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STATE OF ALASKA  
THE LEGISLATURE

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POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Rules 4-7-86 8:33am*



STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

*4/10*  
*4/10*

Revision Date : 4/08/86

REQUEST Page 1 of 3  
 Bill/Resolution No. : CSHB 647 (Fin)  
 Title : "An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials..."  
 Sponsor : Representative Hurley  
 Requestor : House Finance  
 Date of Request : 4/08/86

FISCAL DETAIL  
 Agency Affected : Public Safety  
 BRU : Fire Prevention  
 Components : \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		23.7	24.9	26.1	27.4	28.8
SUPPLIES		9.9	10.4	10.9	11.5	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		33.6	35.3	37.0	38.9	40.8

CAPITAL						
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REVENUE		50.0	50.0	50.0	50.0	50.0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		33.6	35.3	37.0	38.9	40.8
TOTAL		33.6	35.3	37.0	38.9	40.8

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

*K. V. [unclear]*

Prepared by : Gordon E. Brunton  
 Division : Fire Prevention

Phone : 465-4331  
 Date : 4/08/86

Approved by Commissioner : [Signature]  
 Agency : Public Safety

Date : 4/13/86

Distribution (by Agency preparing fiscal note):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. DRAFT CSHB 647 (Fin)

Page 2 of 3

## ASSUMPTIONS

The magnitude of the hazardous materials and wastes handled in Alaska is unknown, but estimated to be in the thousands.

The Department of Environmental Conservation estimates that there are between 5,000 and 10,000 hazardous waste producers.

The program will be in position to start up on January 1, 1987.

Persons requesting placards will be charged \$10.00 each, in order to recover costs associated with the program.

A 5% inflation factor was used for succeeding years.

## CONTRACTUAL

73322	Telephones \$100/month	1.2
73381	Postage, mailing lists, forms, placards	4.0
73540	Advertising: hearing notices, public awareness messages	2.6
73560	Printing:	
	Typesetting placards, lists, forms	1.5
	Print 20,000 summary lists, 4 pages ea.	1.0
	Print 2,000 comprehensive lists, 100 pages ea.	5.3
	Print 10,000 initial inventory forms (3 pt carbon)	0.6
	Print 5,000 continuation inventory forms (3 pt carbon)	0.3
	Print 5,000 placards	2.9
73563	Subscriptions	
	Trade Journals	0.3
	Safety Sheets on Micro Fiche	4.0

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Total Contractual \$23.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. DRAFT CSHB 647 (Fin)

Page 3 of 3

SUPPLIES

74220	Educational/Instructional training materials, pamphlets, books, guides	2.0
74229	Stationery & office supplies	0.4
	Mailing tubes for placards 5K X \$1.00	5.0
74609	Audio Visual training supplies, films, videos, 5 ea X \$500	2.5
		<hr/>
	Total Supplies	9.9

REVENUE

5,000 placards per year X \$10.00	50.0
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Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### HOUSE RULES STANDING COMMITTEE MEETING

MONDAY, APRIL 7, 1986

8:30 A.M. - CAPITOL, ROOM 208

HB 627 - "An Act relating to the use of water."  
(Rep. Mike W. Miller)

#### I N D E X

- I. Memo dated April 7, 1986 regarding HB 627, with applicable statutes attached.
- II. Proposed version CSHB 627(RULES)
- III. CSHB 627(RESOURCES)
- IV. Memo dated 4/5/86 re: Analysis of CSHB 627(RULES)
- V. Memo dated 3/12/86 re: Current statutory and regulatory references allowing the small scale use of water.
- VI. Fiscal note



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules


Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

I

#### MEMORANDUM

DATE: APRIL 7, 1986

To: House Rules Committee Members  
From: Rep. Mike W. Miller, Chairman   
Subject: HB 627 - "An Act relating to the use of water."

THE PROPOSED CSHB 627(RULES) WE HAVE MADE THE FOLLOWING CHANGES TO THE CSHB 627(RESOURCES) VERSION:

\*\*ON PAGE 1, LINE 11:

AFTER THE WORD DETERMINES, ADDED: under AS 46.15.080(b)  
(IN REFERRING TO THE attached ALASKA STATUTE Sec. 46.15.080(b) - this requires the commissioner to take into consideration (8) specified criteria in determining public interest.

\*\*ON PAGE 1, LINE 12, AFTER THE WORD WATER:

\*\*ON PAGE 1, LINE 14, BEFORE THE WORD ACQUIRES:

ADDED: without a permit

(this clarifies that we are talking about the insignificant use of water without a permit - as opposed to an insignificant use of water for which a permit has been received.)

\*\*ON PAGE 1, LINE 24:

ADDED: except that the commissioner shall notify the Department of Fish and Game of each application to appropriate water from a stream designated under AS 16.05.870.

