

Change Record Detail with Description (1438)
Special Appropriations

Scenario: FY2014 Supplemental Amds Submitted Mar12 (11406)

Component: Judgments, Claims and Settlements (3008)

RDU: Judgments, Claims and Settlements (615)

Title: Judgments and Settlements

Language	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
Y	Suppl	102.8	0.0	0.0	102.8	0.0	0.0	0.0	0.0	0	0	0
	1004 Gen Fund	102.8										

Amend judgments and settlements appropriation to add cases settled in the amount of \$102.8 after the February 18, 2014 supplemental amendment was submitted.

Amend * Sec. 8. DEPARTMENT OF LAW., as follows:

* Sec. 8. DEPARTMENT OF LAW. (a) The sum of \$1,673,000 [\$1,570,200] is appropriated from the general fund to the Department of Law, civil section, deputy attorney general's office, for the purpose of paying judgments and settlements against the state for the fiscal year ending June 30, 2014.

- \$149,069.87 - Jennifer Paramour et al. v. State of Alaska
- \$187,587.41 - Peterson v. SOA
- \$ 17,525.70 - Reel v. Big Game Commercial Services Board
- \$1,230.05 - SOP Inc. v. SOA, DNR, et al.
- \$1,264,906.59 - Mulgrew v. DHSS OCS (Amended)
- \$37,286.84 - SOP Inc. v. SOA, DNR, et al.
- \$15,363.04 - ITMO Leah VanOrden/Leah Funk

**Department of Law
Judgments / Claims / Settlements for Payment
As of March 12, 2014**

	Payee	Case Name	Date Interest Commences	Anticipated Pymt Date	Judgment	Int Rate	Days	Interest Total	To Be Paid
1	Northern Justice Project	Jennifer Paramore et al. v. State of Alaska	08/01/13	06/01/14	144,555.00	3.75%	304	4,514.87	149,069.87
2	Douglas K. Mertz Law Office	Peterson v. SOA	06/19/13	06/01/14	181,130.00	3.75%	347	6,457.41	187,587.41
3	Kevin Fitzgerald, Ingaldson Fitzgerald, P.C.	Reel v. Big Game Commercial Services Board	07/11/13	06/01/14	16,959.42	3.75%	325	566.28	17,525.70
4	Atkinson Conway & Gagnon Inc.	SOP Inc. v. SOA, DNR, et al.	06/01/14	06/01/14	1,230.05	0.00%	-	-	1,230.05
5	Northern Justice Project	Mulgrew v. SOA, DHSS, OCS (Amended)	01/15/13	06/01/14	1,202,868.25	3.75%	502	62,038.34	1,264,906.59
6	Atkinson Conway & Gagnon Inc.	SOP Inc. v. SOA, DNR, et al.	01/31/14	06/01/14	36,829.00	3.75%	121	457.84	37,286.84
7	Patricia Funk	ITMO Leah VanOrden/Leah Funk	10/16/13	06/01/14	15,363.04	0.00%	228	-	15,363.04
	Total Judgments/Settlements				\$ 1,598,934.76			\$ 74,034.74	\$ 1,672,969.50
								FY14 Supplemental submitted 2/3/14	\$ 1,570,189.34
								FY14 Supplemental Amendment 3/12/14	\$ 102,780.16

Department of Law

— AMENDED —

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. Please submit this form to the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. **Case Name:** Mulgrew v. SOA, DHSS, OCS
2. **Case Number:** 3AN-10-06273 CI
3. **Judge/Justices:** Rindner
4. **Date Judgment entered:** January 15, 2013
5. **Did the date of the cause of action accrue on or after August 7, 1997?**
6. **Amount to be paid:** \$1,202,868.25 total judgment for retroactive payment to foster parents
7. **Interest Rate:** 3.75% **Effective Date:** January 15, 2013
8. **Requested hourly rate and total compensation of attorneys to be paid:** common fund doctrine, not more than 25% of \$1,202,868.25 (or \$300,671.57).
9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:** See 8 above.
10. **Payable to:** common fund attorney fees to Northern Justice Project, LLC, retroactive fees owed to the foster parents will be paid by DHSS.
11. **EIN:** 27-4635653 (NJP) or **SSN:**

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: Mulgrew v. SOA, DHSS, OCS

Case No.: 3AN-10-06273 CI

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

Plaintiffs filed a class action seeking injunctive and declaratory relief related to (1) how the state calculates base foster care rates, (2) whether therapeutic services must be included in adoption subsidies and (3) that the augmented rates paid for high needs children were not adopted pursuant to the APA. The case was litigated on motions for summary judgment and the plaintiffs prevailed on the first and third claims but lost on the second.

