

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 904

ALASKA STATE LEGISLATURE

□ P. O. Box 770296
Eagle River, Alaska 99577
(907) 694-6683

□ 3111 C Street, Suite 540
Anchorage, Alaska 99503
(907) 561-8459

□ State Capitol
Juneau, Alaska 99801-1182
(907) 465-3711

SENATOR SAM COTTEN

DATE: May 5, 1992

TO: Representative Mike Navarre
Chairman, House Finance

FROM: Senator Sam Cotten 

RE: SB 435
"An Act establishing an elementary school class size reduction pilot program; and providing for an effective date."

I would like to request you schedule SB 435 for hearing. This bill establishes a statewide pilot program to gather data on the benefits of lowering class size for elementary students. Some of the important points of the bill are as follows:

• **Lower Class Size**

The theory among educators and parents is lower class sizes, especially in the elementary grades, leads to a better education for children. With fewer pupils, a teacher is able to give more one-on-one attention to each student. This leads to better self-esteem, higher test scores, and fewer discipline problems. Teachers also are able to involve more parents in the child's education.

• **Need for Data Gathering**

While other states have conducted long-term studies to analyze the effects of small classes (Tennessee K-3 Class Size Study), Alaska needs to establish a pilot program to provide concrete data about the benefits of lower class size.

- **Four Year Pilot Program**

SB 435 establishes a pilot program to monitor the affects of reducing class size. Five schools may be selected statewide by DOE based on submission of an application. Eligible schools must have an average existing ratio of 25-1 (excluding art, typing, music, vocational-technical or physical education). Applications must include existing ratio, the most recent standardized test scores and the plan the school has for achieving the class reductions.

- **Program Cost**

Each school selected to participate in the program shall constitute a separate funding community in the school foundation formula. The estimate provided by DOE is \$972,000 and would be included in the annual operating budget prepared by the department. The fiscal note provided by DOE is \$20,000 for FY 93 to implement the program.

- **Reporting**

The schools are required to report annually to the Department. That information will be included in the Department's annual report.

The legislation has support from the Department of Education, NEA-Alaska, the Association of Alaska School Boards and the Association of School Administrators.

I appreciate your consideration.

Red McCoy
7749 Old Harbor
Clarks, Ak 99504
337-6138

Dear Sam Cotton and Julie,

I support your efforts to bring greater awareness of the importance and effectiveness of class size to our public.

Children in this generation need so much to share and discuss issues / values ~~in~~ for our changing culture. They need the thinking skills that come from effective discussion. They need the love-care-and-share.

We must have the funding to allow such good things to happen.

Thanks for your efforts.
Red McCoy



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99518-6614
AREA CODE [907] 333-9561

SCHOOL BOARD

Sharon Richards
President

Carol Stolpe
Vice President

Darryl Jordan
Clerk

Cabot Christianson
Treasurer

Vince Casey

Walter T. Feathery

Theresa Obermeyer

SUPERINTENDENT

Thomas C. O'Rourke

February 24, 1992

Senator Sam Cotten
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Cotten:

During the school year of 1988-89 I was given support by the Administration of the Anchorage School District and the Anchorage School District's School Board to put together a program at Fairview Elementary School to lower class size. Whereas most schools in the Anchorage School District determined their staffing by a PTR ratio Fairview Elementary was able to look at actual class sizes. We were to keep our class sizes as close as possible to 15 students per teacher.

The following charts depict information pertaining to class sizes and gains made on the ITBS:

Average Class Size and ITBS Scores Fall Percentile Scores

Year	Grade	# of Students	# of Teachers (F.T.E)	PTR	Grade	Rdg	LA	Math
1988-89	1-6	225	8	28:1	2	34	(N/T)	38
					3	36	N/T	29
					4	33	30	48
					5	22	(N/T)	22
					6	27	19	34
1989-90	1-6	232	13	17.8:1	2	30	38	50
					3	51	41	29
					4	36	30	25
					5	40	46	39
					6	63	36	62
1990-91	1-6	240	13	18.4:1	2	39	N/T	67
					3	51	58	69
					4	41	38	49
					5	50	N/T	56
					6	45	53	71
1991-92	K-6	350	19	18.4:1	2	38	N/T	76
					3	43	51	58
					4	54	58	69
					5	50	55	62
					6	47	50	64

- NOTES:
1. 1991-92 - This is the first year that kindergarten was included in the reduced class size project (three kindergarten teachers).
 2. The five additional F.T.E. from years 1988-89 to 1989-90 and 1990-91 were paid for by: A) 3 - F.T.E. Federal Funds, Chapter I; B) 2 - F.T.E. Anchorage School District supported.
 3. Actual number of teachers for 1988-89 10 (2 Kindergarten Teachers, 1989-90 15 (2 Kindergarten Teachers)
 4. ITBS scores reported are for the Fall testing period of each year.
 5. N/T = Students not tested

SCHOOLWIDE N.P.R. FALL AVERAGES

Year	Reading	Language Arts	Math	
1989-90	44.2	38.2	41	Start of 1st year of reduced class size project
1990-91	45.2	49.7	62.4	Start of 2nd year of project
1991-92	46.4	53.5	65.8	Start of 3rd year of project

Fall N.P.R. Averages four years prior to program versus second year averages.

AVERAGE FALL N.P.R. SCORES SCHOOL AVERAGES

Year	Reading	Language Arts	Math
1986-87	31.6	N/T	30.5
1987-88	27.2	N/T	33.6
1988-89	30.4	24.5	34.2
1989-90	44.2	38.2	41.0

Four Year Averages National Percentile Rank	33.4	31.4	34.8
--	------	------	------

1990-91	45.2	49.7	62.4
1991-92	46.4	53.5	65.8

Two Year Average National Percentile Rank	45.8	51.6	64.1
Difference (+,-) of four year averages prior to project and two year averages after inception of project (Schoolwide averages)	+12.4	+20.2	+29.3

Percent Gain	Reading +37.1%	Language Arts +63.3%	Math +84.2%
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As can be seen from this data, significant gains in academic achievement have been made since the inception of this reduced class size program. Other data to be looked at will include attendance rates, office referrals for discipline and parent participation.

ATTENDANCE

Year	% Average Daily Attendance	Discipline Referrals
1985-86	Data not available	N/D
1986-87	93.9	395
1987-88	93.2	402
1988-89	92.4	375
1989-90	93.4	300
1990-91	92.9	215
1991-1992	95.3 to date (2/9/92)	96

Although there are no accurate data for the numbers of parents participating at school. The sense is that there has been a significant improvement in the number of parents who are becoming actively involved at school.

I hope that this information is of use to you. On behalf of all the students who will benefit from your endeavor I wish you the best of luck. If I can be of further assistance to you please do not hesitate to call upon me (school/279-0671, home/344-4266).

I believe your proposal to pilot some projects to reduce class size is a sound one. I would encourage you to have several Anchorage Schools in your pilot. I would be interested in talking to you about this opportunity at a later date.

Thanks again for your efforts on behalf of the children of this State.

Sincerely,

Eileen Jordan for David Combs
D. S. Combs, Principal

DSC:tg

cc Representative Bettye Davis

SB435

SENATE FINANCE COMMITTEE REPORT

DATE: 3/11/92

FURTHER:

DATE TURNED INTO OFFICE: 4-23-92

The Finance Committee considered SENATE BILL NO. 435

"An Act establishing an elementary school class size reduction pilot program; and providing for an effective date."

and recommends:

replace with _____ CS SB 435 (FINANCE)
or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change
(HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes DOE 4-21-92, 20.0

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

DO PASS:

OTHER RECOMMENDATIONS:

1. [Signature]
Co-Chair: Signature/Recommendation

2. [Signature] Do pass
Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB435

Revision Date: 4/20/92
Title: An Act establishing an elementary school class size reduction pilot program.
Sponsor: Senators Cotten, Collins, Uehling
Requestor: Senate Finance

Department Affected: Education
BRU: EFSS
Component: Foundation

COMPONENT SERIAL NO.

0	1	4	1
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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		20.0	10.0			
CONTRACTUAL	20.0	160.0	145.0	150.0		
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS		978.6	978.6	978.6	0	0
MISCELLANEOUS						
TOTAL OPERATING	20.0	1,158.6	1,133.6	1,128.6	0	0

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

GENERAL FUND	20.0	1,158.6	1,133.6	1,128.6	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	20.0	1,158.6	1,133.6	1,128.6	0	0

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary) Attached.

Instructional units associated with the new funding communities were computed using the elementary table, AS

