

SENATE BILL NO. 132

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 4/1/99

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act transferring some of the functions of the Department of Environmental
2 Conservation to the Department of Natural Resources; and providing for an
3 effective date."

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

5 * **Section 1.** AS 03.05.011 is amended to read:

6 **Sec. 03.05.011. Powers and duties of commissioner of natural resources**
7 **[ENVIRONMENTAL CONSERVATION].** (a) To carry out the requirements of
8 this title, the commissioner of **natural resources** [ENVIRONMENTAL
9 CONSERVATION] may issue orders, regulations, permits, quarantines, and embargoes
10 relating to

11 (1) examination and inspection of premises containing products,
12 articles, and commodities carrying pests;

13 (2) establishment of quarantines for eradication of pests and diseases
14 in livestock;

1 (3) tests and analyses that may be made and hearings that may be held
2 to determine whether the commissioner will issue a stop order or quarantine;

3 (4) cooperation with federal and other state agencies;

4 (5) regulation of fur farming; for purposes of this paragraph, "fur
5 farming" means the raising of and caring for animals for the purpose of marketing
6 their fur, or the animals themselves for breeding stock.

7 (b) The commissioner [OF ENVIRONMENTAL CONSERVATION] shall
8 regulate the farming of elk in a manner similar to the manner in which the
9 commissioner regulates domestic animals and livestock, to the extent that is
10 appropriate.

11 * **Sec. 2.** AS 03.45.050 is amended to read:

12 **Sec. 03.45.050. Inspection, quarantine, or destruction of livestock.**

13 Domestic animals and poultry in the state are subject to inspection and test for all
14 diseases [,] and to quarantine, slaughter, or destruction when found to be infected with
15 or suffering from any contagious disease by an inspector of the Animal Disease
16 Eradication Branch, United States Department of Agriculture, or by a qualified
17 inspector authorized by the commissioner [OF ENVIRONMENTAL
18 CONSERVATION] to make inspections and tests of animals. Inspections and tests
19 of animals kept for dairy purposes by dairies that offer their products to the public in
20 the state [,] and inspection and tests of animals kept for private dairy purposes **if** [,
21 PROVIDED] they are readily accessible [,] shall be made at least once every year, if
22 possible, and all animals not readily accessible for inspection shall be inspected before
23 they are brought into a community where other animals used for dairy purposes are
24 kept. The commissioner may make arrangements with the Animal Disease Eradication
25 Branch, United States Department of Agriculture, for these inspections and tests. In
26 the event that arrangements cannot be made with the Animal Disease Eradication
27 Branch, the commissioner may employ inspectors. Inspections shall be carried on in
28 cooperation with the Animal Disease Eradication Branch and in accordance with its
29 regulations.

30 * **Sec. 3.** AS 03.45.060(c) is amended to read:

31 (c) If the inspector determines that the animal should be slaughtered or

1 destroyed, the inspector may condemn and have the animal slaughtered or destroyed
 2 in the manner the inspector determines. Reimbursement may be allowed for the
 3 slaughter or destruction of dairy cattle only. In such case, the inspector and the owner
 4 shall appraise the dairy cattle at a fair valuation without regard to the disease. Where
 5 they cannot agree as to the value of the animal, the owner and inspector may select
 6 a disinterested third party to aid in the appraisal. Where they cannot agree on the
 7 selection of a third party, a peace officer in the judicial district where the inspection
 8 is made may designate a third disinterested party to act with the inspector and owner
 9 to determine the value of the animal. The amount realized from the sale of the carcass
 10 of the slaughtered animal shall be paid to the owner of the animal, and the inspector
 11 shall certify to the commissioner [OF ENVIRONMENTAL CONSERVATION] the
 12 name and address of the owner, the date the animal was condemned, the appraised
 13 value of the animal, together with the net sum realized from the salvage **of the animal**
 14 [THEREOF,] or **that** [WHICH] could have been realized.

15 * **Sec. 4.** AS 03.45.070 is amended to read:

16 **Sec. 03.45.070. Compensation to owners of dairy cattle destroyed; records**
 17 **to be kept.** The commissioner [OF ENVIRONMENTAL CONSERVATION] may
 18 enter into cooperative agreements with the United States Department of Agriculture for
 19 controlling diseases among dairy cattle and may match federal indemnity payments for
 20 livestock slaughtered thereunder [,] from any funds available. The commissioner shall
 21 keep a record of all payments made, with a copy of the inspector's certification of
 22 appraised value and salvage value.

23 * **Sec. 5.** AS 03.45.080 is amended to read:

24 **Sec. 03.45.080. Record and payment of value of destroyed dairy cattle.**
 25 The Department of Administration shall keep a record of the appraised value of all
 26 dairy cattle slaughtered or destroyed and of the salvage value **of the dairy cattle**
 27 [THEREOF], stating the date when the animal was slaughtered or destroyed and the
 28 name of the inspector who ordered the animal slaughtered or destroyed. The
 29 Department of Administration, with the approval of the **department** [DEPARTMENT
 30 OF ENVIRONMENTAL CONSERVATION], shall pay the owner of the animal
 31 slaughtered or destroyed two-thirds of the difference between the appraised value and

1 the salvage value of the animal slaughtered or destroyed. The appraised valuation of
 2 each slaughtered animal may not exceed \$175 in the first judicial district and not more
 3 than \$200 in the second and third judicial districts and not more than \$250 in the
 4 fourth judicial district. Payment may not be made if at the time of inspection, test, or
 5 destruction, the animal was upon the premises of any person to which it had been sold,
 6 shipped, or delivered for the purpose of being slaughtered. Payment may not be made
 7 unless the owner has complied with all lawful quarantine regulations.

