

LEG. FINANCE - BILLS 1979 - 1980 1045

HB 108 cont. thru HB 119

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tion, discussion or decision and which is determined appropriate for
indexing by the state librarian.



UNIVERSITY OF ALASKA

February 23, 1979

Representative Russell Meekins
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Russ:

I would like to offer my support for the concept of HB108, "An Act relating to the functions and organization of the state library distribution and data access center" and to offer language to clarify intent and technical accuracy.

1. The bill does not incorporate any of the language of the letter of intent transmitted by Governor Hammond. Although the letter explains the intent of the bill, it does not have the force of law. I recommend adding a section to the bill on Legislative Findings which would incorporate the intent in the law itself as follows:

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

Section 1. AS 14.56.090 is amended to read:

ARTICLE 2. STATE (PUBLICATIONS) LIBRARY DISTRIBUTION
AND DATA ACCESS CENTER.

LEGISLATIVE FINDINGS. The legislature finds that

- (1) There is a large and growing amount of information about the State of Alaska, most of which has been compiled at public expense; many state agencies, federal agencies and local jurisdictions do research and compile data on Alaska, either internally or by contract; however, unless it is published and thereby made available through the State Publications Distribution Center in the State Library, much of this data remains unknown outside the originating agency and thus is underutilized;
- (2) access to the data can be provided without necessarily centralizing the location of the data;
- (3) legislation will minimize duplication of costs in data gathering, retrieval and distribution; provide multiple point access in various locations to research

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Page 1
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Representative Russell Meekins
February 23, 1979
Page Two

data that is produced by state, federal, local and private agencies; create a rapid and comprehensive data transfer network in Alaska for both published and non-published materials; enhance computer utilization through machine readable publication formats and coordination of reasonable standards of data collection, definition, indexing, sources, and scales; and coordinate efforts in Alaska with national information network activities.

- 2. Under Sec. 14.56.100, Duties of Center, I recommend adding a statement that acknowledges the existence of other data centers, such as AEIDC, that have been established by state law. Such a statement might read:

"Nothing in this chapter modifies in any manner the existing responsibilities of information and data centers established by state law, those information exchange agreements entered into by state agencies with third parties, or the responsibility of individual state agencies to provide data information to the public."

Reasons for this, from AEIDC's point of view, involve our original authorizing appropriation Act and the legislative intents attached thereto, and specific agreements entered into with the National Weather Bureau and Environmental Data and Information Service of NOAA for AEIDC to perform certain services such as the maintenance of Alaska climatological records, the offering of public climatological reference services, and liaison to the Outer Continental Shelf Environmental Assessment Program's data management activities.

- 3. Under Sec. 14.56.120, Deposit of Publications and Research Data, I recommend substituting the phrase "and provide for its accessibility through the center" in (b) and (d) with the phrase "and inform the center of its accessibility." This is necessary to emphasize the network concept and to make it clear that the data will be available from the data holder, not from the center, and that duplication or other costs may be involved.
- 4. Under Sec. 14.56.125, Summaries and Indices, the word "center" in (a) should be replaced with "state agency and municipality." The data holder should prepare an abstract on the contents and means of accessing the data file rather than the state librarian.

Again, I offer my support of the concept of this bill with these language modifications.

Sincerely,

David M. Hickok

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P 13
Line 21
ADD
after "system"
on Page 1
Line 21

AMENDMENT #1

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OFFERED IN THE HOUSE:

By: HOUSE HESS

To: _____ HOUSE BILL No. HB-108

SENATE BILL No. _____

PAGE: 2

LINE: _____

Page 2, Line 5 & 6:

\ Delete "is also" and insert "may be" in its place

Page 2, Line 8:

\ Delete "shall" and insert "may" in its place.

Page 2, Line 10:

\ Delete "shall" and insert "may" in its place

Page 2, Lines 15 & 16:

\ Delete "the University of Alaska" and insert "a state agency or municipality" in its place.

Page 2, Lines ~~21~~ & ~~22~~:

\ Add the word "shall" between "agency" and "and".

Page 2, Line 22:

\ Delete "shall" and insert "may" in its place.

Introduced: 1/31/79
Referred: Health, Education
& Social Services

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 108

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the functions and organization of
7 the state library distribution and data access center."

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

9 * Section 1. AS 14.56.090 is amended to read:

10 ARTICLE 2. STATE [PUBLICATIONS] LIBRARY

11 DISTRIBUTION AND DATA ACCESS CENTER.

12 Sec. 14.56.090. STATE [PUBLICATIONS] LIBRARY DISTRIBUTION AND
13 DATA ACCESS CENTER ESTABLISHED. There is established in the state
14 library the [A] state [PUBLICATIONS] library distribution and data
15 access center.

16 * Sec. 2. AS 14.56.100 is amended to read:

17 Sec. 14.56.100. DUTIES OF CENTER. The state [PUBLICATIONS]
18 library distribution and data access center shall, in cooperation with
19 federal, municipal, and private data collection and research efforts,
20 promote the establishment of an orderly depository library and data
21 index distribution and access system. *add*

22 * Sec. 3. AS 14.56.120 is repealed and re-enacted to read:

23 Sec. 14.56.120. DEPOSIT OF PUBLICATIONS AND RESEARCH DATA. (a)
24 Each state agency shall deposit, upon release, at least four copies of
25 each of its state publications in the state library distribution and
26 data access center. Additional copies of each publication may be
27 requested by the center for deposit in quantities necessary to meet
28 the needs of the depository library system and to provide inter-
29 library service to those libraries not having depository status.

1 and distribu^r that index regularly to contracting depository libraries
2 and to other ^{A. Kan} libraries upon request.

3 * Sec. 5. AS 14.56.130 is amended to read:

4 Sec. 14.56.130. OTHER DOCUMENTS REQUIRED OF STATE AGENCIES.

5 Upon the request of the center, a state agency shall furnish the
6 center with a complete list of its current state publications, data
7 published or compiled by or for it at public expense, and a copy of
8 its mailing or exchange lists.

9 * Sec. 6. AS 14.56 is amended by adding a new section to read:

10 Sec. 14.56.135. EFFICIENCY AND COMPUTERIZATION. The center

11 shall, to the extent practicable, avoid duplication, coordinate its
12 activities with other state agencies charged with record-keeping
13 functions, and employ computerization to compile or organize research
14 data and other materials.

15 * Sec. 7. AS 14.56.140 is repealed.

16 * Sec. 8. AS 14.56.150 is amended to read:

17 Sec. 14.56.150. DEPOSITORY LIBRARY CONTRACTS. The center may
18 enter into depository contracts with ^{Alaskan} ~~the~~ municipal, university or community
19 college libraries, public library associations, state library agencies
20 ^{+ other st + fed library systems.} and the Library of Congress, The requirements for eligibility to con-
21 tract as a depository library shall be established by the Department
22 of Education upon the recommendation of the state librarian and shall
23 include and take into consideration the type of library, its ability
24 to preserve publications or data and to make them available for public
25 use, and the geographical location of the library for ease of access
26 to residents in all areas of the state.

27 * Sec. 9. AS 14.56.170 is amended to read:

28 Sec. 14.56.170. [LIMITED] DISTRIBUTION OF STATE PUBLICATIONS AND
29 RESEARCH DATA. ~~The center may not engage in general public distribu-~~

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tion, discussion or decision and which is determined appropriate for
indexing by the state librarian.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Introduced: 1/31/79
Referred: Health, Education
& Social Services

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 108

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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24 Each state agency shall deposit, upon release, at least four copies of
25 each of its state publications in the state library distribution and
26 data access center. Additional copies of each publication may be
27 requested by the center for deposit in quantities necessary to meet
28 the needs of the depository library system and to provide inter-
29 library service to those libraries not having depository status.

1 (b) Each state agency shall notify the center of the creation of
2 all data published or compiled by or for it at public expense and
3 provide for its accessibility through the center, unless prohibited
4 from doing so by law.

5 (c) The state library distribution and data access center is
6 also a depository for municipal publications, including surveys and
7 studies produced by a municipality or for it on contract. Four copies
8 of each municipal publication shall be deposited with the center for
9 record and distributory purposes.

10 (d) Each municipality shall notify the center of the creation of
11 all data published or compiled by or for it at public expense and pro-
12 vide for its accessibility through the center, unless prohibited from
13 doing so by law.

