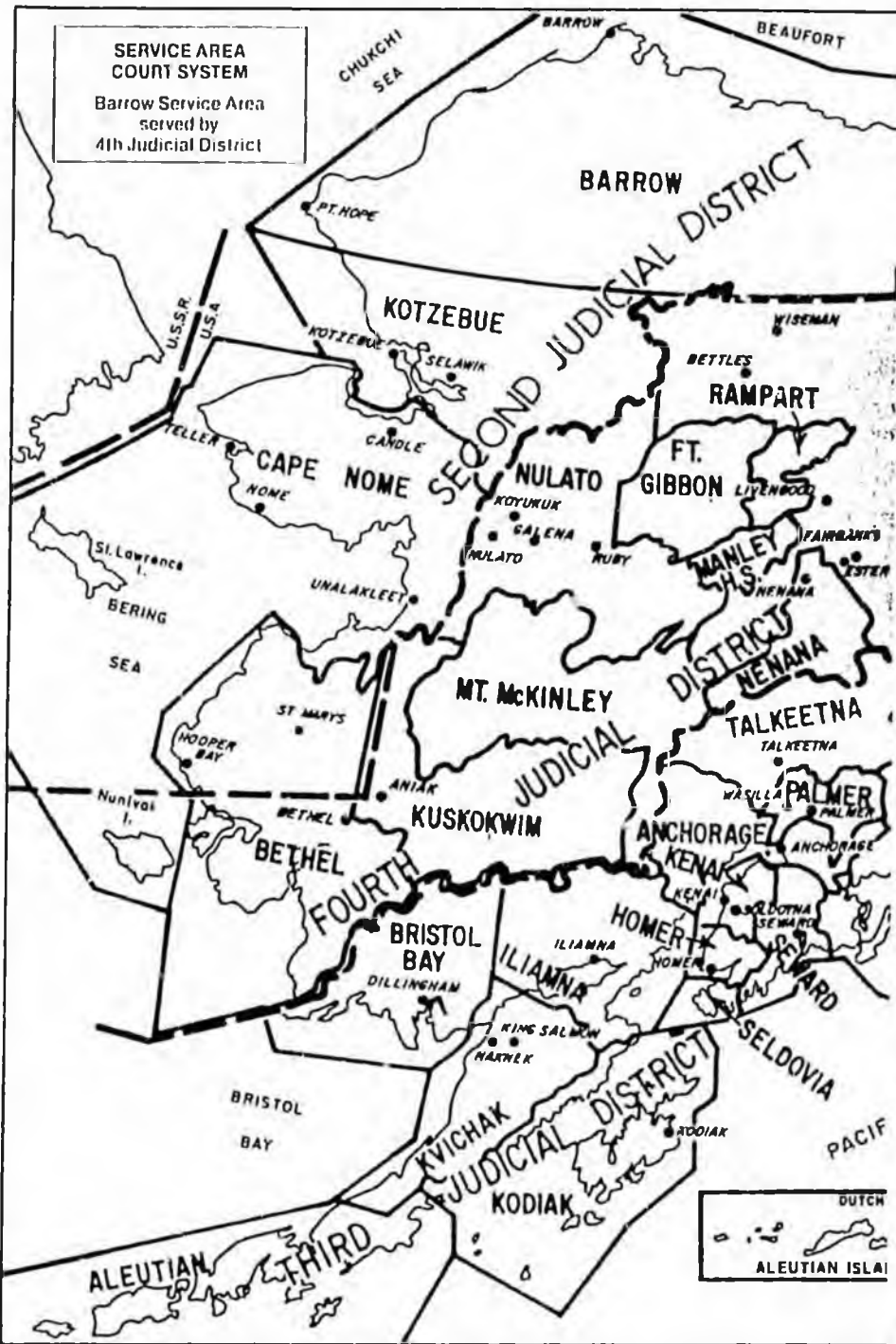
"An act relating to the establishment of an Additional southcentral panel to the Alaska Workers' Compensation Board and to appointments to that panel."

SB 299 would amend the Workers' Compensation Act to provide for an additional panel for the Alaska Workers' Compensation Board in the Southcentral venue. This is needed to help provide more hearings in that area of the state, and will address the need to reduce the lag time between when a worker files a claim and obtaining a hearing. It will also relieve a growing caseload.

The Alaska Workers' Compensation Act requires hearings to be conducted by panels of the Workers' Compensation Board. A panel consists of a labor member and an industry member, with a designee of the commissioner of the department of labor and workforce development. The commissioner's designee is an employee of the State of Alaska, while the other two members are lay volunteers who receive a \$50 per day stipend.

