

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

February 6, 2006

01:05 p.m.

**MEMBERS PRESENT**

Representative Jay Ramras, Co-Chair  
Representative Ralph Samuels, Co-Chair  
Representative Jim Elkins  
Representative Carl Gatto  
Representative Gabrielle LeDoux  
Representative Kurt Olson  
Representative Harry Crawford

**MEMBERS ABSENT**

Representative Paul Seaton  
Representative Mary Kapsner

**COMMITTEE CALENDAR**

HOUSE BILL NO. 360

"An Act relating to the regulation of public accommodation water supply systems."

- MOVED HB 360 OUT OF COMMITTEE

HOUSE BILL NO. 380

"An Act relating to the powers and duties of the commissioner of environmental conservation; relating to animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; and providing for an effective date."

- MOVED CSHB 380(RES) OUT OF COMMITTEE

HOUSE BILL NO. 395

"An Act extending the period of the fire season."

- MOVED HB 395 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 360

SHORT TITLE: REGULATION OF PUBLIC DRINKING WATER

SPONSOR(S): REPRESENTATIVE(S) MEYER

01/13/06 (H) READ THE FIRST TIME - REFERRALS  
01/13/06 (H) RES, FIN  
02/06/06 (H) RES AT 1:00 PM CAPITOL 124

BILL: HB 380

SHORT TITLE: ANIMALS & ANIMAL OR AGRICULTURAL PRODUCTS

SPONSOR(S): REPRESENTATIVE(S) MEYER

01/18/06 (H) READ THE FIRST TIME - REFERRALS  
01/18/06 (H) RES, FIN  
02/06/06 (H) RES AT 1:00 PM CAPITOL 124

BILL: HB 395

SHORT TITLE: FIRE SEASON START DATE

SPONSOR(S): REPRESENTATIVE(S) OLSON

01/25/06 (H) READ THE FIRST TIME - REFERRALS  
01/25/06 (H) RES, FIN  
02/06/06 (H) RES AT 1:00 PM CAPITOL 124

**WITNESS REGISTER**

REPRESENTATIVE KEVIN MEYER

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of HB 360 and HB 380.

JERRI VAN SANDT

Division of Public Health

Department of Health and Social Services

POSITION STATEMENT: Testified in support of HB 360.

KRISTIN RYAN, Director

Division of Environmental Health

Department of Environmental Conservation (DEC)

Juneau, Alaska

POSITION STATEMENT: Provided clarity on HB 360.

DENNIS WHEELER

Advisory Section Manager

Regulatory Commission of Alaska (RCA)

Anchorage, Alaska

POSITION STATEMENT: Testified that RCA has no jurisdiction over facilities covered in HB 360.

MIKE PAWLOWSKI, Staff  
to Representative Kevin Meyer  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding HB 380.

DR. BOB GERLACH, State Veterinarian  
Division of Environmental Health  
Department of Environmental Conservation (DEC)  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 380.

LOUISA CASTRODALE, Epidemiologist  
Division of Public Health  
Department of Health and Social Services  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 380.

LARRY DEVILBISS, Director  
Division of Agriculture  
Department of Natural Resources  
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 380.

KONRAD JACKSON, Staff  
to Representative Kurt Olson  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Presented HB 395 on behalf of Representative Kurt Olson, sponsor.

GARY POWELL, State Fire Marshal  
Division of Fire Prevention  
Department of Public Safety  
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 395.

LYNN WILCOCK, Chief,  
Fire and Aviation  
Division of Forestry  
Department of Natural Resources  
Fort Wainwright, Alaska

POSITION STATEMENT: Testified in support of HB 395.

CRAIG GOODRICH, Fire Chief  
Municipality of Anchorage  
Anchorage, Alaska  
POSITION STATEMENT: Testified in support of HB 395.

MICHAEL DAVIDSON  
Alaska Professional Fire Fighters Association  
Girdwood, Alaska  
POSITION STATEMENT: Testified in support of HB 395.