14 (e) When a research project or study is conducted for a person by
15 the University of Alaska even though no state funding is involved, the
16 University of Alaska shall make a request of that person for permission
17 to make copies of its final report available to the state library
18 under this chapter. If permission is granted by the person, the
19 reports shall be deposited with the ^{center} ~~state library~~ under this chapter.

BR
20 * Sec. 4. AS 14.56 is amended by adding new sections to read:

21 Sec. 14.56.123. LIAISON WITH CENTER. Each state agency and each
22 municipality shall designate one of its employees to be responsible
23 for depositing the materials and information specified in sec. 120 of
24 this chapter.

25 Sec. 14.56.125. SUMMARIES AND INDICES. (a) Upon notification
26 ~~of the creation of data under sec. 120 of this chapter, the center~~ ^{by the municipality or the state agency}
27 ~~shall prepare an abstract or summary of it.~~ ^{the municipality may}

28 (b) The center shall prepare and keep current an index of all
29 publications and data abstracts or summaries on file and shall publish

1 and distribute that index regularly to contracting depository libraries
2 and to other ^{Alaskan} libraries upon request.

3 * Sec. 5. AS 14.56.130 is amended to read:

4 Sec. 14.56.130. OTHER DOCUMENTS REQUIRED OF STATE AGENCIES.

5 Upon the request of the center, a state agency shall furnish the
6 center with a complete list of its current state publications, data
7 published or compiled by or for it at public expense, and a copy of
8 its mailing or exchange lists.

9 * Sec. 6. AS 14.56 is amended by adding a new section to read:

10 Sec. 14.56.135. EFFICIENCY AND COMPUTERIZATION. The center
11 shall, to the extent practicable, avoid duplication, coordinate its
12 activities with other state agencies charged with record-keeping
13 functions, and employ computerization to compile or organize research
14 data and other materials.

15 * Sec. 7. AS 14.56.140 is repealed.

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17 Sec. 14.56.150. DEPOSITORY LIBRARY CONTRACTS. The center may
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21 tract as a depository library shall be established by the Department
22 of Education upon the recommendation of the state librarian and shall
23 include and take into consideration the type of library, its ability
24 to preserve publications or data and to make them available for public
25 use, and the geographical location of the library for ease of access
26 to residents in all areas of the state.

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28 Sec. 14.56.170. [LIMITED] DISTRIBUTION OF STATE PUBLICATIONS AND
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tion of either (1) state publications or lists of publications or (2)
the index of publications and research data. However, unless expressly
prohibited by law, the center shall make available to any person, upon
request, and under procedures established by it, publications, sum-
maries, research data, indices, and other materials in its possession.
Reasonable fees for, ^{reproduction + printing costs + for} mailing and distribution of materials may be
charged by the center.

* Sec. 10. AS 14.56.180 is amended to read:

Sec. 14.56.180. DEFINITIONS. In secs. 90 - 180 of this chapter,
unless the context otherwise requires

(1) "center" means the state [PUBLICATIONS] library distri-
bution and data access center;

(2) "state agency" includes state departments, divisions,
agencies, boards, associations, commissions, corporations and offices,
and the University of Alaska and its affiliated research institutes;

(3) "municipal" and "municipality" includes cities and
organized boroughs of every class, whether home rule or otherwise,
including municipalities unified under AS 29.68.240 - 29.68.440; they
also include regional educational attendance areas;

(4) "state publication" includes any official document,
compilation, journal, bill, law, resolution, bluebook, statute, code,
register, pamphlet, list, book, report, study, hearing transcript,
leaflet, order, regulation, directory, periodical or magazine issued
or contracted for by a state agency determined by the state librarian
to be appropriate for retention in the center;

(5) "research data" or "data" means a representation of
facts, concepts or instructions in a formalized manner suitable for
communication, interpretation, or processing by humans or by automatic
means which was prepared to serve as a basis for reasoning, calcula-

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tion, discussion or decision and which is determined appropriate for
indexing by the state librarian.

hb 108

January 30, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the functions and organization of the State Library Distribution and Data Access Center. This bill is designed to provide broad access to a large and growing amount of information about the State of Alaska, most of which has been compiled at public expense. Many state agencies, federal agencies and local jurisdictions do research and compile data of Alaska, either internally or by contract. However, unless it is published and thereby made available through the State Publications Distribution Center in the State Library, much of this data remains unknown outside the originating agency and thus is underutilized.

Under the bill, state and municipal agencies would designate an employee as a liaison with the State Library, notify the State Library of all data published or compiled at public expense and provide for its accessibility through the renamed State Library Distribution and Data Access Center. It is expected that computer information technology will be utilized in the indexing and accessing of the data. Although the State Library would expand its present services to provide the indexing and listing, it is important to note that the location of the data will not necessarily be centralized. It is the "access" to the data that will be provided by this bill.

This legislation will accomplish several worthwhile goals:

1. Minimize duplication of costs in data gathering, retrieval and distribution.
2. Provide multiple point access in various locations to research data that is produced by state, federal, local and private agencies.

3. Create a rapid and comprehensive data transfer network in Alaska for both published and non-published materials.
4. Enhance computer utilization through machine readable publication formats and coordination of reasonable standards of data collection, definition, indexing, sources, and scales.
5. Coordinate efforts in Alaska with national information network activities.

Sincerely,

JSH

Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 108
 Title Functions and Organization of the State Library Distribution and Data Access Center
 Requested by Keith Specking Date 1-23-79

II. FISCAL DETAIL

Agency Affected Department of Education
 Program Category Affected State Library
 Budget Request Unit(s) Affected State Library - Regular Operations

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		47.8	66.8	70.0		
200 TRAVEL		2.9	2.5	2.5		
300 CONTRACTUAL		41.5	29.7	23.5		
400 COMMODITIES		1.0	1.0	1.0		
500 EQUIPMENT		6.8	-	4.0		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		100.0	100.0	100.0		

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND		0	25	60		
FEDERAL FUNDS		100.0	75	40		
OTHER (Specify)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME		3*	3	3		
PART TIME						
TEMPORARY						

*Part year total of 26 months.

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Personal services includes a Librarian II (range 17) and Clerk IV (range 9) for 10 months and a Librarian I (range 15) for six months. Included under Contractual is \$15,000. for a study by an expert team to establish parameters, procedures and guidelines. Also included under Contractual is \$9,500. for long line communication charges (probably WATS, Telenet or State Leased/shared line). Equipment estimate includes Terminal, typewriters, desks and chairs. Estimates were based on using the Washington Library Network. Immediate steps will be taken to input the Alaska State Publications cataloging information (now in magnetic tape format) into WIN. If the study or experience indicates another approach is more viable, the WIN input could still be used.

The first year funding is based on obtaining federal money. Future years show a phasing in of State funds as the program primarily serves state needs and will be able to demonstrate cost effectiveness.

IV. DATE 24 January, 1979 PREPARED BY Richard B. Engen
 AGENCY State Library
 PHONE 465-2910
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

SUGGESTED AMENDMENTS TO HB 108

"An Act relating to the functions and organization of
the state library distribution and data access center"

Page 2, line 1: Replace "notify the center of the creation" with
"deposit, upon release, at least four copies".

Page 2, line 10: Replace "notify the center of the creation" with
"deposit, upon release, at least four copies".

AS LINES 25-27 PROVIDE FOR THE PREPARATION OF AN ABSTRACT OR SUMMARY OF THE
DATA, ONE COPY AT LEAST WILL BE ESSENTIAL AND WILL SERVE AS NOTIFICATION.

Page 2, line 19: Replace "state library under this chapter." with "center."

Page 3, line 2: Insert "Alaskan" before "libraries".

Page 3, line 18: Insert "Alaskan" before "municipal".

THIS SHOULD BE SPECIFICALLY STATED IN THE CHAPTER, OR CONSIDERATION BE GIVEN
TO INSERTING AFTER "upon request." THE FOLLOWING:

"Reasonable fees for reproduction and printing costs,
mailing and distribution of materials may be charged by
the center."

Page 4, line 6: After "Reasonable fees for", insert "reproduction and
printing costs,".

AS THE CENTER WILL BE GENERATING SUMMARIES AND INDICES, THESE COSTS SHOULD BE
TAKEN INTO ACCOUNT ALSO.