~~1317041(D)(1)~~

Prepared by: Eddy Jeans/Bill Wright
Division: EFSS

Phone: 465-2865
Date: 4/20/92

Approved by Commissioner: Jerry Covey
Agency: Education Date: 4-21-92

ALASKA DEPARTMENT OF EDUCATION
SB 435 - PILOT PROGRAM FOR CLASSROOM SIZE REDUCTION
ELEMENTARY TABLE

4-15-92 File:SB435.XLS

	FY93 FOUNDATION ENTITLEMENT BEFORE	ENTITLEMENT AFTER NEW FUNDING COMM.	PRORATED TO NEW FUNDING COMM. INCREMENTAL UNITS HELD HARMLESS
ADAK	\$2,343,590	\$2,343,590	2,337,298
ALASKA GATEWAY	4,352,910	4,352,910	4,346,198
ALEUTIAN REGION	636,514	636,514	635,497
ALEUTIANS EAST	3,884,804	3,884,804	3,878,864
ANCHORAGE	176,971,662	177,359,262	177,057,448
ANNETTE ISLANDS	1,192,253	1,192,253	1,188,602
BERING STRAIT	13,162,733	13,162,733	13,139,886
BRISTOL BAY	1,886,485	1,886,485	1,882,554
CHATHAM	2,715,084	2,715,084	2,710,063
CHUGACH	1,746,910	1,746,910	1,744,315
COPPER RIVER	5,252,592	5,252,592	5,245,159
CORDOVA	2,383,793	2,383,793	2,379,655
CRAIG	2,070,013	2,070,013	2,066,824
DELTA/GREELY	4,714,966	4,714,966	4,707,186
DILLINGHAM	3,669,035	3,669,035	3,662,901
FAIRBANKS	62,247,271	62,449,471	62,345,721
GALENA	1,345,779	1,345,779	1,343,537
HAINES	2,236,367	2,236,367	2,232,595
HOONAH	1,539,688	1,539,688	1,537,333
HYDABURG	1,054,433	1,054,433	1,052,936
IDITAROD	4,658,556	4,658,556	4,651,200
JUNEAU	20,492,222	20,492,222	20,455,667
KAKE	1,136,238	1,136,238	1,134,351
KASHUNAMIUT	1,621,669	1,621,669	1,618,848
KENAI	40,543,658	40,738,058	40,662,394
KETCHIKAN	9,786,999	9,786,999	9,768,384
KLAWOCK	1,410,349	1,410,349	1,408,189
KODIAK	12,169,553	12,169,553	12,148,322
KUSPUK	5,107,998	5,107,998	5,100,311
LAKE AND PENINSULA	5,568,704	5,568,704	5,559,942
LOWER KUSKOKWIM	28,342,526	28,342,526	28,295,714
LOWER YUKON	10,641,779	10,641,779	10,621,510
MAT-SU	49,104,183	49,298,583	49,220,541
NENANA	1,518,737	1,518,737	1,516,547
NOME	5,004,802	5,004,802	4,997,099
NORTH SLOPE	8,740,719	8,740,719	8,721,340
NORTHWEST ARCTIC	12,012,703	12,012,703	11,989,682
PELICAN	562,796	562,796	561,942
PETERSBURG	3,082,048	3,082,048	3,076,773
PRILOF	1,462,713	1,462,713	1,460,099
RAILBELT	3,150,512	3,150,512	3,146,126
SITKA	6,882,972	6,882,972	6,870,552
SKAGWAY	847,639	847,639	846,118
SOUTHEAST	4,936,640	4,936,640	4,928,804
SOUTHWEST	5,366,976	5,366,976	5,357,723
ST. MARY'S	1,240,055	1,240,055	1,238,268
TANANA	1,069,218	1,069,218	1,067,534
UNALASKA	1,679,250	1,679,250	1,675,819
VALDEZ	3,202,342	3,202,342	3,195,877
WRANGELL	2,448,344	2,446,344	2,442,213
YAKUTAT	1,098,482	1,098,482	1,096,835
YUKON FLATS	4,610,400	4,610,400	4,603,288
YUKON/KOYUKUK	5,801,252	5,801,252	5,791,599
YUPIIT	3,674,216	3,674,216	3,667,804
SUB - TOTALS	\$564,382,132	\$565,360,732	564,391,087
STATE CORR. STUDY	5,469,360	5,469,360	5,461,794
MT. EDGE CUMBE SCHOOL	1,709,384	1,709,384	1,707,216
VALDEZ CONTRACT	600,000	600,000	600,000
4 MILL PHASE-IN (SUBSIDY)	0	0	0
PL81-874 PASS THRU	1,277,192	1,277,192	1,277,192
EST. PRIOR YEAR ADJ.	1,500,000	1,500,000	1,500,000
FY93 EST. INCREASES	\$574,938,068	\$575,916,668	\$574,937,289

1) ELEMENTARY SCHOOLS: ORION - ANCHORAGE, EAGLE RIVER - ANCHORAGE,
UNIVERSITY PARK - FAIRBANKS

Attachment

4-23-92

SFC-92

CS FOR SENATE BILL NO. 435 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS COTTEN, Collins, Uehling

A BILL
FOR AN ACT ENTITLED

1 "An Act establishing an elementary school class size reduction pilot program; and providing
2 for an effective date."

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

4 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

5 (1) there is a need for information regarding the effect of reducing the ratio of pupils to
6 a teacher in public elementary school classes;

7 (2) preliminary research has shown that smaller classes have a positive effect on test
8 scores, school discipline, and parent involvement in schools; and

9 (3) a four-year pilot program would allow the state to collect necessary information on
10 the effects of reducing class size in public elementary schools.

11 (b) The purpose of this Act is to establish a program under which certain public elementary
12 schools would reduce the size of their classes and over a four-year period the state would monitor the
13 effect of the smaller class size on test scores, school discipline, and parent involvement in education.

14 * Sec. 2. ELEMENTARY SCHOOL CLASS SIZE REDUCTION PROGRAM. (a) The elementary

1 school class size reduction program is established in the Department of Education. The program shall
2 include

3 (1) additional state aid provided under (e) of this section for a school in a district that
4 is selected under (c) of this section;

5 (2) a program application and selection process determined by the department;

6 (3) the objectives of the elementary school size reduction program;

7 (4) a method to monitor and review the effects of a smaller class size on students in a
8 school selected to participate in the program; a district selected to participate in the program shall report
9 to the department annually by June 30 while participating in the program; and

10 (5) a certification by the chief school administrator that program funds will be separately
11 accounted for.

12 (b) A district eligible under (c) of this section may apply to participate in the program by
13 submitting an application on a form provided by the department. The application must include

14 (1) the objectives of the program and the district's plan for meeting those objectives;

15 (2) the district's plan for using increased state funds for the purpose of reducing the ratio
16 of students to a teacher in certain schools;

17 (3) the existing ratio of students to a teacher in each elementary school in the district that
18 the district is proposing for participation in the program;

19 (4) if available, the most recent standardized test scores for each grade in each school
20 that is proposed for participation by the district; and

21 (5) a program to train teachers who participate in the class size reduction program.

22 (c) A district is eligible to propose an elementary school in the district for participation in the
23 program described in this section if, prior to participation in the program, the average class ratio of
24 students to a teacher in the elementary school is greater than 25 to 1. In this subsection, "average class
25 ratio" means the average of those ratios taken from each class in the elementary school other than an
26 art, typing, library, music, vocational-technical, or physical education class.

27 (d) The department may not select more than five elementary schools for participation in the
28 program required under this section. A school selected to participate in the program required under this
29 section shall

30 (1) participate until June 30, 1996;

31 (2) maintain a ratio of pupils to a teacher that does not exceed 15 to 1 in a class in

1 grades K - 4; the pupil teacher ratio required under this paragraph does not apply during the final eight
2 weeks of each school year; and

3 (3) endeavor to maintain a ratio of pupils to a teacher that does not exceed 20 to 1 in a
4 class in grades 5 and 6.

5 (e) Each elementary school selected to participate in the program required under this section
6 shall constitute a separate funding community for purposes of AS 14.17.031 and 14.17.041(b)(1). Money
7 required to be expended under this subsection shall be included in the annual operating budget prepared
8 by the department.

9 (f) The department shall include a report on the program established under this Act, as a part
10 of the department's annual report.

11 (g) In this section,

12 (1) "department" means the Department of Education;

13 (2) "district" has the meaning given in AS 14.17.250;

14 (3) "teacher" means a person who is certified under AS 14.20.020 and who is an actual
15 classroom instructor in a regular instructional program.

16 ✓ * Sec. 3. It is the intent of the legislature that funding for the program established under sec. 2 of
17 this Act not be reduced if AS 14.17 is amended to change the formula providing state aid for education.

18 * Sec. 4. Sections 1 and 2 of this Act are repealed June 30, 1996.

19 * Sec. 5. This Act takes effect July 1, 1992.

*Adopted
4-23-92*

7-LS1985G.2
Ford
04/23/92

AMENDMENT

OFFERED IN THE SENATE
TO: CSSB 435(HES)

BY SENATOR COTTEN

Page 3, line 6, after "AS 14.17.031":
Insert "and 14.17.041(b)(1)"

04/03/92

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Program Support Bill Number SB 435

Bill Title An Act establishing an elementary school class size reduction pilot program

Sponsor Sen. Cotten, Sen. Uehling and Sen. Collins

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

The Department of Education has been conceptually supportive of student-teacher ratio legislation, yet neutral in it's belief that specific ratios alone will achieve the results envisioned.

Reducing student-teacher ratios will have a significant impact on the foundation program as well as the resulting capital construction of additional classrooms. The Department has been neutral at best on legislation which either places additional financial burden on school districts or the foundation program and is resolutely endeavoring to maintain the Instructional Unit Value at \$60,000.

However, the Alaska 2000 Committee, which is currently working on ideas which will result in innovative approaches to educational reforms will most likely be supportive of a pilot project of this nature.

This bill should be amended to add a section which provides the Department authority to promulgate regulations.

SB 435

APPROVED:

Director Ed Westlund Division Educational Program Support

Signature _____ Date 2-24-92

Commissioner/Deputy Jerry Covey

Signature [Handwritten Signature] Date 2-24-92

ALASKA STATE LEGISLATURE



□ P. O. Box 770296
Eagle River, Alaska 99577
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Anchorage, Alaska 99503
(907) 561-8459

□ State Capitol
Juneau, Alaska 99801-1182
(907) 465-3711

SENATOR SAM COTTEN

March 11, 1992

TO: Senator Pat Pourchot, Chairman
Senate Finance Committee

FROM: Senator Sam Cotten

RE: SB 435
"An Act establishing an elementary school class size reduction pilot program; and providing for an effective date."

I respectfully request you hold hearings on SB 435. This bill establishes a statewide pilot program to gather data on the benefits of lowering class size for elementary students. Important points of the bill are as follows:

- **Lower Class Size**

The theory among educators and parents is lower class sizes, especially in the elementary grades, leads to a better education for children. With fewer pupils, a teacher is able to give more one-on-one attention to each student. This leads to better self-esteem, higher test scores, and fewer discipline problems. Teachers also are able to involve more parents in the child's education.

- **Need for Data Gathering**

While other states have conducted long-term studies to analyze the affects of small classes (Tennessee K-3 Class Size Study), Alaska needs to establish a pilot program to provide concrete data about the benefits of lower class size.

- **Four Year Pilot Program**

SB 435 establishes a pilot program to monitor the affects of reducing class size. Five schools will be selected statewide by DOE based on submission of an application. Eligible schools must have an existing ratio of 25-1 (excluding art, typing, music, vocational-technical or physical education). Applications must include existing ratio, the most recent standardized test scores, and the plan the school has for achieving the class reductions.

- **Program Cost**

Each school selected to participate in the program shall constitute a separate funding community in the school foundation formula. The rough estimate provided by DOE is \$972,000 and would be included in the annual operating budget prepared by the department. The fiscal note provided by the Department of Education is \$20,000 for the first year to implement the program.

- **Reporting**

The schools are required to report annually to the Department. That information will be included in the Department's annual report.

The HESS Commitee Substitute contains language changes as proposed by the Department. This legislation has support from the Department of Education, NEA-Alaska, and the Association of Alaska School Boards.

I would appreciate your consideration.

ALASKA STATE LEGISLATURE



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SENATOR SAM COTTEN

March 9, 1992

TO: Senator Arliss Sturgulewski
Chairman, Senate HESS

FROM: Senator Sam Cotten

RE: CS SB 435 - Proposed Changes

Listed below are the major changes to SB 435, An Act establishing an elementary school class size reduction pilot program.

Page 1, Line 9 - Changes pilot program from three years to four years.

Page 2, Line 5 - Add "(3) the objectives of the elementary school class size reduction program."

Page 2, Line 9 - delete "an annual audit" and insert "a certification by the chief school administrator that program funds will be separately accounted for."

Page 2, Line 11 - Insert "(1) the objectives of the program and the district's plan for meeting those objectives."

Page 2, Line 19 - Insert "if available".

Page 2, Line 21 - Insert "(5) a program to train teachers who participate in the class size reduction program."

