

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 769

(11)

HOUSE COMMITTEE REPORT

Date Referred: March 13, 1992

FURTHER REFERRALS:

Date of Committee Action: 3/4/92

The FINANCE Committee considered:

HB 355

HOUSE BILL NO. 355

INSTREAM FLOW RESERVATIONS FOR FISH/GAME

"An Act relating to the reservation of instream flows for fish and wildlife; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 355 (FIN)

[] the same title

[x] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[] no recommendations

[x] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: House Resource (Dept/Date)

[x] fiscal impact _____

[x] fiscal note(s) DAR 3/13/92

[x] zero fiscal note F+G 12/17/91

[] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mike Navarre</i> NAVARRE	✓	<i>Eileen P. Mauleen</i> Mauleen		X	
<i>[Signature]</i> Koponen	✓	<i>MARVIN BAYN</i> Bayn		X	
<i>[Signature]</i> WILMUT	X	<i>[Signature]</i> BARNES	X		
<i>Ray Brown</i> BROWN	✓	<i>[Signature]</i> JALVO		X	
		<i>[Signature]</i> Sharp	X		
		<i>[Signature]</i> Phillips			
		<i>[Signature]</i> LARSON			(96)

Mike Navarre E P Mauleen
CHAIRMAN'S SIGNATURE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CS HB 355 (RES)

Revision Date: _____ Department Affected: Natural Resources
 Title: An Act relating to the reservation of water for in-stream flow BRU: Water Management
 Component: Water Management
 Sponsor: Davidson
 Requestor: _____ COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	47.0	47.0	47.0	47.0	47.0	47.0
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	3.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	8.0					8.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	62.0	54.0	54.0	54.0	54.0	62.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	62.0	54.0	54.0	54.0	54.0	62.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	62.0	54.0	54.0	54.0	54.0	62.0

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached page(s).

Prepared By: House Resources Committee Phone: 465-3715

Division: _____ Date: March 10, 1992

Approved by Commissioner: Representative Cliff Davidson, Chairman

Agency: House Resources Committee Date: March 10, 1992

The following analysis is based on the attached fiscal note dated March 10, 1992 by the House Resource Committee:

Line 100 Personal Services

FY 93- FY 98

47.0 - (Range 16) Hydrologist II Position

House Bill 355 may require an additional hydrologist. The Division of Water already has twelve full time hydrologists. The creation of this additional full time position would ensure personnel for HB 355. This position would estimate surface flows for the water body with an offstream application based on published records if there is USGS data available, or using mathematical expressions that relate data to water bodies where there is no data available.

Line 200 Travel

FY 93 - FY 98

2.0

Some travel may be necessary for the hydrologist position. Current hydrologists do not travel to assess stream flows and can often do this based on existing published records and regression equations. There will be no new gaging stations to install, equip, or maintain. There is already current money appropriated for maintenance of existing gages.

Line 300 Contractual

FY 93-FY 98

3.0

Some money may be necessary for incidental expenses.

Line 400 Supplies

2.0

Some money may be necessary for office supplies, materials, and office equipment.

Line 500 Equipment

8.0

This would allow purchase of a computer and software for the new position. This would be for FY 93 only.

Total operating: General Fund Source

62.0 for FY 93

54.0 for FY 94 - FY 98

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 355

Revision Date: 12/13/91

Department Affected: Fish and Game

Title: Instream Flow

BRU: Habitat

Component: Habitat

Sponsor: Representative Davidson

Requestor: House Resources Committee

COMPONENT SERIAL NO.

	4	8	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: no impact on current year

ANALYSIS: (Attach a separate page if necessary.)
See Bill Analysis, Fiscal Impact

Prepared By: Kimbal Sundberg Phone: 267-2334
 Division: Division of Habitat *BHB* Date: 12/16/91
 Approved by Commissioner: *Tom Sundberg*
 Agency: Department of Fish and Game Date: 12/17/91

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

H 355

CS FOR HOUSE BILL NO. 355 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE DAVIDSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the reservation of water for fish; and providing for an effective date."

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

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

4 Sec. 46.15.146. RESERVATION OF WATER FOR FISH. (a) Except as provided in
5 AS 46.15.090, upon receipt by the commissioner of an application to appropriate (1) water from
6 a lake, river, or stream that is used by fish for spawning, incubation, rearing, or migration; or (2)
7 ground water that significantly influences the volume of water in a lake, river, or stream that is
8 used by fish for spawning, incubation, rearing, or migration, the commissioner shall reserve a
9 volume of water in the lake or an instream flow in the river or stream for the use of fish and to
10 maintain habitat for fish. The commissioner may adjust the volume of water reserved under this
11 subsection if the commissioner, after public notice and opportunity to comment and with the
12 concurrence of the commissioner of fish and game, finds that the best interests of the state are
13 served by the adjustment.

14 (b) A volume of water or an instream flow for the use of fish and to maintain habitat for

1 fish that is reserved under this section is withdrawn from appropriation.

2 (c) The priority date of a reservation of water for fish from a lake, river, or stream,
3 identified under AS 16.05.870 or identified in a Department of Fish and Game regional guide as
4 being used by fish for spawning, incubation, rearing, or migration on or before the effective date
5 of this Act, is the effective date of this Act. The priority date of a reservation of water for fish
6 from a lake, river, or stream identified under AS 16.05.870 or identified in a Department of Fish
7 and Game regional guide as being used by fish for spawning, incubation, rearing, or migration
8 after the effective date of this Act is the date on which the identification takes effect.

9 (d) A reservation of water under this section does not affect rights and applications on
10 record before the effective date of this Act.

11 (e) This section does not apply to appropriations under AS 46.15.040 for nonconsumptive
12 uses of water or for single family domestic use.

13 (f) AS 46.15.145 does not apply to a reservation of water under this section.

14 (g) This section does not apply to appropriations of ground water of 5,000 gallons or less
15 a day unless the commissioner, in consultation with the Department of Fish and Game,
16 determines that the appropriation may adversely affect fish habitat in a lake, river, or stream.
17 The commissioner shall consider multiple appropriations of water for a single related use as a
18 single appropriation for the purposes of this subsection.

19 (h) In this section, "fish" means a species of anadromous or freshwater fish that may be
20 taken under regulations of the Board of Fisheries.

21 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

7-LS1403P
Utermohle
4/29/92

Failed

CS FOR HOUSE BILL NO. 355 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE DAVIDSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the authority of the commissioner of natural resources under the
2 Alaska Water Use Act; relating to the appropriation of water from one hydrologic unit
3 to another; relating to the reservation of water that is used by fish for spawning,
4 incubation, rearing, or migration or that is habitat for wildlife, or that significantly
5 influences the volume of water in a lake, river, or stream that is used by fish for
6 spawning, incubation, rearing, or migration or that is habitat for wildlife; and providing
7 for an effective date."

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

9 * Section 1. AS 46.15 is amended by adding new sections to read:

10 Sec. 46.15.035. WATER USE AND CONSERVATION FEES; SALES OF WATER.

11 (a) The commissioner may establish, by regulation, a water use fee for an appropriation of water
12 in which the water, except for negligible losses in transmission and utilization, is returned to the
13 hydrologic unit from which it is appropriated. A water use fee may not exceed \$1 per acre foot

1 of water per year. A water use fee may not be charged to a state agency, nonprofit organization,
2 or hydroelectric power generation facility, or to a user appropriating less than 50 acre feet of
3 water per year.

4 (b) The commissioner may establish by regulation, a water conservation fee for an
5 appropriation of water in which water is not returned to the hydrologic unit from which it is
6 appropriated. The water conservation fee shall be based on the fair market value of the water
7 that is not returned to the hydrologic unit.

8 (c) The commissioner may provide, by regulation, for the sale of water resources at fair
9 market value by the state. Water offered for sale by the state must first be appropriated to the
10 department in accordance with the requirements of this chapter. Water rights appropriated to the
11 state for the purpose of sale are not transferable.

12 Sec. 46.15.037. APPROPRIATION OF WATER OUT OF HYDROLOGIC UNITS. (a)
13 Except as provided in (b) of this section, water may not be appropriated for removal from the
14 hydrologic unit in which it was appropriated.

15 (b) The commissioner may allow the removal of water from a hydrologic unit within the
16 state to another hydrologic unit, inside or outside the state, if

17 (1) the appropriation is for less than 50 acre feet of water per year; or

18 (2) the commissioner

19 (A) finds that the water is surplus to current and reasonably foreseeable
20 future needs within the hydrologic unit of origin;

21 (B) finds that the application meets the requirements of AS 46.15.080; and

22 (C) assesses a water conservation fee under AS 46.15.035(b) or, if the
23 water is to be sold by the department, assures that the sale price is based on the fair
24 market value of the water.

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

26 Sec. 46.15.146. RESERVATION OF WATER FOR FISH AND WILDLIFE. (a) Except
27 as provided in AS 46.15.090, upon receipt by the commissioner of an application to appropriate
28 (1) water from a lake, river, or stream that is used by fish for spawning, incubation, rearing, or
29 migration, or that is habitat for wildlife; or (2) ground water that significantly influences the
30 volume of water in a lake, river, or stream that is used by fish for spawning, incubation, rearing,
31 or migration, or that is habitat for wildlife, the commissioner shall reserve a sufficient volume

1 of water in the lake or a sufficient instream flow in the river or stream for the use of fish and
2 wildlife and to maintain habitat for fish and wildlife. The commissioner may adjust the volume
3 of water or an instream flow reserved under this subsection if the commissioner, after public
4 notice and opportunity to comment and with the concurrence of the commissioner of fish and
5 game, finds that the best interests of the state are served by the adjustment.

6 (b) A volume of water or an instream flow for the use of fish and wildlife and to
7 maintain habitat for fish and wildlife that is reserved under this section is withdrawn from
8 appropriation.

9 (c) The priority date of a reservation of water for fish and wildlife from a lake, river, or
10 stream, identified on or before the effective date of this Act under AS 16.05.870 or in a
11 Department of Fish and Game regional guide as being used by fish for spawning, incubation,
12 rearing, or migration or as wildlife habitat is the effective date of this Act. The priority date of
13 a reservation of water for fish and wildlife from a lake, river, or stream identified after the
14 effective date of this Act under AS 16.05.870 or in a Department of Fish and Game regional
15 guide as being used by fish for spawning, incubation, rearing, or migration or as wildlife habitat
16 is the date on which the identification takes effect.

17 (d) A reservation of water under this section does not affect rights and applications on
18 record before the effective date of this Act.

19 (e) This section does not apply to appropriations under AS 46.15.040 for nonconsumptive
20 uses of water or for single family domestic use.

21 (f) The requirements and procedures of AS 46.15.145 do not apply to a reservation of
22 water under this section.

23 (g) This section does not apply to appropriations of ground water of 5,000 gallons or less
24 a day unless the commissioner, in consultation with the Department of Fish and Game,
25 determines that the appropriation may adversely affect fish or wildlife habitat in a lake, river, or
26 stream. The commissioner shall consider multiple appropriations of water for a single related
27 use as a single appropriation for the purposes of this subsection.

28 (h) In this section,

29 (1) "fish" means a species of anadromous or freshwater fish that may be taken
30 under regulations of the Board of Fisheries;

31 (2) "wildlife" means a species of game that may be taken under regulations of the

1 Board of Game.

2 * Sec. 3. AS 46.15.260 is amended by adding a new paragraph to read:

3 (10) "hydrologic unit" means either a hydrologic unit or subunit established by
4 the United States Geologic Survey on current hydrologic unit maps of the state.