The industry seat members of the panels usually work in some management position, while the labor members are usually officers of labor unions. This makes for a very good mix for deciding these types of cases, but panel members also have full time jobs outside of the division, and, as a result, tend to be very busy, with limited time that they can devote to hearings. Consequently, there are only so many hearings that can be conducted with the current complement of panel members.

Enactment of SB 299 would provide much needed relief to the Worker's Compensation Board



**SERVICE AREA COURT SYSTEM**  
 Barrow Service Area served by 4th Judicial District

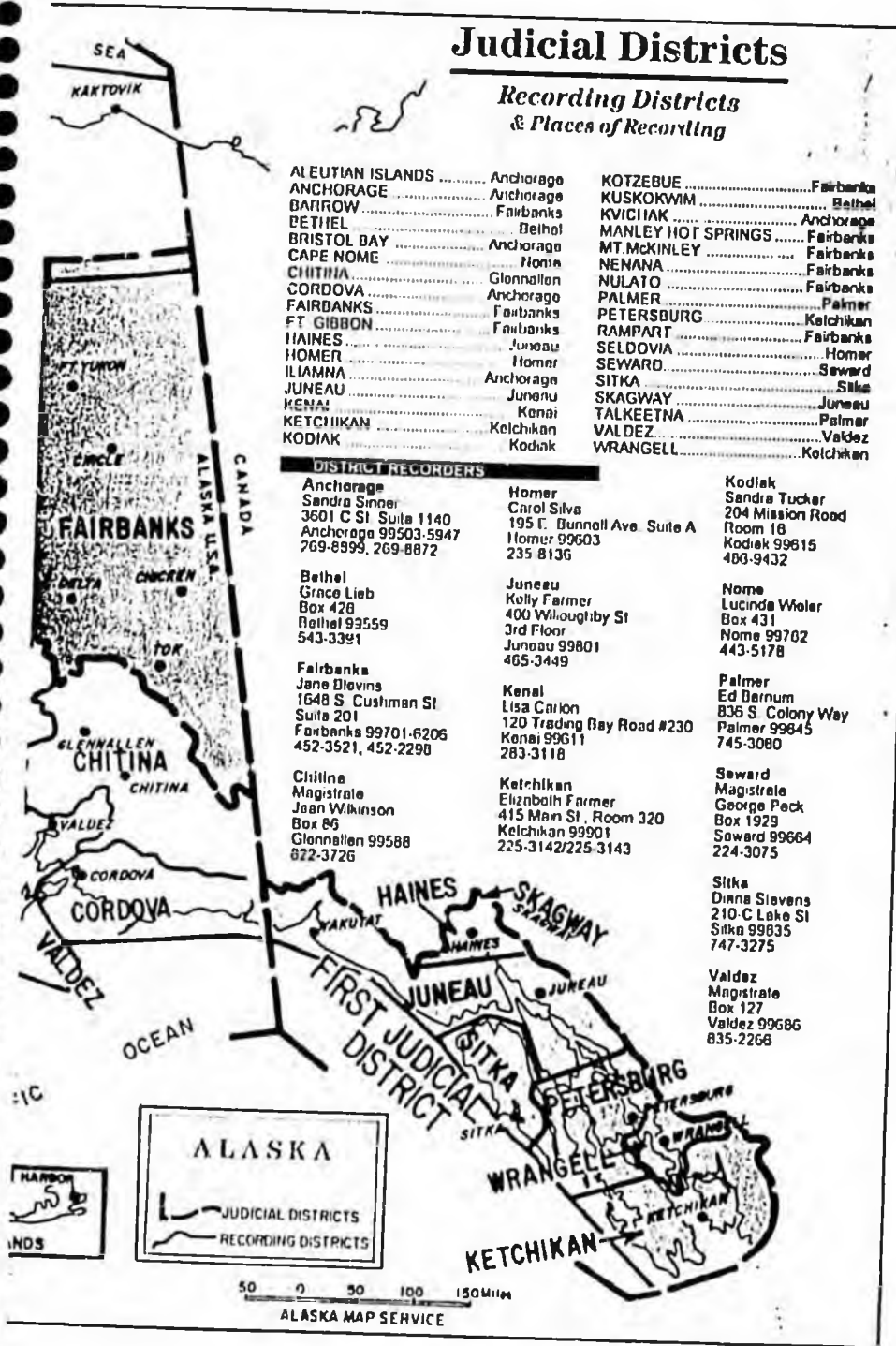
## Judicial Districts

### Recording Districts & Places of Recording

ALEUTIAN ISLANDS	Anchorage	KOTZEBUE	Fairbanks
ANCHORAGE	Anchorage	KUSKOKWIM	Bethel
BARROW	Fairbanks	KVICHAK	Anchorage
BETHEL	Bethel	MANLEY HOT SPRINGS	Fairbanks
BRISTOL BAY	Anchorage	MT. MCKINLEY	Fairbanks
CAPE NOME	Nome	NENANA	Fairbanks
CHITINA	Glennallen	NULATO	Fairbanks
CORDOVA	Anchorage	PALMER	Palmer
FAIRBANKS	Fairbanks	PETERSBURG	Ketchikan
FT. GIBBON	Fairbanks	RAMPART	Fairbanks
HAINES	Juneau	SELDOVIA	Homer
HOMER	Homer	SEWARD	Homer
ILIAMNA	Anchorage	SITKA	Sitka
JUNEAU	Juneau	SKAGWAY	Juneau
KENAI	Kenai	TALKEETNA	Palmer
KETCHIKAN	Ketchikan	VALDEZ	Valdez
KODIAK	Kodiak	WRANGELL	Ketchikan

### DISTRICT RECORDERS

<b>Anchorage</b> Sandra Simer 3501 C St, Suite 1140 Anchorage 99503-5947 769-8999, 269-8872	<b>Homer</b> Carol Silva 195 E. Bunnell Ave. Suite A Homer 99603 235-8136	<b>Kodiak</b> Sandra Tucker 204 Mission Road Room 18 Kodiak 99615 486-9432
<b>Bethel</b> Grace Lieb Box 428 Bethel 99559 543-3391	<b>Juneau</b> Kelly Farmer 400 Wiloughby St 3rd Floor Juneau 99801 465-3449	<b>Nome</b> Lucinda Wheeler Box 431 Nome 99702 443-5178