Page 2, Line 23 - Insert "average" before class ratio of students to a teacher in the elementary school is greater than 25 to 1.

Page 2, Line 30 - Insert "(2) maintain a ratio of pupils to a teacher that does not exceed 15 to 1 in a class in grades K-4; the pupil teacher ratio required under this paragraph does not apply during the final eight weeks of each school year; and (3) endeavor to maintain a ratio of pupils to a teacher that does not exceed 20 to 1 in a class in grades 5 and 6.

Page 3 Line 16 - Insert "Sec. 3. It is the intent of the legislature that funding for the program established under sec. 2 of this Act not be reduced if AS 14.7 is amended to change the formula providing state aid for education."



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99519-6614
AREA CODE [907] 333-8561

SCHOOL BOARD

Sharon Richards
President

Carol Stolpe
Vice President

Darryl Jordan
Clerk

Sabot Christianson
Treasurer

Vince Casey

Walter T. Fostinelli

Theresa Goermeyer

SUPERINTENDENT

Thomas C. O'Rourke

February 24, 1992

Senator Sam Cotten
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Cotten:

During the school year of 1988-89 I was given support by the Administration of the Anchorage School District and the Anchorage School District's School Board to put together a program at Fairview Elementary School to lower class size. Whereas most schools in the Anchorage School District determined their staffing by a PTR ratio Fairview Elementary was able to look at actual class sizes. We were to keep our class sizes as close as possible to 15 students per teacher.

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Average Class Size and ITBS Scores

Fall Percentile Scores

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					4	36	30	25
					5	40	46	39
					6	63	36	62
1990-91	1-6	240	13	18.4:1	2	39	N/T	67
					3	51	58	69
					4	41	38	49
					5	50	N/T	56
					6	45	53	71
1991-92	K-6	350	19	18.4:1	2	38	N/T	76
					3	43	51	58
					4	54	58	69
					5	50	55	62
					6	47	50	64

- NOTES:
- 1991-92 - This is the first year that kindergarten was included in the reduced class size project (three kindergarten teachers).
 - The five additional F.T.E. from years 1988-89 to 1989-90 and 1990-91 were paid for by: A) 3 - F.T.E. Federal Funds, Chapter I; B) 2 - F.T.E. Anchorage School District supported.
 - Actual number of teachers for 1988-89 10 (2 Kindergarten Teachers, 1989-90 15 (2 Kindergarten Teachers)
 - ITBS scores reported are for the Fall testing period of each year.
 - N/T = Students not tested

SCHOOLWIDE N.P.R. FALL AVERAGES

Year	Reading	Language Arts	Math	
1989-90	44.2	38.2	41	Start of 1st year of reduced class size project
1990-91	45.2	49.7	62.4	Start of 2nd year of project
1991-92	46.4	53.5	65.8	Start of 3rd year of project

Fall N.P.R. Averages four years prior to program versus second year averages.

AVERAGE FALL N.P.R. SCORES SCHOOL AVERAGES

Year	Reading	Language Arts	Math
1986-87	31.6	N/T	30.5
1987-88	27.2	N/T	33.6
1988-89	30.4	24.5	34.2
1989-90	44.2	38.2	41.0

Four Year Averages National Percentile Rank	33.4	31.4	34.8
--	------	------	------

1990-91	45.2	49.7	62.4
1991-92	46.4	53.5	65.8

Two Year Average National Percentile Rank	45.8	51.6	64.1
Difference (+,-) of four year averages prior to project and two year averages after inception of project (Schoolwide averages)	33.4 45.8 +12.4	31.4 51.6 +20.2	34.8 64.1 +29.3

Percent Gain	Reading +37.1%	Language Arts +63.3%	Math +84.2%
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As can be seen from this data, significant gains in academic achievement have been made since the inception of this reduced class size program. Other data to be looked at will include attendance rates, office referrals for discipline and parent participation.

ATTENDANCE

Year	% Average Daily Attendance	Discipline Referrals
1985-86	Data not available	N/D
1986-87	93.9	395
1987-88	93.2	402
1988-89	92.4	375
1989-90	93.4	300
1990-91	92.9	215
1991-1992	95.3 to date (2/9/92)	96

Although there are no accurate data for the numbers of parents participating at school. The sense is that there has been a significant improvement in the number of parents who are becoming actively involved at school.

I hope that this information is of use to you. On behalf of all the students who will benefit from your endeavor I wish you the best of luck. If I can be of further assistance to you please do not hesitate to call upon me (school/279-0671, home/344-4266).

I believe your proposal to pilot some projects to reduce class size is a sound one. I would encourage you to have several Anchorage Schools in your pilot. I would be interested in talking to you about this opportunity at a later date.

Thanks again for your efforts on behalf of the children of this State.

Sincerely,

Eileen Jordan for David Combs
D. S. Combs, Principal

DSC:tg

cc Representative Bettye Davis

465-4477

for
Dunit

REDUCED CLASS SIZE ENABLES TEACHERS TO BE MORE EFFECTIVE

GALLOP POLL

The Gallop Poll (Kappan, Sept. 1989) reported that: (1) 82% of public school parents and 88% of non-public school parents believe that small classes make a great deal of difference; (2) 71% of public and non-public school parents who favor reducing class size to as few as 15 students in the early grades, would be willing to pay higher taxes to fund such programs.

INDIANA

Prime Time (reduced class size k-3) in Indiana produced better student discipline, better student attitude, increased parental involvement, innovative teaching, and most importantly, better student performance.

TEXAS

Since the reduction of class size in 1985-86, third grade minimal skills test scores in 1987-88 increased 6.8% in math, 4.8% in reading, and 5.7% in writing. Reduced class size has also improved teacher morale on 75% of all elementary campuses and improved discipline on 79% of the elementary campuses. For further information contact:

Brad Dugan, 501 E. 10th St., Austin, TX 78701-2697, (512-478-5268).

TENNESSEE

In May 1985 the Tennessee legislature funded a state-wide, \$12 million longitudinal study of class size effects in kindergarten through third grade. The total sample included over 7,000 students and 1,200 teachers in 75 (rural, suburban, urban, inner-city) schools. Class types in each school were: small (13-17), regular (22-25), and regular with a full-time aide (22-25).

Students in small classes (1-15) made significantly (statistically and educationally) greater gains than the pupils in regular classes and regular classes plus a full-time aide. These significant gains occurred at the end of K, 1, and 2. The Grade 3 analysis is not complete yet. Dr. Charles Achilles and Dr. Jeremy Finn, researchers who participated in the analysis of data reported, "These data confirm that the small class effect, while not immense, is found in two basic subject areas, at three grade levels, and in all four school settings. It is particularly strong in inner-city schools. These schools have the highest proportion of minority students, the lowest overall performance levels, and are in need of the academic "boost" that small classes can provide. Few, if any, classroom-level interventions have been identified that have a consistent impact of this sort."

For more complete information, contact Helen Barn at (615)320-3396.

*

Tennessee State University
John Merritt Blvd., P.O. Box 634
Nashville, TN 37209-1561.

SB439

SENATE FINANCE COMMITTEE REPORT

DATE: 2/18/92

FURTHER:

Date of 5-day notice: _____
(in accordance with Rule 23)

DATE TURNED
INTO OFFICE: _____

The Finance Committee considered

SB 439

"An Act making a special appropriation to the principal of the permanent fund from the earnings reserve account; and providing for an effective date."

Died

and recommends:

replace with _____ CS _____ (FINANCE)

or adopt previous _____ CS _____ (_____)

attaches amendment(s)

same title
 new title
 technical
title change
(HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

DO PASS:

1. _____

Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

2. _____

Co-Chair: Signature/Recommendation

SENATE BILL NO. 439

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS HALFORD, Collins, Fischer, Pearce, Frank, Jones

Introduced: 2/18/92
Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act making a special appropriation to the principal of the permanent fund from the
2 earnings reserve account; and providing for an effective date."

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

4 * **Section 1.** The balance in the earnings reserve account of the permanent fund (AS 37.13.145) on
5 July 1, 1992, is appropriated to the principal of the permanent fund.

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

SB442

SENATE FINANCE COMMITTEE REPORT

DATE: 5/4/92

FURTHER:

DATE TURNED INTO OFFICE:

5/11/92

The Finance Committee considered SENATE BILL NO. 442

"An Act relating to the authority of the commissioner of the Department of Natural Resources to establish water use fees or provide for the sale of water resources; and providing for an effective date."

and recommends:

- replace with _____ CS SB 442 (FINANCE)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

CS SB 442 (FIN)
to follow

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes DFG 2/19/92

fiscal notes DIR 324.0 4-22-92

DO PASS:

[Handwritten signatures]

1. Pat [unclear] no rec
Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

[Handwritten signatures]

2. Kathleen [unclear] no rec
Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 2

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF

SFC

5-12-92

Bill Version: CSSB 442 (RES)

(S) Publish Date: 4-24-92

BILL NO.

Revision Date: 22-Apr-92 Department Affected: Natural Resources
 Title: Water Use Fees and Sale BRU: Water Management
 Components: Water Management
 Sponsor: Rules Committee for Governor
 Requestor: Senate Resources COMPONENT SERIAL NO. 916

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	147.3	148.3	148.3	148.3	148.3	148.3
TRAVEL	39.0	39.0	39.0	39.0	39.0	39.0
CONTRACTUAL	91.9	47.4	47.4	47.4	47.4	47.4
SUPPLIES	11.0	11.0	11.0	11.0	11.0	11.0
EQUIPMENT	35.0	15.0	15.0	15.0	15.0	15.0
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING *	324.2	260.7	260.7	260.7	260.7	260.7

CAPITAL						
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REVENUE GF/PR						
Fnd Source: 1005	350.0	15,000.0	30,000.0	200,000.0	200,000.0	200,000.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER GF/PR						
Fnd Source: 1005	324.2	260.7	260.7	260.7	260.7	260.7
TOTAL	324.2	260.7	260.7	260.7	260.7	260.7

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)

* Funding needs changed per Senate Finance Committee Instructions.

Prepared by: David Orr Phone: 762-2572
 Division: Water Management Date: 22-Apr-92
 Approved by Commissioner: Harold C. Hein Date: 22-Apr-92
 Agency: Department of Natural Resources

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

Additional Information
- Water Use Fees and Sale of Water Bill

Operations

- 100 Personal -- One Hydrologist II, Range 16, Southeast (pft)
Services Personal Services for Director, replaces GF
reduction in House Finance.
- 200 Travel -- 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 new employee, 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 position to support
data collection and storage; professional
hydro-survey equipment.