5 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSCSHB 355 (FIN)

Revision Date: 1-May-92 Department Affected: Natural Resources
 Title: Reservation of Water for Fish and BRU: Water Management
Wildlife/ Water Use Fees & Sale Components: Water Management
 Sponsor: Rep. Davidson
 Requestor: House Finance COMPONENT SERIAL NO. 916

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	524.4	440.1	396.3	396.3	396.3	396.3
TRAVEL	76.7	74.7	72.7	72.7	72.7	72.7
CONTRACTUAL	195.8	149.9	149.9	149.9	149.9	149.9
SUPPLIES	29.0	26.0	26.0	26.0	26.0	26.0
EQUIPMENT	139.0	97.0	91.0	91.0	91.0	91.0
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	964.9	787.7	735.9	735.9	735.9	735.9

CAPITAL						
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REVENUE						
Funding Source:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER GF/PR	964.9	787.7	735.9	735.9	735.9	735.9
Funding Source:1007						
TOTAL	964.9	787.7	735.9	735.9	735.9	735.9

POSITIONS:

FULL-TIME	8.0	8.0	6.0	6.0	6.0	6.0
PART-TIME						
TEMPORARY	1.0					

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

This fiscal note combines two fiscal notes: instream flow and water fees.

Prepared by: Gary Prokosch Phone: 762-2571
 Division: Division of Water Date: 1-May-92
 Approved by Commissioner: Harold C. Heine Date: 1-May-92
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

HB NO. 355 RESERVATION OF INSTREAM FLOWS FOR FISH AND WILDLIFE

HB 355 requires the Department of Natural Resources (DNR), upon receipt of an application for an out-of-stream appropriation or an application to appropriate ground water that would significantly influence the volume of water in a stream or river, to reserve an instream flow reservation to maintain habitat for fish and wildlife.

DNR, Division of Water will receive between 100 and 120 water rights applications for surface water and about 100 applications for ground water in excess of 5000 gallons per day each year. HB355 requires that DNR reserve water for fish and wildlife for each of these surface water applications and evaluate each of the ground water applications to determine if the withdrawal of water will significantly influence the volume of water in a nearby river or stream.

This fiscal note is based on the hydrologic and water management needs of the Division of Water to address the requirements of HB355. This fiscal note assumes that HB353 and HB354 are passed and the funds for the surface-water data evaluation for Alaska and the STORET system upgrade are approved. *

DNR will require a hydrologist who, on a case-by-case basis, will collect existing data and evaluate that data or collect new data in order to estimate stream or river flow conditions on each of the estimated 200 applications that will need to be processed each year under HB355.

The hydrologist will require office space, office supplies and office equipment in addition to stream gaging equipment such as flow meters, wading rods, tag lines, datapods, polycorders and computers to read, store and manipulate data to provide mean annual flows, mean monthly flows, extreme flows as well as other stream flow characteristics needed for instream flow analysis. The hydrologist will also require a travel budget that will allow him or her to establish and maintain gaging sites, or to collect other site specific stream or river characteristics for evaluating instream flow needs or the effect of an appropriation of water on fish and wildlife habitat.

The hydrologist will work closely with ADF&G biologists and water managers in the preparation of the instream flow applications.

In addition to the hydrologist and his office and field needs, 50.0 dollars in contractual funds are being requested for the establishment, operation and maintenance of gaging stations for both site specific and index stations. These funds will be used, if appropriate, as matching funds with USGS for the cooperative establishment of gaging stations. These long-term gaging stations are necessary for both site specific area management and for monitoring of long term effects of out-of-stream appropriations and instream flow reservations.

In addition to the hydrologist, the Division of Water will require a natural resource officer in each of its three regional offices (Anchorage, Fairbanks, and Juneau). These individuals will be required to work with the hydrologist and fish and wildlife biologist in the preparation of applications for the reservation of water and to adjudicate the applications in accordance with AS 46.15.145.

The preparation of the instream flow application will require the coordination of data between the hydrologist and biologist, other water users, and other state and federal agencies. The interpretation and analysis of the data includes stream flow information, either real or estimated, fish and wildlife species and their needs regarding flow, timing of flow and related fish and wildlife activities, and the reliability of the data. The application for a reservation must be prepared in accordance with AS 46.15.145 and 11 AAC 93.141 and 142, which includes identification of river or stream reach where flow are to be reserved, maps, legal description and organization of data into the appropriate application format.

The natural resource officers in each region will adjudicate the instream flow applications in accordance with AS 46.15.145 and 11 AAC 93.145 and 146. This includes file preparation, LAS computer entry, agency notice, public notice, interested party notice, meetings and hearings when required, response to comments or objections, and document preparation. It is estimated that each of these natural resource officers will have to prepare applications and adjudicate up to 75 instream flow reservations per year.

Each natural resource officer will need to have office space, office equipment and supplies, and a personal computer and software. In addition, in order to prepare and adjudicate an instream flow application the adjudicator will need to work closely with and assist the hydrologist and biologist in the field. They will also have to have a reasonable travel budget to conduct monitoring, hold meetings and hearings when appropriate during and after the adjudication process.

Additional Information
Water Use Fees and Sale of Water Bill

Operations

- 100 Personal -- One Hydrologist II, Range 16, Southeast (pft)
Services One NRM I, Range 18, Southeast (pft)
One NRT II, Range 12, Southcentral (temp. -- update of
water records during 1 year period)
- 200 Travel -- Personal Services for Director, replaces GF reduction in House Finance.
For field work throughout Southeast on streams and
other water bodies; to regional offices to update water
files. Increase Director's Office Travel.
- 300 Contractual Aircraft and boat charters, office space rent for two
new employees, newspaper advertising, water marketing
services and analyses, etc. Director's Office Contractual.
- 400 Supplies -- Misc. office supplies, small professional tools, survey
supplies for field work. Director's Office Supplies.
- 500 Equipment -- Computer terminals for two positions to support data
collection and storage; professional hydro-survey
equipment

Requested funds would be used to process and administer large scale water appropriations, assess and collect water user fees, and market water and ice resources.

Revenues:

1. Water Use Fees: Once water user records are updated, water fees from existing appropriations can be collected. New applications for 350,000 acre feet of water have been received, and we expect applications for an additional 500,000 acre feet by the end of FY 93 (for water export to California).
2. Water Sales: The sale of water for export could generate significant new revenues for the State of Alaska. Delivery and infrastructure costs are yet to be determined, but prices paid for water in California provide some indication of the potential size of water fees. The California water bank is buying water rights from agricultural sources at \$125 per acre foot. The cost of local water delivered to coastal communities of California is about \$500 per acre foot, and the price of reclaimed water is about \$1400 per acre foot. Current estimates for desalinated water are \$1800 to \$2000 per acre foot. Santa Barbara has authorized paying up to \$1960 per acre for desalinated water delivered to that county. The initial target volume for sales would be 1-2 million acre feet per year. Alaska's rivers discharge between 800 million and 1 billion acre feet into the ocean each year.

Funds collected from water fees and sales could be used to offset the cost of water management programs, increase the network of stream gages, augment the STORET water data base, and fund village safe water projects.

Position Title Hydrologist III		No. of Positions 1	Range/Step 18A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District
TYPE OF EXPENDITURE		Amount	Justification The Hydrologist III position is needed to conduct field, laboratory, and office work to provide streamflow data and analyses needed to support the instream flow reservations as described in HB 355. Index stations to be used for regional evaluations will be designed, installed, and operated to provide data for ungaged streamflow determinations. The position will work with DLWM water managers and ADFG biologists to provide useful, accurate streamflow data for managing the water and fish resources of Alaska.	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		55.1		
Travel		10		
Contractual		56.6		
Commodities		3.0		
Equipment		49.0		
Other				
Total Cost		173.7		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	173.7		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Request For
New Position
HB355P1

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

Page ___ of ___
Revised Date: _____

FY 93

Position Title Natural Resource Officer I		No. of Positions 1	Range/Step 14A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Fairbanks		Election District
TYPE OF EXPENDITURE		Amount	Justification The Natural Resource Officer I position is needed to adjudicate instream flow reservation applications, conduct field work, hold meetings and hearings, and prepare instream flow applications as required under HB 355. The position will work with division hydrologist, ADF&G biologist to prepare an instream flow application for each river, stream or lake where an out of stream appropriation application was accepted by DNR. The application preparation and adjudication will be done in accordance with AS 46.15.145.	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		42.8		
Travel		6.5		
Contractual		8.6		
Commodities		3.0		
Equipment		9.0		
Other				
Total Cost		69.9		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	69.9		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Request For
New Position
HB355P2

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

Page ___ of ___
Revised Date: _____

FY 93

Position Title NRO II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Juneau		Election District
TYPE OF EXPENDITURE		Amount	Justification The Natural Resource Officer II position is needed to adjudicate instream flow reservation applications, conduct field work, hold meetings and hearings, and prepare instream flow applications as required under HB 355. The position will work with division hydrologist, ADF&G biologist to prepare an instream flow application for each river, stream or lake where an out of stream appropriation application was accepted by DNR. The application preparation and adjudication will be done in accordance with AS 46.15.145.	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		46.7		
Travel		8.6		
Contractual		8.6		
Commodities		3.0		
Equipment		9.0		
Other				
Total Cost		75.9		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	75.9		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Request For
New Position
HB355P3

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

FY 93

Page ___ of ___
Revised Date: _____

Position Title NRO II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District
TYPE OF EXPENDITURE		Amount	Justification The Natural Resource Officer II position is needed to adjudicate instream flow reservation applications, conduct field work, hold meetings and hearings, and prepare instream flow applications as required under HB 355. The position will work with division hydrologist, ADF&G biologist to prepare an instream flow application for each river, stream or lake where an out of stream appropriation application was accepted by DNR. The application preparation and adjudication will be done in accordance with AS 46.15.145.	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		46.7		
Travel		8.6		
Contractual		8.6		
Commodities		3.0		
Equipment		9.0		
Other				
Total Cost		75.9		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	75.9		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Request For
New Position
HB355P4

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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Revised Date: _____

FY 93

Position Title		Hydrologist II		No. of Positions	1	Range/Step	16A	Barg. Unit	GGU
Time Status	PFT	Staff Months	12	Location	AWA		Election District	4	
TYPE OF EXPENDITURE			Amount	Justification This position will inventory water resources in Southeast Alaska and collect data on waterbodies, especially those that have been selected, or are highly likely to be selected, for large scale water appropriations and withdrawals.					
Salary		7.0	37.0						
Benefits			14.6						
Premium Pay			-						
Other			-						
Total Personal Services			51.6						
Travel			2.5						
Contractual			20.0						
Commodities			3.0						
Equipment			35.0						
Other									
Total Cost			112.1						
FUNDING SOURCE FOR TOTAL COST									
Federal Receipts		1002							
G.F. Match		1003							
General Fund		1004	112.1						
I-A Receipts		1007							
CIP Receipts		1061							
Other									

Request For
New Position
FNPW01

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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Revised Date: _____

FY 93

Position Title Natural Resources Manager I		No. of Positions 1	Range/Step 18A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location AWA		Election District 4
TYPE OF EXPENDITURE		Amount	Justification The adjudication of water rights facility . Large scale water extraction in Southeast Alaska for intake and out of state use and the administration of water management (user) fee program for the Southeast region. This includes coordination of the project permitting process through the Alaska Coastal Management Program, and specific permitting requirement under AS 46.15 and other State and federal permits.	
Salary		42.6		
Benefits		16.1		
Premium Pay		0.0		
Other		0.0		
Total Personal Services		58.7		
Travel		2.5		
Contractual		9.25		
Commodities		1.5		
Equipment		10.0		
Other				
Total Cost		81.95		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004 *	81.95		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Request For
New Position
FNPW02

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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Revised Date: _____

FY 93

Position Title Natural Resources Tech. II		No. of Positions 1	Range/Step 12A	Barg. Unit GGU
Time Status Temp FT	Staff Months 12	Location EBA		Election District 99 (Statewide)
TYPE OF EXPENDITURE		Amount	Justification This position will be a one (1) year temporary assigned the task of updating up to 10,000 water right files on the DNR, Land Administration System (LAS) computer system. The updated information will be needed in order to implement the water management user fee program through the State's Revenue and Billing System within the Division of Management.	
Salary		28.3		
Benefits		12.3		
Premium Pay		0.0		
Other		0.0		
Total Personal Services		40.6		
Travel		3.0		
Contractual		9.25		
Commodities		1.5		
Equipment		0.0		
Other				
Total Cost		54.35		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	54.35		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Request For
New Position
FNPW03

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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Revised Date: _____

FY 93

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 355 (Res)

Revision Date: 1^o-Mar-92 Department Affected: Natural Resources
 Title: Reservation of water for fish and BRU: Water Management
wildlife Components: Water Management
 Sponsor: Rep. Davidson
 Requestor: House Finance COMPONENT SERIAL NO. 916

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	276.8	233.1	189.3	189.3	189.3	189.3
TRAVEL	37.7	35.7	33.7	33.7	33.7	33.7
CONTRACTUAL	85.4	84.0	84.0	84.0	84.0	84.0
SUPPLIES	18.0	15.0	15.0	15.0	15.0	15.0
EQUIPMENT	94.0	82.0	76.0	76.0	76.0	76.0
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*** 511.9	449.8	398.0	398.0	398.0	398.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
Funding Source:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	511.9	449.8	398.0	398.0	398.0	398.0
FEDERAL FUNDS						
OTHER						
Funding Source:						
TOTAL	511.9	449.8	398.0	398.0	398.0	398.0

POSITIONS:

FULL-TIME	6.0	6.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

*** If appropriations for water data in HB 353 and HB 354 do not pass, an additional \$481,000 needs to be added to this fiscal note.