MEMORANDUM

ALASKA COUNCIL ON SCIENCE AND TECHNOLOGY

TO:

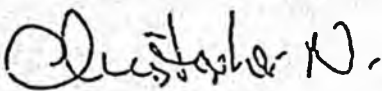
Richard Holden
Interim Chairperson

DATE: March 7, 1979

FILE NO:

TELEPHONE NO:

FROM:


Christopher Noah
Executive Director

SUBJECT: H.B. 108

I have surveyed the Council for comments on H.B. 108, the state library distribution and data access center. Neil Davis, and Dave Hickok will be sending you their detailed comments under separate cover.

Specific Comments

Sec. 14.56.120

- (b) This requirement should be made more clear by indicating how often a state agency should notify the center; perhaps quarterly or semi-annually.
- (d) Does the state have the authority to compel municipalities to participate in this program even when the state is not providing funds? If not, the bill should be changed from "at public expense" to at state expense.
- (d) Same comment as (b) above.

Sec. 14.56.150

Regarding federal coordination, why is the center only linked with the Library of Congress when there are other national information and data centers available such as: the Smithsonian Science Exchange, National Technical Information Service and many federal agencies. The legislation should be changed to "... state and federal library systems".

General Comments

- 1) Why use research data and data interchangeably? Use the word data because it is more all-encompassing (data includes all research).
- 2) It is unclear exactly who is in charge of the smooth running of the operation other than someone, somewhere in the state library system.

Richard Holden
March 7, 1979
Page 2

3) The center should be active rather than passive. To accomplish this, more should be added to the "Purposes" to indicate why and how the center will accomplish its tasks rather than appearing to be a sump of data and paper.

John Crandall indicated last week that if H.B. 108 was expected to move, comments should be in to the House Finance Committee by March 8th. When that happens they can act very quickly.

CN:ljm

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

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500 EQUIPMENT		6.8	-	4.0		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		100.0	100.0	100.0		

FUNDING (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		100.0	75	40		
OTHER (Specify)						
Inter Agency Receipts			20	5.5		
Program Receipts			5	5		

POSITIONS

FULL TIME		3*	3	3		
PART TIME						
TEMPORARY						

*Part year total of 26 months.

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Personal services includes a Librarian II (range 17) and Clerk IV (range 9) for 10 months and a Librarian I (range 15) for six months. Included under Contractual is \$15,000. for a study by an expert team to establish parameters, procedures and guidelines. Also included under Contractual is \$9,500. for long line communication charges (probably WATS, Telenet or State Leased/shared line). Equipment estimate includes Terminal, typewriters, desks and chairs. Estimates were based on using the Washington Library Network. Immediate steps will be taken to input the Alaska State Publications cataloging information (now in magnetic tape format) into WLN. If the study or experience indicates another approach is more viable, the WLN input could still be used.

The first year funding is based on obtaining federal money. Future years ^{income Assum} ~~show a phasing in~~ of State funds as the program primarily serves state needs and will be able to demonstrate cost effectiveness.

a decline in federal funds and the use of Inter Agency receipts from state agencies use Fees, and program Receipts From other agencies and individuals

IV. DATE 24 January, 1979 PREPARED BY Richard B. Engen
 AGENCY State Library
 PHONE 465-2910
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/8/90
Date

Original sponsors: Duncan and Miller

Offered: 2/16/79
Referred: Finance

Funding Information

General Fund	\$114,000
Other Funds	-0-
	<u>\$114,000</u>

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 110

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Department of Transportation and Public Facilities to complete realignment of the port at Skagway; and providing for an effective date."

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9

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

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* Section 1. The sum of \$114,000 is appropriated from the general fund to the Department of Transportation and Public Facilities to meet costs of completion of realignment of the port at Skagway.

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* Sec. 2. The unexpended and unobligated portion of the appropriation made in this Act lapses into the general fund June 30, 1980.

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* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-070(c).

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Funding Information
General Fund \$125,000
Other Funds -0-
\$125,000

Introduced: 1/31/79
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY DUNCAN AND MILLER

2 HOUSE BILL NO. 110

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Transportation and Public Facilities to
8 complete realignment of the port at Skagway; and pro-
9 viding for an effective date."

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

11 * Section 1. The sum of \$125,000 is appropriated from the general fund to
12 the Department of Transportation and Public Facilities to meet costs of
13 completion of realignment of the port at Skagway.

14 * Sec. 2. The unexpended and unobligated portion of the appropriation
15 made in this Act lapses into the general fund June 30, 1980.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

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I. REQUEST
Bill/Resolution No. H. B. 110
Title Port of Skagway Realignment
Requested by Duncan & Miller Date 1/31/79

II. FISCAL DETAIL
Agency Affected DOT/PF
Program Category Affected Design & Construction
Budget Request Unit(s) Affected Waters & Harbors

EXPENDITURES (Thousands of Dollars)

	FY 77.	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL				125.0		
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL				125.0		

FUNDING (Thousands of Dollars)

GENERAL FUND				125.0		
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Funding would permit completion of a project to reconstruct Skagway port and ferry terminal facilities. An existing \$4.0 million project funded from Federal and State sources is under contract and expected to be under construction during the 1979 season. No impact on operating program is expected from the \$125,000 appropriation.

IV. DATE 2/13/79 PREPARED BY Harry Keller
AGENCY DOT/PF Highway D & C
PHONE 364-2121 Ext. 231
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

(22)

Original sponsors: Duncan and Miller

Offered: 2/16/79
Referred: Finance

Funding Information
General Fund \$114,000
Other Funds -0-
\$114,000

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 110
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Transportation and Public Facilities to
8 complete realignment of the port at Skagway; and pro-
9 viding for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. The sum of \$114,000 is appropriated from the general fund to
12 the Department of Transportation and Public Facilities to meet costs of
13 completion of realignment of the port at Skagway.
14 * Sec. 2. The unexpended and unobligated portion of the appropriation
15 made in this Act lapses into the general fund June 30, 1980.
16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

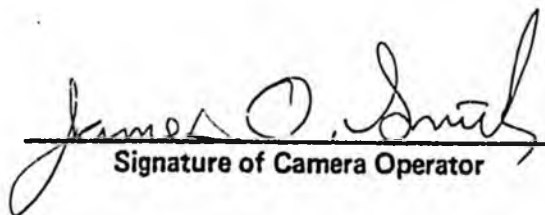
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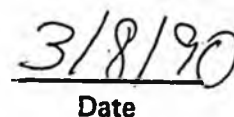


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Signature of Camera Operator


Date

Original sponsor: Malone

Offered: 2/22/79
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 114

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to agricultural loans under the Alaska
7 Agricultural Loan Act; and providing for an effective
8 date."

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

10 * Section 1. AS 03.10.030 is amended by adding a new subsection to read:

11 (e) An installment payment is delinquent unless it is mailed by
12 the borrower on or before the 15th day after the date specified for pay-
13 ment in the loan agreement or unless it is received by the department on
14 or before the 15th day after the date specified for payment in the loan
15 agreement. If an installment payment is delinquent, the director shall
16 assess a delinquency penalty. The delinquency penalty shall be an
17 amount equal to seven per cent of the delinquent payment.

18 * Sec. 2. AS 03.10.030(a) is amended to read:

19 (a) A farm development loan may not exceed \$500,000 [\$200,000].
20 The mortgage which secures a farm development loan may be of any prior-
21 ity if the total indebtedness on the real estate, including the secured
22 farm development loan, does not exceed \$500,000 [\$200,000]. A farm
23 development loan which, if granted, would raise the existing indebted-
24 ness on the real estate above \$500,000 [\$200,000], or a farm development
25 loan on real estate which has a prior existing indebtedness of \$500,000
26 [\$200,000] or more, may be made only if all prior mortgagees agree to
27 subordinate their mortgages to that of the state for the amount of the
28 farm development loan which exceeds the \$500,000 [\$200,000] indebtedness
29 limit on the real estate. A loan may not run longer than 30 years nor

1 bear interest exceeding six per cent, and it shall be secured by a real
2 estate or chattel mortgage, or both.

3 * Sec. 3. AS 03.10.030(b) is amended to read:

4 (b) Except for loans for irrigation systems as provided in this
5 subsection, a chattel loan may not exceed \$300,000 [\$100,000] for each
6 farm unit and may not run longer than seven years or the useful life of
7 the chattel if more than seven years. It may not bear interest exceed-
8 ing six per cent. It shall be secured by a real estate or chattel
9 mortgage, or both. Loans and the real estate and chattel mortgage
10 security on them for irrigation systems may be in amounts and for terms
11 as determined by the commissioner.

