

ALASKA STATE LEGISLATURE

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REPRESENTATIVE STEVE THOMPSON DISTRICT 10

SECTIONAL ANALYSIS (version M)

HB 191 – *“An Act establishing a state department of agriculture and food and relating to its powers and duties; relating to the powers and duties of the Department of Environmental Conservations and the Department of Natural Resources; and providing for an effective date.”*

Sec. 1. Amends AS 03.05.010, which deals with agriculture and food. Changes the responsible commissioner to the commissioner of agriculture and food (see new AS 03.05.100(5) in sec. 18). Adds some responsibilities to the list, including establishing a food security program. Exempts retail food establishments and fish or fisheries product establishments from coverage of (b).

Sec.2. Amends AS 03.05.011(a), which relates to certain powers over animals and animal products. Exempts retail food establishments from its coverage.

Sec. 3. Amends AS 03.05.011(b) which relates to certain powers over animals and animal products. Exempts retail food establishments from its coverage.

Sec. 4. Amends AS 03.05.011(e) to change the commissioner and department responsible for AS 03.05.011 to the commissioner of agriculture and food and the Department of Agriculture and Food (DOAF).

Sec. 5. Adds the new section AS 03.05.012, which provides powers over fish and fisheries products. Establishes the commissioner of environmental conservation and the Department of Environmental Conservation (DEC) as the responsible commissioner and department for this section.

Sec. 6. Amends AS 03.05.013 to change DOAF (based on the new definition in bill sec. 18) the commissioner and department are responsible for appointing or employing the state veterinarian for animal products over which DOAF has jurisdiction.

Sec. 7. Amends AS 03.05.027(a) to change DOAF (based on the definition in bill sec.18) the commissioner responsible for employing or appointing the state coordinator for noxious weed, invasive plant, and agricultural pest management.

Sec. 8. Amends AS 03.05.040(b) gives the power of inspection to the Commissioner of Agriculture and Food to inspect agricultural products and animals, with exceptions for retail food establishments and fish or fisheries products to DEC.

Sec. 9. Amends AS 03.05.050(b). Establishes which commissioners are responsible for carrying out this section dealing with animals, animal products, and agricultural products that violate regulations and are public nuisances. Changes to DOAF the commissioner for agricultural products and animals, except fish and fisheries products. Changes the responsibility of the commissioner of DEC to retail food establishments, fish or fisheries products, and fish or fisheries products establishments.

Sec. 10. Amends AS 03.05.075(a) relating to elk farming, licensing and elk farm inspections under the powers of the new DOAF.

Sec. 11. Amends AS 03.05.075(b) relating to elk farming. Changing the responsible commissioner to the Commissioner of the Department of Agriculture and Food. The Commissioner of DOAF shall provide the Department of Fish and Game with copies of elk farming applications and licenses.

Sec. 12. Amends AS 03.05.075(d). Fencing standards for elk shall be established under the Department of Agriculture and Food.

Sec. 13. Amends AS 03.05.075(e) Putting the power to regulate elk farming in the Department of Agriculture and Food.

Sec. 14. Amends AS 03.05.090(a) for criminal penalties for violations of regulations under this chapter made by the Departments of Agriculture and Food and Department of Natural Resources.

Sec. 15. Amends AS 03.05.090(c) Setting forth civil fines for violations of quarantines or embargos made by the Departments of Agriculture and Food and Environmental Conservation.

Sec. 16. Amends AS 03.05.090(d) States that the Department of Agriculture and Food, the Department of Environmental Conservation or a court may impose civil fines authorized by this chapter.

Sec. 17. Amends AS 03.05.090(d). Redefines “animal” to exclude fish or fisheries products.

Sec. 18. Amends AS 03.05.100. Adds new definitions to this chapter, to include “commissioner” and “department” as DOAF for the chapter. Also adds a definition of “retail food establishment” for the chapter.

Sec. 19. Amends AS 03.09.020(a). To direct the Commissioner of Agriculture and Food to appoint an employee of DOAF as the director of the Board of Agriculture and Conservation to oversee the daily operations of the agricultural revolving loan fund (ARLF).

Sec. 20. Amends AS 03.10.050(g). The Commissioner of Agriculture and Food shall set the regulations for disposal of property acquired by the Board of Agriculture and Conservation to ensure that the property is disposed of **as so** to maximize the return to the state.