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#### **ACTION NARRATIVE**

**CO-CHAIR JAY RAMRAS** called the House Resources Standing Committee meeting to order at 1:05 p.m. Representatives Ramras, Samuels, Gatto, Elkins, Olson and LeDoux were present at the call to order. Representative Crawford arrived while the meeting was in progress.

#### HB 360-REGULATION OF PUBLIC DRINKING WATER

CO-CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 360, "An Act relating to the regulation of public accommodation water supply systems."

REPRESENTATIVE KEVIN MEYER, Alaska State Legislature, sponsor of HB 360, said there is a lack of monitoring and regulating public drinking water systems that serve 25 people or less. He said publicly used wells are monitored if they serve more than 25 people. He gave examples of trailer parks, daycare facilities and assisted living homes, which often have fewer than 25 people. He said it is a public health concern.

[1:08:32 PM](#)

REPRESENTATIVE LEDOUX asked how the bill will impact villages.

REPRESENTATIVE GATTO asked if a fourplex is a public facility.

REPRESENTATIVE MEYER said the definition of public is in statute. A fourplex would be considered private, but a private residency used as a bed and breakfast would be considered public.

REPRESENTATIVE LEDOUX asked if a duplex would apply.

REPRESENTATIVE MEYER said a rental property does not apply, unless it serves more than 25 people. The definition of public accommodation is pretty broad, he noted.

CO-CHAIR SAMUELS read the statutory definition of public accommodation.

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REPRESENTATIVE MEYER said there are many wells in Anchorage.

JERRI VAN SANDT, Division of Public Health, Department of Health and Social Services, said she is speaking for the director of the Division of Public Health. She said the division supports HB 360 because it provides clear authority to protect the public by reviewing water supplies for small facilities. She said that those involved with certification licensing don't want to be in the water inspection business; it is outside of their scope and expertise. The bill will clarify that the Department of Environmental Conservation has the authority to inspect water systems, and problems can then be communicated to the Division of Public Health and dealt with through licensing.

KRISTIN RYAN, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), said that the regulation of public water systems falls within the Division of Environmental Health, and it is limited to systems serving more than 25 people. The systems falling through the cracks are the facilities with 25 people or less that provide services to the public, she said. She noted that there is often an assumption that water is safe to drink at places like day care centers and gas stations, for example. She said there are problems in restaurants because the division can regulate many of them for food but not for water. She stated that the regulations would not include residential units such as homes, apartments or duplexes. The intent is to get to facilities that provide services to the public. She said it has been "buyer beware" for renters or homeowners.

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REPRESENTATIVE LEDOUX asked about the cost to private industry.

MS. RYAN said she estimates that there are about 3,000 facilities in Alaska that will be affected by the legislation, which requires an annual test of nitrate and coliform. The tests cost about \$30 each, she said. If the drinking water

source is surface water, the division would require the system to be designed by an engineer with those associated costs.

CO-CHAIR SAMUELS surmised that there will be no impact for businesses on the Anchorage Water and Wastewater Utility system.

MS. RYAN said those water systems are regulated by an elaborate federal system.

CO-CHAIR SAMUELS asked if there have been any problems that created an impetus for the legislation.

MS. RYAN said there have been outbreaks from waterborne diseases around the globe. It is the number-one reason that children die in the world. She said there are no instances in Alaska that she is familiar with, but she said people have died of E. coli from private wells in other states.

CO-CHAIR SAMUELS asked about noncompliance.

MS. RYAN said the samples would be required and tested at DEC-approved facilities. It would fall to DEC to deal with any noncompliance. For a sample with a health concern, DEC will issue a boil-water notice immediately. If a facility is not sampling, DEC will do incremental enforcement, initially issuing a notice of violation. She noted that the standard practice of DEC is to help people comply.

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CO-CHAIR RAMRAS asked about a fourplex with a daycare.

MS. RYAN said a daycare would be providing a service and would need to comply.

