

HB

128

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 1, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/8/97

The FINANCE Committee considered:

SSHB 128

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128

WATER QUALITY; WATER SCIENCE OVERSIGHT BD

“An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date.”

recommends it be replaced with the following committee substitute CS SSHB 128 (FIN) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

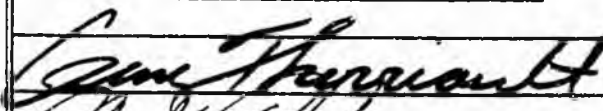
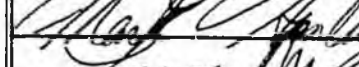
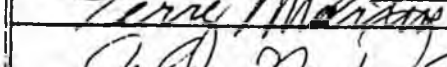
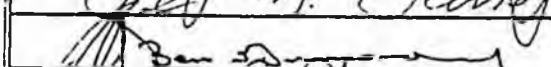




APPROVES PREVIOUS: _____ (Dept/Date)


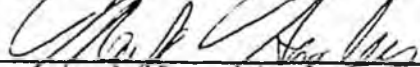
fiscal note(s) DEC HFC

fiscal note(s) law 4/1/97

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Therriault	X			
	Hanky	X			
	Martin	X			
	J. Davis			X	
	Grussendorf			X	
	G. Davis	X			
	Kelly	X			
	Foster	X			

30 CHAIR'S SIGNATURE  

Therriault Hanky

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS SSB 128 (FIN)

Title: Water Quality: Water Science Oversight BD
Sponsor: Representative Hudson
Requestor: _____

Dept. Affected Environmental Conservation
BRU: Air & Water
Components: Water Quality
Serial # 2062

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	62.3	62.3	62.3	62.3	62.3	62.3
Travel	16.0	16.0	16.0	16.0	16.0	16.0
Contractual	23.9	23.9	23.9	23.9	23.9	55.7
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	102.7	102.7	102.7	102.7	102.7	134.5

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	102.7	102.7	102.7	102.7	102.7	134.5
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	102.7	102.7	102.7	102.7	102.7	134.5

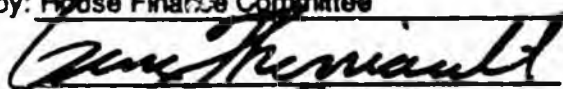
POSITIONS:


Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Personal Services line is reduced to reflect actual costs (salary & benefits) of an Environmental Specialist III, 18BC. Contractual has been modified to reflect Committee's action to reduce compensation for board members.

Prepared by: House Finance Committee


Rep. Gene Theriault, Co-Chair


Rep. Mark Hanley, Co-Chair

Date: 4/8/97
Phone: 465-4939
Phone: 465-4797

FISCAL NOTE

No. L
 1 Version: SSHB 128
 (H) Publish Date: 4/1/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: An Act relating to water quality; directing the BRU: Civil Division
 Department of Environmental Conservation to conduct . . . research . . . Component: Environmental Law
 Sponsor: Representative Hudson
 Requester: House Resources Committee COMPONENT SERIAL NO. 2092

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						26.9
TRAVEL						0.4
CONTRACTUAL						4.0
SUPPLIES						0.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	31.8

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1007 Interagency Receipts						31.8
TOTAL	0.0	0.0	0.0	0.0	0.0	31.8

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 128 directs the Department of Environmental Conservation (DEC) to conduct research and adopt new regulations based on that research in order "to reconcile the sometimes conflicting demands of protecting water quality and encouraging the economic use of the state's water." Research results must be submitted to the Water Science Oversight Board for review and recommendation by June 30, 2002. After the Board's recommendations are received, the regulations development process would begin. Under the bill, the regulations proposed and adopted would be part of one process, with the same effective date for all.