- Sec. 21.** Amends AS 03.13.050 to make DOAF the department responsible for implementing the chapter relating to federal crop insurance contributions (AS 03.13)
- Sec. 22.** Amends AS 03.20.080 to define as DOAF the “commissioner” and “department” for the article relating to agriculture and industrial fairs (AS 03.30.010 – 03.20.080).
- Sec. 23.** Amends AS 03.20.100(e) to designate the DOAF as the lead department in the farm-to-school program.
- Sec. 24.** Amends AS 03.22.010 to change the DOAF as the department responsible for establishing and maintaining the plant materials center.
- Sec. 25.** Amends AS 03.22.040 to make DOAF one of the agencies that appoints the administrator of the plant materials center.
- Sec. 26.** Adds sec. 03.22.100 to define “department” for AS 03.22, the plant materials center chapter, as DOAF.
- Sec. 27.** Amends AS 03.35.030 to identify the commissioner of DOAF as the commissioner to whom a district judge sends a copy of an order related to the establishment, addition, elimination, or dissolution of a controlled livestock district.
- Sec. 28.** Amends AS 03.40.030(a) to identify the commissioner of DOAF as the commissioner to whom a person applies for a brand mark.
- Sec. 29.** Amends AS 03.40.270 to define “commissioner” in 03.40 as the Commissioner of the Department of Agriculture and Food.
- Sec. 30.** Amends AS 03.47.020 to make DOAF responsible for determining whether apiary inspectors are qualified.
- Sec. 31- 35** makes DOAF the responsible department for bees and beekeeping.
- Sec. 36.** Amends AS 03.55.190 to put the care of animals under the DOAF.
- Sec. 37.** Adds sec. 03.58.090 to put organic food and agricultural products under the purview of the Department of Agriculture and Food.
- Sec. 38.** Amends AS 14.07.020(a) Setting out the role of the Department of Agriculture and Food in assisting in the development and implementation in the farm-to-school program.
- Sec. 39.** Repeals and reenacts AS 17.20.005 to give to the commissioner of DOAF the powers to regulate food except for fish and fisheries products.
- Sec. 40.** Adds sec. AS 17.20.007 Setting forth the duties of the Commissioner of the Department of Environmental Conservation to regulate fish and fisheries products (including seafood raising and processing) and to inspect retail food establishments.

Sec. 41. Amends AS 17.20.010 to direct DOAF to adopt regulations relating to definitions and standards for agricultural food and to establish a mobile canned agricultural food inspection service.

Sec. 42. Adds a new subsection to AS 17.20.010, keeping the power to regulate fish and fish products under the Department of Environmental Conservation and to establish a mobil canned nonagricultural food inspection service.

Sec. 43 & 44. Put the duty to regulate hormone labeling in milk under the Department of Agriculture and Food.

Sec. 45. Amends AS 17.20.030 to make changes to conform the section to the new division of responsibilities between the departments.

Sec. 46. Amends AS 17.20.040(a) to make changes to conform the subsection to the new division of responsibilities between the departments. Also, makes stylistic and clarifying changes.

Sec. 47 & 48. Amends 17.20.044(b) and (C) Separating the responsibilities for the sales and labeling of frozen meat, fish, and poultry between the Department of Agriculture Food and the Department of Environmental Conservation.

Sec. 49. Amends AS 17.20.049(b) to reference the moving of the main part of this definition of “retail food establishment” to the general definition of “retail food establishment” for As 17.20 (in AS 17.20.370).

Sec. 50. Amends AS 17.20.050 makes changes to conforming the responsibility for emergency permit controls between the Department of Agriculture and Food and the Department of Environmental Conservation.

Sec. 51. Amends AS 17.20.060 to make changes to conform the section to the new division of responsibilities between the departments.

Sec. 52 - 56. Amends AS 17.20.065-.072 to make changes to conform the section to the new division of responsibilities between the departments.

Sec. 57. Amends AS 17.20.180 to allow the Department of Agriculture and Food to adopt regulations for efficient enforcement of its respective portions of this chapter.

Sec. 58. Amends AS 17.20.200(a) to limit the food covered in this subsection to fish and fisheries products over which DEC has responsibility.

Sec. 59. Amends AS 17.20.200 to add an inspection equivalent to subsection (a) to cover DOAF’s access and inspection authority.

Sec. 60. Amends AS 17.20.220(a), which relates to making reports about court actions, to add DOAF as a department that may issue reports.

Sec. 61. Amends AS 17.20.220(b), which relates to dissemination of information, to limit the food-related subjects to fish, fisheries products, and retail establishments to over which DEC has jurisdiction.