8 * **Sec. 6.** AS 03.53.010(b) is amended to read:

9 (b) The following persons are authorized to enforce the provisions of this
 10 section:

11 (1) the commissioner [OF ENVIRONMENTAL CONSERVATION];

12 (2) a state employee authorized by the commissioner [OF
 13 ENVIRONMENTAL CONSERVATION].

14 * **Sec. 7.** AS 16.40.050(d) is amended to read:

15 (d) Elk imported, exported, or possessed for the purpose of elk farming are
 16 subject to the provisions of AS 03 and regulations adopted under AS 03 by the
 17 commissioner of natural resources [OR THE COMMISSIONER OF
 18 ENVIRONMENTAL CONSERVATION] for domestic animals and livestock [,] to the
 19 extent they are made applicable to elk by the commissioner of natural resources
 20 [COMMISSIONERS].

21 * **Sec. 8.** AS 44.37 is amended by adding a new section to read:

22 **Sec. 44.37.032. Fees for certain services.** The Department of Natural
 23 Resources may adopt regulations that prescribe reasonable fees, and establish
 24 procedures for the collection of the fees, to cover the applicable direct costs, not
 25 including travel, of inspections, permit preparation and administration, plan review and
 26 approval, and other services provided by the department relating to agriculture and
 27 animals under AS 03.05.

28 * **Sec. 9.** AS 44.46.025(a) is amended to read:

29 (a) The Department of Environmental Conservation may adopt regulations that
 30 prescribe reasonable fees, and establish procedures for the collection of the fees, to
 31 cover the applicable direct costs, not including travel, of inspections, permit

1 preparation and administration, plan review and approval, and other services provided
2 by the department relating to

3 (1) [AGRICULTURE AND ANIMALS UNDER AS 03.05;] food,
4 drugs, and cosmetics under AS 17.20; and public accommodations and facilities under
5 AS 18.35;

6 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
7 46.14.510;

8 (3) sewerage system and treatment works and wastewater disposal
9 systems, and drinking water systems, under AS 46.03.720;

10 (4) [REPEALED

11 (5) REPEALED

12 (6)] water and wastewater operator training under AS 46.30;

13 (5) [(7)] control of solid waste facilities under AS 46.03.020(10) and
14 46.03.100;

15 (6) [(8)] certification of laboratories conducting environmental analyses
16 of public drinking water systems or of oil or hazardous substances [,] or conducting
17 other analyses required by the department;

18 (7) [(9)] certification of federal permits or authorizations under 33
19 U.S.C. 1341 (sec. 401, Clean Water Act).

20 * **Sec. 10.** AS 44.46.025(d) is amended to read:

21 (d) Notwithstanding (a) of this section, the department may not charge a fee
22 for inspection, permit preparation and administration, plan review and approval, or
23 other services provided by the department under [AS 03.05 OR] AS 44.46.020(5) to
24 a school. In this subsection, "school" means a public school or private school for
25 children of school age, as defined in AS 14.03.070, or a head start center that receives
26 federal financial assistance under 42 U.S.C. 9835.

27 * **Sec. 11.** AS 03.05.020(b), 03.05.040(b), 03.05.050(b), 03.05.060(b), 03.05.080(b);
28 AS 03.25.250; and AS 03.58.070(1) are repealed.

29 * **Sec. 12.** TRANSITION. (a) All litigation, hearings, investigations, and other
30 proceedings pending under a law amended or repealed by this Act, or in connection with
31 functions transferred by this Act, continue in effect and may be continued and completed

1 notwithstanding an amendment or a repeal provided for in this Act.

2 (b) Certificates and orders issued under authority of a law amended or repealed by this
3 Act remain in effect for the term issued, or until revoked, vacated, or otherwise modified
4 under the provisions of this Act.

5 (c) Regulations in effect on June 30, 1999, that were adopted to implement a function
6 that is transferred by this Act remain in effect and shall be enforced by the agency to which
7 the function is transferred under this Act until amended by the agency to which the function
8 is transferred.

9 (d) Wherever in Alaska Statutes affected by this Act there is a reference to regulations
10 adopted under a section of law and there are no regulations adopted under that section because
11 previous regulations adopted under another section are being enforced under (c) of this
12 section, the reference shall be construed to refer to the previously adopted regulations until
13 they are amended by the new agency.

14 (e) All contracts, rights, liabilities, and obligations created by or under a law amended
15 or repealed by this Act, and in effect on July 1, 1999, remain in effect notwithstanding this
16 Act's taking effect.

17 (f) Records, equipment, appropriations, and other property of agencies of the state
18 whose functions are transferred under this Act shall be transferred commensurate with the
19 provisions of this Act.

20 * **Sec. 13.** This Act takes effect July 1, 1999.