(IN REFERRING TO THE attached ALASKA STATUTE Sec. 16.05.080, this directs the Commissioner of DNR to notify Dept. of Fish and Game of all applications to appropriate water from anadromous fish streams. (Streams where fish go up to spawn.)

ATTACHMENT

**Sec. 46.15.080. Criteria for issuance of permit.** (a) The commissioner shall issue a permit if he finds that

- (1) rights of a prior appropriator will not be unduly affected;
- (2) the proposed means of diversion or construction are adequate;
- (3) the proposed use of water is beneficial; and
- (4) the proposed appropriation is in the public interest.

(b) In determining the public interest, the commissioner shall consider

(1) the benefit to the applicant resulting from the proposed appropriation;

(2) the effect of the economic activity resulting from the proposed appropriation;

(3) the effect on fish and game resources and on public recreational opportunities;

(4) the effect on public health;

(5) the effect of loss of alternate uses of water that might be made within a reasonable time if not precluded or hindered by the proposed appropriation;

(6) harm to other persons resulting from the proposed appropriation;

(7) the intent and ability of the applicant to complete the appropriation; and

(8) the effect upon access to navigable or public waters. (§ 1 ch 50 SLA 1966)

**Sec. 16.05.870. Protection of fish and game.** (a) The commissioner shall, in accordance with the Administrative Procedure Act (AS 44.62), specify the various rivers, lakes and streams or parts of them that are important for the spawning, rearing or migration of anadromous fish.

II

WORK DRAFT

WORK DRAFT

WORK DRAFT

Bradley  
4/4/86

Original sponsor: M.W.Miller by request

1 IN THE HOUSE BY THE RULES COMMITTEE  
 2 CS FOR HOUSE BILL NO. 627 (Rules)  
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 4 FOURTEENTH LEGISLATURE - SECOND SESSION  
 5 A BILL

6 For an Act entitled: "An Act relating to the use of water."

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

8 \* Section 1. AS 46.15 is amended by adding a new section to read:

9 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less  
 10 than a significant amount of water without a permit unless the commis-  
 11 sioner determines <sup>add:</sup> under AS 46.15.080(b) that the use of less than a  
 12 significant amount of water <sup>add:</sup> without a permit is not in the public  
 13 interest. A person using less than a significant amount of water  
 14 <sup>add:</sup> without a permit acquires no water right or priority unless an appli-  
 15 cation is filed and a permit or certificate is issued under AS 46.15.-  
 16 030 - 46.15.185.

17 \* Sec. 2. AS 46.15.133(f) is amended to read:

18 (f) The commissioner may, by regulation, designate additional  
 19 types of appropriations that [WHICH] are exempt from this section and  
 20 provide simplified procedures for ruling on the applications.

21 \* Sec. 3. AS 46.15.133 is amended by adding a new subsection to read:

22 (g) An application to appropriate not more than 1,000 gallons of  
 23 water a day is exempt from the notice provisions of this section  
 24 <sup>add:</sup> except that the commissioner shall notify the Department of Fish and  
 25 Game of each application to appropriate water from a stream designated  
 26 under AS 16.05.870. Notwithstanding this subsection, the commissioner  
 27 may require public notice under this section

28 (1) on a determination that the total amount of water  
 29 available in an area is limited considering the number of potential

1 users from the source of the water; or

2 (2) on request of the municipality in which the area is  
3 located.

4 \* Sec. 4. AS 46.15.260 is amended to read:

5 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the  
6 context otherwise requires,

7 (1) "appropriate" means

8 (A) to divert, impound, or withdraw a quantity of  
9 water from a source of water, for a beneficial use; or

10 (B) to reserve water under [IN ACCORDANCE WITH]  
11 AS 46.15.145;

12 (2) "appropriation" means

13 (A) the diversion, impounding, or withdrawal of a  
14 quantity of water from a source of water for a beneficial use; or

15 (B) the reservation of water under [IN ACCORDANCE  
16 WITH] AS 46.15.145;

17 (3) "beneficial use" means a use of water for the benefit  
18 of the appropriator, other persons or the public, that is reasonable  
19 and consistent with the public interest, including, but not limited  
20 to, domestic, agricultural, irrigation, industrial, manufacturing,  
21 fish and shellfish processing, navigation and transportation, mining,  
22 power, public, sanitary, fish and wildlife, recreational uses, and  
23 maintenance of water quality;

24 (4) "source of water" means a substantial quantity of water  
25 capable of being put to beneficial use;

26 (5) "water" means all water of the state, surface and  
27 subsurface, occurring in a natural state, except mineral and medicinal  
28 water;

29 (6) "commissioner" means the commissioner of natural

1 resources;

2 (7) "director" means the director of land and water manage-  
3 ment [THE DIVISION OF LANDS], Department of Natural Resources;

4 (8) "person" includes an individual, partnership, asso-  
5 ciation, public or private corporation, state agency, municipality  
6 [POLITICAL SUBDIVISION] of the state, and the United States; [.]