The Department of Law anticipates no fiscal impact from this bill until FY 03. With the promulgation of a presumably large package of new regulations all at once, some additional legal resources would be necessary. While it is somewhat speculative to project what might be necessary in the fall of 2002, the department anticipates needing approximately 1/4 of an attorney's time, 375 hours, at a cost of \$31,755. Funding would be interagency receipts from a reimbursable services agreement with DEC.

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370
 Division: Administrative Services Division Date: 3/20/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce Botelho for* Date: 3/20/97
 Agency: Department of Law

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ANALYSIS CONTINUATION:

The cost estimate is based on the department's FY 97 standard attorney cost schedule (\$87/hour) and includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 8, 1997

SUBJECT: CSSSHB 128(FIN) (Water Quality)

TO: Representative Mark Hanley
Attn: Louann

FROM: Terri Lauterbach
Legislative Counsel 

Enclosed is the CS you requested.

It appears to me that Amendment #4 may have overlooked related sentences that should also have been amended. Shouldn't the second and third sentence of Sec. 46.03.085(b) be amended the same way the first sentence was?

Please let me know if I can be of assistance.

TML:jdr
97-251.jdr

Enclosure

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 1, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/10/97

The FINANCE Committee considered:

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fiscal note(s) DEC fiscal note(s) LAW 4/1/97

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Pete Kelly</i>	Kelly	✓			
<i>Gene Therriault</i>	Therriault	X			
<i>John Foster</i>	Foster	X			
<i>John Mulder</i>	Mulder	X			
<i>Terry Martin</i>	Martin			X	
<i>Ben Gussendorf</i>	Gussendorf			X	
<i>John Davis</i>	Davis	X			
<i>Carl Moscos</i>	Moscos	X			
<i>John Davies</i>	Davies			X	

CHAIR'S SIGNATURE *Gene Therriault*
 Therriault



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

TWENTIETH LEGISLATURE - FIRST SESSION

SS for HB 128: "An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date"

The Alaska Environmental Lobby concurs with the legislature's intent that it is the policy of the state to protect the quality and uses of Alaska's waters. Our member groups, representing over 10,000 Alaskans, are united in the belief that there is ample room in Alaska for both a strong state economy and strong environmental protection; in fact, we believe one cannot exist without the other. Additionally, we maintain that if resource extractive industries wish to do business in Alaska, they must be willing and able to expend the funds to conduct their activities with the utmost care of our water, respecting the fact that other users of our water depend on its purity for their own livelihood and enjoyment. Clean water is a resource held in trust for all Alaskans by the state government, and the legislature has an affirmative duty to manage this resource for the public good, not for the private gain of individual interests.

The Lobby commends Representative Hudson and his staff for their good faith efforts of working with the Department of Environmental Conservation and for briefing AEL on this legislation. We think the deletion of the interim standards provisions goes a long way to making this bill more balanced. We acknowledge the efforts made towards the adoption of water quality standards that provide the level of protection Alaskans want for our waters and, at the same time, offer the practicality that industry seeks.

Nevertheless, we have certain concerns that prevent us from endorsing SSHB 128; these concerns include:

- **The composition of the Water Science Oversight Board** - as proposed in this legislation, the composition of the Board surely guarantees that the Board will be a highly politicized group. If "good

OVER



science" is truly the goal, then a truly objective group of experts must be identified to perform the peer review of the research being conducted and the oversight of DEC's efforts. The 5-member Board as proposed will neither be perceived to have the necessary objectivity nor will it likely, in fact, possess the necessary objectivity to gain the confidence of the many stakeholders involved in water quality issues.

- **Adequate funding of the Department of Environmental Conservation** - while AEL appreciates Representative Hudson's efforts to facilitate funding for water quality research, we question how DEC is expected to implement the standards and regulations that will be adopted, given the minimal level of funding that the legislature provides for the water quality programs. Though much of industry's purported discontent with the service provided by DEC could be attributed to the lack of specific data regarding Alaskan waters, many of industry's concerns undoubtedly will remain unaddressed unless funding is obtained to staff an adequate number of technical positions in the water quality programs. Financing basic research on a few issues, while a start in the right direction, must be coupled with a longer term plan of monetary support for water quality protection.