Class certification was granted as to current and past foster parents who would be compensated for the difference between the old foster care rate and the new foster care rate. OCS contracted with vendor to evaluate foster care rates and make recommendation. The new rate went into effect on July 1, 2013. Under the old system, specialized foster care should have been paid at 150% to 500% of base rate; OCS paid \$7.50 or \$15.00 per day depending on the needs of the child. Since the rates paid by OCS were not adopted in regulation, the default rate of 150% to 500% should have been paid during time period in question.

The settlement was approved by the court in February 2013. The legislature approved the new foster care reimbursement scheme through the budget last spring. Under the Settlement, OCS was required to calculate the reimbursement for each foster parent as to base rates and specialized foster care, which was completed in October of 2013. This process calculated the retroactive payments to foster parents approved by the settlement at \$1,202,868.25

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 state defended the application and process related to state regulations, 7 AAC 53.030 and 7 AAC 53.060.

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

The state prevailed on one issue; that OCS is not required to include therapeutic services that are paid through the Medicaid program as part of adoption subsidies.

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.

Plaintiffs' counsel has filed motion for common fund attorney's fees based upon the projected award for retroactive foster care payments and specialized foster care payments. The common fund in this case equals \$1,202,868.25. Counsel is seeking 25% of the common fund. Class members have been notified of the attorney fees and provided notice on how to voice objections. The state is currently litigating issue. If an award is made as requested (25%), class counsel will recover or \$300,671.57.

If the court approved a percentage award, class counsel will be paid their percentage share out of the common fund; there will be no additional request for attorney's fees. Thus, class members will be paid the total amount due, minus the percentage reduction of the fees awarded to plaintiffs' counsel (e.g., if counsel gets 25% and the individual foster care payment was \$1000.00, their payment would be \$750.00.)

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

Violation of the Child Welfare Act and our failure to adopt specialized foster care rates through the Alaska Administrative Procedures Act. Both statutory and constitutional claims were raised.

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 state has amended its regulations and will continue to make further amendments to comply with the APA; new foster care rates were adopted on July 1, 2013; and the

specialized foster care rate structure was amended via regulation in December of 2012. Further revision of both programs and the regulations that govern are ongoing.

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.

See no. 6 above.

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

See, no 6. above.

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

Amendment to 7 AAC 53.030 and 7 AAC 53.060.

Attorney completing form:

Stacy L. Huns
Chief Asst Attorney General
Title

Date:

2/5/14
907-465-4164
Phone Number

12. Send check to: NJP for attorney's fees, if any and to OCS for judgment less fees

Departmental attorney contact:

Departmental Approval:

Stm. Henry
Signature

907-465-4164
Telephone Number

[Signature]
Deputy Attorney General

2-6-14
Date

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

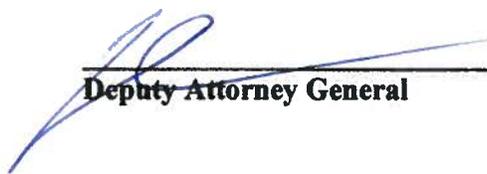
**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. Please submit this form to the Director, Administrative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

PART ONE

1. **Case Name:** SOP Inc. v. SOA, DNR et al.
 2. **Case Number:** S-14541
 3. **Judge/Justices:** Alaska Supreme Court
 4. **Date Judgment entered:** 1/31/2014
 5. **Did the date of the cause of action accrue on or after August 7, 1997?** Yes.
 6. **Amount to be paid:** \$36,829.00
 7. **Interest Rate:** 3.75% **Effective Date:** 1/31/14
 8. **Requested hourly rate and total compensation of attorneys to be paid:** \$300/hour, for total compensation of \$36,829
 9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:** \$300/hour, for total compensation of \$36,829
 10. **Payable to:** Atkinson Conway & Gagnon Inc., 420 L St., Suite 500, Anchorage, AK 99501
 11. **EIN:** 92-0036495
 12. **Send check to:** above address **Departmental contact:** _____
- Departmental attorney contact:** _____ **Departmental Approval:** _____



Signature



Deputy Attorney General

Telephone Number

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: SOP Inc. v. SOA, DNR et al.