<b>Fairbanks</b> Jane Elovins 1648 S. Cushman St Suite 201 Fairbanks 99701-6206 452-3521, 452-2298	<b>Kenai</b> Lisa Carlon 120 Trading Bay Road #230 Kenai 99611 283-3118	<b>Palmer</b> Ed Barnum 835 S. Colony Way Palmer 99645 745-3080
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		<b>Sitka</b> Diana Stevens 210 C Lake St Sitka 99835 747-3275
		<b>Valdez</b> Magistrate Box 127 Valdez 99686 835-2268



**ALASKA**  
 JUDICIAL DISTRICTS  
 RECORDING DISTRICTS

50 0 50 100 150 Miles  
 ALASKA MAP SERVICE

## SB 299

- This amendment to the workers' compensation act provides for an additional panel of the Workers' Compensation Board for the South Central Venue.

All contested workers' compensation cases that can't be resolved are heard by panels of the Workers' Compensation Board.

The panels consist of a commissioner's designee (a full time hearing officer of the division), an industry seat member (usually someone who is executive of a company) and a labor member (usually an officer of a labor union). The industry members and labor members are volunteers who receive a \$50 per day stipend.

The Department has a sufficient number of hearing officers at this time to increase the number of hearings in the Anchorage venue, but needs additional lay members.

This bill will provide those additional lay members of the Workers' Compensation Board.

Additional hearings need to be scheduled in Anchorage (South Central) to address time lag and backlog of hearing caseload problems.

### Currently

- The average time from a request for hearing to the hearing is 137 days
- The hearing caseload has risen approx. 19% per year over the past two years.

The additional panel will allow the Board to schedule approx. 16% more hearing days. This translates into as much as 25% more hearing days in the South Central Venue.

This bill will give the Board some additional tools to address the time lag and hearing caseload problem at a very low cost.

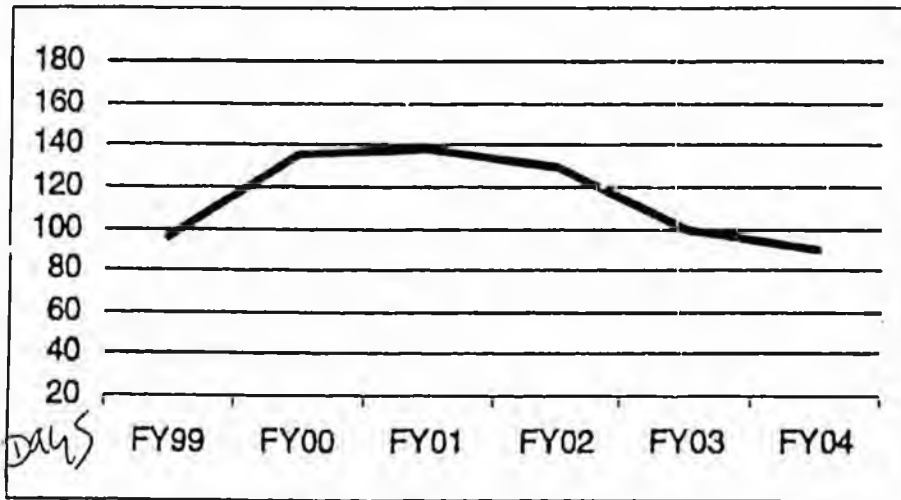
It's a win, win, win:

The Department gets additional resources to address the hearing problems; employees get their hearings sooner; and employers save cost; and employers save money by reducing administrative and legal cost.

## Key Performance Measures for FY2003

**Measure:**

The average time taken from a compensation hearing request until the date on which the hearing is scheduled.  
Sec 90(b)(1) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**

Reduce the time lag between the request and scheduling of a hearing.

FY99 - 95.8 days

FY00 - 135.8 days

FY01 - 137.7 days

FY02 - 130 days (projection)

FY03 - 100 days (projection)

FY04 - 90 days (projection)

The time lag has gotten worse because of two major factors: the hearing case load has been going up; and because of funding reductions, we had fewer hearing officers.

**Benchmark Comparisons:**

The benchmark for this measurement is 90 days. This is based on AS 23.30.110(c). This subsection of the statute provides for a hearing to be scheduled within 60 days of request if not opposed by a party. If an opposition is filed, as they are in the vast majority of cases, a prehearing must be held within 30 days to set a hearing. If the hearing is scheduled within 60 days from the prehearing, 90 days to set a hearing from the date of request is a reasonable benchmark. The division expects to be able to begin meeting the 90 day benchmark in FY04 if the current level of funding is not reduced.

**Background and Strategies:**

The increase in the hearing time lag was noted in FY00. There was an elimination of a hearing officer as a result of budget cuts, and at the same time there was a corresponding rise in the overall hearing caseload. The legislature granted an increment in the FY02 budget for an additional hearing officer to address the problem. The hearing officer was hired in September of 2001 and additional hearings are currently being scheduled.

The Department promulgated and the Workers' Compensation Board approved a new regulation that would require hearings to be scheduled within 60 days from prehearings to further define the legislative intent in AS 23.30.110(c). The regulation will have to be approved by the Department of Law and filed by the Lieutenant Governor to become final. The department anticipates that it will be finalized and in place by the end of fiscal year 2002.

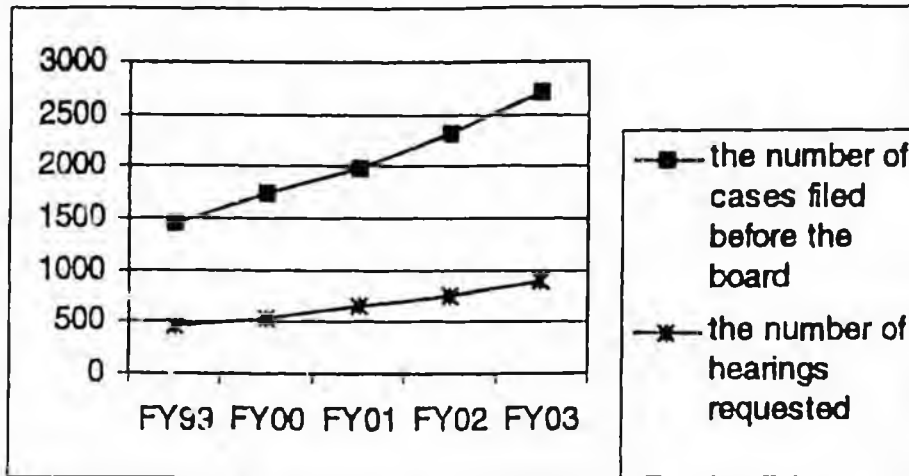
\* An additional Workers' Compensation Board panel in the Anchorage venue would expedite the handling of cases to

both reduce the time lag and address the back log. The department will present this situation to the legislature.

**Measure:**

The number of cases filed before the Workers' Compensation Board compared to the number of requests for hearing. Sec 90(b)(2) Ch 90 SLA 2001(HB 250)

**Alaska's Target & Progress:**



**Determine the hearing caseload**

- FY99 - 1446 cases filed - 459 hearings requested
- FY00 - 1746 cases filed - 539 hearings requested
- FY01 - 1987 cases filed - 651 hearings requested
- FY02 - 2324 cases filed - 760 hearings requested (projections based on current trends)
- FY03 - 2700 cases filed - 890 hearings requested (projections based on current trends)

**Benchmark Comparisons:**

There is no benchmark for this measure. This measurement will help determine the hearing caseload to give better understanding to hearing time lag and backlog problems.