The Alaska Environmental Lobby would be far more amenable to supporting Representative Hudson's approach to water quality issues if the composition of the Water Science Oversight Board were more objective and if the legislature would show a commitment to a level of funding of DEC that would enable DEC to fulfill its mission to protect our water resources for all Alaskans. Until these concerns are resolved, AEL is unable to support HB 128.

Susan E. Schrader, Executive Director
3/25/97

Adopted

Amendment # /

TO: SSHB 128

By Representative Martin

Page 3, line 7

IA
Adopted

Insert new sentence after "house."
"No member of the board may be an employee of the Department of Environmental Conservation except for the commissioner or the commissioner's designee."

Page 3, line 9

IB
Adopted

Delete "\$400"
Insert "\$150" \$ 300.

~~Page 3, lines 10-12~~

~~Delete entire sentence that begins and ends with "The board may provide by rule.....duties as a member of the board."~~

#2

AMENDMENT

Adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: SS HB 128

Page 2, line 27:

Delete "shall"

Insert "may"

#3

failed

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: SS HB 128

Page 2, line 31, following "members":

Insert "appointed by the governor"

Page 3,, line 3, following "AS 46.03.082."

Delete through line 7

SSHB 128

#4

Rep. Davies

page 3

line 8:

Adopted

after "who"

insert "while serving the board"

after "not"

insert "being compensated as"

(compensated)



Key Provisions Of SSHB 128 - The Water Research Bill

The goal of this bill is, to the greatest extent possible, substitute science for the emotion and political debate that normally characterizes consideration of water quality regulations.

If Alaska wishes to change a water quality standard, the Clean Water Act requires the regulation be submitted to EPA, together with the scientific basis for the change and the public process the regulation change went through. EPA examines both the research and the public process and then either certifies or denies the change. If the EPA denies the state change, a federal standard based on existing federal guidance is then adopted for Alaska. As a general rule, federal standards are far more troublesome for industry to deal with, without proving any real additional protection for the environment.

SSHB 128:

- I. Sets forth the intent of the legislature to provide for scientific research to serve as the basis for future decisions on water quality regulations.
- II. Provides framework for groups affected by water quality regulations to join with DEC to seek and receive funds for the scientific research to necessary to change water quality regulations.
- III. Requires DEC to revise water quality regulations based on research and other science that becomes available in the next five years.
- IV. Temporarily creates the Water Science Oversight Board to oversee the quality of research performed under this bill, to make recommendations to the department regarding research plans and regulations based on the research, and to make annual reports to the governor and the legislature. The board expires at the end of the five year research program.



Alaska Environmental Lobby, Inc.

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TWENTIETH LEGISLATURE - FIRST SESSION

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OVER



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Susan E. Schrader, Executive Director
3/25/97

Alaska State Legislature

REPRESENTATIVE BILL HUDSON

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Juneau, Alaska
99801-1182
(907) 465-3744
Fax (907) 465-2273

COMMITTEES

CO-CHAIR
Resources Committee

MEMBER
Transportation Committee
Labor & Commerce Committee

SSHB 128 SPONSOR STATEMENT

"An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date."

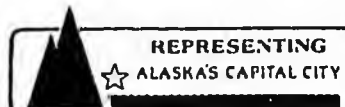
HB 128 provides a mechanism for DEC to form partnerships with interested parties to seek funding for water quality research for the state of Alaska leading to improved water quality regulations. The bill establishes a temporary Water Science Oversight Board to oversee the research.

The goal of this bill is to the greatest extent possible, substitute science for the emotion and political debate that characterizes consideration of water quality regulations. The Alaska Science and Technology Foundation has expressed interest in funding such research, but will only accept applications from a public agency if it is in partnership with private organizations.