If HB 550, water fees passes, the fees collected from the sale of water could offset the costs for data in HB 353 and HB 354.

Prepared by: Gary Prokosch Phone: 762-2571
 Division: Division of Water Date: 19-Mar-92

Approved by Commissioner: Harold C. Heinze Date: 19-Mar-92
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
& Impacted Agency(ies).

FISCAL NOTE

CSHB NO. 355 RESERVATION OF WATER FOR FISH AND WILDLIFE

CSHB 355 requires the Department of Natural Resources (DNR), upon receipt of an application for an out-of-stream appropriation or an application to appropriate ground water that would significantly influence the volume of water in a lake, stream or river, to reserve a volume of water or an instream flow to maintain habitat for fish and wildlife.

DNR, Division of Water will receive between 100 and 120 water rights applications for surface water and about 100 applications for ground water in excess of 5000 gallons per day each year. CSHB355 requires that DNR reserve water for fish and wildlife for each of these surface water applications and evaluate each of the ground water applications to determine if the withdrawal of water will significantly influence the volume of water in a nearby river or stream.

This fiscal note is based on the hydrologic and water management needs of the Division of Water to address the requirements of CSHB355. This fiscal note assumes that HB353 and HB354 are passed and the funds for the surface-water data evaluation for Alaska and the STORET system are approved consistent with the legislation.

DNR will require a hydrologist who, on a case-by-case basis, will collect existing data and evaluate that data or collect new data in order to estimate stream or river flow conditions on each of the estimated 200 applications that will need to be processed each year under CSHB355.

The hydrologist will require office space, office supplies and office equipment in addition to stream gaging equipment such as flow meters, wading rods, tag lines, datapods, polycorders and computers to read, store and manipulate data to provide mean annual flows, mean monthly flows, extreme flows as well as other stream flow characteristics needed for instream flow analysis. The hydrologist will also require a travel budget that will allow him or her to establish and maintain gaging sites, or to collect other site specific stream or river characteristics for evaluating instream flow needs or the effect of an appropriation of water on fish and wildlife habitat.

The hydrologist will work closely with ADF&G biologists and water managers in the preparation of data necessary to reserve water under CSHB355.

In addition to the hydrologist and his office and field needs, 50.0 dollars in contractual funds are being requested for the establishment, operation and maintenance of gaging stations for both site specific and index stations. These funds will be used, if appropriate, as matching funds with USGS for the cooperative establishment of gaging stations. These long-term gaging stations are necessary for

both site specific area management and for monitoring of long term effects of out-of-stream appropriations and instream flow reservations.

In addition to the hydrologist, the Division of Water will require a Natural Resource Officer (NRO) in each of its three regional offices (Anchorage, Fairbanks, and Juneau) and a Natural Resource Manager (NRM). The three NROs will be required to work with the hydrologist and fish and wildlife biologist in the preparation of and review of hydrologic, fisheries and wildlife data in order to determine the volume of water to be reserved under CSHB355.

In light of the new language exempting this reservation of water from adjudication under AS 46.15.145 the preparation of a new reservation, record keeping, data collection will require coordination between the hydrologist and biologist, other water users, and other state and federal agencies. The interpretation and analysis of the data includes stream flow information (real or estimated), fish and wildlife species and their needs regarding flow, timing of flow and related fish and wildlife activities, and the reliability of the data. A new water tracking system for these reservations (within LAS) will need to be established. Regulations will need to be written and adopted spelling out how this new water right (reservation) will be adjudicated, quantified, how public and agency notice will be conducted, how it merges with the existing water rights system, how its tracked in LAS, and how it relates to the reservation of water under AS 46.15.145. The drafting and implementation of regulations and the development of division procedures will require a Natural Resource Manager (NRM) for a period not to exceed 18 months and a clerk typist III to assist the NRM.

The NROs in each of the regions will be required to implement the new regulations and procedures which will include file preparation, LAS computer entry, agency notice, public notice, interested party notice, meetings and hearings when required, response to comments or objections, and document preparation. Based on historical information it is estimated that each of these NROs will have to review and reserve water for up to 75 reservations per year.

Each natural resource officer will need to have office space, office equipment and supplies, and a personal computer and software. In addition, in order to prepare a reservation the NRO will need to work closely with and assist the hydrologist and biologist in the field. They will also have to have a reasonable travel budget to conduct monitoring, hold meetings and hearings when appropriate during and after the reservation process.

Position Title Hydrologist III		No. of Positions 1	Range/Step 18A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District
TYPE OF EXPENDITURE		Amount	Justification The Hydrologist III position is needed to conduct field, laboratory, and office work to provide streamflow data and analyses needed to support the instream flow reservations as described in CSHB 355. Index stations to be used for regional evaluations will be designed, installed, and operated to provide data for ungaged streamflow determinations. The position will work with DLWM water managers and ADFG biologists to provide useful, accurate streamflow data for managing the water and fish resources of Alaska.	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		53.1		
Travel		10.0		
Contractual		56.6		
Commodities		3.0		
Equipment		49.0		
Other				
Total Cost		171.7		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	171.7		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

**Request For
New Position**
HB355P1

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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FY 93

Position Title Natural Resource Officer I		No. of Positions 1	Range/Step 14A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Fairbanks		Election District
TYPE OF EXPENDITURE		Amount	Justification The Natural Resource Officer I position is needed to adjudicate instream flow reservation applications, conduct field work, hold meetings and hearings, and prepare instream flow applications as required under CSHB 355. The position will work with division hydrologist, ADF&G biologist to prepare a reservation of water for each river, stream or lake where an out of stream appropriation application was accepted by DNR.	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		42.8		
Travel		6.5		
Contractual		8.6		
Commodities		3.0		
Equipment		9.0		
Other				
Total Cost		69.9		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	69.9		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

**Request For
New Position**
HB355P2

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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FY 93

Position Title NRO II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Juneau		Election District
TYPE OF EXPENDITURE		Amount	Justification The Natural Resource Officer II position is needed to adjudicate instream flow reservation applications, conduct field work, hold meetings and hearings, and prepare instream flow applications as required under CSHB 355. The position will work with division hydrologist, ADF&G biologist to prepare a reservation of water for each river, stream or lake where an out of stream appropriation application was accepted by DNR.	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		46.7		
Travel		8.6		
Contractual		8.6		
Commodities		3.0		
Equipment		9.0		
Other				
Total Cost		75.9		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	75.9		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

**Request For
New Position**
HB355P3

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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FY 93

Position Title NRO II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District
TYPE OF EXPENDITURE		Amount	Justification The Natural Resource Officer II position is needed to adjudicate instream flow reservation applications, conduct field work, hold meetings and hearings, and prepare instream flow applications as required under CSHB 355. The position will work with division hydrologist, ADF&G biologist to prepare a reservation of water for each river, stream or lake where an out of stream appropriation application was accepted by DNR.	
Salary				
Benefits				
Premium Pay				
Other				
Total Personal Services		46.7		
Travel		8.6		
Contractual		8.6		
Commodities		3.0		
Equipment		9.0		
Other				
Total Cost		75.9		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	75.9		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

**Request For
New Position**
HB355P4

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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Revised Date: _____

FY 93

Position Title Natural Resource Manager I		No. of Positions 1	Range/Step 18A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District
TYPE OF EXPENDITURE		Amount	Justification The Natural Resource Manager I position is needed to draft regulations to implement a new system to reserve water for fish and wildlife in accordance with CSHB 355. This position will conduct meetings and hearings, and to process the regulations to the point of adoption. This position will also be required to draft procedures on merging this new water rights process with the existing water rights system.	
Salary		40.5		
Benefits		15.5		
Premium Pay				
Other				
Total Personal Services		56.0		
Travel		4.0		
Contractual		3.0		
Commodities		3.0		
Equipment		9.0		
Other				
Total Cost		75.9		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	75.0		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

Request For
New Position
HB355P5

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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Revised Date: _____

FY 93

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District
TYPE OF EXPENDITURE		Amount	Justification The Clerk Typist III is needed to support the NRM I in the drafting and processing of new regulations to implement CSHB 355. This position would be responsible for typing, meeting and hearing minutes, mailing of public and agency notices, file maintenance, and other duties related to the regulation adoption process.	
Salary		21.8		
Benefits		10.7		
Premium Pay				
Other				
Total Personal Services		31.5		
Travel				
Contractual				
Commodities		3.0		
Equipment		9.0		
Other				
Total Cost		43.5		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	43.5		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

**Request For
New Position**
HB355P6

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

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FY 93

Justification for House Resources Committee Fiscal Note

CHHB355(RES) dated 3/10/92 for 62.0

Line 100 - Personnel

276.8 - requested for six positions in DNR CSHB355(RES) fiscal note

47.0 - granted for one hydrologist II under House Resources fiscal note

DNR is requesting 6 new, permanent full time positions in FY 93 fiscal note in order to implement House Bill 355. This is roughly one-fifth of the entire personnel currently within the new Division of Water (28 FTE).

I believe improving knowledge of our water resources is vital to our future as a state and support funding resources to improve our data collection efforts, which is why I have introduced HB 353 and HB 354. However, I believe at most only one of the six requested positions in DNR's fiscal note is necessary to implement the provisions of House Bill 355.

The workload for House Bill 355 will not be onerous. This is because an estimate of a flow of a stream would only be required upon a receipt of an application to appropriate water out of stream for less than 100,000 gallons per day. Existing regulations place the burden of this analyses on applicants who wish to withdraw 100,000 gpd or .15 cfs. As indicated in correspondence from DNR, the number of out of stream applications is not extraordinary, averaging around 150 to 200 applications a year, sometimes more. Alaska is a state where there is an abundance of water and currently little competition for it. As a result, few applications are filed.

Please note that the majority of applications filed have probably been filed and will likely continue to be filed on only a limited number of streams, primarily those near populations centers. In these cases, there is usually some hydrologic data and estimations of mean annual flows already published and available. Furthermore, it is likely that after the first few years under this law, the number of streams for which new flow estimates would need to be made would drop dramatically.