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 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			8.0						
Contractual			20.0						
Commodities			6.0						
Equipment			35.0						
Other									
Total Cost			120.6						
FUNDING SOURCE FOR TOTAL COST									
Federal Receipts		1002							
G.F. Match		1003							
General Fund		1004	120.6						
I-A Receipts		1007							
CIP Receipts		1061							
Other									

Request For
New Position
FNPW01

AGENCY Natural Resources
BRU Water Management
COMPONENT Water Management

Page 3 of 3
Revised Date: _____

FY 93

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE
REPORTED OUT OF
SFC 5-12-92

Version: SB 442
(S) Publish Date: 2-19-92

Revision Date: _____ Department Affected: Fish and Game

Title: Water Use Fees BRU: Habitat

Component: Habitat

Sponsor: Governor by Rules Committee

Requestor: Governor Hickel

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	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: No impact on current year.

ANALYSIS: (Attach a separate page if necessary.)

Assuming there is no cost to the state for hatcheries and there will be no fiscal impact.

Changes in CSA 442 (FIN) have no fiscal impact. This fiscal note is appropriate.

5-11-92 date [Signature] (Comptroller Initial)

Prepared By: Frank Rue, Director Phone: 465-4105

Division: Division of Habitat Date: 2/13/92

Approved by Commissioner: [Signature]

Agency: Department of Fish and Game Date: 2/13/92

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

7-GS2047E
Luckhaupt
5/10/92

CS FOR SENATE BILL NO. 442 *(Fin)*

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the commissioner of natural resources to establish a water
2 conservation fee only for the use or sale of water in which the water is removed from
3 the hydrologic unit from which it was appropriated and is not returned to that hydrologic
4 unit; providing for the sale by the state of water appropriated to the state; relating to
5 the removal or appropriation for removal of water from one hydrologic unit to another;
6 relating to the reservation of water for fish; relating to notice of a proposed sale or an
7 application for appropriation or removal; and providing 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. APPROPRIATION OR REMOVAL OF WATER OUT OF
11 HYDROLOGIC UNITS TO OTHER HYDROLOGIC UNITS; WATER CONSERVATION FEE;
12 RESERVATION OF WATER FOR FISH. (a) Water may not be removed from the hydrologic
13 unit from which it was appropriated to another hydrologic unit, inside or outside the state,

1 without being returned to the hydrologic unit from which it was appropriated nor may water be
2 appropriated for removal from the hydrologic unit from which the appropriation is sought to
3 another hydrologic unit, inside or outside the state, without the water being returned to the
4 hydrologic unit from which it is to be appropriated, unless the commissioner

5 (1) finds that the water to be removed or appropriated for removal is surplus to
6 needs within the hydrologic unit from which the water is to be removed or appropriated for
7 removal;

8 (2) finds that the application for removal or appropriation for removal meets the
9 requirements of AS 46.15.080; and

10 (3) assesses a water conservation fee under (b) of this section.

11 (b) The commissioner shall establish, by regulation, a water conservation fee for a use
12 of water in which the water is removed from the hydrologic unit from which it was appropriated
13 to another hydrologic unit inside or outside the state, without the water being returned to the
14 hydrologic unit from which it was appropriated. The fee established under this subsection shall
15 be graduated to encourage the conservation of water.

16 (c) Except as provided in AS 46.15.090, and in addition to the requirements of (a) of this
17 section, the commissioner may approve an application for removal or permit an appropriation for
18 removal under (a) of this section of water from a lake, river, or stream that is used by fish for
19 spawning, incubation, rearing, or migration, or ground water that significantly influences the
20 volume of water in a lake, river, or stream that is used by fish for spawning, incubation, rearing,
21 or migration, only if the commissioner reserves a volume of water in the lake or an instream flow
22 in the river or stream for the use of fish and to maintain habitat for fish. The commissioner may
23 adjust the volume of water reserved under this subsection if the commissioner, after public notice
24 and opportunity to comment and with the concurrence of the commissioner of fish and game,
25 finds that the best interests of the state are served by the adjustment. A reservation under this
26 subsection

27 (1) of a volume of water or an instream flow for the use of fish and to maintain
28 habitat for fish that is reserved under this section is withdrawn from appropriation;

29 (2) for fish from a lake, river, or stream, identified under AS 16.05.870 or
30 identified in a Department of Fish and Game regional guide as being used by fish for spawning,
31 incubation, rearing, or migration on or before the effective date of this section, has a priority date

1 as of the effective date of this section;

2 (3) of water does not apply to an application for removal or appropriation for
3 removal under AS 46.15.040 for nonconsumptive uses of water or for single family domestic use;

4 (4) is not subject to AS 46.15.145;

5 (5) of water does not apply to appropriations of ground water of 5,000 gallons
6 or less a day unless the commissioner, in consultation with the Department of Fish and Game,
7 determines that the appropriation may adversely affect fish habitat in a lake, river, or stream; the
8 commissioner shall consider multiple appropriations of water for a single related use as a single
9 appropriation for the purposes of this subsection.

10 (d) In this section,

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

13 (2) "hydrologic unit" means either a hydrologic unit or subunit established by the
14 United States Geologic Survey on current hydrologic unit maps of the state.

15 Sec. 46.15.037. SALE OF WATER BY THE STATE. (a) The commissioner may
16 provide for the sale of water by the state if

17 (1) the water has first been appropriated to the state in accordance with the
18 requirements of this chapter; and

19 (2) the commissioner determines that

20 (A) the water is surplus to needs within the hydrologic unit from which
21 it was appropriated;

22 (B) the proposed sale of the water meets the requirements of
23 AS 46.15.080; and

24 (C) the sale price of the water is based upon the fair market value of the
25 water.

26 (b) A purchaser of water from the state under this section shall acquire only those
27 contractual rights to the water set out in sale documents prepared by the commissioner except
28 that a sale of water by the state does not constitute an appropriation of water under this chapter
29 to the purchaser.

30 (c) If water to be sold by the state under (a) of this section, is to be removed from the
31 hydrologic unit from which it was appropriated to another hydrologic unit, inside or outside the

1 state, without being returned to the hydrologic unit from which it was appropriated, the
2 commissioner may not sell the water unless the sale meets the requirements of (a)(2) of this
3 section, a water conservation fee is assessed under AS 46.15.035, and, if the water to be sold is
4 from a lake, river, or stream that is used by fish for spawning, incubation, rearing, or migration
5 ground water that significantly influences the volume of water in a lake, river, or stream that is
6 used by fish for spawning, incubation, rearing, or migration, the commissioner reserves a volume
7 of water in the lake or an instream flow in the river or stream for the use of fish and to maintain
8 habitat for fish. The commissioner may adjust the volume of water reserved under this
9 subsection if the commissioner, after public notice and opportunity to comment and with the
10 concurrence of the commissioner of fish and game, finds that the best interests of the state are
11 served by the adjustment. A reservation under this subsection

12 (1) of a volume of water or an instream flow for the use of fish and to maintain
13 habitat for fish that is reserved under this section is withdrawn from appropriation;

14 (2) for fish from a lake, river, or stream; identified under AS 16.05.870 or
15 identified in a Department of Fish and Game regional guide as being used by fish for spawning,
16 incubation, rearing, or migration on or before the effective date of this section, has a priority date
17 as of the effective date of this section;

18 (3) is not subject to AS 46.15.145;

19 (4) of water does not apply to appropriations of ground water of 5,000 gallons
20 or less a day unless the commissioner, in consultation with the Department of Fish and Game,
21 determines that the appropriation may adversely affect fish habitat in a lake, river, or stream; the
22 commissioner shall consider multiple appropriations of water for a single related use as a single
23 appropriation for the purposes of this subsection.

24 (d) In this section,

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

27 (2) "hydrologic unit" has the meaning given in AS 46.15.035(d).

28 (e) The commissioner may not provide for the sale of salt water under this section.

29 * Sec. 2. AS 46.15.133 is amended to read:

30 Sec. 46.15.133. NOTICES; OBJECTIONS. (a) If the commissioner proposes a sale
31 of water or receives [UPON RECEIPT OF] an application for appropriation or removal, the

1 commissioner shall prepare a notice containing the location and extent of the proposed sale,
2 appropriation, or removal, the name and address of the applicant, if applicable, and other
3 information the commissioner considers pertinent. The notice shall state that within 15 days of
4 publication or service of notice, persons may file with the director written objections, stating the
5 name and address of the objector, and any facts tending to show that rights of the objector or the
6 public interest would be adversely affected by the proposed sale, appropriation, or removal.

7 (b) The commissioner shall publish the notice [AT THE APPLICANT'S EXPENSE] in
8 one issue of a newspaper of general distribution in the area of the state in which the water is to
9 be appropriated. The commissioner shall also have notice served personally or by certified mail
10 upon an appropriator of water or applicant for or holder of a permit who, according to the records
11 of the division of lands, may be affected by the proposed sale, appropriation, or removal and
12 may serve notice upon any governmental agency, political subdivision, or person; notice shall
13 also be served upon the Department of Fish and Game and the Department of Environmental
14 Conservation. An applicant for an appropriation or removal shall pay the commissioner's
15 costs in providing publication and notice under this subsection. The commissioner may
16 require as a condition of a sale of water under AS 46.15.037, that a purchaser of water
17 reimburse the department for the costs associated with providing notice of the proposed
18 sale.

19 (c) Within 15 days of publication or service of notice, an interested person may file an
20 objection. The commissioner may hold hearings upon giving due notice and shall grant, deny,
21 or condition the proposed sale or application for appropriation or removal in whole or in part
22 within 30 days of receipt of the last objection or, if the commissioner elects to hold hearings,
23 within 180 days of receipt of the last objection. Notice of the order or decision shall be served
24 personally or mailed to any person who has filed an objection.

25 (d) If no objection is filed, the commissioner may proceed to make a determination upon
26 the application for appropriation or removal or the proposal for sale.

27 (e) A person aggrieved by the action of the commissioner or by the failure of the
28 commissioner to grant, deny, or condition a proposed sale or an application for appropriation
29 or removal in accordance with (c) of this section may appeal to the superior court.

30 (f) The commissioner may, by regulation, designate types of appropriations that are
31 exempt from this section and provide simplified procedures for ruling on the applications. The

- 1 commissioner may not exempt under this subsection appropriations for removal under
- 2 AS 46.15.035, appropriations by the state for sale or sales by the state under AS 46.15.037,
- 3 or removals of water under AS 46.15.035 and 46.15.037.
- 4 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

Revision Date: _____ Department Affected: Natural Resources
 Title: An Act relating to the reservation of water for in-stream flow GRU: 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						
REVENUE						
FUND SOURCE:						

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



Alaska State Legislature

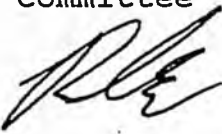
SENATOR RICHARD I. ELIASON

President of the Senate

P.O. Box V
Juneau, Alaska 99811
(907) 465-3755

M E M O R A N D U M

TO: Sen. Finance Committee

FROM: Sen. Eliason 

DATE: May 11, 1992

RE: SB 442, "Water Fee" bill

SB 442, the so-called "water fee" bill is currently in the Senate Finance Committee. The Senate Resources version of SB 442 pertains to water which is removed from a hydrologic unit, and the authority of the state to sell water. While this bill generates less opposition than the original bill or the version considered by the House, there are some concerns raised by the whole notion of "selling water."