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MS. RYAN said when DEC was created it was required to regulate public water systems. She said then the federal government tightened up its definition of what public water system meant, and it included nearly everything. At that point the state decided to take on its own regulation and funding for the smaller systems, including everything except single-family homes, but the funding was not sufficient. Four years ago reductions were made in the DEC budget, and this area was completely cut. This legislation brings back the funds and restricts regulations to places that serve the public.

[1:26:03 PM](#)

REPRESENTATIVE LEDOUX asked about a village safe water program.

MS. RYAN said that program constructs public water systems for rural Alaska communities, but they serve more than 25 people, so the bill will have no impact on such systems.

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REPRESENTATIVE LEDOUX asked if all the houses in a community with a safe water system use that water.

MS. RYAN said hopefully, but even in Anchorage there are thousands of people on private wells. She said there is a Wendy's Restaurant on a private well in the middle of Anchorage.

CO-CHAIR SAMUELS asked about small one-person businesses that may have no knowledge of the bill passing.

MS. RYAN said the intent is to regulate places that supply water to the public.

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REPRESENTATIVE GATTO asked about testing lead and other heavy metals.

MS. RYAN said DEC will only require tests for total coliform and nitrates; chronic contaminants aren't as much of a concern because the risks are lower. When the water is being tested for the required contaminants, people have the option to pay for testing of additional contaminants, she said. She added, "We really wanted to just capture the bare minimum, immediate health risk."

[1:29:56 PM](#)

DENNIS WHEELER, Regulatory Commission of Alaska (RCA), said the RCA would not be involved in the systems described in HB 360.

[1:31:16 PM](#)

CO-CHAIR SAMUELS moved to report HB 360 out of committee with individual recommendations and the accompanying fiscal notes.

Hearing no objections, HB 360 was reported out of the House Resources Standing Committee.

[1:32:02 PM](#)

HB 380-ANIMALS & ANIMAL OR AGRICULTURAL PRODUCTS

CO-CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 380, "An Act relating to the powers and duties of the commissioner of environmental conservation; relating to animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; and providing for an effective date."

REPRESENTATIVE KEVIN MEYER, Alaska State Legislature, sponsor of HB 380, said the statutory duties and powers of Alaska's state veterinarian have not been changed since 1949. The statute refers to fur farms and other anachronisms and gives no authority to quarantine an animal unless it is considered livestock, which limits options during a potential avian influenza outbreak, for example. Current statute makes it unclear who would be in charge during such an outbreak, he noted. He said various agencies jointly came up with suggestions that are written into HB 380.

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MIKE PAWLOWSKI, Staff to Representative Kevin Meyer, said there is an amendment suggested by the Department of Health and Social Services.

CO-CHAIR SAMUELS moved Amendment 1 as follows (original punctuation provided):

Insert a new section:

\*Sec. \_\_. AS47.05.012(9) is amended to read:

(9) the compendium of animal rabies prevention and control [2002,] published by the United States Centers for Disease Control and Prevention;

Hearing no objection, Amendment 1 was adopted.

REPRESENTATIVE GATTO asked if the state veterinarian has the power to enter private property.

DR. BOB GERLACH, State Veterinarian, Division of Environmental Health, Department of Environmental Conservation, said only with respect to a specific species in statute. He noted an instance of prairie dogs spreading monkey pox in the Midwest, and the state veterinarians did not have the ability to go onto private land, so they quarantined the area.

REPRESENTATIVE GATTO said he is concerned about rapid global movements of animals, and there may be unknown vectors creating an emergency situation. "Would this bill allow you to seize upon a situation that comes before us that seems a crisis, and allow you to act very quickly," gaining access to private property in the interest of public health?

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DR. GERLACH said HB 380 "would allow the state veterinarian to take action and control a disease outbreak that was initiated by a species, a novel species, or any animal."

MR. PAWLOWSKI said to look at Section 3 regarding the ability to inspect premises.