**Background and Strategies:**

This measurement was requested by the house legislative budget subcommittee and will track the increases in both the number of cases filed and the number of hearings. Not all cases filed reach the hearing stage as a number are settled or otherwise resolved prior to the arrival of the hearing date.

SB 299-WORKERS' COMPENSATION BOARD PANELS  
SENATE FINANCE COMMITTEE

SIGN-IN

NAME: Paul Grossi Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: DUL Div W. Comp Phone: 465-2790  
Address: " " Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
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NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

**SB**

**303**

SFIN

FILE

SB 303

was referred to the  
Senate Finance  
Committee

No hearing was held  
on this bill

**SB**

**308**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/6/02

REPORTED OUT  
MAR 21 2002  
SENATE FINANCE  
COMMITTEE

FURTHER:

DATE TURNED IN TO OFFICE: 3/21/02

Finance Committee considered **SENATE BILL NO. 308**  
*SB 308 COASTAL ZONE MGMT PROGRAM*

"An Act relating to the Alaska coastal management program and the responsibilities of the Alaska Coastal Policy Council."

and recommends:

- be replaced with CS SB 308 (FIN)
- adopt previous CS CS FORTHCOMING ( )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

- Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical title  
 new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Gov.	3/5/02		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Linda Green</i>	✓			
<i>Robert Carter</i>			✓	
<i>Gary Hall</i>	✓			
<i>David Thomas</i>	✓			
<i>John Wald</i>			✓	
COCHAIR: <i>[Signature]</i>			✓	
COCHAIR: <i>[Signature]</i>	✓			

CS FOR SENATE BILL NO. 308(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska coastal management program and the responsibilities of  
2 the Alaska Coastal Policy Council; and providing for an effective date."

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

4 \* Section 1. AS 46.40.030 is amended by adding a new subsection to read:

5 (b) In developing statements of policies and regulations under (a) of this  
6 section, a coastal resource district may not incorporate by reference statutes and  
7 administrative regulations adopted by state agencies.

8 \* Sec. 2. AS 46.40.094 is amended by adding a new subsection to read:

9 (d) Notwithstanding any other provision of this section, for a natural gas  
10 pipeline project from the Alaska North Slope following a route that parallels the Trans  
11 Alaska Pipeline System and the Alaska Highway to the Canadian border or a route  
12 that runs south to Alaska tidewater, any agency responsible for the consistency  
13 determination with respect to proposed uses or activities involved in the project may,  
14 in its discretion, conduct the review and make the consistency determination in

1 separate phases in a manner that promotes review of proposed uses and activities  
2 based upon the project's design, construction sequence, and schedule.

3 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

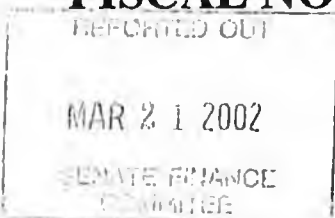
5 MODIFICATION OF APPROVED COASTAL MANAGEMENT PROGRAM  
6 PLANS. (a) In a municipality or coastal resource service area for which the Alaska Coastal  
7 Policy Council has approved a district coastal management program that is not consistent with  
8 the prohibition of AS 46.40.030(b), added by sec. 1 of this Act, the municipality or coastal  
9 resource service area shall submit to the Alaska Coastal Policy Council, within one year after  
10 the effective date of this Act, program modifications to conform the program to the  
11 requirements of AS 46.40.030(b), added by sec. 1 of this Act.

12 (b) If a municipality or coastal resource service area does not comply with (a) of this  
13 section, the Alaska Coastal Policy Council may enter an order deleting the incorporation by  
14 reference of statutes and administrative regulations in violation of AS 46.40.030(b), added by  
15 sec. 1 of this Act.

16 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION



Fiscal Note Number: 1  
 Bill Version: CSSB 308 (RES)  
 (S) Publish Date: 3/6/02

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: "An Act relating to the Alaska coastal management program..."  
 Sponsor: Senator Therriault  
 Requester: Senate Resources  
 Dept. Affected: Office of the Governor  
 BRU: Governmental Coordination  
 Component: Governmental Coordination  
 Component No.: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by: Patrick Galvin, Director  
 Division: Governmental Coordination  
 Approved by: David Ramseur  
 Agency: Office of the Governor

Phone 465-3562  
 Date/Time 3/5/02 4:01 PM  
 Date 3/5/2002