Another potential source of funding would be federal dollars. Without such research to provide scientific backing, the Environmental Protection Agency will not accept changes to Alaska's water quality regulations to reflect Alaska specific conditions.

The Water Science Oversight Board which will oversee this research is to be composed of the department commissioner or a commissioner's designee and four additional members, each of whom has academic credentials and Alaska-based expertise in the field of water quality. The board will expire at the end of the five year research program.

HB 128 will lead to continued protection of Alaska's clean waters while encouraging responsible economic development in the state. I urge the support of the committee on this bill.



Alaska State Legislature

REPRESENTATIVE BILL HUDSON

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COMMITTEES

CO-CHAIR
Resources Committee

MEMBER
Transportation Committee
Labor & Commerce Committee

SSHB 128

Sponsor's Sectional Analysis Water Science Board: Water Quality Research

"An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date."

The history of water quality standards in Alaska has at times been a painful one, marked by emotional and political battles. The goal of House Bill 128 is, to the greatest extent possible, provide for scientific research to serve as the basis for future discussions and decisions on water quality standards and criteria. Section 1 of the bill, Findings and Intent, sets forth this goal.

Section 2, AS 46.083.082 of the bill instructs the Department of Environmental Conservation to work cooperatively with interested parties affected by water quality regulations to seek funds to perform water quality research. The Council of Alaska Producers has approached the Department of Environmental Conservation and proposed a joint application to the Alaska Science and Technology Foundation to fund research in the procedures for whole effluent toxicity (WET) testing as a first step in this research.

ASTF has expressed keen interest in funding such research, but will not provide funding to a public agency without a private partner. ASTF is willing to accept multiple applications for different aspects of water quality research. If the application for ASTF funding is not successful, federal funds will be considered for this proposal. The department could contract with the University of Alaska or other appropriate entities and individuals to carry out this research.



AS 46.03.083 requires the department, after receiving the results of the research and consulting with the Water Science Oversight Board, to propose water quality regulations.

AS 46.03.085 (a) temporarily establishes a Water Science Oversight Board composed of the Commissioner or her designee and four additional members, each of whom has academic credentials and Alaska based expertise in the field of water quality.

(b) establishes compensation for those board members who are not public employees, and sets forth the board's duties.

Sec. 3. Timelines for Actions -

(a) The department must submit to the Water Science Oversight Board at least one research plan by October 1, 1997.

(b) The department shall adopt the interim regulations required by AS 46.03.083 (b) by December 31, 1997.

(c) The department shall submit its research results to the board by June 30, 2002.

(d) AS 46.03.082 (research plans), and .085 (Water Science Oversight Board) are repealed on the effective date of regulations adopted as a result of the research process.

MAR 14 1997

LEGAL SERVICES

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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 14, 1997

SUBJECT: Appointment of Members of the Water Science Oversight Board
(HB 128)

TO: Representative Bill Hudson
Attn: Marieke

FROM: Terri Lauterbach *Terri Lauterbach*
Legislative Counsel

You have asked me to review a March 4, 1997, memo from James Baldwin, Assistant Attorney General, to Al Ewing, Deputy Commissioner of DEC, concerning the proposed membership of the Water Science Oversight Board that would be established by HB 128. Mr. Baldwin suggests that the way HB 128 sets the parameters for the composition of the board violates the separations of powers doctrine because the legislature would be infringing upon executive functions.

In my opinion, there's a very good chance that a court would not agree with Mr. Baldwin's suggestion because this board would have only an advisory role, no power to execute or enforce a law. Since no executive function would be exercised by the board, I believe a court could easily find that strict parameters for its composition would not encroach on an executive function.

As Mr. Baldwin notes, there is no Alaska case directly on point, so the issue is still an open one. If you want the safest course of action, then the governor should make all of the appointments without being restricted to a slate of candidates. However, I think the composition of the board is quite defensible as long as the bill is not changed later in the legislative process to give the board more than an advisory role.