Sec. 62. Amends AS 17.20.220 to add information dissemination equivalent to subsection (a) to cover DOAF's information dissemination authority.

Sec. 63. Amends AS 17.20.230(a), which relates to the Department of Environmental Conservation's power to detain or embargo fish or fish products that are dangerous or fraudulent.

Sec. 64. Amends AS 17.20.230 to give the Department of Agriculture and Food the power to detain or embargo agricultural food that is adulterated or misbranded in a manner that is dangerous or fraudulent.

Sec. 65. Amends AS 17.20.240 Adding the Department of Agriculture and Food to the departments that can petition for condemnation of a food.

Sec. 66. Amends AS 17.20.240 to allow the Department of Agriculture and Food to destroy adulterated or misbranded goods under its purview.

Sec. 67. Amends AS 17.20.260 gives the Department of Agriculture the oversight of relabeling of misbranded food items under the department's purview.

Sec. 68. Amends AS 17.20.260 to gives the Department of Agricultural and Food the oversight of destruction of contaminated food items under the department's purview.

Sec. 69. Amends AS 17.20.290(b) Giving the Department of Agriculture and Food the ability to apply to the superior court for injunctions against person's violating provisions of this chapter.

Sec. 70. Amends AS 17.20.290(b) , which relates to enforcement action taken on prohibited acts by DEC, to limit the food-related acts to fish, fisheries products, and retail food establishments.

Sec. 71. Amends AS 17.20.290 to add an enforcement action equivalent to subsection (b) to cover DOAF's enforcement action authority.

Sec. 72. Amends AS 17.20.315(c) gives the Department of Agriculture and Food the power to impose civil fines for serious violations of this chapter.

Sec. 73. Amends AS 17.20.350, to state that nothing in this chapter requires the Department of Agriculture and Food to report minor violations.

Sec. 74. Amends AS 17.20.360 to make a change to conform the section to the new division of responsibilities between the departments.

Sec. 75. Amends AS 17.20.370 to add definitions to AS 17.20 for "agricultural food" and "retail food establishments".

Sec. 76. Amends AS 18.65.340(f) to make a conforming change.

Sec. 77. Amends AS 37.05.146(c)(55) to include DOAF food inspection receipts in a specific category of program receipts and to reflect the change in the division of responsibilities under AS 17.20.

Sec. 78. Amends AS 38.07.030(a), which relates to the clearing and draining of agricultural land, to change the responsibility to DOAF.

Sec. 79. Amends AS 44.17.005 to list the new DOAF as a principal department of the state.

Sec. 80. Amends AS 44.27.020(a) to remove agriculture and soil conservation from DNR's responsibility.

Sec. 81. Amends AS 44.46.020(a), which relates to DEC's duties, to limit the application of certain provisions because DOAF will be performing some activities in the same general categories.

Sec. 82. Amends AS 44.46.025(a), which relates to DEC's powers, to limit the application of certain provisions to reflect DEC's new food and animal related responsibilities under AS 03.05 and AS 17.20.

Sec. 83. Adds a new chapter to establish the new DOAF department.

Section 44.48.010. Establishes the commissioner of DOAF as the principal executive officer of DOAF.

Sec. 44.48.020. Establishes the duties of the DOAF.

Sec. 44.48.030. Authorizes DOAF to establish reasonable fees for its services relating to DOAF's responsibilities under AS 03 and AS 17.20. Prohibits DOAF from charging a fee for a service provided by a municipality under a delegation of authority from the municipality. Prohibits DOAF from charging a fee for a service provided under AS 03.05 to a school.

Sec. 44.48.090. Defines a term for the new chapter.

Sec. 84. Amends AS 44.62.330(a)(16) to add DOAF to the agencies enforcing AS 17.20 and that are subject to the general administrative adjudication provisions of AS 44.62.330 - 44.62.630 (part of the state's Administrative Procedure Act).

Sec. 85. Amends AS 44.62.330(a)(34) to change to DOAF the agency identified as subject to the general administrative adjudication provisions of AS 44.62.330 - 44.52.630 (part of the state's Administrative Procedure Act) concerning the Alaska grain reserve program under former AS 03.12.

Sec. 86. Repeals certain laws.

Sec. 87 Authorizes the DOAF, DEC, and DNR to begin adopting, amending, and repealing regulations as necessary to implement this Act.

Sec. 88. Makes bill sec. 87 effective immediately

Sec. 89. Makes the bill effective July 1, 2014, except as provided in bill sec. 88.