My main concern is that once we create a "financial incentive" for the state to sell and export water, we must ensure that adequate protections are in place to prevent the removal of too much water. There must be safeguards to monitor the "cumulative effects" of the removal of amounts of water to ensure that the waterways upon which the fish of Alaska depend are not depleted.

It seems crucial to me, that any measure we pass to allow the sale of state water must include provisions for the reservation of water to meet the needs of fish. To that end, I submit the attached draft committee substitute for the committee's consideration. Basically, this draft begins with CSSB 442 (Res), adds that salt water is not to be sold, clarifies that the appropriation and sale of water provided for in the bill are covered by the same public notice requirements as other applications under the chapter, and adds language regarding water reservation for fish which would pertain ONLY to the water which is the subject of this bill. That is, if water is being considered for removal from a hydrologic unit (such as export out of state), or for sale, the additional consideration for the needs of fish would apply.

I would very much appreciate the Senate Finance Committee's consideration of the attached committee substitute.

WHY ALASKA NEEDS PROTECTION OF WATER FOR FISH AND WILDLIFE

-Article VIII, Sec. 13 of *The Alaska Constitution* mandates a general reservation of water for fish and wildlife.

-State law does not provide a guarantee that water be reserved for fish and wildlife. Alaska's Water Use Act only requires DNR "consider" the effect of a proposed appropriation of water on fish and game. My legislation would guarantee that a sufficient flow of water remain "in the stream" for the survival of fish and wildlife

-Requires adequate instream flows for fish and wildlife be reserved *before* additional water is appropriated for other uses.

-Alaskan water law is based on "first in time, first in right". An applicant who receives a water right first is senior to all subsequent water right applicants, regardless of applicants' future needs. Enactment of my bill would effectively guarantee fish and wildlife have an immediate, legal right to water they use now and forever.

-Guarantees automatic instream flow protection for over 12,000 known fish and wildlife streams.

-To acquire water rights for fish and wildlife an applicant must file an instream flow application -- a complex and costly process. For out-of-stream uses of quantities less than 100,000 gallons, furnishing water data is discretionary and treated on a case by case basis.

-Approximately 4,500 out-of-stream water rights have been granted since statehood. Only 11 instream flow reservations have been granted out of a total 46 applications since 1980. (29 are still pending and 6 were denied).

-Extended into the future, protection for instream flows will not be able to keep up with out-of-stream use. Under current law, it would take over 1000 years and a cost of \$96,000,000 to submit applications to reserve water for fish and wildlife. My bill provides guarantees this level of protection in a very cost-effective manner by reserving a water right for fish and wildlife at the time of an application.

-Guarantees automatic instream flow protection for all fish and wildlife streams identified in the future

-Instream flow legislation would also guarantee protection for all fish and wildlife bearing rivers identified in the future.

.....over

**EXISTING LEGISLATION &
REGULATIONS**

DNR only required to "consider" granting instream flows for fish and wildlife despite a general reservation of instream flows for fish and wildlife specified in Article VIII, Section 13 of the Alaska Constitution.

Guarantees consistency with Constitutional mandate by requiring that sufficient water be reserved to maintain fish and wildlife production.

The only procedure to acquire formal instream flow water rights for fish and wildlife is to file an instream flow application. Alaskan water law is based upon "first in time and first in right". Therefore, fish and wildlife are among many resources or uses to be considered by DNR when it, in its own discretion, appropriates water for an out of stream use, unless water rights to acquire instream flows for fish and wildlife were filed first.

Automatically grants instream flow protection and priority date for instream flow water rights for over 12,000 known fish and wildlife streams as the date of bill enactment. Priority date for streams identified as supporting fish and wildlife after bill passage is date of identification. Applications on file and existing out of stream appropriations at time of passage of bill receive grandfather rights.

Public water supplies are granted priority over all other water uses.

No change. Instream flows for fish and wildlife are given priority consideration second only to public water supply, while allowing for other out of stream and instream uses.

Single family household uses of water also exempted from provisions of bill. Groundwater appropriations of 5,000 gpd or less that do not have an effect on surface water fish and wildlife habitat are exempted from provisions of the bill.

CORRECTION

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

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-Article VIII, Sec. 13 of *The Alaska Constitution* mandates a general reservation of water for fish and wildlife.

-State law does not provide a guarantee that water be reserved for fish and wildlife. Alaska's Water Use Act only requires DNR "consider" the effect of a proposed appropriation of water on fish and game. My legislation would guarantee that a sufficient flow of water remain "in the stream" for the survival of fish and wildlife

-Requires adequate instream flows for fish and wildlife be reserved *before* additional water is appropriated for other uses.

-Alaskan water law is based on "first in time, first in right". An applicant who receives a water right first is senior to all subsequent water right applicants, regardless of applicants' future needs. Enactment of my bill would effectively guarantee fish and wildlife have an immediate, legal right to water they use now and forever.

-Guarantees automatic instream flow protection for over 12,000 known fish and wildlife streams.

-To acquire water rights for fish and wildlife an applicant must file an instream flow application -- a complex and costly process. For out-of-stream uses of quantities less than 100,000 gallons, furnishing water data is discretionary and treated on a case by case basis.

-Approximately 4,500 out-of-stream water rights have been granted since statehood. Only 11 instream flow reservations have been granted out of a total 46 applications since 1980. (29 are still pending and 6 were denied).

-Extended into the future, protection for instream flows will not be able to keep up with out-of-stream use. Under current law, it would take over 1000 years and a cost of \$96,000,000 to submit applications to reserve water for fish and wildlife. My bill provides guarantees this level of protection in a very cost-effective manner by reserving a water right for fish and wildlife at the time of an application.

-Guarantees automatic instream flow protection for all fish and wildlife streams identified in the future

-Instream flow legislation would also guarantee protection for all fish and wildlife bearing rivers identified in the future.

.....over

-Helps protect important uses of water: navigation, transportation, water quality and sanitation, recreation, tourism, scenery as well as the Public Trust

-Under Alaska's Water Use Act, instream flow can be reserved for protection of fish and wildlife; recreation and park purposes; navigation and transportation; and sanitary and water quality purposes. Guaranteeing instream flows for fish and wildlife, consistent with the Alaska Constitution, benefits these other uses of water.

-Provides a cost-effective approach to water management

-This legislation does not require additional state funds. While improving our state's hydrological and biological data bases is important, instream flows can still be estimated based on the best available and existing data. As our information improves, the quantity of water necessary for survival of fish and wildlife reserved can be further refined. Until then, the automatic reservation of water is a cost-effective way to prevent the over-appropriation of water.

Prevents the water-management fiascoes now being experienced by the Lower-48

-Western water law was formed when clean fresh water running to the sea was considered wasted unless it was used for irrigation, farming, ranching, and mining. The instream reservation of water was, until recently, not recognized as a beneficial use of water in many western states and could not legally be reserved.

-In the last thirty years, many western states have changed their laws to include instream flow reservations among the beneficial uses of water. But after more than a century of applicants. By now, however, most streams have little or no water left. Water must be leased or purchased back at tremendous expense, or through disruptive court-action, in order to restore stream flows.

..Provides an Insurance Policy for Alaska's future

-Reservation of instream flows are particularly suitable to Alaska because we still have few water conflicts. We have a unique opportunity to legislate intelligent water use and avoid conflicts unlike the west.

-Alaska, with our highly valued subsistence, sport and commercial fish and wildlife uses differs from other western states in that our fisheries and wildlife are indispensable to our health, welfare and economy. My legislation would preserve, in perpetuity, our natural permanent fund - our fish and wildlife - long after our known oil reserves dry up.

**EXISTING LEGISLATION &
REGULATIONS**

DNR only required to *"consider"* granting instream flows for fish and wildlife despite a general reservation of instream flows for fish and wildlife specified in Article VIII, Section 13 of the Alaska Constitution.

Guarantees consistency with Constitutional mandate by requiring that sufficient water be reserved to maintain fish and wildlife production.

The only procedure to acquire formal instream flow water rights for fish and wildlife is to file an instream flow application. Alaskan water law is based upon *"first in time and first in right"*. Therefore, fish and wildlife are among many resources or uses to be considered by DNR when it, in its own discretion, appropriates water for an out of stream use, unless water rights to acquire instream flows for fish and wildlife were filed first.

Automatically grants instream flow protection and priority date for instream flow water rights for over 12,000 known fish and wildlife streams as the date of bill enactment. Priority date for streams identified as supporting fish and wildlife after bill passage is date of identification. Applications on file and existing out of stream appropriations at time of passage of bill receive grandfather rights.

Public water supplies are granted priority over all other water uses.

No change. Instream flows for fish and wildlife are given priority consideration second only to public water supply, while allowing for other out of stream and instream uses.

Single family household uses of water also exempted from provisions of bill. Groundwater appropriations of 5,000 gpd or less that do not have an effect on surface water fish and wildlife habitat are exempted from provisions of the bill.

EXISTING LEGISLATION & REGULATIONS

Approximately 4,500 ^{→ may be higher} out of stream flow water rights granted since 1966. 40 in-stream flow reservation applications filed since passage of legislation in 1980. Of them, eleven have been granted, and six are in process of adjudication.

Six have been denied, and the rest are in the process of adjudication.

Automatic guaranteed instream flow protection in more than 12,000 fish and wildlife streams.

No blanket requirement to immediately quantify instream flows for every stream protected by the legislation. Instead, analyses must only be performed for a stream protected by this law after an application to appropriate water for out of stream uses for that individual stream is filed.

Therefore, it is estimated that only 200 to 300 out of stream applications received each year by DNR might be subject to provisions of this bill.

Instream flow applicants must go through extensive data gathering and analysis processes to provide sufficient data to DNR to complete final applications for instream flows. Similar requirements apply to applications for out of stream uses for water quantities of 100,000 gpd or more. Requirements for out of stream quantities less than 100,000 gpd are discretionary and treated on case by case basis.

Instream flow protection guaranteed with no data requirement as provided by constitution.

Instream flow applicants can file applications to receive a priority date before completing all analyses and assembling documentation. Analyses must be completed three to five years after filing. Applicants for out of stream water rights are granted a priority date upon receipt of application with or without supporting documentation. Five years are automatically granted to perfect the amount of water requested.

All fish and wildlife streams receive automatic guarantee of instream flow reservation and priority date effective the date of legislation without expending resources. Quantification of instream flows for an individual stream is not performed or required until an application for an out of stream appropriation application for that stream is filed. Minimal resources required to quantify the instream flows for individual reservations on case by case basis. Existing quantification procedures apply unless modifications to regulations are made.