12 * Sec. 4. AS 03.10.030(c) is amended to read:

13 (c) A short term loan, to be amortized within one year, not to
14 exceed \$100,000 [\$25,000] to any one borrower may be made for operating
15 purposes.

16 * Sec. 5. AS 03.10 is amended by adding a new section to read:

17 Sec. 03.10.035. USE OR DISPOSAL OF MORTGAGED FARM LAND. (a) A
18 borrower may not use farm land for a non-farm use or sell, lease or
19 otherwise dispose of farm land if that land is encumbered by a mortgage
20 given to secure the payment of a farm development, chattel, or irriga-
21 tion system loan under this chapter unless the borrower either

22 (1) pays the outstanding balance of the loan in a lump sum or
23 under other terms agreed to by the commissioner which accelerate payment
24 of the loan; or

25 (2) pays the outstanding principal balance for the remaining
26 term of the loan at the prevailing rate of interest which is charged by
27 commercial banks in the state during the calendar quarter in which the
28 department receives notice of the change of use, sale, lease or other
29 disposal of the farm land.

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(b) In this section, "non-farm use" means a use of land other than for the production of domesticated plants and animals useful to man, including forage and sod crops, grain and feed crops, fruits, vegetables and livestock.

* Sec. 6. AS 03.10.040 is amended to read:

Sec. 03.10.040. CREATION OF FUND. There is an agricultural revolving loan fund which shall not exceed \$20,000,000 [\$5,000,000] to carry out the purpose of this chapter.

* Sec. 7. The provisions of AS 03.10.020(e) enacted in sec. 1 of this Act and AS 03.10.035 enacted in sec. 5 of this Act apply to farm development, chattel, and irrigation system loans made after July 1, 1979.

* Sec. 8. This Act takes effect July 1, 1979.

Introduced: 2/1/79
Referred: Resources and
Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 114

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to agricultural loans under the Alaska
7 Agricultural Loan Act; and providing for an effective
8 date."

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

10 * Section 1. AS 03.10.030(a) is amended to read:

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16 ness on the real estate above \$500,000 [\$200,000], or a farm development
17 loan on real estate which has a prior existing indebtedness of \$500,000
18 [\$200,000] or more, may be made only if all prior mortgagees agree to
19 subordinate their mortgages to that of the state for the amount of the
20 farm development loan which exceeds the \$500,000 [\$200,000] indebtedness
21 limit on the real estate. A loan may not run longer than 30 years nor
22 bear interest exceeding six per cent, and it shall be secured by a real
23 estate or chattel mortgage, or both.

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26 subsection, a chattel loan may not exceed \$300,000 [\$100,000] for each
27 farm unit and may not run longer than seven years or the useful life of
28 the chattel if more than seven years. It may not bear interest exceed-
29 ing six per cent. It shall be secured by a real estate or chattel

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2 security on them for irrigation systems may be in amounts and for terms
3 as determined by the commissioner.

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10 volving loan fund which shall not exceed \$10,000,000 [\$5,000,000] to
11 carry out the purpose of this chapter.

12 * Sec. 5. This Act takes effect July 1, 1979.
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6172
Baldwin

Original sponsor: Malone

Offered: 2/22/79
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 114

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to agricultural loans under the Alaska
7 Agricultural Loan Act; and providing for an effective
8 date."

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

10 * Section 1. AS 03.10.030 is amended by adding a new subsection to read:

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14 or before the 15th day after the date specified for payment in the loan
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16 assess a delinquency penalty. The delinquency penalty shall be an
17 amount equal to seven per cent of the delinquent payment.

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23 development loan which, if granted, would raise the existing indebted-
24 ness on the real estate above \$500,000 [\$200,000], or a farm development
25 loan on real estate which has a prior existing indebtedness of \$500,000
26 [\$200,000] or more, may be made only if all prior mortgagees agree to
27 subordinate their mortgages to that of the state for the amount of the
28 farm development loan which exceeds the \$500,000 [\$200,000] indebtedness
29 limit on the real estate. A loan may not run longer than 30 years nor

1 bear interest exceeding six per cent, and it shall be secured by a real
2 estate or chattel mortgage, or both.

3 * Sec. 3. AS 03.10.030(b) is amended to read:

4 (b) Except for loans for irrigation systems as provided in this
5 subsection, a chattel loan may not exceed \$300,000 [\$100,000] for each
6 farm unit and may not run longer than seven years or the useful life of
7 the chattel if more than seven years. It may not bear interest exceed-
8 ing six per cent. It shall be secured by a real estate or chattel
9 mortgage, or both. Loans and the real estate and chattel mortgage
10 security on them for irrigation systems may be in amounts and for terms
11 as determined by the commissioner.

12 * Sec. 4. AS 03.10.030(c) is amended to read:

13 (c) A short term loan, to be amortized within one year, not to
14 exceed \$100,000 [\$25,000] to any one borrower may be made for operating
15 purposes.

16 * Sec. 5. AS 03.10 is amended by adding a new section to read:

17 Sec. 03.10.035. USE OR DISPOSAL OF MORTGAGED FARM LAND. (a) A
18 borrower may not use farm land for a non-farm use or sell, lease or
19 otherwise dispose of farm land if that land is encumbered by a mortgage
20 given to secure the payment of a farm development, chattel, or irriga-
21 tion system loan under this chapter unless the borrower either

22 (1) pays the outstanding balance of the loan in a lump sum or
23 under other terms agreed to by the commissioner which accelerate payment
24 of the loan; or

25 (2) pays the outstanding principal balance for the remaining
26 term of the loan at the prevailing rate of interest which is charged by
27 commercial banks in the state during the calendar quarter in which the
28 department receives notice of the change of use, sale, lease or other
29 disposal of the farm land.

1 (b) In this section, "non-farm use" means a use of land other than
2 for the production of domesticated plants and animals useful to man,
3 including forage and sod crops, grain and feed crops, fruits, vegetables
4 and livestock.

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8 carry out the purpose of this chapter.

9 * Sec. 7. The provisions of AS 03.10.020(e) enacted in sec. 1 of this Act
10 and AS 03.10.035 enacted in sec. 5 of this Act apply to farm development,
11 chattel, and irrigation system loans made after July 1, 1979.

12 * Sec. 8. This Act takes effect July 1, 1979.
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Introduced: 2/1/79
Referred: Resources and
Finance

6172
Baldwin

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 114

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to agricultural loans under the Alaska
7 Agricultural Loan Act; and providing for an effective
8 date."

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

10 * Section 1. AS 03.10.030(a) is amended to read:

11 (a) A farm development loan may not exceed \$500,000 [\$200,000].
12 The mortgage which secures a farm development loan may be of any prior-
13 ity if the total indebtedness on the real estate, including the secured
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16 ness on the real estate above \$500,000 [\$200,000], or a farm development
17 loan on real estate which has a prior existing indebtedness of \$500,000
18 [\$200,000] or more, may be made only if all prior mortgagees agree to
19 subordinate their mortgages to that of the state for the amount of the
20 farm development loan which exceeds the \$500,000 [\$200,000] indebtedness
21 limit on the real estate. A loan may not run longer than 30 years nor
22 bear interest exceeding six per cent, and it shall be secured by a real
23 estate or chattel mortgage, or both.

24 * Sec. 2. AS 03.10.030(b) is amended to read:

25 (b) Except for loans for irrigation systems as provided in this
26 subsection, a chattel loan may not exceed \$300,000 [\$100,000] for each
27 farm unit and may not run longer than seven years or the useful life of
28 the chattel if more than seven years. It may not bear interest exceed-
29 ing six per cent. It shall be secured by a real estate or chattel

HB 114

COMMITTEE COPY

1 mortgage, or both. Loans and the real estate and chattel mortgage
2 security on them for irrigation systems may be in amounts and for terms
3 as determined by the commissioner.

4 * Sec. 3. AS 03.10.030(c) is amended to read:

5 (c) A short term loan, to be amortized within one year, not to
6 exceed \$100,000 [\$25,000] to any one borrower may be made for operating
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9 Sec. 03.10.040. CREATION OF FUND. There is an agricultural re-
10 volving loan fund which shall not exceed \$10,000,000 [\$5,000,000] to
11 carry out the purpose of this chapter.

12 * Sec. 5. This Act takes effect July 1, 1979.
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ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE BILL NO. 114

By MALONE

"An Act relating to agricultural loans under the Alaska Agricultural Loan Act; and providing for an effective date."