Case No.: S-14541

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State. Appellant SOP Inc. challenged practice of Department of Natural Resources to issue permits for ATV use within Nancy Lake State Recreation Area, a unit of the state park system. DNR prevailed in the trial court, but the Alaska Supreme Court reversed, finding that the permits constituted easements, which are illegal within state parks. The court found that the permits constituted easements because (1) they were revocable only for cause and (2) were issued solely to property owners for access to their property, functioning as easements appurtenant. The court also ruled that SOP Inc. were public interest litigants and were entitled to full attorney's fees on appeal.

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 issue of law was whether the permits issued by DNR were actually easements, in which case their issuance would contravene sections of the Alaska Constitution prohibiting disposals of property interests in state land removed from the public domain.

3. Did the State prevail on any issues? If so, describe. The only issue the court reached was the "permit v. easement" issue, on which SOP Inc. prevailed. For that reason, the State did not prevail on any issue.

Revised 11/24/04

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. We did challenge the plaintiffs' requests for costs and fees as not justified under AS 09.60.010. The Alaska Supreme Court ruled in the plaintiffs' favor.

5. What was the source of the State's liability in this case? Monetary liability is limited to the fee/cost award.

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 current permitting practice has been discontinued. DNR, with the advice of the Dept. of Law, is carefully reviewing options for permitting that would not violate the Alaska Supreme Court's ruling. The Dept. of Law has also provided to training sessions to DNR to provide guidance on the "permit v. easement" issue.

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. See answer to 6, above.

8. Any recommendations concerning cases of this type in the future? Careful attention to the nature of the interest created by state land management authorizations, rather than merely the label (e.g., "permit").

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations. Statutory changes would not affect the result in this case, which turned on whether the interest issued by DNR actually constituted a disposal prohibited by Article VIII of the Alaska Constitution. A new policy – either discontinuing ATV permits altogether, or issuing under different criteria – is being discussed already with DNR.

Attorney completing form: John Baker

Date: February 13, 2014



SIR, ASST. ATTY. GENERAL
Title

Phone Number

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

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PART ONE

- 1. **Case Name:** ITMO Leah VanOrden/ Leah Funk
- 2. **Case Number:** No. 1JU-12-244 P/A
- 3. **Judge/Justices:** Pallenberg
- 4. **Date Judgment entered:** October 16, 2013
- 5. **Did the date of the cause of action accrue on or after August 7, 1997?** yes
- 6. **Amount to be paid:** 15,363.04
- 7. **Interest Rate:** N/A **Effective Date:** October 16,2013
- 8. **Requested hourly rate and total compensation of attorneys to be paid:**
- 9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:**
- 2. **Payable to:** Patricia Funk, 3349 Park Place, Juneau AK 99801
- 10.

11. **EIN: Submit separately** or **SSN: Submit separately**

12. **Send check to above address** Departmental contact: _____

Departmental attorney contact: Departmental Approval:



Signature



Deputy Attorney General

465-4136

Telephone Number

3/4/14

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: Leah Funk

Case No.: No. 1JU-12-244 P/A

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

OCS denied placement of the child with maternal grandmother after she failed a home study and was deemed an unsafe placement. The grandmother filed to adopt her despite the negative home study. The case went to a contested adoption hearing. Judge Pallenberg granted her adoption and the maternal grandmother's privately retained attorney filed for attorney's fees. The judge awarded attorney's fees over the state's objection.

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

N/A

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

N/A

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.

The state objected to the award of attorney's fees as attorney's fees are not normally recoverable in CINA cases. However, this case was a combined CINA and adoption case. Attorney's fees may be recoverable in adoption proceedings.

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

The grandmother prevailed in her petition to adopt her granddaughter. The Department was objecting to the petition. The court awarded attorney's fees to the grandmother.

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 case was reviewed for possible appeal. The AG decided not to appeal as the unusual circumstances of the case make the issues of attorney's fees in these instances unlikely to reoccur.

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.

N/A

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

If attorney's fees are awarded again under similar circumstances, appeal is recommended.

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

A rule change should be considered to clarify when attorney's fees are available in similar circumstances.