Furthermore, there has been many changes within the Department of Natural Resources that need to be considered in review of their fiscal note. On June 21, 1991, the Administration created the new Division of Water and administratively transferred positions from the Division of Land and Water and the Division of Geological and Geophysical Survey. A major reason for creation of the Division of Water was to focus personnel shared between divisions exclusively on the management of Alaska's water resources.

Please note 12 seasonal hydrologists became full time when they were transferred from the Division of Geological and Geophysical Survey to the Division of Water. Under DGGs, these hydrologists worked for the short and long term goals of the DGGs, which were not specified as surface or subsurface water data collection (Cowper transition report, 1990). Now located in DOW, these positions should be available full time to work on water data needs and analysis.

Please also note 7 water adjudicators previously *shared* between land and water duties were transferred to the Division of Water. They are now all specifically devoted to water management.

I seriously question the need for six additional positions when the Water Division has not clearly stated how they are using *existing* personnel within a new Division specifically charged with surface and subsurface water data collection and more personnel to accomplish this long neglected mission of state government.

Enclosed is a chart of the new Division of Water organization and a list of positions for your reference.

Line 200-Travel

10.0 travel requested in DNR fiscal note for this hydrologist III position
2.0 travel granted under House Resources for hydrologist II

10.0 in travel will not be necessary. Current adjudicators and hydrologists do not travel this often if at all when they adjudicate water rights, particularly for water sources where there is already published data, and the "Water Resources Atlas" can be consulted in a matter of minutes for flow data. Even when there is no flow data, there are regression equations that can be used to approximate flows based on the water basin, precipitation, and other factors. It is rare that a water right requires visitation of the site in question. However, some travel is reasonable.

Line 300-Contractual

50.0 requested for gaging in DNR fiscal note for hydrologist position
6.6 requested for other unspecified contractual in DNR fiscal note
56.6 total requested in DNR fiscal note for hydrologist III position
3.0 granted under House Resources for hydrologist II

Any money for gaging should go toward HB 354 to first assess the quality and quantity of the existing gage network with joint matching funds from the USGS. This would be a far more cost-effective method to expend funds on gaging. I am unclear on why 6.6 of remaining contractual is needed, however, 3.0 may be necessary for conferences, subscriptions to journals, postage. etc....

Line 400 - Supplies

3.0 requested for office supplies, materials, equipment for hydrologist III
2.0 granted in House Resources version for hydrologist II

Line 500 - Equipment

49.9 requested for computer and software and gaging accessories such as flow meters, wading rods, tag lines, datapods for hydrologist III position
8.0 granted under House Resources for hydrologist II

8.0 for a computer and software is necessary for the hydrologist II. However, the DNR currently has the flow meters, wading rods, tag lines, datapods and polycorders requested by the additional 41.9 in their fiscal note. There is no other equipment specified for the 49.9 other than these gaging materials.

Critique of DNR Fiscal Note

The following analysis is based on the DNR "Request for Positions" sheets attached to their fiscal note for CSHB355(RES) dated 3/19/92

"REQUEST FOR POSITION - HYDROLOGIST II" SHEET

100 - Personnel

53.1. requested for a Hydrologist III position in DNR fiscal note

The Division already has the following 12 hydrologists at a cost of 694.4 of general funds:

one hydrologist V - range 22
two hydrologists IV - range 20
five hydrologists III - range 18
three hydrologists II - range 16
one hydrologist I - range 14
12 total

Although I believe House Bill 355 could be implemented with existing staff, I am proposing funding a Hydrologist II at a cost of 47.0 to give the benefit the doubt to DNR. This is because I want to be certain that the Division can implement this legislation. An additional hydrologist II would ensure House Bill 355 is not a burden to the Division.

A Hydrologist III is unnecessary because the workload of this bill can be accomplished by a lower-range hydrologist. This is because water applications will be few, ranging from 150 to 200 permits a year. Alaska is a state where there is an abundance of water yet currently little competition for it. As a result, there are few applications filed. Currently, the Hydrologist I in DNR can calculate flows for gaged streams as well as for streams and rivers that have no flow records under the direction of one of the many existing senior hydrologists shown above. This is what the new hydrologist funded under this bill would primarily do.

Please note that before last year, these hydrologists were under the Division of Geological and Geophysical Survey, which had the primary mandate "to map and inventory mineral resources on state land" (Cowper transition report, 1990) However, one of the frustrations expressed in testimony before the House Resources Committee and in several Water Board meetings (HRES Minutes of March 20, 1991) was the lack of data on the quality and quantity of ground and surface water. Many expressed the need to reorganize existing hydrological staff within DNR to better serve all water users' needs for data. Presumably, transferring these 12 positions to the new Division of Water and upgrading them to full time staff has enabled the state to fully focus on data gathering and collection as an immediate priority. Why are six positions being requested when the state water staff is better organized and has more time to devote to water than in previous years?

200 - Travel

10.0 requested for field travel and to install and operate gages in DNR note

I do not recommend gaging be funded as a provision of this bill. Therefore the 10.0 in travel to "design, install and operate" gaging stations requested by DNR would not be necessary. Although I am a strong advocate of gaging, any money toward gaging should be first applied to the surface-water data network evaluation as specified in House Bill 354. Second, any money for gaging should stipulate federal matching funds through the USGS. DNR does not make this recommendation to capture matching funds.

300 - Contractual

50.0 requested for contractual gaging in DNR note

6.6 also requested for unspecified contractual items in DNR note

I could not and do not support funding money for gages without a greater sense of where they will be placed. Any money for gaging should first be applied to the surface-water data network evaluation study as proposed in HB 354 to cost-effectively determine where we need to place long-term index gages.

The remaining 6.6 of contractual funds is unspecified.

400 -Supplies

3.0 - unspecified supplies requested in DNR note

It is unclear what these expenditures are for. I would like further clarification.

Line 500 - Equipment

49.0 requested for the purchase of computer and software, and stream gaging equipment such as flow meters, wading rods, tag lines, datapods, polycorders, etc...

Other than 8.0 for the necessary computer and software (which would probably need capability to for graphs, charts etc...), the remaining 41.0 of request is not necessary. DNR already has stream gaging equipment such as flow meters, wading rods, tag lines, and datapods at their disposal. In addition, I do not support expending money for gages under this bill, but rather toward a study of where gages should be placed under HB 354.

"REQUEST FOR NEW POSITIONS -THREE NATURAL RESOURCE OFFICERS" SHEETS

Lines 100-500

69.9 total requested - Natural Resource officer I - range 14
75.9 total requested - Natural Resource officer II - range 16
75.9 total requested - Natural Resource officer II - range 16

The Natural Resource Officers positions are simply not needed to implement this bill. Their justification for funding is to "adjudicate instream flow reservation applications, conduct field work, hold meetings and hearings and prepare instream flow applications"

Under HB 355, there would be no reservation applications, field work, or immediate hearings or meetings.

The fundamental purpose of House Bill 355 is to administratively reserve a volume of water instream for fish and wildlife at the time of an application. It is not subject to current instream flow reservation filing process, which must be triggered by an application and adjudication. Rather, HB 355 sets up an administrative process to accomplish the "general reservation" of fish and wildlife as specified in Article VIII, Section 13 of our State Constitution by setting a portion aside for fish and wildlife at the time of the diversionary offstream water applications with the intention that the amount of water reserved can be revised as needed or if in the best interests of the state.

Most importantly, this key provision to administratively withdraw was a joint recommendation from ADFG and ADNR two years ago in the early stages of the original bill's development. To quote that joint ADFG and ADNR memorandum, "Both agencies agreed that water should be administratively withdrawn from appropriation rather than generating an application for reservation of water, adjudication, and granting a certificate of reservation under AS.46.15.145" (AS 46.15.145 is the current instream flow reservation process. Further, DNR has repeatedly attempted to convince me they are providing guaranteed protection through the existing process. If so, why is almost a million dollars being requested if resources are already receiving this protection?

"REQUEST FOR POSITION - NATURAL RESOURCE MANAGER 1" SHEET

This position was added as a result of the House Resources Committee Substitute provision exempting

Line 100 - Personnel

56.0 - requested in DNR fiscal note for Natural Resource Manager 1 - grade 18

I am curious why the existing natural resource manager I can not draft regulations. HB 550 - the proposed user fee bill - does not specifically request a regulations writer yet regulations and public hearings, etc..will be

necessary. If regulations are needed, I would request finance committee to examine if a lower position or if a seasonal position would be adequate.

I am also concerned because there is no money in DNR's HB 550 (user fee) fiscal note for regulations, yet it has been quite clear they have stated they plan comprehensive regulations that must go out for public review. Also, DNR is currently holding hearings on their new Water Use Act regulations (increasing application fees) within their existing budget.

Lines 200-500

19.0 -- If a regulations writer is required, these funds look appropriate.

"REQUEST FOR POSITION - CLERK TYPIST 111" SHEET

This position was added as a result of the HRES Committee Substitute

Line 100

31.5 personnel requested in DNR fiscal note

Again, I am not sure to what extent regulations are necessary. If regulations are necessary, I do not find a clerk typist objectionable although I would investigate if a seasonal or clerk typist II could be used.

Lines 400-500

12.0 - contractual and equipment requested in DNR fiscal note

As before, these funds look adequate if regulations are needed.

STATE OF ALASKA
House of Representatives
District 27

Representative Cliff Davidson
Chairman
House Resources Committee



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(907) 465-2487
Box 746, Kodiak, AK 99615
(907) 486-8250

MEMORANDUM

TO: Representative Mike Navarre, Co-Chairman
Representative Eileen MacLean, Co-Chairman
House Finance Committee

FROM: Representative Cliff Davidson

DATE: March 23, 1992

SUBJECT: Fiscal Note for CS HB 355(RES)

As Chairman of the House Resources Committee, I urge the Finance Committee adopt the House Resources fiscal note for CSHB355(RES) of 62.O.

In fact, the size of the latest fiscal note for CSHB355(RES) of almost one million dollars is such an enormous surprise that I urge the Finance Committee to investigate and closely examine how the Division of Water is using their existing FY 92 staff resources to manage our state's water. Also, what they are planning to accomplish with their FY 93 funding.

Enclosed are reasons why the HB355(RES) DNR fiscal note is excessive. I encourage you to read the attached materials.

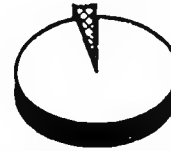
Thank you.

Enclosures:

House Resources fiscal note justification
Critique or DNR fiscal note for CSHB355(RES) dated March 19, 1992
Division of Water budget information
USGS correspondence

Division of Water

Director: Ric Davidge (762-2575)



3.76% of DNR budget

Mission

The Division of Water was created in 1991 to manage, plan, promote and authorize the responsible use and economic potential of Alaska's water resources; to resolve state title to the submerged lands under all navigable water bodies; to collect and provide information needed on the quantity and quality of Alaska's vast surface, ground and coastal waters; to protect lives and property at risk by dams; and to educate Alaskans about the responsible use of their water resources.

	General Fund	Other Funds	FTE
FY92 Authorized	0	0	0
FY93 Governor's Budget	2,115.9	540.9	28

NOTE: A full explanation of the transfers required to fund and staff the new Division of Water can be found in Appendix D.

Governor's Approved Increments

Funding Request

Water Management

Increasing program receipts encourages cost effectiveness and establishes a dollar relationship to services provided. These funds, generated through water rights applications fees, temporary water use fees, dam safety application fees and the USGS-Hydro Survey Co-op cost recovery program, are essential to the continued operation of the Division of Water at the current level. Failure to authorize this increase in program receipts will require personnel layoffs in water rights adjudication and hydrologic surveys. Backlogs in permit applications would likely increase and site inspection of high hazard dams will be limited.