Agricultural loans

Introduced in the House 2-1, 1979

HISTORY IN THE HOUSE

19 79	Read first time and referred to Committee on Resources and Finance												
Feb. 1	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
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Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by Speaker Sent to Senate												
CHIEF CLERK OF THE HOUSE													

HISTORY IN THE SENATE

19	Read first time and referred to Committee on												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
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Reconsideration													
PASS	Effective Date												
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Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by President Returned to House												
SECRETARY OF THE SENATE													

HISTORY IN THE HOUSE

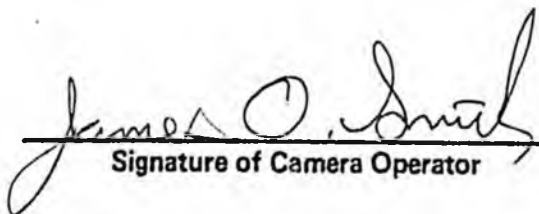
19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.

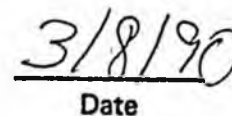


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I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

Introduced: 2/1/79
Referred: Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 HOUSE BILL NO. 116

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Steering Council for Alaska
7 Lands; and providing for an effective date."

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

9 * Section 1. AS 38.95.110 is repealed and re-enacted to read:

10 Sec. 38.95.110. STEERING COUNCIL FOR ALASKA LANDS. (a) There is
11 established the Steering Council for Alaska Lands, consisting of six
12 members as follows:

13 (1) three members of the house of representatives chosen by
14 the speaker of the house; and

15 (2) three members of the senate chosen by the president of
16 the senate.

17 (b) The members of the Steering Council for Alaska Lands shall
18 select one member as chairman and one member as vice-chairman.

19 (c) Action may not be taken by the Steering Council for Alaska
20 Lands unless the action has the approval of at least two of the members
21 chosen from the house and two of the members chosen from the senate.

22 * Sec. 2. AS 38.95 is amended by adding a new section to read:

23 Sec. 38.95.115. EXECUTIVE COMMITTEE. (a) There is established
24 the Executive Committee of the Steering Council, consisting of nine mem-
25 bers as follows:

26 (1) the governor or his designee;

27 (2) each member of Alaska's delegation in the United States
28 Congress or their designees;

29 (3) three persons appointed by the governor;

1 (4) a member of the house of representatives, who is a member
2 of the Steering Council for Alaska Lands, designated by the speaker of
3 the house of representatives; and

4 (5) a member of the senate, who is a member of the Steering
5 Council for Alaska Lands, designated by the president of the senate.

6 (b) Members of the Executive Committee of the Steering Council
7 shall select one member as chairman and one member as vice-chairman.

8 (c) Five members of the Executive Committee of the Steering
9 Council constitute a quorum for the conduct of the business of the
10 committee.

11 * Sec. 3. AS 38.95.120 is amended by adding a new subsection to read:

12 (e) The steering council shall review and approve proposed expen-
13 ditures and obligations of the executive committee.

14 * Sec. 4. AS 38.95.130 is amended to read:

15 Sec. 38.95.130. COMPENSATION. Members of the steering council
16 and of the Executive Committee of the Steering Council receive the same
17 travel pay and per diem as provided by law for boards and commissions.

18 * Sec. 5. AS 38.95.140 is amended by adding a new subsection to read:

19 (b) The Executive Committee of the Steering Council may employ
20 those persons necessary to carry out the purposes of AS 38.95.150,
21 including, but not limited to, permanent or temporary employees, con-
22 sultants, or other experts, but the employment of any person by the
23 executive committee must have the prior approval of the steering coun-
24 cil.

25 * Sec. 6. AS 38.95 is amended by adding a new section to read:

26 Sec. 38.95.150. POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE. The
27 Executive Committee of the Steering Council shall prepare and implement
28 a unified information and lobbying effort to assure that the rights of
29 the state and its people in land in Alaska are not compromised through

1 federal actions withdrawing land, and to assure conveyance of title to
2 land selected by the state under the Statehood Act. To that end, the
3 Executive Committee of the Steering Council may

4 (1) contract for the services of individuals and organiza-
5 tions for the purpose of making presentations before Congress, the
6 executive branch of the federal government, and the general public
7 outside Alaska to present the state's position with respect to Alaska's
8 land and resources;

9 (2) act as a clearinghouse and coordinating body for infor-
10 mation relating to Alaska's land and resources; and

11 (3) inform Alaskans, by news release, public hearings and
12 workshops, and other means generally available to disseminate informa-
13 tion, of its activities.

14 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
15 070(c).

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RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/8/90
Date

I. REQUEST (Page 1 of 2)
 Bill Resolution No. CSHB 118
 Title An Act Relating to the Maintenance of Stream Flows and Levels of Water
 Requested by Fish and Game based on proposed amendment Date April 11, 1980

II. FISCAL DETAIL

Agency Affected Department of Fish and Game
 Program Category Affected Natural Resources Management and Environmental Conservation
 BRU, Program, or Subprogram(s) Affected Habitat Protection BRU

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	-0-	107.8	121.0	-0-	-0-	-0-
200 TRAVEL	-0-	11.0	13.4	-0-	-0-	-0-
300 CONTRACTUAL	-0-	60.4	66.4	-0-	-0-	-0-
400 COMMODITIES	-0-	5.0	5.5	-0-	-0-	-0-
500 EQUIPMENT	-0-	3.3	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	187.5	206.3	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1			
PART TIME		4	4			
TEMPORARY		0	0			

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

An amendment to HB 118, now incorporated as CSHB118, would require the Department of Fish and Game to specify by July 31, 1982, the "various rivers, lakes and streams or parts of them that are important for the spawning, rearing, or migration of anadromous fish." The expenditures presented in this fiscal note are in response to that amendment. Funds represented herein would allow the Department to inventory the anadromous streams of the State, provide for public review and comment on the inventory in accordance with the provisions of the Alaska Administrative Procedures Act, and present the findings of the inventory and public review process in documents which are readily available to the public. (continued)

IV. DATE April 11, 1980 PREPARED BY Richard Logan *RLogan*
 AGENCY Fish and Game
 PHONE 465-4105
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

III. ANALYSIS (Continued)

CSHB 118

Line 100 expenditures under this fiscal note would provide for the employment of one permanent full-time Habitat Biologist III (Range 18), three permanent seasonal Fisheries Biologist II positions (Range 16), and one permanent seasonal Clerk Typist III position (Range 8). An inventory of the type being required will necessitate considerable travel to allow for on-the-ground accumulation and verification of information on fish occurrence. This travel will occur by way of commercial transportation (Line 200 expenditures) and charter of aircraft service from private industry (Line 300 expenditures). Per diem costs associated with travel and field activities is covered under Line 200. Line 300 expenditures also cover such fixed costs as rental and typewriter leasing and maintenance, and further provide for costs associated with printing and duplication of reports, advertising for public hearing or meetings, and telephone services. Cartographic and office supplies and purchase of publications associated with Alaskan fish science are costs considered in Line 400 expenditures. Line 500 funds will be put toward purchase of chairs, desks, tables, file cabinets and drafting equipment.

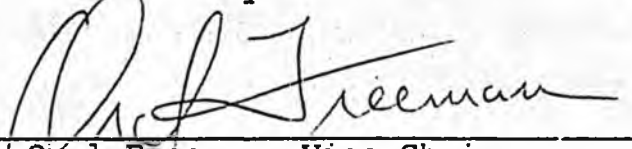
HOUSE JOURNAL

HOUSE FINANCE COMMITTEE

Letter of Intent

CSHB 118

It is the intent of the House Finance Committee that the Department of Fish and Game report to the first session of the Twelfth Legislature on its progress in identifying the various rivers, lakes and streams or parts of them that are important for the spawning, rearing or migration of anadromous fish. This report should include the Department's recommendation for continuing this identification program if such continuation should be necessary.


Oral Freeman, Vice Chairman

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 118
 Title "An Act relating to rivers, lakes, streams and other bodies of water
Requested by in the state; and providing for an effective date."