REPRESENTATIVE GATTO said, "I would like to know that somebody in the state doesn't need to have the troopers come with them" in the case of non-cooperating property owners.

DR. GERLACH said the bill would give the power to quarantine an animal to a premise and then decide if extermination is called for.

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DR. GERLACH provided the following testimony (original punctuation provided):

The current rapid pace of disease emergence at the beginning of the 21<sup>st</sup> century has created new challenges for the management and control of animal and public health diseases. The emergence of new diseases has been primarily associated with an increased interaction with animals. It is now recognized that over 70% of the newly identified infectious disease affecting human health and human

economies are zoonotic diseases (animal diseases that infect people). In the past the infectious diseases categorized according to a convenient but artificial system:

diseases of livestock,  
diseases of wildlife,  
diseases of pets,  
diseases of humans.

Infectious diseases are rarely restricted to an individual species and are not contained by any artificial geographic or political boundary.

Diseases can be introduced to a new area through a number of routes. For examples let us look at the recent outbreaks of some highly publicized emerging disease and how they were spread.

- import and export of animals (Monkey Pox- rodents from Africa)
- transportation of animal products (Bovine Spongiform Encephalopathy - Mad Cow Disease- meat and bone meal, animal feeds)
- movement of food products (E. coli O-157- ground meat, Salmonella-meats and vegetables, Listeria-cheese products)
- animal movement/migration (Avian Influenza-waterfowl, Chronic Wasting Disease-white tailed deer)
- insect vectors (West Nile Virus- mosquitoes, Lyme Disease-ticks).

There are also threats to public health from diseases that have been recognized for many years and were thought to be under control. These disease agents have re-emerged recently to cause new problems due to the presence in a new population or group of animals. For example; outbreaks of two zoonotic diseases, tuberculosis and brucellosis, in wildlife and livestock have resulted in Minnesota, Michigan, Montana, California, Arizona, and Utah losing their status as disease free states. Other disease have re-emerged as a threat due to genetic mutations that make the pathogen more resistant to commonly used antibiotics. Antibiotic resistant strains of E. coli O-157, Salmonella and tuberculosis have been identified resulting in increased morbidity and mortality rates and escalating health care cost.

The consequences of all these disease outbreaks has had major impact on both animal health, public health, as well as regional and national economies.

There is no state agency that has the authority to manage animals (domestic, wild or exotic) that may carry diseases that threaten the State's animal resources and public health.

The current authority of the State Veterinarian is limited to livestock, poultry and animals on fur farms.

How has the state managed this problem?

In the February of 2004 a veterinarian reported that several horses had acutely died in Kodiak. The disease investigation was initiated by the State Veterinarian in collaboration with the USDA, UAF and local practitioners. Public Health was notified. No person had the authority to stop all animal movement (pets, livestock, wildlife, animals for exhibition) to prevent the possible spread of a potentially dangerous disease during this investigation. The State Veterinarian had the authority to quarantine livestock and poultry only. All animal movement on and off Kodiak was curtailed through the voluntary cooperation of DOD-US Coast Guard, State Dept of Transportation-Ferry System, private airline carriers with the Office of the State Veterinarian. Five horses and a donkey died in the span of two weeks; fortunately the cause of the equine deaths was not an infectious disease.

In the summer of 2005 a dog kennel owner imported some ducks into Alaska to train hunting dogs. He reported that 200 of 500 of the ducks had died over the course of 2 weeks. These ducks are not considered poultry. There was a high level of concern due to the outbreak of Avian Influenza in Southeast Asia. The disease investigation was coordinated by the State Veterinarian in collaboration with the USDA. The owner agreed to the disease control measures that were instituted during the investigation: quarantine, cancellation of all dog trials scheduled, sampling of the remaining flock of ducks. The condition was treated with an antibiotic and the deaths ceased. The

disease was not the result of Avian Influenza or any other foreign animal disease but caused by a common bacterial disease.