EXISTING LEGISLATION &
REGULATIONS

No mandatory requirements for out of stream water rights applicants to provide hydrologic data to enable DNR to determine whether sufficient water is available for appropriation from a stream and avoid overappropriation unless the quantity requested is 100,000 gpd or greater. No similar requirement for applicant to provide hydrologic data to assist other agencies and the public to evaluate instream flow requirements or impacts of an out of stream appropriation less than 100,000 gpd on other appropriators.

Instream flows must be quantified and protected prior to allocating additional water from a stream or river that is identified as supporting fish and wildlife.

Descriptions of water availability based upon mean annual or mean monthly flow based using best available data or estimate of mean annual flow is required for all instream flow applications and limited to out of stream appropriations equal to or greater than 100,000 gpd (0.15 cfs)

This type of information would still be required to quantify instream flows. It would not be required as a prerequisite to guarantee instream flow protection.

ADF&G, other agencies, or the private sector must apply for individual instream flow regimes. An average of ten instream flow applications are filed each year due to the requirements for data and documentation. Insufficient stream gage data are also limiting. Each instream flow application, assuming there is no controversy, averages a cost of \$8,000 to \$10,000 to the applicant. At this present rate it will, at a minimum, take over 1000 years and more than \$96,000,000 to file for instream flows for rivers and streams presently identified as supporting fish and wildlife.

All known fish and wildlife streams (over 12,000) and additional streams identified in the future as supporting fish and wildlife are automatically granted instream flow protection on the date of enactment of bill without expending funding. Instream flows are not quantified until an out of stream appropriation is received following the existing adjudication process.

EXISTING LEGISLATION &
REGULATIONS

No mandatory requirement for ADNR to determine cumulative effects of multiple appropriations. No automated data base or mechanism in force to know availability of unappropriated water or if streams have been over appropriated.

Requires DNR to reserve adequate instream flows for fish and wildlife before additional water is appropriated for other uses. Public water supply, single family domestic use, small groundwater consumption, and nonconsumptive water uses are exempt from this provision. However, the significance of an automated data base and information system for the proper and cost effective management, monitoring, and enforcement of Alaska's water rights is recognized. Therefore, separate legislation, HB353, was introduced to fund the completion and implementation of an automated data base and tracking system for the DNR in FY 93. DNR has been requesting funding to complete this system for several years.

DNR has flexibility to determine whether a method is acceptable for calculating instream flows. DNR has discretion to decide the best public interest for uses of water when approving out of stream appropriations and instream flows.

DNR maintains flexibility to determine if a method to calculate instream flows is acceptable. DNR must grant instream flows to protect existing fish and wildlife habitat when appropriating new out of stream water rights.

No gaging station requirements or requirements for additional gages. However, it would benefit all water users and managers to improve the existing gaging system. There is only one gage per 7,000 square miles in Alaska while in the lower 48 states, it's one gage per 400 square miles, yet Alaska has 1/3 of the nation's freshwater.

No Change. This legislation is designed to be implemented using existing data base. Additional hydrological data would refine and improve decisions but is not a requirement of legislation. Recognizing the shortages and need for stream gage data to improve the management of Alaska's waters, separate legislation, HB 354, has been introduced to provide funding to evaluate the effectiveness of the existing stream gage collection network and recommend locations and priorities for future gaging data. The evaluation would also analyze the effectiveness and limitations of models used to predict flows at ungaged sites.

MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES

State of Alaska

Southeast Regional Office
Division of Water

To: Senate Finance Committee

Date: May 11, 1992

File No:

Telephone No: 465-3400

From: Ric Davidge
Director of Water

Subject: The Great Alaska
Water Give Away

Alaska is already exporting glacier ice and millions of gallons of water to Japan, California and other parts of the world with no compensation.

The Division of Water is currently processing applications for the export of 350,000 acre feet of water per year to Southern California. If SB 442 does not pass, the state has no way of receiving compensation for the exploitation of this resource.*

**350,000 acre feet of water is 350,000 acres covered by one foot of water
or*

114,047,850,000 gallons of water!!!

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 (National and Alaska Chapter)
- 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
- Village of Tuluksak
- Native American Rights Fund
- Cenaliulriut Coastal Management District
- The Wildlife Society, Alaska Chapter
- The Wildlife Federation of Alaska
- Municipality of Anchorage, Municipal Health & Human Services Commission

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
- United States Department of the Interior, National Park Service, Alaska Office

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

442

February 19, 1992

The Honorable Richard I. Eliason
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Eliason:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to specifically authorize the Commissioner of the Department of Natural Resources to establish water use fees or provide for the sale of water resources.

The bill is designed to provide for the recovery of the market value of water resources conveyed by the state, particularly under circumstances involving the conveyance of rights to consumptive uses of large quantities of water.

Regulations developed with public involvement will spell out the details of who will be charged for water, but we estimate that only those who use 50 or more acre feet per year (approximately 45,000 gallons a day) will be affected. State agencies, nonprofit groups, such as hatcheries, single family domestic users, and other water users to be identified during the legislation and regulation writing process would not be subject to the fee.

Water revenues can be used to support a wide variety of water-related programs, including safe drinking water, water quality and water flow measurements.

The waters of the State of Alaska are an important and extremely valuable natural resource. The state has an important interest in recovering, for the benefit of the people of Alaska, the real value of the state's water and the real costs of managing and conserving water resources. I urge your early and favorable consideration of this bill.

Sincerely,

A handwritten signature in black ink that reads "Walter J. Hickel".

Walter J. Hickel
Governor

PLEASE MICROFILM TOP PAGE ONLY

SENATE FINANCE COMMITTEE REPORT

DATE: 4/10/92

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered SENATE BILL NO. 443

"An Act relating to the taking of fish and game for subsistence; and providing for an effective date."

Died

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

DO PASS:

OTHER RECOMMENDATIONS:

1. _____

Co-Chair: Signature/Recommendation

2. _____

Co-Chair: Signature/Recommendation

SENATE BILL NO. 443

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/21/92
Referred: Resources, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the taking of fish and game for subsistence; and providing for an
2 effective date."

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

4 * Section 1. FINDINGS, PURPOSE, AND INTENT. (a) The legislature finds that

5 (1) there are Alaskans, both Native and non-Native, who have a traditional, social, or
6 cultural relationship to and dependence upon the wild renewable resources produced by Alaska's land
7 and water; the harvest and use of fish and game for personal and group consumption is an integral part
8 of those relationships;

9 (2) although customs, traditions, and beliefs vary, these Alaskans share ideals of respect
10 for nature, the importance of using resources wisely, and the value and dignity of a way of life in which
11 they use Alaska's fish and game for a substantial portion of their sustenance; this way of life is
12 recognized as "subsistence";

13 (3) customary and traditional uses of Alaska's fish and game originated with Alaska
14 Natives, and have been adopted and supplemented by many non-Native Alaskans as well; these uses,

1 among others, are culturally, socially, spiritually, and nutritionally important and provide a sense of
2 identity for many subsistence users;

3 (4) while Alaska's fish and game are generally still plentiful, these resources are not
4 unlimited and cannot provide for every desired use, now or in the future; competition for and the level
5 of effort on these resources have required the legislature and the Board of Fisheries and Board of Game
6 to establish a preference for subsistence among the various beneficial uses of fish and game in Alaska;

7 (5) in most areas of the state, a preference for subsistence can be provided without an
8 overly burdensome intrusion upon other consumptive uses of fish and game;

9 (6) among persons who take fish and game, a large majority of those living in areas
10 described in AS 16.05.268(f)(1); a majority of those living in areas described in AS 16.05.268(f)(2); and
11 a small minority of those living in areas described in AS 16.05.268(f)(3), depend upon the subsistence
12 taking of fish and game;

13 (7) in determining dependence upon the subsistence taking of fish and game, the
14 application of different levels of presumptions based on categories is logical; does not deny any person
15 the opportunity to demonstrate dependence on subsistence use; focuses on persons who depend on
16 subsistence use; is administratively efficient; and is compatible with existing management measures
17 without needlessly interfering with other uses of fish and game resources; and

18 (8) the application of presumptions, based on areas of domicile, to facilitate
19 determinations of a person's qualifications as a subsistence user will maximize the state's management
20 efforts.

21 (b) It is the purpose of this Act

22 (1) to develop and maintain healthy fish stocks and game populations through
23 management on the sustained yield principle;

24 (2) to provide for a preference for subsistence use over other consumptive uses of fish
25 and game resources;

26 (3) to provide for the participation in the subsistence taking of fish and game by those
27 Alaskans who actually and substantially depend upon that subsistence taking;

28 (4) to maximize the state's management efforts by applying presumptions based on
29 subsistence characteristics of areas to reduce the need for case-by-case individual determinations of
30 dependence on subsistence in those areas of the state which have a high proportion of subsistence users
31 who meet the qualifications of this Act.

1 (c) It is the intent of the legislature

2 (1) that subsistence uses of Alaska's fish and game resources are given the highest
3 preference, in order to accommodate and perpetuate those uses;

4 (2) to clarify the statutory protection for actual, substantial dependence on fish and game
5 for subsistence; and

6 (3) that this Act not result in significant reallocations of fish and game in Alaska.

7 * Sec. 2. AS 16.05 is amended by adding a new section to read:

8 Sec. 16.05.268. SUBSISTENCE USE AND ALLOCATION OF FISH AND GAME. (a)

9 The Board of Fisheries and the Board of Game shall identify the fish stocks and game
10 populations, or portions of stocks or populations, that are customarily and traditionally used for
11 subsistence in the areas of the state identified by the boards under (f)(1) and (f)(2) of this section.

12 The commissioner shall provide recommendations to the boards on the identifications. The
13 boards shall make identifications required under this subsection after receipt of the
14 commissioner's recommendations.

15 (b) The appropriate board shall determine whether a portion of a stock or population
16 identified under (a) of this section can be harvested consistent with sustained yield, and

17 (1) if the harvestable portion of the stock or population is sufficient to provide
18 for all consumptive uses, the appropriate board

19 (A) shall adopt regulations that provide a reasonable opportunity to
20 participate in the subsistence uses of those stocks or populations;

21 (B) shall adopt regulations that provide for other consumptive uses of
22 those stocks or populations, subject to preferences among beneficial uses; and

23 (C) may adopt regulations to differentiate among consumptive uses;

24 (2) if the harvestable portion of the stock or population is sufficient to provide
25 for subsistence uses and some, but not all, other consumptive uses, the appropriate board

26 (A) shall adopt regulations that provide a reasonable opportunity to
27 participate in the subsistence uses of those stocks or populations;

28 (B) may adopt regulations that provide for other consumptive use of those
29 stocks or populations; and

30 (C) shall adopt regulations to differentiate among consumptive uses and
31 provide for a preference for the subsistence uses, if regulations are adopted under (B) of

1 this paragraph;

2 (3) if the harvestable portion of the stock or population is sufficient to provide
3 for subsistence uses, but no other consumptive uses, the appropriate board shall adopt regulations
4 that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence
5 uses; and

6 (4) if the harvestable portion of the stock or population is not sufficient to provide
7 for all subsistence uses, the appropriate board

8 (A) shall adopt regulations eliminating all consumptive uses, other than
9 subsistence uses;

10 (B) shall distinguish among subsistence users, through limitations based
11 on

12 (i) the customary and direct dependence on the fish stock or game
13 population by the subsistence user for human consumption as a mainstay of life;

14 (ii) the proximity of the domicile of the subsistence user to the
15 stock or population; and

16 (iii) the ability of the subsistence user to obtain food if subsistence
17 use is restricted or eliminated.