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
 Program Category Affected Management of Forest, Land & Water Use Management
 BRU, Program, or Subprogram(s) Affected Water Management; Water Use Management
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISCELLANEOUS		125.0	-0-			
TOTAL		125.0	-0-			

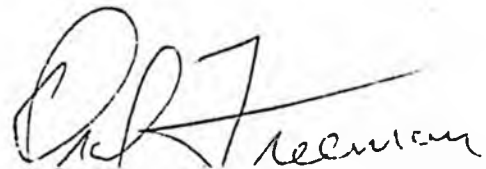
FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		125.0	-0-			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		1				
PART TIME		2				
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)



Oral Freeman, Vice Chairman
House Finance Committee
May 1, 1980

IV. DATE _____ PREPARED BY _____
 AGENCY _____
 PHONE _____
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 118

Title "An Act relating to rivers, lakes, streams and other bodies of water

Requested by in the state; and providing for an effective date."

II. FISCAL DETAIL

Agency Affected Department of Fish and Game

Program Category Affected Natural Resources Management & Environmental Conservation

BRU, Program, or Subprogram(s) Affected Habitat Protection

(Note: If more than one budget component is affected, separate line item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISCELLANEOUS		125.0	-0-			
TOTAL		125.0	-0-			

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		125.0	-0-			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		1				
PART TIME		4				
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)



Oral Freeman, Vice Chairman
House Finance Committee
May 1, 1980

IV. DATE _____ PREPARED BY _____

AGENCY _____

Original: Legislative Finance PHONE _____

cc: Budget and Management
Prime Sponsor (First Legislator Named)

Original sponsor: Rules/Governor

Offered: 4/18/80
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 118

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rivers, lakes, streams and other
7 bodies of water in the state; and providing for an
8 effective date."

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

10 * Section 1. AS 16.05.870(a) is amended to read:

11 (a) The commissioner shall, in accordance with the Administrative
12 Procedure Act (AS 44.62) specify the various rivers, lakes and streams
13 or parts of them that are important for the spawning, rearing or migra-
14 tion of anadromous fish. [BEFORE DECEMBER 31, 1968, THE SPECIFICATION
15 MAY BE MADE BY DESIGNATING AREAS WITHIN WHICH ALL RIVERS, LAKES, AND
16 STREAMS ARE CONSIDERED IMPORTANT FOR THE SPAWNING OR MIGRATION OF ANA-
17 DROMOUS FISH; PROVIDED, THAT THE AREAS LIE WITHIN 50 MILES OF THE COAST-
18 LINE EXTENDING FROM DIXON ENTRANCE THROUGH FALSE PASS TO CAPE MENSHIKOF,
19 INCLUDING ALL ISLANDS EAST OF FALSE PASS. A PERSON GIVING NOTICE UNDER
20 (b) OF THIS SECTION BEFORE DECEMBER 31, 1968, MAY, IF THE ACTIVITY IS TO
21 TAKE PLACE WITHIN SUCH A DESIGNATED AREA, REQUEST THE COMMISSIONER TO
22 SPECIFY INDIVIDUALLY BY NAME OR NUMBER, THE PARTICULAR RIVERS, LAKES,
23 AND STREAMS OR PARTS OF THEM WITHIN THE AREA OF OPERATIONS DESCRIBED IN
24 THE NOTICE WHICH ARE IMPORTANT FOR THE SPAWNING AND MIGRATION OF ANA-
25 DROMOUS FISH. UPON RECEIPT OF THE REQUEST THE COMMISSIONER SHALL PROMPT-
26 LY MAKE THE DESIGNATION.]

27 * Sec. 2. AS 16.05.870(c) is amended to read:

28 (c) The commissioner shall acknowledge receipt of the notice by
29 return first class [AIR] mail. If the commissioner determines to do so,

1 he shall, in the letter of acknowledgement, require the person or
2 governmental agency to submit to him full plans and specifications of
3 the proposed construction or work, complete plans and specifications for
4 the proper protection of fish and game in connection with the construc-
5 tion or work, or in connection with the use, and the approximate date
6 the construction, work or use will begin. The commissioner shall ap-
7 prove the proposed construction, work or use in writing unless he finds
8 the plans and specifications insufficient for the proper protection of
9 fish and game. If the commissioner finds the plans and specifications
10 insufficient for the proper protection of fish and game, he shall notify
11 the person or governmental agency which submitted the plans and specifi-
12 cations of his finding by first class mail. The person or governmental
13 agency may, within 90 days of receipt of the notice, initiate a hearing
14 under AS 44.62.370. The hearing is subject to AS 44.62.330 - 44.62.630
15 [, AND SHALL REQUIRE THE PERSON OR GOVERNMENTAL AGENCY TO OBTAIN WRITTEN
16 APPROVAL FROM HIM AS TO THE SUFFICIENCY OF THE PLANS OR SPECIFICATIONS
17 BEFORE THE PROPOSED CONSTRUCTION OR USE IS BEGUN].

18 * Sec. 3. AS 44.62.330(a) is amended by adding a new paragraph to read:

19 (47) the Department of Fish and Game as to functions relating
20 to the protection of fish and game under AS 16.05.870.

21 * Sec. 4. AS 46.15.030 is amended to read:

22 Sec. 46.15.030. WATERS RESERVED TO THE PEOPLE. Wherever occurring
23 in a natural state, the waters are reserved to the people for common use
24 and are subject to appropriation and beneficial use and to reservation
25 of instream flows and levels of water, as provided in this chapter.

26 * Sec. 5. AS 46.15.070(c) is amended to read:

27 (c) Within 15 days of publication or service of notice, an in-
28 terested person may file an objection. The commissioner may hold
29 hearings upon giving due notice and shall grant, deny, or condition the

1 application in whole or in part within 30 days of receipt of the last
2 objection or, if the commissioner elects to hold hearings, within 180
3 days of receipt of the last objection [AT THE CONCLUSION OF THE HEARING].
4 Notice of the order or decision shall be served personally or mailed to
5 any person who has filed an objection.

6 * Sec. 6. AS 46.15.070(e) is amended to read:

7 (e) A person aggrieved by the action of the commissioner or by the
8 failure of the commissioner to grant, deny, or condition an application
9 in accordance with (c) of this section may appeal to the superior court.

10 * Sec. 7. AS 46.15 is amended by adding a new section to read:

11 Sec. 46.15.145. RESERVATION OF WATER. (a) The state, an agency
12 or a political subdivision of the state, an agency of the United States
13 or a person may apply to the commissioner to reserve sufficient water to
14 maintain a specified instream flow or level of water at a specified
15 point on a stream or body of water, or in a specified part of a stream,
16 throughout a year or for specified times, for

17 (1) protection of fish and wildlife habitat, migration, and
18 propagation;

19 (2) recreation and park purposes;

20 (3) navigation and transportation purposes; and

21 (4) sanitary and water quality purposes.

22 (b) Upon receiving an application for a reservation under this
23 section, the commissioner shall proceed in accordance with AS 46.15.070.

24 (c) The commissioner shall issue a certificate reserving the water
25 applied for under this section if he finds that

26 (1) the rights of prior appropriators will not be affected by
27 the reservation;

28 (2) the applicant has demonstrated that a need exists for the
29 reservation;

1 (3) there is unappropriated water in the stream or body of
2 water sufficient for the reservation; and

3 (4) the proposed reservation is in the public interest.

4 (d) After the issuance of a certificate reserving water, the water
5 specified in the certificate shall be withdrawn from appropriation and
6 the commissioner shall reject an application for a permit to appropriate
7 the reserved water.

8 (e) A reservation under this section does not affect rights in
9 existence on the date the certificate reserving water is issued.

10 (f) At least once each 10 years the commissioner shall review each
11 reservation under this section to determine whether the purpose de-
12 scribed in (a) of this section for which the certificate reserving water
13 was issued and the findings described in (c) of this section still apply
14 to the reservation. If the commissioner determines that the purpose or
15 part or all of the findings no longer apply to the reservation, he may
16 revoke or modify the certificate reserving the water in accordance with
17 AS 46.15.140(b).