In the past disease investigations have been successfully managed and controlled with the voluntary cooperation of all parties involved. The state cannot depend on this in the future, there needs to be clear statutory authority in situations of an animal disease outbreak.

[1:52:53 PM](#)

CO-CHAIR RAMRAS said he would like to address the lack of veterinarian programs in Alaska's university system.

[1:54:11 PM](#)

REPRESENTATIVE GATTO said the use of imported seed has caused a potato blight in Alaska. He asked about airlines being able to transport exotic pets.

DR. GERLACH said the state needs to be able to control and track animal imports or anything that would be a vector to a disease that may threaten Alaska's resources. The postal service ships live poultry, and it is unregulated, he noted.

[1:57:44 PM](#)

LOUISA CASTRODALE, Epidemiologist, Division of Public Health, Department of Health and Social Services, said the director of the Division of Public Health supports HB 380 and Amendment 1. She explained that Amendment 1 removes the specific year from statute in reference to the compendium of animal rabies prevention and control, so the compendium can be referred to as it comes out each year, "so it's the most up-to-date."

[1:59:27 PM](#)

LARRY DEVILBISS, Director, Division of Agriculture, Department of Natural Resources, spoke to Representative Gatto's question about potato and tomato blight and said the strains have been narrowed down, and the vector was likely imported tomato plants. He said he supports the legislation.

[2:01:18 PM](#)

REPRESENTATIVE GATTO asked about importation of tomatoes.

MR. DEVILBISS said the major importers have been notified that plants must be certified or they will not be able to sell them.

[2:02:23 PM](#)

CO-CHAIR SAMUELS moved to report HB 380 as amended out of committee with individual recommendations and the accompanying fiscal notes. Hearing no objections, CSHB 380(RES) passed out of the House Resources Standing Committee.

HB 395-FIRE SEASON START DATE

[2:03:10 PM](#)

CO-CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 395, "An Act extending the period of the fire season."

KONRAD JACKSON, Staff to Representative Kurt Olson, sponsor of HB 395, said the bill extends Alaska's fire season by one month. Alaska weather is changing, and wildfires have been beginning before May 1 on the southern peninsula, he stated, as well as in the Anchorage bowl. The early-season fires can be devastating, he noted, and a quick and aggressive attack of these fires is important. He spoke of a fire that was close to the town of Homer, and the southern peninsula is just one example. Buildings and infrastructure are at risk, he said.

[2:07:06 PM](#)

REPRESENTATIVE GATTO said the commissioner can already designate extended seasons.

MR. JACKSON said the bill puts it into statute, which encourages the start of training and equipment purchases, but nothing now could prohibit the commissioner from doing so.

[2:08:23 PM](#)

REPRESENTATIVE ELKINS asked if there has been an effort to log beetle-killed forests.

MR. JACKSON said there has, but there are still "a bunch of standing matchsticks."

[2:09:18 PM](#)

CO-CHAIR SAMUELS asked if the commissioner has extended the fire season and why the fiscal note is so large if he has already done so.

MR. JACKSON said money has been used "more on a crisis basis" instead of preparing ahead of time, which may end up costing less.

REPRESENTATIVE OLSON said response time is crucial, and much of the equipment for the peninsula is stored in Palmer. He said the money would allow the state to respond quicker, and it is money well spent.

[2:11:37 PM](#)

REPRESENTATIVE LEDOUX asked if this bill was precipitated by the commissioner not extending the fire season when appropriate.

MR. JACKSON said that when a fire happens the commissioners say "go" without waiting around until a designated fire season.

REPRESENTATIVE LEDOUX said the current statute allows the commissioner to designate a fire season. She asked if the commissioner was asked to do so and did not move quickly enough.

REPRESENTATIVE OLSON said a fire service area in the Kenai Peninsula has requested an extension of the fire season, and "it hasn't happened."

[2:13:15 PM](#)

REPRESENTATIVE GATTO asked if beetle-killed trees are the issue.

MR. JACKSON said that is just one of many concerns.

