

# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version:	CSHB 216(RES)
Fiscal Note Number:	1
(H) Publish Date:	3/21/2016

Identifier: HB216-DNR-MLW-3-14-2016  
 Title: NAVIGABLE WATER; INTERFERENCE,  
 DEFINITION  
 Sponsor: TALERICO  
 Requester: House Resources

Department: Department of Natural Resources  
 Appropriation: Fire Suppression, Land & Water Resources  
 Allocation: Mining, Land & Water  
 OMB Component Number: 3002

### Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>OPERATING EXPENDITURES</b>	<b>FY 2017</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
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>	<b>0.0</b>

### Fund Source (Operating Only)

None							
<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>	<b>0.0</b>

### Positions

Full-time							
Part-time							
Temporary							

### Change in Revenues

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**Estimated SUPPLEMENTAL (FY2016) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2017) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

### ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

### Why this fiscal note differs from previous version:

Initial Version
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Division:	Mining, Land and Water	Date:	03/14/2016 12:00 AM
Approved By:	Marty Rutherford, Acting Commissioner	Date:	03/14/16
Agency:	Department of Natural Resources		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
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## Analysis

DNR anticipates that there will be no direct fiscal impact to the department from this legislation.

**Section 1** of the bill proposes to revise AS 38.05.965(14) to amend the definition of "navigable water" for purposes of state law on public use to remove the phrase "but not limited to" and instead enumerate different useful public purposes of waterbodies in both frozen and liquid states. Removing the open ended language and instead providing additional definitions of useful public purposes may create ambiguity about navigability and the intent of the change, and thus indirectly result in increased costs for the State during future navigability determinations and litigation related to the ability of the public to use state waters.

**Section 2** of the bill proposes to revise AS 38.05.128(a) to repeal paragraph (1), which provides that obstructions to navigable waters may be authorized by a federal agency and state agency. This does not seem to significantly alter DNR's management of water, and is not expected to result in direct costs.