337.0 (GF/PR)

FY93 Project Descriptions

<u>Project</u>	<u>Benefit</u>	<u>Funding</u>
Director's Office Provides overall management and administrative support.	Focuses division objectives and methods of obtaining them.	154.6 (GF)

<u>Project</u>	<u>Benefit</u>	<u>Funding</u>
Dam Safety Reviews and inspects dams and responds to emergencies in the event of a disaster. Construction of new dams will begin in FY93.	Protects lives and property from possible dam failures.	235.6 56.4 (GF) 64.2 (GF/PR) 115.0 (Fed)
Hydrologic Survey Collects and disseminates information on Alaska's surface and ground waters. Hundreds of streams and millions of lakes have yet to be added to data base. Includes a cooperative program with US Soil Conservation Service to improve snow fall data in arctic regions.	Provides information vital to public health and economic development. The arctic snow survey may revolutionize human understanding of arctic environments thus allowing more oil and gas exploration and development.	1,536.8 558.4 (GF) 602.5 (GF/PR) 196.8 (Fed) 179.1 (I-A)
Water Rights Adjudicates water rights applications associated with the use of water for domestic, commercial and industrial needs. Enforces compliance on water users in Alaska now taking large quantities of water without authorization. Participates in land and water resource plans.	Authorizes the use of water while protecting the public interest. Provides increased revenues and increased collection of water data related to site-specific hydrology and the availability, use and distribution of water.	547.2 452.9 (GF) 44.3 (GF/PR) 50.0 (Fed)
Water Management Policies and Procedures Develops and promulgates Alaska's first comprehensive water management policy. Develops, publishes and holds public hearings on Alaska's first statewide water management strategy organized by hydrological unit.	Gives guidance to and provides context for water management decisions. An organized strategy allows public input into water management decisions.	89.1 (GF)
Title Navigability Establishes and protects the state's title to submerged lands and access to millions of acres of uplands. The emphasis is to identify and claim title to all remaining, but currently unclaimed, navigable water bodies before the state land selection process is concluded.	Increases the total upland acres the state can select. It also protects access for recreation and commerce.	93.5 (GF)

APPENDIX D

Transfers

Division of Management

NOTE: The consolidation of public service functions into one Public Information Center required the following position transfers. Funded by inter-agency receipts.

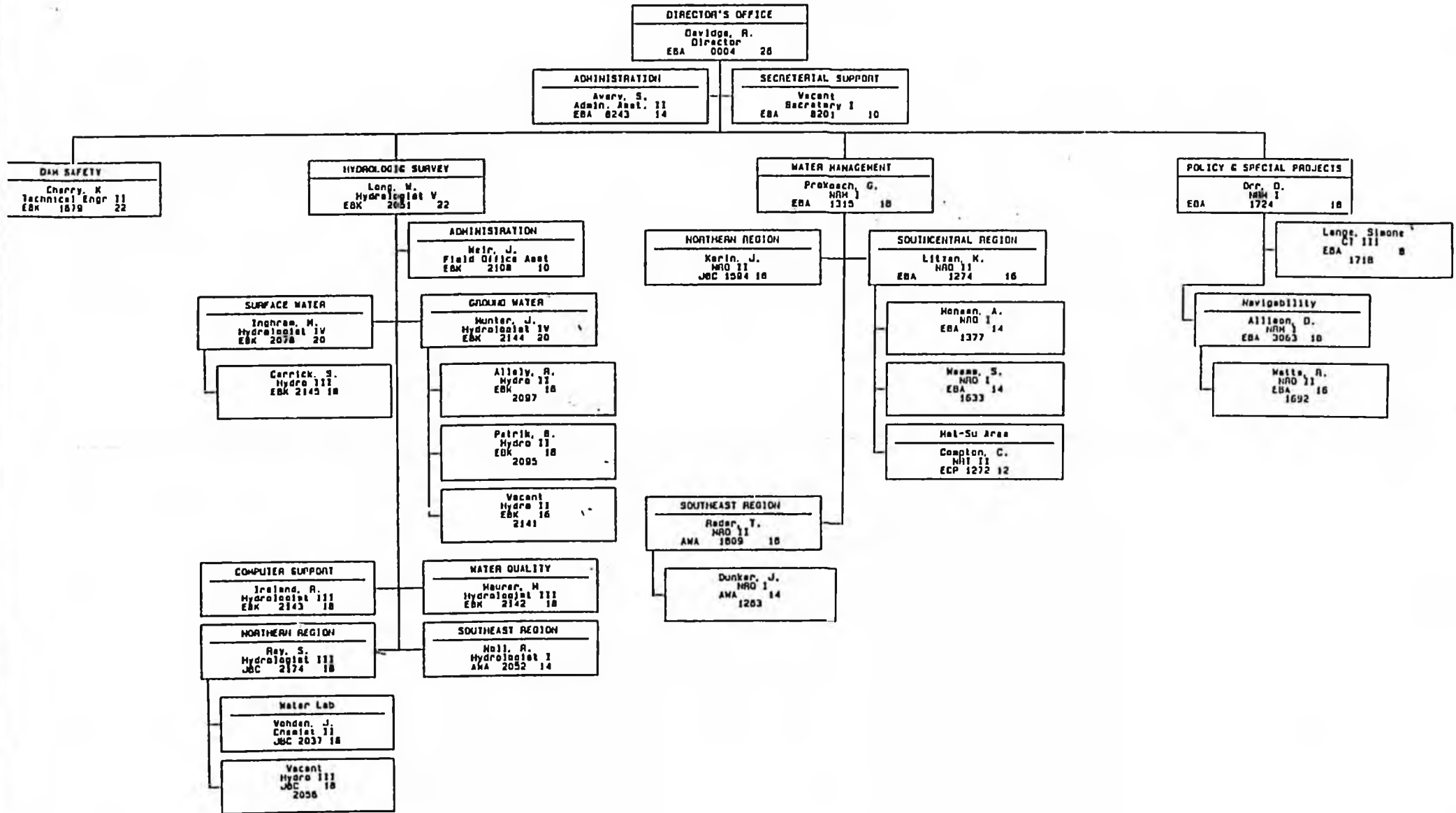
Transfers from:	Explanation
Land and Water Mgmt	Provided positions for one Natural Resources Manager and one PCN Natural Resources Technician.
Geological Mgmt	Provided PCN for one Natural Resource Technician and one Clerk IV.
Commissioner's Office	Provided Public Information Officer
Agriculture Mgmt.	Provided one PCN for Natural Resources Officer I.

Division of Water

NOTE: The Division of Water was established in June 1991. This table shows how the division was staffed and funded from within the department.

Transfers from:	Explanation	Funding
Commissioner's Office	Provided position to establish division director.	
Agriculture Management	Provided position to support inter-agency requests on submerged lands in Hydrological Survey project.	
Geological Management	Provided 11.4 positions to support Hydrological Survey project.	694.4
	Provided associated administrative funding for Hydrological Survey project and director's office.	11.0
	Provided associated federal, inter-agency and program receipts and 2.6 positions.	676.4
Land and Water Mgmt.	Provided one position and funding for Dam Safety project.	235.6
	Provided nine PFT positions and funding for Water Rights project.	636.3
	Provided two PFT positions and funding for Navigability project.	93.5

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER



DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER
PCN LIST

Division of Geological & Geophysical Surveys

<u>PCN</u>	<u>Title</u>	<u>Name</u>	<u>Location</u>
10-2051	Hydrologist V	Long	Eagle River
10-2144	"	IV Muntar	" "
10-2097	"	II Allely	" "
10-2141	"	II LaSage	" "
10-2095	"	II Petrik	" "
10-2078	"	IV Inghram	" "
10-2145	"	III Carrick	" "
10-2142	"	III Maurer	" "
10-2143	"	III Ireland	" "
10-2174	"	II Ray	Fairbanks
10-2037	Chemist II	Vonden	" "
10-2056	Hydrologist III	Moorman	" "
10-2055	Geologist IV	Motyka	Juneau
10-2052	Hydrologist I	Noll	" "
10-2108	Field Office Assistant	Weir	Eagle River

Division of Land & Water

10-1679	Tech Engineer	K. Cherry	Anchorage
10-1724	Nat Res Mgr I	M. Harle	" "
10-1692	Nat Res Off II	R. Watts	" "
10-1718	Clerk Typ III	P. Reamer	" "

Water Rights Adjudicators

10-1263	Nat Res Off I	Dunker	Juneau
10-1609	Nat Res Off II	Radar	" "
10-1274	Nat Res Tech	Litzen	Anchorage
10-1377	Nat Res Off I	Monson	" "
10-1272	Nat Res Tech	Compton	Wasilla (1/2 time)
10-1315	Nat Res Mgr I	Prokosch	Anchorage
10-1633	Nat Res Off I	Weeks	" "
10-1594	Nat Res Off II	Kerin	Fairbanks

AGENCY: DEPARTMENT OF NATURAL RESOURCES
 CATEGORY: NATURAL RESOURCE MANAGEMENT

PROGRAM: WATER MANAGEMENT
 SUB-PROGRAM:

LEG. FIN.

----- F I S C A L Y E A R 1 9 9 3 -----

EXPENDITURES & FUNDING	(01) FY91 ACT	(22) FY92CONF	(03)	(04)	(02) FY92AUTH	(25) FY93 AGY	(07) GOVERNOR	(08) GOV AMD	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.						1506.2	1506.2	1506.2					
02 TRAVEL						156.1	156.1	156.1					
03 CONTRACTUAL						865.0	865.0	865.0					
04 COMMODITIES						79.5	79.5	79.5					
05 EQUIPMENT						50.0	50.0	50.0					
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND						2656.8	2656.8	2656.8					
1002 FED RCPTS						361.8	361.8	361.8					
1004 GEN FUND						1404.9	1404.9	1404.9					
1005 GF/PRGM						711.0	711.0	711.0					
1007 I/A RCPTS						179.1	179.1	179.1					
15 FULL TIME						28.0	28.0	28.0					
16 PART TIME													
17 TEMPORARY													
18 STAFF MONTHS						274.0	274.0	274.0					

AGENCY: DEPARTMENT OF NATURAL RESOURCES
 CATEGORY: NATURAL RESOURCE MANAGEMENT

PROGRAM: WATER MANAGEMENT
 SUB-PROGRAM:

LEG. FIN.