If you have further questions on this matter or need other assistance, please let me know.

TML:jdr:glc
97-177:jdr

MEMORANDUM

State of Alaska
Department of Law

TO Al Ewing
Deputy Commissioner
Department of Environmental Conservation

DATE March 4, 1997

FILE NO

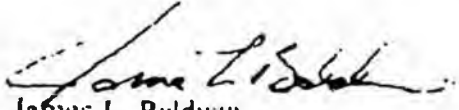
TEL NO

465-3600

SUBJECT

HB 128 (water science oversight
board)

FROM

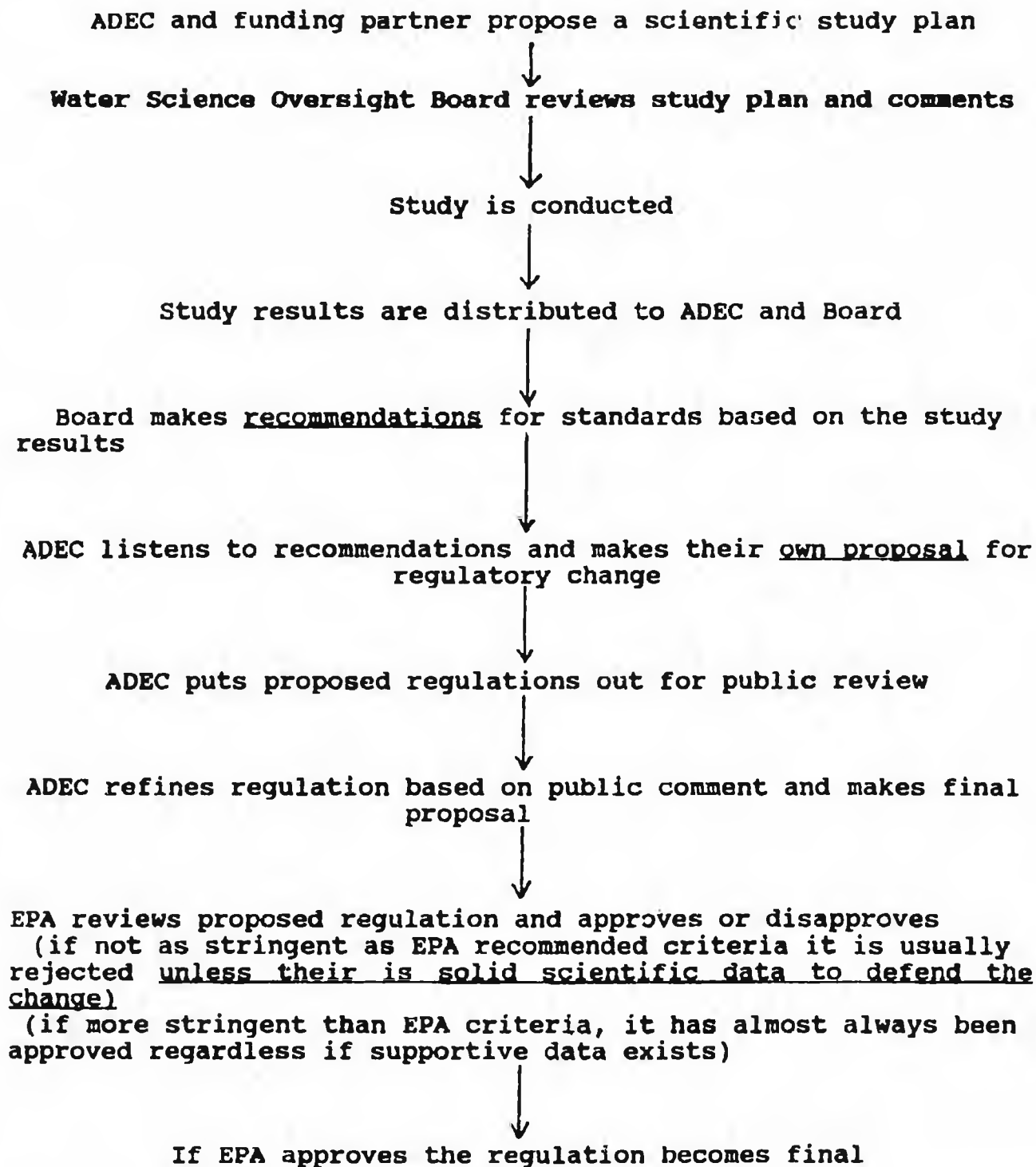

James L. Baldwin
Assistant Attorney General
Governmental Affairs - Juneau

You requested me to review a version of HB 128 which proposes the establishment of a water science oversight board. The board would consist of one member appointed by the Chancellor of the University of Alaska and three members appointed by the governor. Two of the governor's appointments would be from a slate of persons nominated by the presiding officers of each house of the legislature. Specifically, you ask whether this scheme violates the Alaska Constitution.

In my opinion, the involvement of other officers in appointing or nominating candidates and limiting the governor to appointing from those nominated constitutes an unreasonable limitation on the executive power of appointment. This would be a usurpation of the governor's power of appointment by officers of the legislature. While there is no Alaska case directly on point, I believe that a court would find that proposed sec. 46.03.085 violates the separation of powers doctrine by granting legislators control over the discretion of the governor to this extent. See Baudner v. Hammond, 553 P.2d 1 (Alaska 1976) (power of appointment of executive branch officers is vested in governor to prevent diffusion of executive power and vesting too great a concentration of power in legislative branch). It is appropriate to prescribe by law objective professional qualifications for persons appointed by the governor. These qualifications must be reasonable so that the governor's discretion is not unduly restricted.

JLB:cln

HOUSE BILL 128



