

ALASKA STATE LEGISLATURE

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REPRESENTATIVE STEVE THOMPSON DISTRICT 10

MEMORANDUM

To: House Resource Committee Members

From: Representative Steve Thompson

Date: April 6, 2012

Re: House Resource Committee Members' Questions & the Answers regarding HB 191-DOAF Hearing on 3/26/12

1. **Will DOAF issue licenses for elk farming?** Elk farming licenses would now be issued through DOAF, see page 5, lines 8-15. The DOAF Commissioner responsible for inspection of facilities; fencing standards. All provisions for elk farming will fall under DOAF.
2. **When DOAF provides elk licenses is there consultation with the Department of Fish & Game?**
There is agency cooperation between DOAF and DF&G in regard to elk farming. F&G reviews the standards proposed by DOAF (i.e. fencing and escapement standards). DOAF provides a copy to DF&G of each application for elk farming license received and issued.
3. **Where is the Board on Invasive Species located? How would it interface with DOAF? Currently aquatic invasive species are handled by DF&G. Why not put it under DOAF?**

(Response from DNR Legislative liaison, Esther Tempel via email- included and attached)

In response to the question during the HB 191 hearing as to which department would have oversight of invasive species, I offer the following. Currently, DF&G has oversight over invasive species such as Atlantic Salmon, D. Vex, Northern Pike, etc. (<http://www.adfg.alaska.gov/index.cfm?adfg=invasive.main>). However, DNR does have an invasive plants coordinator housed in the Plant Materials Center. DNR's role focuses on plants such as spotted knapweed or Canada thistle that may impact agriculture (<http://plants.alaska.gov/invasives/index.php>). DF&G and DNR's roles do somewhat cross over in regards to elodea, as it is an aquatic plant.

I am not sure about DF&G, but the noxious weed, invasive plant, and agricultural pest manager is created in AS 03.05.027 and in the text, it says the commissioner of natural resources shall employ this person.

It looks like in Sec. 7 of your bill (Version A), you repealed AS 03.05.027 and changed it so that the commissioner of Agriculture oversees invasive plants. I don't think you have amended F&G's statutes, but I would imagine it would be best to keep their invasive species coordinator there in fish & game as really only invasive plants would directly affect Agriculture.

(Response from Alaska Farm Bureau): Currently the plant and insect invasive species is housed in Division of Ag. I don't believe there is an all invasive species board yet, although it is being discussed. Fish and Game should retain other invasive species. The aquatic invasive species we have been discussing for the last several years are marine species except for Spartina. My suggestion would simply be to put all plants and insects in DOAF and keep aquatics in Fish and Game.

4. **List of statutes that are being repealed and what they include:**

All of Title 3 will now fall under DOAF. All highlighted areas have been changed to Department of Agriculture.

Title 3. Agriculture, Animals, and Food

Chapter 05. Powers and Duties of Commissioners of Natural Resources and Environmental Conservation.

AS 03.05.011(e). **Powers of commissioner of environmental conservation-** (e) In this section, (1) "commissioner" means the commissioner of environmental conservation; (2) "department" means the **Department of Environmental Conservation**.

AS 03.05.040(b)- **Inspection-** (b) In this section, "commissioner" means commissioner of **natural resources** with respect to those products over which the commissioner of natural resources has jurisdiction under this title, and the commissioner of environmental conservation with respect to those products over which the commissioner of environmental conservation has jurisdiction under this title.

AS 03.05.050(b)- **Products in violation of regulations.** (b) In this section, "commissioner" means **commissioner of natural resources** with respect to those products over which the commissioner of natural resources has jurisdiction under this title, and the commissioner of environmental conservation with respect to those

products over which the commissioner of environmental conservation has jurisdiction under this title.

Chapter 47. Bees and Beekeeping Equipment.

AS 03.47.040(2)- Sec. 47. Bees and Beekeeping Equipment. **Definitions.** (2) "division" means the **division of agriculture, Department of Natural Resources**;

Chapter 55. Care of Animals; Control of Dogs.

AS 03.55.190(3)-**Definitions.** (3) "department" means the **Department of Environmental Conservation.**

Title 17. Food and Drugs. Chapter 20. Alaska Food, Drug, Cosmetic Act. Article 2. Food and Aquatic Farm Products.

AS 17.20.075- (1) "commissioner" means the **commissioner of environmental conservation**; (2) "department" means the **Department of Environmental Conservation.**

Title 44. State Government. Chapter 37. Department of Natural Resources.