***** GOV AMD ANALYSIS *****

OBJECT GROUP	VARIATION		DESCRIPTION: GOV AMD (\$2,656.8) VERSUS FY92AUTH (\$0.0)
01 PERS. SERV.	1506.2	100.0%	
02 TRAVEL	156.1	100.0%	
03 CONTRACTUAL	855.0	100.0%	
04 COMMODITIES	79.5	100.0%	
05 EQUIPMENT	50.0	100.0%	
** TOTALS	2656.8	100.0%	

*** FY93 GOVERNOR (OMB NOTES) ***

DETAIL DESCRIPTION OF VETOS, TRANSFERS, INCREMENTS, & DECREMENTS

CHANGES FROM FY93 BASE TO FY93 ADJUSTED BASE

REF#	DESCRIPTION		AGENCY / GOVERNOR			LINE ITEM IMPACT							
WHO:	PFT	PPT	TOTAL	GEN FUND	OTHER	100	200	300	400	500	600	700	800
3000	TRANSFER 1PFT FOR DIRECTOR OF WATER MANAGEMENT POSITION												
AGY:	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GOV:	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3001	TRANSFER OF POSITION FROM AGRICULTURE TO WATER FOR LAND SELECTION AND SUBMERGED LAND PROJECTS												
AGY:	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GOV:	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3002	TRANSFER OF STATEWIDE WATER RESOURCES INVENTORY TO WATER MANAGEMENT FOR HYDROLOGICAL SURVEY												
AGY:	11.4	0.0	694.4	694.4	0.0	497.4	18.4	176.6	2.0	0.0	0.0	0.0	0.0
GOV:	11.4	0.0	694.4	694.4	0.0	497.4	18.4	176.6	2.0	0.0	0.0	0.0	0.0
3003	TRANSFER FUNDING TO WATER MANAGEMENT FOR HYDROLOGICAL SURVEY/DIRECTOR'S OFFICE												
AGY:	1.6	0.0	196.8	0.0	196.8	70.4	41.0	63.3	22.1	0.0	0.0	0.0	0.0
GOV:	1.6	0.0	196.8	0.0	196.8	70.4	41.0	63.3	22.1	0.0	0.0	0.0	0.0
3004	TRANSFER ADMINISTRATIVE FUNDING TO WATER MANAGEMENT												
AGY:	0.8	0.0	179.1	0.0	179.1	77.4	9.1	85.6	7.0	0.0	0.0	0.0	0.0
GOV:	0.8	0.0	179.1	0.0	179.1	77.4	9.1	85.6	7.0	0.0	0.0	0.0	0.0
3005	TRANSFER PROGRAM RECEIPT AUTHORITY FROM DGGS TO WATER MANAGEMENT												
AGY:	0.2	0.0	300.5	300.5	0.0	18.7	8.2	250.1	23.5	0.0	0.0	0.0	0.0
GOV:	0.2	0.0	300.5	300.5	0.0	18.7	8.2	250.1	23.5	0.0	0.0	0.0	0.0



United States Department of the Interior

GEOLOGICAL SURVEY
Water Resources Division
4230 University Drive - Suite 201
ANCHORAGE ALASKA 99508-4664

Christopher Estes
Statewide Instream Flow Coordinator
Alaska Department of Fish & Game
Division of Sport Fisheries
Research & Technical Services Unit
333 Raspberry Road
Anchorage, Alaska 99518

November 9, 1987

Dear Mr. Estes:

This letter is in response to your inquiry as to whether a mean annual discharge can be calculated or estimated for all streams in Alaska.

Yes, a mean annual discharge value can be determined for most streams; however, the quantity and quality of the data base and analysis used to derive this value for a given stream will limit its statistical reliability. We would therefore strongly urge that the presentation of these values, or for that matter any flow calculations or estimates that are reported, also reference the data source or sources and include a summary of the analysis used to derive a value and its confidence intervals.

There are over 8,400 named streams in Alaska and many more un-named streams. Of them, only 160 have continuous historical flow records of ten or more years (long-term record), 55 have a record length of five to nine years, and 95 have a record length of one to four years. A few streams have short-term seasonal records. The remaining streams have no continuous records. From a statistical perspective, stream-flow statistics from streams with ten or more years of record are considered statistically reliable for use in regional flow analysis. Any flow value derived from a data base of shorter duration should be examined to see if there is sufficient range in discharge and whether it can be compared to long-term streamflow data at nearby stations or within the region. Adjustments can be made to the short-term data to reflect flow conditions over a longer time period.

It is recognized that deriving a value from a limited data base and presenting the results with proper qualifiers is better than not having any value at all. If possible, a statistical assessment of a value derived from a limited data base should be made or proper qualifiers should be presented; otherwise, use of the value could result in serious misinterpretations and decisions using that information.

An analysis and brief discussion is attached for some of the available methods for estimating a mean annual discharge for ungaged streams having no data. Mean annual discharge of streams on or near a stream-gaging station with a long-term record can easily be calculated and applicable adjustments made. Methods for correlating discharge measurements at ungaged sites to gaged streams are available. The methods that have been used in Alaska are discussed in:

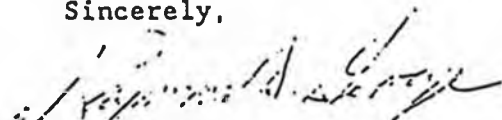
Scully, D. R., Krumhardt, A. P., and Kernodle, D. R., Hydrologic Reconnaissance of the Beluga, Peters Creek, and Healy Coal Areas, Alaska: U. S. Geological Survey Water Resources Investigations 81-56, 71 p.

Savard, C. S., and Scully D. R., 1984, Surface-Water Quantity and Quality in the Lower Kenai Peninsula, Alaska: U. S. Geological Survey Water-Resources Investigation Report 84-4161, 62 p.

Alaska has only one active stream gage per 7000 square miles as opposed to an average of one gage per 400 square miles in the lower 48 states. Obviously, the best solution to deriving reliable stream flow values for Alaska would be to expand our gaging-station network, and maintain a sufficient number of stations to insure that long term records can be developed.

I hope this provides you the information requested.

Sincerely,



Philip A. Emery
District Chief

Attachment

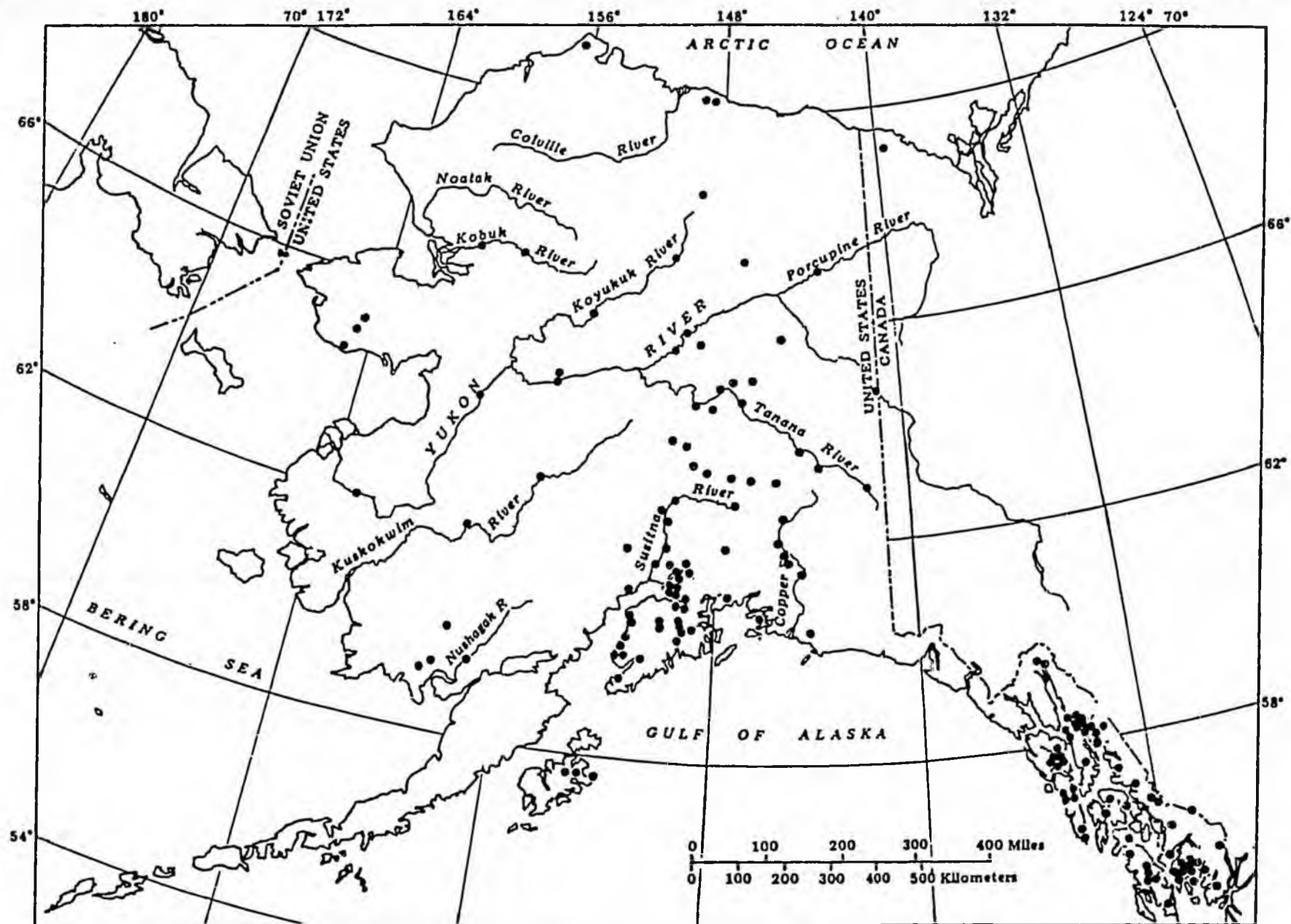


Figure 1.--Stream-gaging sites having 10 or more years of record through 1990 water year.

158 Stream-gaging sites in Alaska

2 Stream-gaging sites in Canada



ANCHORAGE WATERWAYS COUNCIL

P.O. Box 241774 • Anchorage, Alaska 99524-1774 • 277-9287

March 20, 1992

Representative Mike Navarre
Co-chair, House Finance Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Navarre:

The Anchorage Waterways Council (AWC) is a non-profit organization comprised of residents who believe that Anchorage's waterways and related habitat ecosystems are a valuable resource. The AWC promotes the preservation, restoration and enhancement of these waterways, wetlands, and associated uplands for their inherent value as well as the safety, health and enjoyment of the entire community. We would like to offer our support for House Bill (HB) 355 which establishes the State's policy that adequate water resources should be left in the State's waterbodies to meet the needs of fish and wildlife in the event of a request to appropriate water for a private use. We applaud the extension of in-stream flow reservations to address wildlife needs and include lakes.

In the past, the AWC has supported the establishment of the legislative base line for the percent of water to be reserved. However, we recognize that there are drawbacks to establishing a baseline within the legislation and that baseline reserves can be established within regulations developed to support the purpose of HB 355. We recommend that a stronger policy statement be included in HB 355 to ensure that the regulations provide adequate protection for the State's fish and wildlife resources. This is especially important in view of the continued absence of in-stream flows reservations to maintain and enhance water quality. We applaud the extension of in-stream flow reservations to address wildlife needs and include lakes.

We do believe that those who derive private benefits from a public resource should be held responsible for the costs incurred in transferring that benefit from the public domain to them. We do not see this addressed explicitly in HB 355 and assume that this can be accomplished through provisions in other statutes. If not, we recommend that this provision be included in HB 355.

Thank you for the opportunity to comment on HB 355. Alaska relies on its renewable resources. This is an important piece of legislation that needs to be enacted to protect these resources not only for the present but for future generations.

Sincerely,

Maureen McCrea
President

LETTERS AND ORGANIZATIONS IN SUPPORT

HOUSE BILL 355

INSTREAM FLOW RESERVATION OF WATER FOR FISH AND WILDLIFE

- United Fishermen of Alaska
- United Cook Inlet Drift Association
- Kenai Peninsula Fishermen's Association
- Alaska Sportfishing Association
- Trout Unlimited
- Alaska Environmental Lobby, Inc.
- American Fisheries Society
- Alaska Center for the Environment
- American Rivers, Inc.
- Kodiak Regional Aquaculture Association
- Ketchikan Sports and Wildlife Club
- The Good Sam Club
- Anchorage Waterways Council
- Anchorage Audubon Society
- National Audubon Society (Alaska office)
- Trustees for Alaska
- Northern Alaska Environmental Center
- The Wilderness Society
- Rural Alaska Community Action Program, Inc.
- Tanana Chiefs Conference
- Association of Village Council Presidents
- Cenaliulriut Coastal Management District

FEDERAL AGENCIES AND OTHER STATES

- United States Department of Interior, Fish and Wildlife Service, National Ecology Research Center
- Montana Department of Fish, Wildlife and Parks
- California Department of Fish and Game
- United States Department of Interior, Fish and Wildlife Service
- United States Department of Interior, Bureau of Land Management
- United States Department of Agriculture, United States Forest Service
- United States Department of Commerce, National Oceanic and Atmospheric Administration

COPIES ON FILE

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

January 22, 1992

The Honorable Cliff Davidson
Chair, House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson:

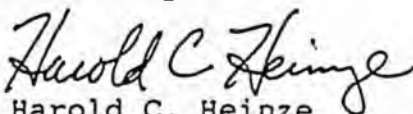
We welcome your interest in the management of Alaska's water resources. Alaska's water management statutes and regulations are among the most progressive in the nation, and the abundant salmon runs of the last decade are one illustration of the benefits to be gained from actively managing the state's water resources for maximum beneficial use and the general reservation of fish and wildlife.