7 (9) "mineral and medicinal water" means

8 (A) water of a hot spring or spring with curative  
9 properties that [WHICH] has been reserved by the federal govern-  
10 ment under Public Land Order No. 399; and

11 (B) geothermal fluid, as [THE TERM IS] defined in  
12 AS 41.06.060;

13 (10) "significant amount of water" means

14 (A) a use of more than 5,000 gallons of water in a  
15 single day from a single source; or

16 (B) the regular daily or recurring seasonal use of  
17 more than 500 gallons of water a day for 10 days or more a year  
18 from a single source; or

19 (C) a water use that may adversely affect the water  
20 rights of another appropriator or the public interest.

Offered: 3/21/86  
Referred: Health, Education &  
Social Services

III

Original sponsor: M.W.Miller by request

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR HOUSE BILL NO. 627 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the use of water."  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 46.15 is amended by adding a new section to read:

9 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less  
10 than a significant amount of water without a permit unless the commis-  
11 sioner determines <sup>add: UNDER AS 46.15.080(B)</sup> that the use of less than a significant amount of  
12 water <sup>add: WITHOUT A PERMIT</sup> is not in the public interest. A person using less than a  
13 significant amount of water <sup>add: WITHOUT A PERMIT</sup> acquires no water right or priority unless  
14 an application is filed and a permit or certificate is issued under  
15 AS 46.15.030 - 46.15.185.

16 \* Sec. 2. AS 46.15.133(f) is amended to read:

17 (f) The commissioner may, by regulation, designate additional  
18 types of appropriations that [WHICH] are exempt from this section and  
19 provide simplified procedures for ruling on the applications.

20 \* Sec. 3. AS 46.15.133 is amended by adding a new subsection to read:

21 (g) An application to appropriate not more than 1,000 gallons of  
22 water a day is exempt from the notice provisions of this section. <sup>add</sup>  
23 Notwithstanding this subsection, the commissioner may require public <sup>SEE BELOW</sup>  
24 notice under this section

25 (1) on a determination that the total amount of water  
26 available in an area is limited considering the number of potential  
27 users from the source of the water; or

28 (2) on request of the municipality in which the area is  
29 located.

EXCEPT THAT THE COMMISSIONER SHALL NOTIFY THE DEPT. OF  
FISH AND GAME OF EACH APPLICATION TO APPROPRIATE WATER  
FROM A STREAM DESIGNATED UNDER AS 16.05.870

1 \* Sec. 4. AS 46.15.260 is amended to read:

2 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the  
3 context otherwise requires,

4 (1) "appropriate" means

5 (A) to divert, impound, or withdraw a quantity of  
6 water from a source of water, for a beneficial use; or

7 (B) to reserve water under [IN ACCORDANCE WITH]  
8 AS 46.15.145;

9 (2) "appropriation" means

10 (A) the diversion, impounding, or withdrawal of a  
11 quantity of water from a source of water for a beneficial use; or

12 (B) the reservation of water under [IN ACCORDANCE  
13 WITH] AS 46.15.145;

14 (3) "beneficial use" means a use of water for the benefit  
15 of the appropriator, other persons or the public, that is reasonable  
16 and consistent with the public interest, including, but not limited  
17 to, domestic, agricultural, irrigation, industrial, manufacturing,  
18 fish and shellfish processing, navigation and transportation, mining,  
19 power, public, sanitary, fish and wildlife, recreational uses, and  
20 maintenance of water quality;

21 (4) "source of water" means a substantial quantity of water  
22 capable of being put to beneficial use;

23 (5) "water" means all water of the state, surface and  
24 subsurface, occurring in a natural state, except mineral and medicinal  
25 water;

26 (6) "commissioner" means the commissioner of natural re-  
27 sources;

28 (7) "director" means the director of land and water  
29 management [THE DIVISION OF LANDS], Department of Natural Resources;

1 (8) "person" includes an individual, partnership, asso-  
2 ciation, public or private corporation, state agency, municipality  
3 [POLITICAL SUBDIVISION] of the state, and the United States; [.]

4 (9) "mineral and medicinal water" means

5 (A) water of a hot spring or spring with curative  
6 properties that [WHICH] has been reserved by the federal govern-  
7 ment under Public Land Order No. 399; and

8 (B) geothermal fluid, as [THE TERM IS] defined in  
9 AS 41.06.060;

10 (10) "significant amount of water" means

11 (A) a use of more than 5,000 gallons of water in a  
12 single day from a single source; or

13 (B) the regular daily or recurring seasonal use of  
14 more than 500 gallons of water a day for 10 days or more a year  
15 from a single source; or

16 (C) a water use that may adversely affect the water  
17 rights of another appropriator or the public interest.