18 * Sec. 8. AS 46.15.260(1) is amended to read:

19 (1) "appropriate" means to divert, impound, or withdraw a
20 quantity of water from a source of water, or to reserve water in accord-
21 ance with AS 46.15.145, for a beneficial use;

22 * Sec. 9. AS 46.15.260(2) is amended to read:

23 (2) "appropriation" means the diversion, impounding or with-
24 drawal of a quantity of water from a source of water, or the reserva-
25 tion of water in accordance with AS 46.15.145, for a beneficial use;

26 * Sec. 10. AS 46.15.260(3) is amended to read:

27 (3) "beneficial use" means a use of water for the benefit of
28 the appropriator, other persons or the public, that is reasonable and
29 consistent with the public interest, including, but not limited to,

1 domestic, agricultural, irrigation, industrial, manufacturing, fish and
2 shellfish processing, navigation and transportation, mining, power,
3 public, sanitary, fish and wildlife, [AND] recreational uses, and main-
4 tenance of water quality;

5 * Sec. 11. A specification made under AS 16.05.870(a) before the effec-
6 tive date of this Act expires July 31, 1982, unless the commissioner of fish
7 and game reevaluates the specification and determines that the river, lake,
8 stream or part of a river, lake or stream to which the specification applies
9 is important for the spawning, rearing or migration of anadromous fish.

10 * Sec. 12. This Act takes effect immediately in accordance with AS 01.10.-
11 070(c).

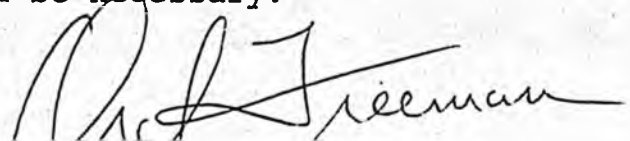
HOUSE JOURNAL

HOUSE FINANCE COMMITTEE

Letter of Intent

CSHB 118

It is the intent of the House Finance Committee that the Department of Fish and Game report to the first session of the Twelfth Legislature on its progress in identifying the various rivers, lakes and streams or parts of them that are important for the spawning, rearing or migration of anadromous fish. This report should include the Department's recommendation for continuing this identification program if such continuation should be necessary.


Oral Freeman, Vice Chairman

Mikes
5/2/80

LETTER OF INTENT

HB 118

It is the intent of the House Finance Committee that the Department of Fish and Game report to the first session of the Twelfth Legislature on its progress in identifying the various rivers, lakes and streams or parts of them that are important for the spawning, rearing or migration of anadromous fish. This report should include the department's recommendation for continuing this identification program if such continuation should be necessary.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 118
 Title An Act relating to the maintenance of stream flows and levels of water.
 Requested by Natural Resources, ADF&G, DEC. Date 3/4/80

II. FISCAL DETAIL

Agency Affected Natural Resources
 Program Category Affected Management of Forest, Land and Water Resources
 BRU, Program, or Subprogram(s) Affected Water Mgmt; Component: Water Use Mgmt
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	-0-	21,247				
200 TRAVEL	-0-	8.4				
300 CONTRACTUAL	-0-	59.0				
400 COMMODITIES	-0-	2.1				
500 EQUIPMENT	-0-	8.15				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISC.		<u>125.0</u>				
TOTAL	-0-	148.8				

FUNDING (Thousands of Dollars)

GENERAL FUND		<u>125.0</u>				
FEDERAL FUNDS		148.8				
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		<u>1</u>				
PART TIME		<u>2</u>				
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Assumptions:

- 1) It is desirable to manage water resources in order to accommodate in-stream uses of water such as navigation, fishery production, hydroelectric uses, suction dredge mining, etc. which require a certain quantity of water to remain available in the water course.
- 2) This can be accomplished under present law, AS 46.15, but would require 6 additional full-time staff within DNR for permitting, monitoring and enforcement.
- 3) A Department of Interior Solicitor's Opinion of June 1979 sets forth a policy that federal agencies would use federal courts to assert instream flows if state laws did not provide a procedure for federal agencies to use. (See continuation sheet)

IV. DATE 3/4/80

PREPARED BY Brent N. Petrie

AGENCY Department of Natural Resources

PHONE 279-5577

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Intent:

I. REQUEST (Page 1 of 2)
 Bill Resolution No. CSHB 118
 Title An Act Relating to the Maintenance of Stream Flows and Levels of Water
 Requested by Fish and Game based on proposed amendment Date April 11, 1980

II. FISCAL DETAIL
 Agency Affected Department of Fish and Game
 Program Category Affected Natural Resources Management and Environmental Conservation
 BRU, Program, or Subprogram(s) Affected Habitat Protection BRU
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700 GRANTS, CLAIMS, ETC.	-0-	0-	-0-	-0-	-0-	-0-
800 MISC.		125.0				
TOTAL	-0-	187.5	206.3	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND		125.0	0			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1			
PART TIME		4	0			
TEMPORARY		0	0			

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
 An amendment to HB 118, now incorporated as CSHB118, would require the Department of Fish and Game to specify by July 31, 1982, the "various rivers, lakes and streams or parts of them that are important for the spawning, rearing, or migration of anadromous fish." The expenditures presented in this fiscal note are in response to that amendment. Funds represented herein would allow the Department to inventory the anadromous streams of the State, provide for public review and comment on the inventory in accordance with the provisions of the Alaska Administrative Procedures Act, and present the findings of the inventory and public review process in documents which are readily available to the public. (continued)

IV. DATE April 11, 1980 PREPARED BY Richard Logan
 AGENCY Fish and Game
 PHONE 465-4105
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/79)

Interest ? w/interest to report back to Legislature next year

III. ANALYSIS (Continued)

CSHB 118

Line 100 expenditures under this fiscal note would provide for the employment of one permanent full-time Habitat Biologist III (Range 18), three permanent seasonal Fisheries Biologist II positions (Range 16), and one permanent seasonal Clerk Typist III position (Range 8). An inventory of the type being required will necessitate considerable travel to allow for on-the-ground accumulation and verification of information on fish occurrence. This travel will occur by way of commercial transportation (Line 200 expenditures) and charter of aircraft service from private industry (Line 300 expenditures). Per diem costs associated with travel and field activities is covered under Line 200. Line 300 expenditures also cover such fixed costs as rental and typewriter leasing and maintenance, and further provide for costs associated with printing and duplication of reports, advertising for public hearing or meetings, and telephone services. Cartographic and office supplies and purchase of publications associated with Alaskan fish science are costs considered in Line 400 expenditures. Line 500 funds will be put toward purchase of chairs, desks, tables, file cabinets and drafting equipment.

Original sponsor: Rules/Governor

Offered: 4/18/80
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 118

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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22 (b) Upon receiving an application for a reservation under this
23 section, the commissioner shall proceed in accordance with AS 46.15.070.

24 (c) The commissioner shall issue a certificate reserving the water
25 applied for under this section if he finds that

26 (1) the rights of prior appropriators will not be affected by
27 the reservation;

28 (2) the applicant has demonstrated that a need exists for the
29 reservation;

1 (3) there is unappropriated water in the stream or body of
2 water sufficient for the reservation; and

3 (4) the proposed reservation is in the public interest.

4 (d) After the issuance of a certificate reserving water, the water
5 specified in the certificate shall be withdrawn from appropriation and
6 the commissioner shall reject an application for a permit to appropriate
7 the reserved water.

8 (e) A reservation under this section does not affect rights in
9 existence on the date the certificate reserving water is issued.

10 (f) At least once each 10 years the commissioner shall review each
11 reservation under this section to determine whether the purpose de-
12 scribed in (a) of this section for which the certificate reserving water
13 was issued and the findings described in (c) of this section still apply
14 to the reservation. If the commissioner determines that the purpose or
15 part or all of the findings no longer apply to the reservation, he may
16 revoke or modify the certificate reserving the water in accordance with
17 AS 46.15.140(b).

18 * Sec. 8. AS 46.15.260(1) is amended to read:

19 (1) "appropriate" means to divert, impound, or withdraw a
20 quantity of water from a source of water, or to reserve water in accord-
21 ance with AS 46.15.145, for a beneficial use;

22 * Sec. 9. AS 46.15.260(2) is amended to read:

23 (2) "appropriation" means the diversion, impounding or with-
24 drawal of a quantity of water from a source of water, or the reserva-
25 tion of water in accordance with AS 46.15.145, for a beneficial use;

26 * Sec. 10. AS 46.15.260(3) is amended to read:

27 (3) "beneficial use" means a use of water for the benefit of
28 the appropriator, other persons or the public, that is reasonable and
29 consistent with the public interest, including, but not limited to,

1 domestic, agricultural, irrigation, industrial, manufacturing, fish and
2 shellfish processing, navigation and transportation, mining, power,
3 public, sanitary, fish and wildlife, [AND] recreational uses, and main-
4 tenance of water quality;

5 * Sec. 11. A specification made under AS 16.05.870(a) before the effec-
6 tive date of this Act expires July 31, 1982, unless the commissioner of fish
7 and game reevaluates the specification and determines that the river, lake,
8 stream or part of a river, lake or stream to which the specification applies
9 is important for the spawning, rearing or migration of anadromous fish.