NOTE REGARDING EPA STANDARDS AND STATE STANDARDS: In most cases, EPA "recommended criteria" are effectively the State standard. The only real possibility for the State to set its own standards is by generating Alaska specific science.



March 24, 1997

Alaska State Legislature
House of Representatives
c/o Rep. Bill Hudson
Co-Chair, Resources Committee

Dear Members of the House Resources Committee

On behalf of the Council of Alaska Producers I urge your support of HB 128, the water research bill. The Council of Alaska Producers is a non-profit organization composed of all the major mining companies working in Alaska. Our members are:

Alaska Gold Company
American Copper & Nickel Company, Inc./INCO
Coeur Alaska, Inc.
Cominco Alaska, Inc.
Echo Bay Mines
Fairbanks Gold Mining, Inc.
Greens Creek Mining Company
Kennecott Exploration
Nevada Goldfields, Inc.
Newmont Mining Corporation
North Pacific Mining Company/CIRI
Placer Dome, U.S., Inc.
USMX, Inc.

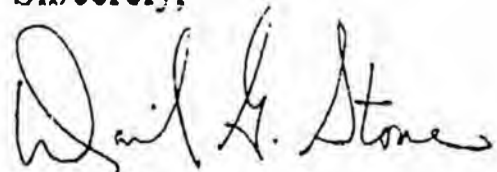
We believe mining can be a bright growth industry for Alaska, but like other natural resource industries, our future depends on environmental regulations that protect Alaska's air and water while allowing responsible development.

Under the provisions of the federal Clean Water Act, when DEC changes a water quality regulation it must submit that regulation to the Environmental Protection Agency. The EPA is then required to examine both the public process and the science behind the regulation change. If EPA finds either the public process or the science lacking, it is required to promulgate substitute federal regulations.

We believe HB 128 encourages the scientific research necessary to allow DEC to consider the most appropriate water quality regulations for Alaska. HB 128 provides a framework for DEC to form partnerships with interested parties to seek funding for water quality research leading to improved water quality regulations and it temporarily establishes a Water Science Oversight Board to oversee the research.