Attorneys completing form:
Hanna Sebold
AAG, CP section
465-1436
and
Carla Raymond, Chief AAG, CP section
269-6618

Date:
February 27, 2014

Change Record Detail with Description (1438)
Special Appropriations

Scenario: FY2014 Supplemental Amds Submitted Mar12 (11406)
Component: Judgments, Claims and Settlements (3008)
RDU: Judgments, Claims and Settlements (615)
Title: Soldotna Maintenance Station Environmental Protection Agency Penalty

Language	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
Y	Suppl	118.0	0.0	0.0	118.0	0.0	0.0	0.0	0.0	0	0	0
	1004 Gen Fund	118.0										
<p>A Compliance Evaluation Inspection of the department’s Soldotna Maintenance Station was performed by the U.S. Environmental Protection Agency (EPA) on September 22, 2009. As a result of this inspection, the EPA alleges violations were present and proposed a penalty of \$118.0 as a settlement to resolve the alleged violations. The department received a “Notice of Intent to File an Administrative Complaint for Violations of the Resource Conservation and Recovery Act and Opportunity to Enter into Pre-Filing Settlement Negotiations” in November of 2013 and the final penalty was determined in February of 2014. This document identified the specific violations found during the 2009 inspection and provided the department the opportunity to discuss the matter prior to an official filing of a complaint with the courts.</p> <p>Violations observed at the maintenance station in 2009 were related to storage of 55-gallon drums in the “Hazardous Waste Storage Area.” In general, the drums were not properly labeled and not permitted for storage without label, along with other associated violations. Old, unusable paint was also being dried for disposal in an unapproved and unpermitted manner. The requested funding will be remitted to the EPA for the final negotiated penalty.</p> <p>This is a one-time increment.</p> <p>The sum of \$117,984 is appropriated from the general fund to the Department of Transportation and Public Facilities, central region highways and aviation, for the purpose of paying settlement costs for the fiscal year ending June 30, 2014.</p>												
Totals		118.0	0.0	0.0	118.0	0.0	0.0	0.0	0.0	0	0	0



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
REGIONAL COUNSEL

FOR SETTLEMENT PURPOSES ONLY

February 18, 2014

Jeffrey P. Stark
Chief Assistant Attorney General
Alaska Department of Law - Civil Division
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501-1994

Re: Notice of Intent to File an Administrative Complaint for Violations of the Resource Conservation and Recovery Act and Opportunity to Enter into Pre-Filing Settlement Negotiations

Dear Mr. Stark:

This letter is to confirm that the U.S. Environmental Protection Agency ("EPA") has agreed to a penalty of \$117,984 as the civil penalty to be paid to resolve the alleged violations of Subtitle C of the Resource Conservation and Recovery Act ("RCRA") by the Alaska Department of Transportation and Public Facilities identified in the above referenced letter, dated November 13, 2013. The agreement on the penalty is subject to successful negotiation of the remaining terms of a Consent Agreement and Final Order. The Final Order is subject to review and approval by the EPA Regional Judicial Officer.

If you have any questions, I can be reached at (206) 553-1222 or at boyd.andrew@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Boyd".

Andrew Boyd
Associate Regional Counsel

Reappropriation to Alaska International Airport System: FY2014 Request: \$0
Contingency Fund Reference No: AMD 58836

AP/AL: Appropriation **Project Type:** Construction
Category: Transportation
Location: Anchorage Areawide **House District:** Anchorage Areawide (HD 11-27)
Impact House District: Anchorage Areawide (HD 11-27) **Contact:** John Binder
Estimated Project Dates: 04/20/2014 - 06/30/2019 **Contact Phone:** (907)266-2621

Brief Summary and Statement of Need:

The Department was notified February 25, 2014 by the Federal Aviation Administration (FAA) that the state match rate for projects at the Ted Stevens Anchorage International Airport is increasing from 6.25% to 12.24%, effective in state fiscal year 2014. This reappropriation will enable the match requirement to be met and avoid project delays.

Funding:	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>Total</u>
Int Airprt							\$0
Total:	\$0	\$0	\$0	\$0	\$0	\$0	\$0

<input type="checkbox"/> State Match Required	<input checked="" type="checkbox"/> One-Time Project	<input type="checkbox"/> Phased - new	<input type="checkbox"/> Phased - underway	<input type="checkbox"/> On-Going
0% = Minimum State Match % Required		<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

Operating & Maintenance Costs:

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
One-Time Startup:	0	0
Totals:	0	0

Prior Funding History / Additional Information:

Sec13 Ch29 SLA2008 P162 L8 SB211 \$7,000,000

The unexpended and unobligated balance, not to exceed \$5,000,000, of the appropriation made in Sec. 13, ch. 29, SLA 2008, page 161, line 33, and allocated on page 162, lines 8 – 10 (Department of Transportation and Public Facilities, Alaska International Airport System: Development Fund - \$7,000,000) is reappropriated to the Department of Transportation and Public Facilities for the Alaska International Airport System: Contingency Fund.