10 * Sec. 12. This Act takes effect immediately in accordance with AS 01.10.-
11 070(c).

Introduced: 2/2/79
Referred: Resources

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 118

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the maintenance of stream flows
7 and levels of water."

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

9 * Section 1. AS 46.15.030 is amended to read:

10 Sec. 46.15.030. WATERS RESERVED TO THE PEOPLE. Wherever occurring
11 in a natural state, the waters are reserved to the people for common use
12 and are subject to appropriation and beneficial use and to reservation
13 of instream flows and levels of water, as provided in this chapter.

14 * Sec. 2. AS 46.15 is amended by adding a new section to read:

15 Sec. 46.15.145. RESERVATION OF WATER. (a) The state or any
16 political subdivision or agency of the state may apply to the commis-
17 sioner to reserve sufficient water to maintain a specified instream
18 flow or level of water at a specified point on a stream or body of
19 water, or in a specified stretch of stream, throughout the year or for
20 specified times of the year, for protection of fish and wildlife
21 habitat, migration, and propagation, for recreation and park purposes,
22 for navigation and transportation purposes, and for sanitary and water
23 quality purposes.

24 (b) Upon receiving an application, the commissioner shall proceed
25 in accordance with sec. 70 of this chapter.

26 (c) The commissioner shall issue a certificate reserving the
27 water requested if he finds that:

28 (1) the rights of prior appropriators will not be affected
29 by the reservation;

1 (2) a need exists for the reservation;

2 (3) there is unappropriated water in the source sufficient
3 for the reservation; and

4 (4) the proposed reservation is in the public interest.

5 (d) After the issuance of a certificate of reservation, the
6 specified water shall be withdrawn from appropriation and the com-
7 missioner shall reject an application for a permit to appropriate the
8 reserved water.

9 (e) A reservation under this section does not affect any rights
10 in existence when the certificate reserving water is issued.

11 * Sec. 3. AS 46.15.260(1) is amended to read:

12 (1) "appropriate" means to divert, impound, or withdraw a
13 quantity of water from a source of water, or, in the case of a public
14 agency, to reserve water in accordance with sec. 145 of this chapter,
15 for a beneficial use;

16 * Sec. 4. AS 46.15.260(2) is amended to read:

17 (2) "appropriation" means the diversion, impounding or
18 withdrawal of a quantity of water from a source of water, or, in the
19 case of a public agency, the reservation of water in accordance with
20 sec. 145 of this chapter, for a beneficial use;

21 * Sec. 5. AS 46.15.260(3) is amended to read:

22 (3) "beneficial use" means a use of water for the benefit
23 of the appropriator, other persons or the public, that is reasonable
24 and consistent with the public interest, including, but not limited
25 to, domestic, agricultural, irrigation. industrial, manufacturing,
26 fish and shellfish processing, navigation and transportation, mining,
27 power, public, sanitary, fish and wildlife, [AND] recreational uses,
28 and maintenance of water quality;

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 118
 Title An Act relating to the maintenance of stream flows and levels of water.
 Requested by Natural Resources, ADF&G, DEC. Date 3/4/80

II. FISCAL DETAIL

Agency Affected Natural Resources
 Program Category Affected Management of Forest, Land and Water Resources
 BRU, Program, or Subprogram(s) Affected Water Mgmt; Component: Water Use Mgmt
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	-0-	71.243				
200 TRAVEL	-0-	8.4				
300 CONTRACTUAL	-0-	59.0				
400 COMMODITIES	-0-	2.0				
500 EQUIPMENT	-0-	8.15				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	148.8				

FUNDING (Thousands of Dollars)

GENERAL FUND		148.8				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1				
PART TIME		3				
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Assumptions:

- 1) It is desirable to manage water resources in order to accomodate in-stream uses of water such as navigation, fishery production, hydroelectric uses, suction dredge mining, etc. which require a certain quantity of water to remain available in the water course.
- 2) This can be accomplished under present law, AS 46.15, but would require 6 additional full-time staff within DNR for permitting, monitoring and enforcement.
- 3) A Department of Interior Solicitor's Opinion of June 1979 sets forth a policy that federal agencies would use federal courts to assert instream flows if state laws did not provide a procedure for federal agencies to use.
(See continuation sheet)

IV. DATE 3/4/80 PREPARED BY Brent N. Petrie
 AGENCY Department of Natural Resources
 PHONE 279-5577

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____ HOUSE BILL NO. 118
 Title An Act relating to the maintenance of stream flows and levels of water
 Requested by Administration Date 2/1/79

II. FISCAL DETAIL

Agency Affected AK Dept. Fish & Game, Dept. Natural Resources, Dept. Env. Conservation
 Program Category Affected Natural Resource
 Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		0	0	0		
200 TRAVEL		0	0	0		
300 CONTRACTUAL		0	0	0		
400 COMMODITIES		0	0	0		
500 EQUIPMENT		0	0	0		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-		

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-		
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 2/1/79 PREPARED BY S. POIRER and R. Clark
 AGENCY Fish and Game
 PHONE 465-4107/465-4120
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

7AB118

February 1, 1979

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

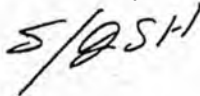
Under authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill relating to the maintenance of streamflows and water levels for navigation, fisheries and water quality purposes. Alaska's Water Use Act (AS 46.15) reflects the old common law rule that an appropriation of water can only be obtained if the water is to be actually diverted or withdrawn. This legislation would bring Alaska within the growing ranks of many western states which have abolished this outdated requirement. The bill would allow state agencies to apply to the Department of Natural Resources for an appropriation of a sufficient amount of water to ensure that vital instream uses of that water are protected.

Examples of the legislation's application are endless. I anticipate, for example, that the Department of Transportation and Public Facilities will play a major role in implementing the bill. That department could obtain an appropriation to ensure that the water level in heavily used lakes remains sufficient to permit float plane access. Sufficient water depth for safe vessel navigation can also be protected under the law. The Department of Natural Resources could also grant to the Department of Fish and Game an appropriation of a sufficient amount of water to protect important salmon spawning habitat, while the Department of Environmental Conservation could apply for an appropriation to ensure that flow in a particular water body subject to industrial discharges remains at a sufficient level to ensure that the industrial operations can continue to comply with water quality standards.

While the bill would remove the distinction between "diversionary" and "non-diversionary" water uses, it will not affect existing water rights. Any prior appropriation cannot, and will not, be impaired by any subsequent appropriation granted under the proposed legislation.

Under existing law, the Department of Natural Resources is required to consider the effects of a proposed appropriation on navigation and fisheries. This case-by-case approach is haphazard and uncertain, and holds within it the potential for erratic and perhaps conflicting administration. It also places those state agencies concerned with water management in a defensive, adversarial posture. By allowing these agencies to apply for appropriations for instream uses, the Department of Natural Resources will be far more able to deal with water management use on a comprehensive, positive, and prospective basis.

Sincerely,

A handwritten signature in dark ink, appearing to read "S/SSH", written over the typed name.

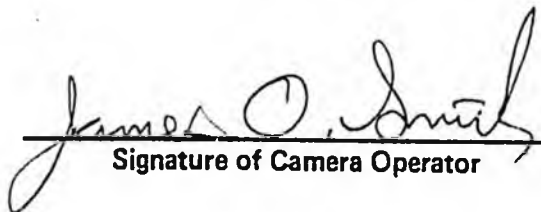
Jay S. Hammond
Governor



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

Funding Information
General Fund \$20,000
Other Funds -0-
\$20,000

Introduced: 2/2/79
Referred: Resources and
Finance

1 IN THE HOUSE

BY MOSS

2 HOUSE BILL NO. 119

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Fish and Game for the implementation of a game
8 management plan for bison in Delta Junction; and pro-
9 viding for an effective date."

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

11 * Section 1. The sum of \$20,000 is appropriated to the Department of Fish
12 and Game for the development and implementation of a game management plan for
13 bison in Delta Junction.

14 * Sec. 2. The unexpended and unobligated portion of this appropriation
15 lapses into the general fund June 30, 1980.

16 * Sec. 3. This Act takes effect ~~July 1, 1979.~~ *immediately*