We believe the best approach to managing Alaska's water is to build on the success of the present system, rather than create a new approach to water management as HB 355 would do. For this reason, our two departments are supporting the passage of HB 353 and HB 354, but we are not supporting HB 355.

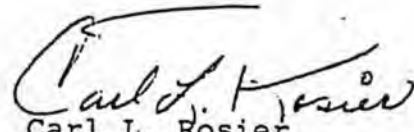
The most pressing needs are for improved water resource data collection and analysis, and updating and completing work connected with the STORET system. The STORET system is the state's computerized database of water data and water appropriations. These needs are addressed by HB 353 and HB 354. It may be advisable to reference a system equal to or compatible with the STORET system in HB 353, rather than referring only to the STORET system, in case newer or better systems for water data management are available.

Thank you for your interest in these issues. Please contact Department of Natural Resources water division director Ric Davidge, or Department of Fish and Game habitat division director Frank Rue for additional information related to these bills.

Sincerely,



Harold C. Heinze
Commissioner,
Department of Natural Resources



Carl L. Rosier
Commissioner,
Department of Fish and Game

cc: Paul Fuhs, Legislative Liaison, Office of the Governor
Ric Davidge, Director, DNR Division of Water
Frank Rue, Director, DF&G Division of Habitat

PLEASE MICROFILM TOP PAGE ONLY

DOCUMENTS WHICH HAVE NOT BEEN
FILMED BUT ARE AVAILABLE IN THE
ORIGINAL FILE INCLUDE:

→ letters of support

→ "Instream Flow Protection in the West"

by Univ. of Colorado School of Law

→ "AK Legislature Considers Innovative
Instream Flow Law" by Robert T Anderson

Native American Rights Fund

→ Annual Summary of AK Dept of Fish & Game

Instream Flow Reservation Applications NOV, 1991

→ news clippings

HB371

HOUSE COMMITTEE REPORT

(11)

Date Referred: January 29, 1992

FURTHER REFERRALS:

Date of Committee Action: 2/26/92

The FINANCE Committee considered:

HB 371

HOUSE BILL NO. 371

CREDITED SERVICE FOR SEASONAL EMPLOYEES

"An Act relating to computation of credited service in the public employees' retirement system for seasonal employment."

RECOMMENDATIONS:

be replaced with CS HB 391 (FIN) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

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

APPROVES PREVIOUS: (Dept/Date) _____

; fiscal impact _____

fiscal note(s) _____

2 zero fiscal note Admin.

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mike Savare</i> NAUAYIC	<input checked="" type="checkbox"/>	<i>Tan Brown</i> BROWN		<input checked="" type="checkbox"/>	
<i>Martin Boyer</i> Boyer	<input checked="" type="checkbox"/>	<i>Phillips</i> Phillips		<input checked="" type="checkbox"/>	
<i>Koponen</i> Koponen	<input checked="" type="checkbox"/>	<i>Bea Sharp</i> Sharp		<input checked="" type="checkbox"/>	
<i>Winters</i> Winters	<input type="checkbox"/>				
<i>Ulmer</i> Ulmer	<input checked="" type="checkbox"/>				

Mike Savare NAUAYIC
 CO - CHAIRMAN'S SIGNATURE

FISCAL NOTE

BILL NO. CSHB 371 (FIN)

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
Title: "An act relating to a conditional service benefit in the Public Employees Retirement System for seasonal Employees"
Sponsor: Boyer
Requestor: House Finance Committee

Department Affected: ALL STATE
BRU: ALL STATE
Component: ALL STATE
COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS. CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
-------------------------	---	---	---	---	---	---

FUNDING: (Thousands of dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year impact: \$0

ANALYSIS: (attach a separate page if necessary.) Passage of this bill would enable some seasonal employees to receive a conditional benefit in the PERS, who would not otherwise be able to. Since we estimate that number of members advantaged would be less than 100, the actuarial impact to the PERS would be unmeasurable.

Prepared By: Gary Bader *Gary M. Bader*
Division: Retirement and Benefits

Phone: 465-4470
Date: February 24, 1992

Approved by Commissioner: Nancy Bear Usura *NBCU*
Agency: Department of Administration

Date: 2/15/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB & Impacted Agency(ies).
Rev 11/91 Page 1 of 1

FISCAL NOTE

BILL NO. CSHB 371 (FIN)

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
Title: "An act relating to a conditional service benefit in the Public Employees Retirement System for seasonal Employees"
Sponsor: Boyer
Requestor: House Finance Committee

Department Affected: Administration
BRU: Retirement and Benefits
Component: Retirement and Benefits
COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year impact: \$0

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Gary Bader *Gary M. Bader*
Division: Retirement and Benefits

Phone: 465-4470
Date: February 24, 1992

Approved by Commissioner: Nancy Bear Usura *NBE*
Agency: Department of Administration

Date: 2/25/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB & Impacted Agency(ies).
Rev 11/91

CS FOR HOUSE BILL NO. 371 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES BOYER, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a conditional benefit for certain seasonal employees in the public
2 employees' retirement system."

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

4 * Section 1. AS 39.35.385 is amended by adding a new subsection to read:

5 (g) Subject to AS 39.35.450, an employee is eligible for a normal retirement benefit at
6 age 55 or an early retirement benefit at age 50 if the employee was first hired as an employee
7 before July 1, 1986, and has made contributions to the system on a total of 9,750 hours worked
8 as a seasonal employee. However, an employee may not receive credit towards the total for
9 more than 1,950 hours in a calendar year. Subject to AS 39.35.450, an employee who was first
10 hired on or after July 1, 1986, and is otherwise eligible under this subsection is eligible for a
11 normal retirement benefit at age 60 or an early retirement benefit at age 55.

S FIN

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. HB371

Revision Date:

Title: "An Act relating to computation of credited service in the public employees' retirement system for seasonal employment"

Dept: University

BRU: All

Component: All

Sponsor: Reps. Boyer, B. Davis

Requestor:

Component Serial No. 730

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)						
GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)
 No monetary impact on the university. University currently makes contributions on hours worked by seasonal employees although service is not credited for them. (Jean Freeman 2/28/92)

Prepared by: Marsha Hubbard, Director
 Division: Statewide Budget Office

Phone: 474-7593
 Date: 3/5/92

Approved by: Brian Rogers, Vice President for Finance
 Agency: University of Alaska

Date: 3/5/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

BILL NO. HB 371

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An act relating to computation of credited service in the Public Employees Retirement System for seasonal Employees"
 Sponsor: Boyer
 Requestor: House State Affairs Committee

Department Affected: Administration
 BRU: Retirement and Benefits
 Component: Retirement and Benefits
 COMPONENT SERIAL NO. 64

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	319.6	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	319.6	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0
FUND SOURCE:						

FUNDING: (Thousands of dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER						
FUND SOURCE	319.6	0	0	0	0	0
TOTAL	319.6	0	0	0	0	0

POSITIONS

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

Estimate of current year impact: \$0

ANALYSIS: (attach a separate page if necessary.) Programming changes must be made to two automated systems, these costs are estimated for the enhancements necessary to maintain data not currently maintained.

Prepared By: Gary Bader *Gary M. Bader*
 Division: Retirement and Benefits

Phone: 465-4470
 Date: January 23, 1992

Approved by Commissioner: Nancy Bear Userra *Nancy Bear Userra*
 Agency: Department of Administration

Date: 1/24/92

FISCAL NOTE

BILL NO. HB 371

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An act relating to computation of credited service in the Public Employees Retirement System for seasonal Employees"
 Sponsor: Boyer
 Requestor: House State Affairs Committee

Department Affected: ALL STATE
 BRU: ALL STATE
 Component: ALL STATE
 COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUNDSOURCE	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year impact: \$0

ANALYSIS: (attach a separate page if necessary.) Passage of this bill would enable some seasonal employees to vest in the PERS, who would not otherwise be able to. Since we estimate the number of members who would be advantaged to be less than 100, the actuarial impact to the PERS would be unmeasurable.

Prepared By: Gary Bader *Nancy M. Bader*
 Division: Retirement and Benefits

Phone: 465-4470
 Date: January 23, 1992

Approved by Commissioner: Nancy Bear User
 Agency: Department of Administration

Date: 1/24/92

WRITTEN TESTIMONY OF GARY D. MULLEN
ON HOUSE BILL 371
"CREDITED SERVICE FOR SEASONAL EMPLOYEES"
BEFORE THE
HOUSE FINANCE COMMITTEE
JANUARY 28, 1992

FOR THE COMMITTEE RECORD, MY NAME IS GARY D. MULLEN. I AM A SEASONAL EMPLOYEE WITH THE ALASKA DEPARTMENT OF NATURAL RESOURCES' DIVISION OF FORESTRY IN GLENNALLEN.

LET ME START OUT FIRST BY SINCERELY THANKING THE HOUSE FINANCE COMMITTEE CO-CHAIRS, REPS. MIKE NAVARRE AND EILEEN MACLEAN, FOR ALLOWING ME TO SUBMIT WRITTEN TESTIMONY ON HOUSE BILL 371 FOR THE COMMITTEE RECORD. I ALSO WANT TO THANK REP. MARK BOYER, OF FAIRBANKS, FOR HAVING INTRODUCED THIS BILL ON BEHALF OF ALL SEASONAL EMPLOYEES. BELIEVE ME WHEN I SAY I AM SINCERE IN MY GRATITUDE, FOR IT'S PUBLIC EMPLOYEES LIKE YOURSELVES THAT KEEP THE LIGHT OF RESPONSIBILITY, COMMITMENT AND ACCOUNTABILITY ALIVE IN STATE GOVERNMENT.

I'LL KEEP MY COMMENTS BRIEF AND TO THE POINT. TO START, IT IS A FACT THAT EVERY SEASONAL EMPLOYEE IS UNDER THE BELIEF THAT ALL OVERTIME WORKED IN THE PAST AND PLACED INTO THE OVERTIME CONVERSIONS WAS LOGGED TOWARDS TOTAL TIME IN SERVICE TO THE STATE AND TOWARD RETIREMENT.

THIS HAS ALWAYS BEEN THE CASE, BUT SINCE THE LAST (UNION) CONTRACT THE PARTICIPATION IN THE OVERTIME CONVERSION HAS ALMOST BEEN 100 PERCENT. THIS WAS DUE TO THE RECEIVING OF EQUAL TIME IN SERVICE FOR EACH OVERTIME HOUR. TIME IN SERVICE TOWARD RETIREMENT IS THE ONLY REASON SOMEONE WOULD DEFER THEIR WAGES. IN 1990, I DEFERRED OVER \$10,000.00 THROUGH THE CONVERSION PROGRAM.

TO ME, HOUSE BILL 371 PRESENTS ONE QUESTION: DOES THE SEASONAL WORK FORCE FOR THE STATE OF ALASKA DESERVE A RETIREMENT?