Project Description/Justification:

This is an unforeseen increase in the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant matching rate applicable to the Ted Stevens Anchorage International Airport, effective state fiscal year FY2014.

The FAA recently ran the formulas in anticipation of the AIP funds being distributed this spring. When running the formulas for the nation’s medium hub airports (for Alaska only Ted Stevens Anchorage International Airport falls in that category), it was discovered that the federal land percentage used for match rate calculation had been miscalculated for Anchorage, Salt Lake City, and San Diego since 1992. While the department maintains that Alaska consists of 2/3 federal land, FAA formula calculations use that number (~66%) minus any reserved or appropriated land (parks, wildlife refuges,

Reappropriation to Alaska International Airport System: FY2014 Request: \$0
Contingency Fund Reference No: AMD 58836

national forests, oil leases, etc) which reduces the percentage to 34.03%. Using this percentage in the calculation changes the state match requirement from 6.25% to 12.24%. The remainder of our airports fall into a different category and the state match remains at 6.25%.

Reappropriation to Chignik - New Public Ferry Terminal and Dock

FY2014 Request: \$0
Reference No: AMD 58839

AP/AL: Appropriation
Category: Transportation
Location: Chignik
Impact House District: Bethel/Aleutians (HD 37)
Estimated Project Dates: 04/20/2014 - 06/30/2019

Project Type: Construction
House District: Bethel/Aleutians (HD 37)
Contact: Pat Kemp
Contact Phone: (907)465-3900

Brief Summary and Statement of Need:

Currently there are no public docks in any of the four communities in the Chignik area. The continued use of a private dock cannot continue indefinitely and will not accommodate the M/V Kennicott nor the likely replacement of the M/V Tustemena. The new public ferry dock will provide a safe and reliable facility for the state ferry and other private vessels along with an eventual boat haul-out system and fuel facility for the communities and the local fleet. This project is being requested as an amendment because the Department and Lake and Peninsula Borough recently agreed to pursue the Chignik Public Dock through the Federal-Aid process as the Iliamna nondalton road rehabilitation project is not progressing.

Funding:	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>Total</u>
Fed Rcpts							\$0
Total:	\$0	\$0	\$0	\$0	\$0	\$0	\$0

<input type="checkbox"/> State Match Required	<input checked="" type="checkbox"/> One-Time Project	<input type="checkbox"/> Phased - new	<input type="checkbox"/> Phased - underway	<input type="checkbox"/> On-Going
0% = Minimum State Match % Required		<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

Operating & Maintenance Costs:

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
One-Time Startup:	0	0
Totals:	0	0

Prior Funding History / Additional Information:

Sec4 Ch30 SLA2007 P114 L11 SB53 \$7,500,000

The unexpended and unobligated balance, not to exceed \$7,500,000, of the appropriation made in Sec. 4, ch. 30, SLA 2007, page 110, line 15 and allocated on page 114, lines 11 – 12 (Department of Transportation and Public Facilities, Iliamna: Nondalton Road Completion - \$7,500,000) is reappropriated to the Department of Transportation and Public Facilities for the Chignik - New Public Ferry Terminal and Dock.

Project Description/Justification:

The new public ferry dock (designed in concurrence with Alaska Marine Highway System (AMHS) standards) will provide a safe and reliable facility for the state ferry and other private vessels. It would also provide space for an eventual boat haul-out system and fuel facility for the four communities and the local fleet. The dock design is complete and all permits have been acquired. This project is shovel-ready.

Currently, there are no public docks in any of the four communities that make up the Chignik area (Chignik Bay, Chignik Lagoon, Chignik Lake, and Perryville). The AMHS uses a very poorly

**Reappropriation to Chignik - New Public Ferry Terminal
and Dock**

FY2014 Request: \$0
Reference No: AMD 58839

maintained private dock in Chignik Bay for state vessels. The City of Chignik Bay has to lease the dock during state vessel use to shield both the private dock owner (Trident Seafoods) and the state from liability as a condition of ferry service. The borough, city and Trident recently spent over \$750,000 to repair and improve the private dock to ensure continued ferry service by the M/V Tustumena for the next couple of years. This arrangement cannot continue long-term given the various problems with the condition of the private dock. Also, the private dock cannot accommodate the M/V Kennicott. It is very unlikely that the replacement vessel for the M/V Tustumena will be able to dock at the Trident dock.