AS 44.37.030- The **Department of Natural Resources** shall

- (1) get and distribute information on subjects connected with agriculture;
- (2) control and regulate the entry and transportation of seeds, plants, and other horticultural products;
- (3) control and eradicate the spread of pests injurious to plants, trees, vegetables, livestock, poultry;
- (4) aid in developing used and unused agricultural resources; and
- (5) experiment and determine practical methods of growing, processing, soil analysis, eradication of obnoxious weeds, control of insects, and cheaper and more satisfactory methods of land clearing.

AS 44.62.330(a)(34) (a) The procedure of the state boards, commissions, and officers listed in this subsection or of their successors by reorganization under the constitution shall be conducted under AS 44.62.330 - 44.62.630.

(34) **Department of Natural Resources** concerning the Alaska grain reserve program under former AS 03.12; conducted under AS 44.62.330 - 44.62.630 is limited to named functions of the agency.

5. **Sec. 35-36 Check for responsibilities between DOAF and DEC.**

KRISTIN RYAN, DEC-report attached

6. **Does Section 51 of the bill add new authority to DOAF and then take it away from either DNR or DEC ?**

The new subsection, AS 17.20.230 (c), adds the authority for DOAF to have this same duty of enforcement with respect to an agricultural food product

Title 17. Alaska Food, Drug, and Cosmetic Act. Article 6. Enforcement. Detention or embargo of foods.

AS 17.20.230 (b) The Commissioners of Health & Social Services and Environmental Conservation retain their same duties.

Currently, the Commissioner of DEC has the authority over a food or cosmetic. **The amended version of (a) limits that Commissioner's authority to a nonagricultural food product or cosmetic. The Commissioner of DOAF will have the authority over agricultural foods or products.**

AS 17.20.230. Detention or Embargo of Goods.

(a) Whenever the commissioner of environmental conservation finds or has probable cause to believe that a food or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent within the meaning of this chapter, the commissioner shall affix to it a tag or other appropriate marking, giving notice that it is or is suspected of being adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of it by sale or otherwise until permission for removal or disposal is given by the commissioner or the court. A person may not remove or dispose of a detained or embargoed article by sale or otherwise without this permission.

(b) The commissioner of health and social services has the same duty with respect to drugs and devices as the **commissioner of environmental conservation** has with respect to food and cosmetics under (a) of this section.

AS 17.20.230 (Adding a new subsection)

(c) Whenever the commissioner of agriculture and food finds or has probable cause to believe that an agricultural food product is adulterated, or so misbranded as to be dangerous or fraudulent within the meaning of this chapter, the commissioner shall affix to it a tag or other appropriate marking, giving notice that it is or is suspected of being adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of it by sale or otherwise until permission for removal or disposal is given by the commissioner or the court. A person may not remove or dispose of a detained or embargoed article by sale or otherwise without this permission.

7. **Soil & water Conservation Districts**

The Soil & Water Conservation Districts will stay under the Commissioner of DNR.

8. **Sec. 42 DEC responsibility over fish?**

Fish will be left with DEC and DF&G.

9. **Summary of fiscal notes for the committee.** Hard copies of Fiscal Notes have been numbered to coordinate with the following table:

	ALLOCATION	DEPARTMENT RESPONSIBILITY	DNR (In thousands)	DOAF (In thousands)
1.	Agricultural Revolving Loan Program	DNR (Div. of Ag) to DOAF	(2,526.1) 1a.	2,526.1/yr FYI 15-18 1b.
2.	Facilities (Lease costs)	DNR (Div. of Ag) to DOAF	(54.0) 2.	
3.	North Latitude Plant Material Center-	DNR (Div. of Ag) to DOAF	(2,686.2) 3a.	2,686.2/yr FY 15-18 3b.
4.	Interdepartmental Chargebacks Human Resources and IT	DNR (Div. of Ag) to DOAF	(52.8) 4.	
5.	Administrative Services Salaries for support staff (13 positions) OMB	DNR (Div. of Ag) to DOAF		1,366.7/yr * FY 15-18 5.
6.	Office of the Commissioner (5 positions) OMB	DEC & DNR to DOAF		775.0 /yr * FY 15-18 6.
7.	Agricultural Development	DNR (Div. of Ag) to DOAF	(2,511.0) FY15 7a.	2,511.0/yr FY15-FY18 7b.
8.	Laboratory Services Food Safety	DEC to DOAF	Indeterminate 8a.	Indeterminate 8b.
9.	Administration & Support OMB	DNR (Div. of Ag) to DOAF		106.8 9.
			(7830.1)	9971.8

*Representative Thompson does not believe that there would need to be such a large staff in Administrative Services or in the Commissioner's Office in the DOAF.