CO-CHAIR RAMRAS said there have been 11,000 lightning strikes in a single day in the Interior.

REPRESENTATIVE LEDOUX asked if the equipment in the legislation is for the Homer and Kenai areas.

MR. JACKSON said it will be statewide.

[2:14:38 PM](#)

GARY POWELL, State Fire Marshal, Division of Fire Prevention, Department of Public Safety, said the fire season is beginning earlier every year. He noted that spring wildfires are primarily man-caused. Well-trained people and proper equipment need to be in place before the fires begin, he stated, and they are needed for both prevention and suppression. He said prevention includes issuing permits and providing education.

REPRESENTATIVE LEDOUX asked about beetle-killed trees.

[2:16:40 PM](#)

MR. POWELL said there are many efforts in the state, but there are other sources of fuel besides the spruce trees that have been killed by beetles. In the spring, vegetation is still dry, creating fuel as well, he added.

[2:18:00 PM](#)

LYNN WILCOCK, Fire Program Manager, Division of Forestry, Department of Natural Resources (DNR), said wildfires occur earlier now and are more complicated to fight. The problems are exacerbated by fuel conditions and by increased development in places that are prone to fire.

[2:19:46 PM](#)

REPRESENTATIVE GATTO asked about burning beetle-killed trees in the winter.

MR. WILCOCK said the carrier fuel sprouts up in the spring, so the fire could not move from tree to tree during the winter.

[2:21:21 PM](#)

CO-CHAIR RAMRAS asked about the fiscal note and the recent large supplemental funding request by the governor. He said if the money isn't allocated now, he assumes it will show up in the supplemental funding request.

MR. WILCOCK agreed and said he can't predict the upcoming fire seasons, but by being better prepared, large expensive fires might be avoided.

[2:22:51 PM](#)

REPRESENTATIVE CRAWFORD asked about burning each tree with a weed burner instead of logging each tree.

MR. WILCOCK said the magnitude of the problem would make that very expensive, but he said "shearblading" the trees and burning them in a pile can be an effective method. He noted that it is the land manager's responsibility, and a lot of the land is privately owned or owned by municipalities near population centers, where most of the concern is. He said DNR will assist and advise other landowners, but it can only manage state forests. He noted that the economic value of dead trees declines with time.

[2:25:47 PM](#)

MR. WILCOCK said individual landowners need to take some responsibility, and simply clearing around buildings can save a structure.

[2:26:45 PM](#)

REPRESENTATIVE GATTO asked what reduces the economic value of a tree.

MR. WILCOCK said wood for pulp needs to have strong fiber, and decay over time will weaken the fiber.

[2:28:10 PM](#)

CRAIG GOODRICH, Fire Chief, Municipality of Anchorage, said he supports the bill so that seasonal employees can come back on line early enough to be trained. Institutionalizing the longer fire season allows for better planning, he added. He said a campaign fire costs \$1 million a day, so if the funding is spent avoiding fires, it is well spent.

[2:30:56 PM](#)

MICHAEL DAVIDSON, Alaska Professional Fire Fighters Association, said his association favors HB 395. He said it is proactive and may prevent a multimillion-dollar loss. From a labor standpoint, he said, large fires present a greater danger to firefighters.

REPRESENTATIVE GATTO asked if there has been much progress in getting landowners to clear fuel.

MR. GOODRICH said he believes there has been excellent progress with homeowners creating defensible homes with fuel mitigation.

REPRESENTATIVE GATTO asked if fire insurance rates decrease if a homeowner is able to reduce fire dangers.

MR. GOODRICH said he does not know, but it is true in the structural realm.

REPRESENTATIVE OLSON said if a home is within a 10-mile radius of a fire station, it might have an impact.

[2:35:08 PM](#)

REPRESENTATIVE GATTO moved to report HB 395 out of committee with individual recommendations and the accompanying fiscal notes. Hearing no objections, HB 395 was passed out of committee.

#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at [2:36 PM](#).