18 (c) If the harvestable portion of a stock or population is insufficient to provide for both
19 subsistence and other consumptive uses, the department shall analyze and prepare a plan to
20 facilitate the recovery of that stock or population to allow for increased consumptive uses as soon
21 as possible. The department shall provide recommendations to the appropriate board for
22 necessary regulatory changes. If subsistence use of a stock or population has been eliminated
23 to achieve sustained yield, the appropriate board shall adopt regulations to allow subsistence uses
24 when that board determines that the stock or population has recovered sufficiently to allow the
25 taking for any consumptive use, consistent with sustained yield.

26 (d) The subsistence use area for a stock or population is the subunit of a game
27 management unit in which fish or game may be taken under subsistence regulations adopted
28 under (b) of this section, together with contiguous game management subunits, unless the
29 appropriate board identifies and delineates a subsistence use area with different boundaries for
30 a particular fish stock or game population under (e) of this section.

31 (e) Each board shall consider subsistence use area boundaries described in (d) of this

1 section. Each board shall delineate a different boundary for a particular stock or population if
2 the appropriate board determines that the boundary of a subsistence use area is inconsistent with
3 established patterns of taking and use of that fish stock or game population for subsistence, or
4 is inconsistent with the efficiency and economy of effort, cost, and transportation inherent in the
5 customary and traditional taking and use of fish and game for subsistence.

6 (f) The boards shall, by regulation, for the state, jointly identify and delineate areas, using
7 game management units, portions of game management units, or communities, into the following
8 categories:

9 (1) category 1, an area where the human population of each community in the
10 area is less than 2,500, is not part of an urban area, and where dependence upon subsistence is
11 a principal characteristic of the economy, culture, and way of life of the area;

12 (2) category 2, an area that consists of a single community that has a human
13 population of 2,500 to 6,999, is not part of an urban area, and where dependence upon
14 subsistence is a principal characteristic of the economy, culture, and way of life of the
15 community;

16 (3) category 3, an area that

17 (A) is an urban area or a single community where the human population
18 is 7,000 or greater; or

19 (B) is an area or community where dependence upon subsistence is not
20 a principal characteristic of the economy, culture, and way of life of the area or
21 community.

22 (g) In determining whether dependence upon subsistence is a principal characteristic of
23 the economy, culture, and way of life of an area under (f) of this section, the boards shall jointly
24 consider the relative importance of subsistence compared to the totality of the following socio-
25 economic characteristics of the area:

26 (1) the social and economic structure;

27 (2) the stability of the economy;

28 (3) the extent and the kinds of employment for wages, including full-time, part-
29 time, temporary, and seasonal employment;

30 (4) the amount and distribution of cash income among those domiciled in the
31 area;

- 1 (5) the cost and availability of goods and services to those domiciled in the area;
- 2 (6) the variety of fish and wildlife species used by those domiciled in the area;
- 3 (7) the seasonal cycle of economic activity;
- 4 (8) the percentage of those domiciled in the area participating in hunting and
- 5 fishing activities or using wild fish and game;
- 6 (9) the harvest levels of fish and game by those domiciled in the area;
- 7 (10) the cultural, social, and economic values associated with the taking and use
- 8 of fish and game;
- 9 (11) the geographic locations where those domiciled in the area hunt and fish;
- 10 (12) the extent of sharing and exchange of fish and game by those domiciled in
- 11 the area;
- 12 (13) additional similar factors the boards establish in regulation to be relevant to
- 13 their determinations under this subsection.

14 (h) Participation in a subsistence harvest in a subsistence use area is limited to persons
15 who meet the requirements for qualification under (i) of this section for that subsistence use area,
16 with the following presumptions and requirements:

17 (1) a person who is domiciled in the subsistence use area in an area identified
18 under (f)(1) of this section, and who intends to take fish or game for subsistence purposes is
19 presumed to meet the requirements for qualification under (i) of this section for that subsistence
20 use area; this presumption may be rebutted only by clear and convincing evidence, and the boards
21 may not require a permit or filing of a statement affirming that the person meets the requirements
22 for qualification under (i) of this section;

23 (2) a person who is domiciled in the subsistence use area in an area identified
24 under (f)(2) of this section, and who intends to take fish or game for subsistence purposes is
25 rebuttably presumed to meet the requirements for qualification under (i) of this section for that
26 subsistence use area upon that person's signing a statement, on a form provided by the
27 department, affirming that the person meets those requirements; the department may rebut this
28 presumption by a preponderance of the evidence that the person does not meet those qualification
29 requirements;

30 (3) a person domiciled in an area identified under (f)(3) of this section or who
31 is domiciled outside of the subsistence use area is qualified to participate in a subsistence fishery

1 or hunt in that subsistence use area only upon certification by the commissioner that the person
2 meets the requirements for qualification under (i) of this section.

3 (i) The boards shall jointly, by regulation, adopt procedures by which the commissioner
4 shall determine the qualification of a person to subsistence fish or hunt in a specific subsistence
5 use area. The commissioner shall provide recommendations to the boards on qualification
6 procedures. The boards shall jointly adopt the regulations required by this subsection after the
7 receipt of the commissioner's recommendations. The boards shall adopt, by regulation, a
8 weighted point system to determine a person's eligibility. The boards shall structure the point
9 system so that the minimum points required for qualification exceed the total points received for
10 meeting the mandatory minimum requirements in (1) - (4) of this subsection. The point system
11 shall be based on the following criteria and restrictions:

12 (1) the quantity of fish and game consumed by the person in the preceding 12
13 months, with a mandatory minimum of 125 pounds consumed in that period;

14 (2) the number of species and groups of species of fish and game from the
15 subsistence area consumed by the person in the preceding 12 months, with a mandatory minimum
16 number of species, or groups of species, as determined jointly by the boards by regulation; the
17 mandatory minimum number, and any grouping of species, may vary by geographical region of
18 the state, based on the diversity of species in a region;

19 (3) the number of days in the preceding 12 months that the person engaged in the
20 taking of fish or game in the subsistence use area, or the processing of that fish or game, with
21 a mandatory minimum of 30 days in that period;

22 (4) the number of months in the preceding 12 months in which the person
23 engaged in the taking of fish or game in the subsistence use area, with a mandatory minimum
24 of four months in that period;

25 (5) the number of weeks in the preceding 12 months during which the taking or
26 processing of fish or game was the person's principal work effort, with no additional
27 consideration given beyond a maximum of 26 weeks;

28 (6) the number of households, other than the person's household, with which the
29 person shared or from which the person received fish and game in the preceding 12 months, with
30 no additional consideration given beyond a maximum of 10 households; and

31 (7) whether the person's taking of fish and game occurred solely in the

1 subsistence use area.

2 (j) A person who does not meet the mandatory minimum requirements of each of (i) (1) -
3 (4) of this section does not meet the requirements for qualification under (i) of this section.

4 (k) For the purposes of (h) and (i) of this section, the taking or processing of the fish and
5 game must have been legal, noncommercial, and characterized by efficiency and economy of
6 effort, cost, and transportation. For the purposes of (i)(1), (2), and (6) of this section, the fish
7 and game may not have been purchased for money. The boards shall jointly adopt regulations
8 allowing a person who has been unable to meet the criteria of (h) or (i) of this section because
9 of hospitalization, or military service or full-term attendance at an educational institution outside
10 the relevant subsistence use area to base responses on the 12 months immediately preceding the
11 commencement of the circumstance.

12 (l) The commissioner shall provide, by regulation, for an expedited review procedure for
13 a person who is determined by the department not to meet the qualifications as a subsistence
14 user.

15 (m) Fish stocks and game populations, or portions of fish stocks and game populations
16 not identified under (a) of this section may be taken only under nonsubsistence regulations.

17 (n) Taking and use of fish and game authorized under this section are subject to
18 regulations regarding open and closed areas, seasons, methods and means, marking and
19 identifications requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations.
20 Takings and uses of resources authorized under this section are subject to AS 16.05.831 and
21 AS 16.30.010.

22 (o) For purposes of

23 (1) subsection (b) of this section, "reasonable opportunity" is an opportunity, as
24 determined by the appropriate board,

25 (A) allowing a subsistence user to participate in a subsistence hunt or
26 fishery that provides a normally diligent participant with a reasonable expectation of
27 success of taking of fish or game, but does not guarantee the taking of fish or game; the
28 conditions of the hunt or fishery; or the taking of all the fish and game that the participant
29 wants or needs; and

30 (B) based on the findings of the appropriate board on each of the
31 following factors:

- 1 (i) resource population and management objectives;
2 (ii) estimated harvest per unit of effort by participants in the
3 fishery or hunt;
4 (iii) patterns and levels of customary and traditional taking and use
5 of the fish or game;
6 (iv) migratory patterns and availability of fish or game;
7 (v) competition for the fish or game from other subsistence and
8 nonsubsistence uses; and
9 (vi) other factors that the appropriate board considers relevant.

10 (2) subsection (i) of this section, "preceding 12 months" means

11 (A) for a person described in (h)(1) of this section, the 12 months
12 preceding the taking of the fish or game resource;

13 (B) for a person described in (h)(2) of this section, the 12 months
14 preceding the date of signing of the required statement;

15 (C) for a person described in (h)(3) of this section, the 12 months
16 preceding the date of signing the application to the commissioner.