MEMORANDUM

TO: Representative Mike W. Miller

FROM: Staff *Jene*

DATE: 4/5/86

RE: Analysis of CSHB 627 (RULES)

Section 1

amends the Water Use Act (AS 46.15) by stating that a water use permit is not necessary for an individual who wishes to use an insignificant amount of water unless, such a use is against the public interest as determined by the Commissioner of DNR. A person using less than a significant amount of water, without a water use permit, who decides not to apply for a permit for the use, does not acquire a right or priority to the water resource.

Section 2

allows the Commissioner of DNR to promulgate regulations to exempt public notice of applications for water rights in addition to the exemption outlined in Section 3 of this bill.

Section 3

allows the Commissioner of DNR to issue a water use permit for up to 1000 gallons of water per day without providing public notice as outlined in AS 46.15.133. However, notice is given to DF&G of all applications to appropriate water from anadromous fish streams. The Commissioner of DNR may disregard this subsection if:

- (1) he or she determines the total amount of water available to an area is limited for the total number of possible users;
- or,
- (2) the application being filed is for an area that lies within the boundary of a municipality that has requested notification of all water appropriation within its boundaries.

Section 4

(I) rewrites the current statutory language of AS 46.15.260. definitions (1)-(9) to make technical language modifications as requested by the Division of Legal Services. These changes do not alter the affect of the current statutory language.

(II) adds an additional definition number 10 which defines "significant amount of water" as:

- a) a use of more than 5,000 gallons of water in one day from a single source; or,
- b) the recurring daily use of more than 500 gallons of water for 10 or more days, in a year, from a single source; or,
- c) a use that may adversely affect the water rights of others users or the public interest.

MEMORANDUM

TO: Representative Mike W. Miller

FROM: Staff

DATE: 3/12/86

RE: Current statutory and regulatory references allowing the small scale use of water

The current statutory references pertaining to the use of water are found in Title 46 of the Alaska Statutes and Title 11 of the Alaska Administrative Code.

AS 46.15.040. Right to appropriate. (a) A right to appropriate water can be acquired only as provided in this chapter. No right to use of water either appropriated or unappropriated shall be acquired by adverse use or possession.

(b) A right to appropriate water shall be obtained by first making application to the commissioner for a permit to appropriate. The commissioner shall by regulation prescribe the form and contents of the application and the procedure for filing the application. If a permit is granted and the means of appropriation is constructed, a certificate of appropriation may be obtained.

The Alaska Administrative Codes speak to the appropriation of water in 11 AAC 93.

11 AAC 93.040. APPLICATION FOR A PERMIT TO APPROPRIATE WATER.

(a) Unless exempted by sec. 920 of this chapter, no person may lawfully appropriate water of the state without first obtaining a permit under the provisions of secs. 40-120, 210-220, or 260 of this chapter.

11 AAC 93.920. EXEMPTIONS. Any person using less than a significant amount of water as defined in sec. 970 of this chapter is not guilty of a misdemeanor for appropriating water without a permit. However, any person using less than a significant amount of water acquires no water right or priority unless an application is filed and a permit or certificate is issued in accordance with secs. 40-140 of this chapter. Water used without a permit or certificate is subject to appropriation by others and the use of water without a water right is subject to curtailment in order to supply water to lawful appropriators of record.

11 AAC 93.970. DEFINITIONS. Unless the context indicates otherwise, in this chapter

(14) "significant amount of water" means any use of 5,000 or more gallons of water in a single day from a single source, or the regular daily or recurring seasonal use of 500 or more gallons of water per day for 10 days or more per year from a single source, or any water

use that may adversely affect the water rights of other appropriators or the public interest.

With regard to the public notice requirements when a person applies for a water use permit, 11 AAC 93.100 allows the following exemption for individuals applying for water rights for domestic use.

11 AAC 93.100 EXEMPTIONS TO NOTICE. An application to appropriate no more than 1000 gallons of water per day for single family domestic purposes is exempt from the notice provisions of sec. 80 of this chapter. However, in areas where the total amount of water available appears to the department to be limited with respect to the number of potential users of the same source, or upon the request of a municipality as defined by AS 29, the commissioner will, in his discretion, require public notice as provided by sec, 80 of this chapter.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

REQUEST

Bill/Resolution No. : HB 627  
Title : Use of Water Without Appropriation

Sponsor : M.W. Miller  
Requestor House Resources  
Date of Request : 3-18-86

FISCAL DETAIL

Agency Affected : Natural Resources  
BRU : Minerals Management, Land & Water Mgmt.

Components : \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Gary Johnson Phone : 762-4346  
Division : Land & Water Management Date : 03-18-86

Approved by Commissioner : Neil Folan Date : 03-18-86  
Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

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