This project is being requested as an amendment due to a recent agreement between the Department of Transportation & Public Facilities and the Lake and Peninsula Borough which occurred after the release of the Governor's December budget and the prior amendment package being submitted to the Legislature. A formal memorandum of agreement is currently being drafted by the department and borough.

Change Record Detail with Description (1438)
Debt Service

Scenario: FY2014 Supplemental Amds Submitted Mar12 (11406)

Component: School Debt Reimbursement (153)

RDU: Debt Service (251)

Title: FY2014 School Debt Reimbursement Reduction

Language	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions								
										PFT	PPT	NP						
Y	Suppl	-15,355.3	0.0	0.0	10.5	0.0	0.0	-15,365.8	0.0	0	0	0						
	1004 Gen Fund	-15,355.3																
<p>Sec. 13. DEBT AND OTHER OBLIGATIONS. (d) Section 25(k), ch. 14, SLA 2013, page 83, lines 18-22, is amended to read: (k) The sum of \$112,907,866 [\$128,263,143] is appropriated to the Department of Education and Early Development for state aid for costs of school construction under AS 14.11.100 for the fiscal year ending June 30, 2014, from the following sources:</p> <table border="0"> <tr> <td>General fund</td> <td align="right">\$92,107,866</td> </tr> <tr> <td></td> <td align="right">[\$107,463,143]</td> </tr> <tr> <td>School Fund (AS 43.50.140)</td> <td align="right">20,800,000</td> </tr> </table> <p>Based on recent projections, the amount of state aid required for costs of school construction under AS 14.11.100 for the fiscal year ending June 30, 2014 is estimated to be \$15,354,777 less than appropriated in SLA 2013.</p>													General fund	\$92,107,866		[\$107,463,143]	School Fund (AS 43.50.140)	20,800,000
General fund	\$92,107,866																	
	[\$107,463,143]																	
School Fund (AS 43.50.140)	20,800,000																	
Totals		-15,355.3	0.0	0.0	10.5	0.0	0.0	-15,365.8	0.0	0	0	0						

Change Record Detail with Description (1438)
Fund Capitalization

Scenario: FY2014 Supplemental Amds Submitted Mar12 (11406)

Component: Disaster Relief Fund (2497)

RDU: Fund Capitalization (no approp out) (608)

Title: Recovery Efforts for the 2013 November Storms Disaster and the 2013 October Kenai Peninsula Borough Flood Disaster

Language	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions			
										PFT	PPT	NP	
Y	Suppl	12,495.4	0.0	0.0	12,495.4	0.0	0.0	0.0	0.0	0	0	0	
	1004 Gen Fund	12,495.4											
Totals											0	0	0

The 2013 November Storms Disaster was declared on November 18, 2013 and a Federal Declaration was made on January 23, 2014. The total estimated disaster costs are \$24,763,889.15, with \$13,495,383.97 in State funding required. Initial funding of \$1,000,000 was made available through the Disaster Relief Fund (DRF) per AS 26.23.020(i). Therefore, this Disaster Relief Fund budget request of \$12,495,383.97 is required to meet the State's obligation and share of this disaster. This appropriation will provide the legislative authorization necessary per AS 26.23.025.

The 2013 October Kenai Peninsula Borough Flood Disaster was declared on November 18, 2013 and a Federal Declaration was made on January 16, 2014. The total estimated disaster costs are \$4,766,097.54 with \$3,009,573.31 in State funding required. Initial funding of \$1,000,000 was made available through the Disaster Relief Fund per AS 26.23.020(l) and an additional \$2,009,573.31 is needed. There are funds available within existing appropriations in the Disaster Relief Fund to meet this need. This request authorizes this movement and meets the requirements of AS 26.23.025(B), AS 26.23.020(k)(1), and AS 26.23.050(b).

* * Sec.14. FUND CAPITALIZATION. (a) The sum of \$32,456,864 [\$19,961,480] is appropriated from the general fund to the disaster relief fund (AS 26.23.300(a)).