We believe HB 128 will lead to continued protection of Alaska's clean waters while encouraging responsible economic development in the state. I urge the committee's support on this bill.

Sincerely,

A handwritten signature in cursive script that reads "David H. Stone".

David Stone
President

STATE OF ALASKA
1997 LEGISLATIVE SESSION

FISCAL NOTE
REPORTED OUT OF
HFHC

SSHB 128

Revision Date: _____
Title: An Act relating to water quality; directing
DEC to conduct water quality research...
Sponsor: Representative Hudson
Requestor: House Resources Committee

Department Affected: Environmental
Conservation
BRU: Air & Water
Component: Water Quality 2062

COMPONENT SERIAL NO. 2062

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	90.0 100.0	100.0	100.0	100.0	100.0	100.0
TRAVEL	16.0	16.0	16.0	16.0	16.0	16.0
CONTRACTUAL	23.9 28.7	28.7	28.7	28.7	28.7	60.5
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	145.2	145.2	145.2	145.2	145.2	177.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	145.2	145.2	145.2	145.2	145.2	177.0
1005 GF/Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	145.2	145.2	145.2	145.2	145.2	177.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

See attachment

Prepared by: Carl Schrader
Division: Air & Water Quality

Phone: 465-5307
Date: 3/24/97

Approved by Commissioner: [Signature]
Agency: Department of Environmental Conservation

Date: 3/24/97

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Attachment to Fiscal Note, SSHB 128

The break out of the fiscal note for SSHB 128 includes costs to the department associated with developing one research plan per year, administering the Water Science Oversight Board (board) and legal costs associated with the proposed regulation package. These costs do not include funding the research detailed in the research plan.

DEC Staff Position

One full-time Environmental Specialist III position would be required to: develop and finalize the research plans; administer the board; administer the grant to fund the research; hire a contractor to perform the research; and administer and manage the research contract. Developing the research plan will involve working with technical experts in the department, industry, the board, and the public to determine the highest priority issue to research; develop the technical scope of the work; and detail the products required from the research. Many technical issues are likely to arise during the course of the research that will need direction and resolution by department staff to assure that goals of the research plan are met. Besides the personal service costs, annual costs include travel costs (meetings with contractors to supervise the research contract, meetings with interest groups, etc., and one out-of-state trip for technical meeting/training) and contractual costs (peer review of research results, public notices, copying, and other costs associated with holding public meetings):

Line 100	Personal Services:	1 FTE (Environmental Specialist III)	\$100,000
Line 200	Travel:	4 trips to Anchorage @ \$600 1 out-of-state trip @ \$1,600	\$4,000
Line 300	Contractual:	public notices, copying, meetings, peer review, etc.	\$9,500
Line 400	Supplies		\$ 500
Line 500	Equipment		\$ 0
TOTAL STAFF COSTS PER YEAR			\$114,000

Board Expenses

Four public members would be eligible for reimbursement for board work at \$400/day. Assumes that each member would attend four meetings per year in Juneau, with each meeting being two days, plus 1 day to prepare for each meeting.

Each member: 4 meetings X 3 days X \$400/day = \$4,800 ea.
Contractual Costs (4 x \$4,800) = \$19,200

Board Travel: Four meetings per year in Juneau
Airfare: 4 people X 4 trips X \$450 (Anch/Jnu) = \$7,200
Per diem: 4 people X 4 trips X 2 days @ \$150 = \$4,800
Travel Costs = \$12,000

Legal Services

With the promulgation of a presumably large package of new regulations in FY 03, additional legal resources would be necessary. The Department of Law anticipates needing approximately 1/4 of an attorney's time, 317 hours, at a cost of \$31,755. The cost estimate is based on the department's FY 97 standard attorney cost schedule (\$87/hr) and includes the clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Funding would be through a reimbursable services agreement with DOL.

Contractual Costs for Legal Services \$31,755