(CONTINUED)

HOUSE FINANCE COMMITTEE
TESTIMONY OF GARY D. MULLEN ON H.B. 371
PAGE TWO

AT THE RISK OF SOUNDING VAIN, I HAVE TWO COMMENTS ABOUT THE SEASONAL WORK FORCE THAT I AM A PART OF, AND SUPERVISE. FIRST, THIS DIVERSIFIED GROUP IS MADE UP OF PROFESSIONAL PEOPLE WITH HIGH QUALIFICATION, MOST WITH COLLEGE DEGREES IN THE RESOURCE FIELD BUT, MOST IMPORTANT, THEY ARE EXPERIENCED. IN STATE GOVERNMENT WE MAINTAIN THAT EXPERIENCE THROUGH THE PERMANENT STATUS WE HAVE AS SEASONAL TECHNICIANS. WE ARE THE PEOPLE THAT ACTUALLY IMPLEMENT THE PROGRAMS AND EXPEND THE FUNDS THAT YOU APPROPRIATE TO US TO PROTECT AND DEVELOP ALASKA'S NATURAL RESOURCES. AT TIMES, THIS FUNDING CAN BE IN THE MILLIONS OF DOLLARS, AS THOSE OF YOU ON THE FINANCE COMMITTEE WELL KNOW.

BUT MAINTAINING AN EXPERIENCED SEASONAL WORKFORCE IS NOT EASY. PROVIDING GOOD AND EQUAL BENEFITS TO EMPLOYEES IS A MAJOR FACTOR DIRECTLY RELATED TO AN ORGANIZATION'S ABILITY TO MAINTAIN EXPERIENCED PEOPLE IN ITS RANKS. THIS IS PRECISELY WHAT HOUSE BILL 371 SEEKS TO DO, AND IS ONE OF THE PRIMARY REASONS I AM URGING THE COMMITTEE TO APPROVE THE BILL.

SECOND, THERE IS AN UNWRITTEN RULE ABOUT THE DEDICATION OF THE SEASONAL WORKFORCE, NAMELY, NO MATTER WHAT YOUR ASKED TO DO OR HOW MANY HOURS YOU ARE ASKED TO WORK, YOU DO IT. THAT'S JUST THE WAY IT IS. WHAT I AM TRYING TO SAY IS THAT THE EXTREME AMOUNT OF OVERTIME HOURS THAT CAN BE WORKED ARE NOT ALWAYS WORKED BY CHOICE. THEY ARE WORKED IN EMERGENCY SITUATIONS UNDER THE OBLIGATION OF THIS UNWRITTEN RULE, A SENSE OF RESPONSIBILITY AND PRIDE IN WHAT THEY DO.

LAST BUT NOT LEAST, WE CONTRIBUTE ON ALL OVERTIME MONIES TO THE RETIREMENT SYSTEM. WHEN COMPARED TO A REGULAR FULL-TIME EMPLOYEE, MANY OF US CONTRIBUTE A MUCH HIGHER PERCENTAGE, BECAUSE OF OVERTIME, THAN THE 1,950 ANNUAL HOURS CONTRIBUTED BY REGULAR, NON-SEASONAL EMPLOYEES.

(CONTINUED)

HOUSE FINANCE COMMITTEE
TESTIMONY OF GARY D. MULLEN ON H.B. 371
PAGE THREE

HOUSE BILL 371 MAKES SENSE TO ME BECAUSE IT ALLOWS MY FAMILY AND I TO RECEIVE BACK WHAT WE PAYED FOR. I KNOW THERE ARE PROBABLY ARGUMENTS AGAINST THE BILL. BUT I BELIEVE THAT TIME WORKED IS TIME WORKED, WHETHER IN 7.5 HOUR INTERVALS OR IN 18 SHIFTS ON A FIREFIGHTING LINE, A PERSON SHOULD BE GIVEN CREDIT FOR THE TIME AND MONEY HE OR SHE HAS CONTRIBUTED.

IN URGING YOUR SUPPORT FOR HOUSE BILL 371, I DON'T BELIEVE I AM ASKING FOR A FREE LUNCH HERE, OR EVEN A CHEAP LUNCH. I AM ONLY ASKING THAT I BE ALLOWED TO EAT THE LUNCH THAT I HAVE BEEN PAYING FOR.

AGAIN, I THANK THE COMMITTEE FOR ALLOWING ME TO SUBMIT THIS TESTIMONY AND FOR, I HOPE, TAKING THE TIME TO READ IT.

(END OF TESTIMONY)

Many seasonal employees work as inspectors along side construction workers on highway projects. Traditionally, construction workers earn their pension credits on a hours worked basis. This is due to the long hours of work in the construction season verses little or no work in the off-season. Under this type of system a worker is much more likely to achieve a vesting requirement during their tenure in that field and thereby earning a pension which fairly represents the service to the employer.

Currently under PERS a seasonal worker may actually work close to, or over the maximum annual hours (1,950). Their PERS credited service however, will only reflect the number of days worked.

Example:

State employee works from April-September, 6 days per week and 12 hours a day (the schedule is set by the contractor) for 5 years.

$312 \text{ hours per month} \times 6 \text{ months worked} = 1,872 \text{ hours per year}$

$1,872 \times 5 \text{ years} = 9,360 \text{ hours total service}$

Under the current law this employee is 2.5 years short of vesting in PERS, even though he has just 390 (approximately 2.5 months regular full-time work) fewer hours than the regular full-time employee (1950 hours x 5 years =9,750).

In this example, if we applied our proposed amendment the seasonal employee would have received 4.8 years of credited service. The 1950 hour cap in the proposed legislation prevents a seasonal employee from making out better than a regular full time employee, who does not and would not earn service credit for hours worked over 1950 in any year.

2) Permanent part-time employees under AS 39.35.300(b) receive credited service on a pro rata basis. This creates an inequity. Since part-time employees have credited services cut to reflect hours worked below the standard work day, it logically follows that seasonal employees should receive credited service for hours worked over the standard work day.

3) The Employee Retirement Income Security Act (ERISA), is our nations most comprehensive and far reaching law regarding pension plans. While the State of Alaska is not bound by the ERISA it most certainly influences the statues and regulations for PERS. Under ERISA a pension plan must grant workers a full "year of service" when an employee has at least 1,000 hours of service in a year. (See (3)(A)of Code 1052) Additionally, in the case of seasonal industries, the Secretary of the Department of Labor may set an even lower standard than 1,000 hours. For example the Alaska Laborers-Employers Construction Industry Pension Trust Fund uses a minimal 250 hour threshold to get a vested year.

4) Opponents of this legislation may argue that overtime wages is the vehicle in which employees are compensated for denial of pension credit for time worked. This argument is totally without merit. The Fair Labor Standards Act as well as years of collectiv^e bargaining history, clearly, recognize overtime compensation as a penalty for working employees over the maximum standards. Additionally, contributions are paid by both the employer and the employee for all overtime work. Under the current system the employee is simply robbed of their time worked for pension purposes.

1460 Old Richardson Hwy.
Fairbanks, Ak. 99705
Jan. 25, 1992

Rep. Mark Boyer
Pouch V
Juneau, AK.

Post-It™ brand fax transmittal memo 7671		# of pages > /
To	Rep. Mark Boyer	From Michael McGowan
Co.		Co.
Dept.		Phone 4747916
Fax # 465-3841		Fax # 4747335

Dear Representative Boyer:

I would like to express my support for HB371. This is probably the most important employment issue affecting turnover of seasonal fire fighters at State Forestry. This bill would go a long ways to recognize the important role served by the seasonal workforce within Alaska. It would create more incentive for workers to return each year rather than look for other jobs. This will help maintain a more stable workforce. The State will benefit through greater efficiency of experienced fire fighters and save unnecessary expense of training new recruits.

If you had a raging forest fire near your home, would you prefer to be protected by a workforce averaging fifteen fire seasons of experience or three fire seasons of experience? These people have to rapidly make decisions that can affect life safety of whole communities and obligate the State for millions of dollars. The Tok fire in 1990 cost over \$20 million. Has anybody even wondered how many fire seasons experience the Initial Attack Incident Commander had? You would probably insist on having an experienced surgeon do a heart bypass rather than an intern so why not use the same logic in hiring seasonal employees?

Most seasonal forestry technicians are funded for five months work per year. It takes about ten to twelve years just to get vested for retirement. Based on an average season of 500 hours of overtime, vestment would occur within eight or nine years with HB 371 in effect. This is a big deal to someone thinking of remaining with a seasonal job or looking elsewhere.

I have personally worked at State Forestry as a seasonal for eleven years and have accumulated aproximately eight years time in service. If my overtime had been included, I would have accumulated eleven years of time in service. If I continue to work another fifteen years without HB371, I will probably only have a total of sixteen years of service for retirement at age 55. HB 371 would boost that up to a total of twenty three years.

I would like to ask you to amend HB 371 to include a provision to allow seasonal employees to receive credited service for all overtime worked since their original date of hire. Let's stop treating the seasonal workforce in the State like they're a bunch of second class citizens. An hours service credit for every hour worked is only fair to those who go beyond the call of duty to serve the State.

Please feel free to contact me at 488-2096 (home) or 474-7916 (work) if you need any further information. Thanks for your support.

Sincerely,
Michael G. McGowan
Michael G. McGowan

1-25-92

Dear Sirs:

Rep.
Boyer

465-2278

Concerning House Bill No. 371 by Representative Boyer introduced 1/13/92 in State Affairs, Finance.

Please make this Bill a law.

I have worked for the State of Alaska Division of Forestry since May of 1985, as a permanent seasonal Fire Fighter (Forest Technician). In that time period I have accumulated no less than 300 hours of overtime on the average, each March to September season. These over time hours were accrued during forest fires performing exhaustive and often hazardous duty, in charge of fire fighting crews and often millions of dollars of equipment to suppress forest fires.

From the overtime moneys, I contributed to SBS, and retirement funds. I didn't recieve credit for overtime on even an hourly rate, for time in service. I would like to recieve the hours I work in overtime to count on my retirement on an hour for hour or even at the time and a half rate. At this point we gain nothing for this extra time in service on our retirement. Money is deducted from this time for SBS, and Retirement; we should get credit for time in service that will count on our years in service for retirement too.

Please understand that overtime paid to seasonal employees is often paid for duty far from home or duty station, in field conditions for weeks or months, away from family, often in the bush, doing hazardous and tiring jobs. This overtime regardless of how it is paid to the employee, either as overtime paid immediately or paid out during extra months after the work season, is indeed and should be considered time in service on our Retirement.

I am a dedicated seasonal and professional employee of the State. Each year I return to the job as a seasonal to earn the main part or all of my entire years income. Full time jobs in the Division even with my experience and education in Forestry are scarce. In the past we have lost good, qualified, productive employees and the skills they learned or possessed on the job. Passing this Bill would help encourage a more stable better trained employee to remain with the Division rather than "burning out" at a job where extra time dosent count for the future in retirement. I can tell you that on our bodies and physically, that extra time does count.

Thankyou for considering this important Bill, I look forward to hearing how you handle it.

Sincerely,

Glen Holt

Glen Holt

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

WALTER J. HICKEL, GOVERNOR

P.O. BOX 130
MCGRATH, ALASKA 99627
PHONE: (807) 524-3010

HB 371

January 24, 1992

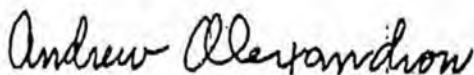
Mr. Mark Boyer,

I am a seasonal employee on the overtime/seasonal leave option and I very much want to voice my support for HB 371. As you know funds are take out and paid into PERG while I'm on this leave option and the time does not count toward my retirements. That is not right and something needs to be done about it, HB 371 is that something. At present I'd have to work till I'm 76 years old to retire with 30 years of service. As an Assistant Area Forester and the nature of the wildland fire suppression work that I do I would not ever see a 30 year retirement under the present system.

The demands of the job and the hardships encountered with a busy fire season takes it's toll on the body as the years go by. Other issues like health problems that arise from continued exposure to smoke and dust and the risk regarding aircraft travel to perform job duties is an everyday occurrence for me and my colleagues. The job demands more than just time, it requires the giving of the sole and body.

Any thing that can be done to assist dedicated employees should be pursued to the limits. I support HB 371 and the effort that you are putting forth.

Sincerely,



Andrew Alexandrou
Assistant Area Forester