17 * Sec. 3. AS 16.05.940(29) is amended to read:

18 (29) "subsistence fishing" means the taking [OF, FISHING FOR,] or possession,
19 by a qualified resident, of fish, shellfish, or other fisheries resources [BY A RESIDENT
20 DOMICILED] in a subsistence use [RURAL] area of the state, in accordance with regulations
21 adopted under AS 16.05.268, for subsistence uses with gill net, seine, fish wheel, long line, or
22 other means defined by the Board of Fisheries, except for rod and reel;

23 * Sec. 4. AS 16.05.940(30) is amended to read:

24 (30) "subsistence hunting" means the taking [OF, HUNTING FOR,] or possession,
25 by a qualified resident, of game [BY A RESIDENT DOMICILED] in a subsistence use
26 [RURAL] area of the state, in accordance with regulations adopted under AS 16.05.268, for
27 subsistence uses by means defined by the Board of Game;

28 * Sec. 5. AS 16.05.940(31) is amended to read:

29 (31) "subsistence [USES]" means the noncommercial, customary and traditional
30 taking and uses of fish and game [WILD, RENEWABLE RESOURCES] by a resident
31 [DOMICILED] in a subsistence use [RURAL] area of the state for direct personal or family

1 consumption as food[, SHELTER, FUEL], clothing, [TOOLS,] or transportation, for the making
2 and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken
3 for personal or family consumption, for sharing, and for barter and [THE] customary trade of
4 a portion of fish or game resources harvested primarily [, BARTER, OR SHARING] for
5 personal or family consumption; in this paragraph, "family" means persons related by blood,
6 marriage, or adoption, and a person living in the same household on a permanent basis;

7 * Sec. 6. AS 16.05.940 is amended by adding new paragraphs to read:

8 (36) "customary and traditional" means the noncommercial, long term, consistent,
9 and ongoing dependence on the taking and use of fish or game in a specific area and the use
10 patterns and harvest levels of that fish or game that have been established over at least one
11 preceding generation of users;

12 (37) "customary trade" means the limited, noncommercial exchange, for minimal
13 amounts of cash, as restricted by the appropriate board, of fish or game resources harvested
14 primarily for personal or family consumption; "customary trade" does not include sales in
15 commercial channels; the terms of this paragraph do not apply to money sales of furs or
16 furbearers;

17 (38) "game management unit" means a management area of the state established
18 by the Board of Game under AS 16.05.255;

19 (39) "sustained yield" means the management principle of utilization,
20 development, and maintenance, applied to naturally occurring fish and game resources, that
21 provides beneficial consumptive uses in perpetuity, subject to preferences among such uses, and
22 seeks to provide for desired population increases and prevent undesired declines, for the purpose
23 of maintaining healthy, self-perpetuating stocks or populations.

24 * Sec. 7. AS 16.05.258 and AS 16.05.940(26) are repealed.

25 * Sec. 8. REGULATIONS. Notwithstanding the provisions of AS 16.05.258, the Board of Fisheries,
26 Board of Game, and Department of Fish and Game may adopt regulations necessary to implement the
27 provisions of this Act.

28 * Sec. 9. TRANSITION. (a) It is the intent of the legislature that the Board of Fisheries and the
29 Board of Game expeditiously adopt regulations necessary to implement this Act.

30 (b) Any regulations adopted by the Board of Fisheries, Board of Game, or Department of Fish
31 and Game after June 1, 1992, may not be inconsistent with the provisions of this Act.

1 (c) Regardless of whether regulations adopted under the authority of AS 16.05.251, 16.05.255,
2 or 16.05.258 and in effect on June 1, 1992 are inconsistent with the provisions of this Act, they may
3 continue to be implemented and enforced until the effective date of this Act.

4 * Sec. 10. REVIEW. (a) The legislature acknowledges and recognizes that this Act deals with a
5 subject of vital concern and that the subject merits review. Therefore, it is the intent of the legislature
6 that the operation of this Act and the regulations adopted under this Act be fully reviewed by the
7 governor no later than June 1, 1994.

8 (b) This review period is intended to allow for further research and to gain experience in
9 implementing the Act and regulations adopted under it. It is the intent of the legislature that the
10 governor convene a representative group to provide recommendations to the governor before the end of
11 the review period. It is the intent of the legislature that representatives of the legislature and persons
12 with a history in the formulation of subsistence legislation in this state participate in the group.

13 (c) It is the intent of the legislature that the review under this section occur with public input
14 and participation.

15 (d) No later than September 1, 1994, the governor shall provide a report to the legislature on
16 the results of the review and any proposed recommendations for statutory amendments.

17 * Sec. 11. Sections 8 and 9 of this Act take effect immediately under AS 01.10.070(c).

18 * Sec. 12. Sections 1 - 7 and 10 of this Act take effect on the effective date of regulations first
19 adopted under this Act by the Board of Fisheries and the Board of Game, acting jointly.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 21, 1992

The Honorable Richard I. Eliason
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Eliason:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to subsistence.

Among the fifty states, only Alaska has a significant portion of its population who, in large part, live off the land. Subsistence is unique and special to Alaska. Because of the importance of subsistence to Alaska, both the United States Congress and past Alaska legislatures, have passed laws giving a preference to subsistence over other consumptive uses of the same resources.

Despite the general agreement that subsistence should have a preference, there has been monumental disagreement on how that preference should be implemented. For too many years, Alaskans on different sides of the subsistence issue have talked about each other, but never to each other. The effect of conflicting court opinions, federal Alaska National Interest Lands Conservation Act mandates, and legislative gridlock have produced a crisis in the management of our fish and game. We have a current situation where everyone loses.

For the past year, an outstanding group of citizens has been meeting steadily to try to resolve this problem. There are nine members of the Governor's Subsistence Advisory Council and all of Alaska owes a debt to them. The members are:

The Honorable Jay S. Hammond, Port Alsworth
Mr. Dick Bishop, Fairbanks
Mr. John James Burns, Fairbanks
Mr. Mitch Demientieff, Nenana
Mr. Eric Forrer, Juneau
Mr. Matthew Iya, Nome
Mr. Byron Mallott, Juneau
Mr. Theo Matthews, Kenai
Mr. Gene Peltola, Bethel

These nine members represent all sides of the subsistence issue. While some members were nominated by specific groups, I asked each member to participate as an individual.

The Honorable Richard Eliason
February 21, 1992
Page 2

The group had a goal that is simple to define, but very difficult to achieve: it was to find the best possible subsistence solution for Alaska. Many observers thought that was an impossible dream, that the members could never agree. There were times during meetings, when that appeared to be true, but the council members did not give up. Today I am introducing subsistence legislation that the council drafted. Every part of this legislation is the result of consensus among the members.

The legislation is not what any one member, any one group, nor I, by myself, would have drafted. It is legislation that protects the resource, the interests of every group, and can pass. In designing this statute, great emphasis has been placed on how it will actually work. Extensive time has been spent with the Alaska Departments of Fish and Game (ADF&G) and Law.

The legislation is designed for species protection, to function with a minimum of disruption for users, for ease of administration by the Board of Fisheries and the Board of Game, for management by the ADF&G, enforceability by the Department of Public Safety, and defensibility in court. The legislation will reduce the constant barrage of subsistence court cases by making the state's actions more defensible, but, much more importantly, by laying out clear guidelines for the boards and reducing the problems which caused people to sue.

A packet of material describing and explaining the bill will be provided to the Senate Secretary and Chief Clerk.

I realize the legislature has a constitutional responsibility to consider and, if necessary, amend bills to make them the best possible legislation. Neither I nor the council make any claim that this legislation is perfect, but every word in it has been the subject of hours or days of debate. The two things I ask of the legislature, are to maintain the goal of the advisory council by passing the best possible piece of subsistence legislation, and to act swiftly to solve the subsistence crisis and help heal Alaska.

Sincerely,

A large, stylized handwritten signature in cursive script, reading "Walter J. Hickel".

Walter J. Hickel
Governor

No. 4

FISCAL NOTE

Bill Version: SB 443

(S) Publish Date: 2-21-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Fish and Game

Title: An Act relating to the taking
of fish and game for subsistence

BRU: Boards

Component: Board Services

Sponsor: Rules Committee

Requestor: _____

COMPONENT SERIAL NO.

1	2	0	4
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	9.0	9.4	8.0	3.0	3.0	3.0
TRAVEL	180.0	187.5	160.0	85.0	85.0	85.0
CONTRACTUAL	90.0	93.5	90.0	37.0	37.0	37.0
SUPPLIES	1.8	1.9	1.6	.5	.5	.5
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	280.8 .0	292.3 .0	259.6	125.5	125.5	125.5 0.0

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

GENERAL FUND	280.8	292.3	259.6	125.5	125.5	125.5
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	280.8	292.3	259.6	125.5	125.5	125.5

POSITIONS:

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in SSB 443 (JWD)
reflect NO FISCAL CHANGE from the original
fiscal note. This fiscal note is appropriate.
4/10/92 6/8
date Comte Aide (initial)

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Laird Jones *Laird A. Jones*

Phone: 465-4110

Division: Division of Boards

Date: 2/20/92

Approved by Commissioner: Carl F. Rosier

Agency: Department of Fish and Game

Date: 2/20/92

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

**DIVISION OF BOARDS
FISCAL NOTE FOR SUBSISTENCE BILL**

ANALYSIS

The Board of Fisheries and the Board of Game meeting individually and together as the Joint Board would require approximately seventy days of meetings over a three year period to implement the new subsistence bill. In future years, the new bill would add approximately ten days to the overall board schedule. This estimate is based on board consideration of rural designations and customary and traditional use during the 1980s. It is important to note that since 1989 both boards have deferred most proposals dealing with subsistence in anticipation of legislation that would allow for a defensible approach to proposals. Over this same time period there have been reductions in the Division of Boards budget that have reduced the capability of the boards to meet. With the advent of new subsistence legislation, the boards will have to deal with subsistence issues as well as maintaining a full workload in other regulatory areas.

The items in the proposed legislation requiring the greatest effort on the part of the boards, in descending order, are:

(1) "The boards shall by regulation, jointly identify and delineate areas of the state, utilizing game management unit, portion of game management unit, or community, as follows:

(1) areas where the human population of each community is less than 2,500 and where dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of the area, and that are not part of an urban area.

(2) communities where the human population is 2,500 to 7,000 and where dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of the community, and that are not part of an urban area." 20 DAYS

(2) "Upon receipt of recommendations from the commissioner, the Boards of Fish and Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally used for subsistence in the areas and communities of the state identified by the boards under (e)(1) and (e)(2) of this section." 40 DAYS

(3) "Upon receipt of a recommendation from the commissioner, the boards shall, by regulation, adopt procedures by which the commissioner shall determine the qualification of subsistence users to subsistence hunt and fish in a specific subsistence use area." 10 DAYS

COSTS - FY93

<u>Personal Services:</u>	9.0
overtime for existing staff	
<u>Travel:</u>	180.0
travel and per diem for board members, Boards staff, and advisory committee meetings	
<u>Contractual:</u>	90.0
meeting space, printing and postage for proposal books, telephone and legal notice of meetings	
<u>Supplies:</u>	1.8
office supplies	
TOTAL	<u>280.8</u>

COSTS - FY94:

Personal Services	9.4
Travel	187.5
Contractual	93.5
Supplies	1.9
TOTAL	<u>292.3</u>

COSTS - FY95:

Personal Services	8.0
Travel	160.0
Contractual	90.0
Supplies	1.6
TOTAL	<u>259.6</u>

COSTS - FUTURE YEARS

Personal Services	3.0
Travel	85.0
Contractual	37.0
Supplies	.5
TOTAL	<u>125.5</u>