

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

February 20, 2008

1:04 p.m.

**MEMBERS PRESENT**

Representative Carl Gatto, Co-Chair  
Representative Craig Johnson, Co-Chair  
Representative Anna Fairclough  
Representative Bob Roses  
Representative Paul Seaton  
Representative Peggy Wilson  
Representative Bryce Edgmon  
Representative David Guttenberg  
Representative Scott Kawasaki

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 348

"An Act relating to the adoption of regulations by the Board of Game."

- MOVED CSSSHB 348(RES) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 31

Opposing the enactment of the Protect America's Wildlife Act of 2007 that intends to prohibit aerial hunting of wildlife, which is essential for predator control in Alaska.

- MOVED CSHJR 31(RES) OUT OF COMMITTEE

HOUSE BILL NO. 330

"An Act relating to management of noxious weeds and invasive plants; establishing the Noxious Weed and Invasive Plant Board; and establishing the noxious weed and invasive plant management fund."

- MOVED CSHB 330(RES) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 348

SHORT TITLE: BOARD OF GAME REGULATIONS  
SPONSOR(S): REPRESENTATIVE(S) KELLER

01/31/08	(H)	READ THE FIRST TIME - REFERRALS
01/31/08	(H)	FSH, RES
02/06/08	(H)	SPONSOR SUBSTITUTE INTRODUCED
02/06/08	(H)	READ THE FIRST TIME - REFERRALS
02/06/08	(H)	RES, FIN
02/13/08	(H)	RES AT 1:00 PM BARNES 124
02/13/08	(H)	Heard & Held
02/13/08	(H)	MINUTE(RES)
02/20/08	(H)	RES AT 1:00 PM BARNES 124

BILL: HJR 31

SHORT TITLE: OPPOSE FED LAW RE AERIAL HUNTING  
SPONSOR(S): REPRESENTATIVE(S) KELLER

01/30/08	(H)	READ THE FIRST TIME - REFERRALS
01/30/08	(H)	RES
02/13/08	(H)	RES AT 1:00 PM BARNES 124
02/13/08	(H)	Heard & Held
02/13/08	(H)	MINUTE(RES)
02/20/08	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 330

SHORT TITLE: NOXIOUS WEEDS AND INVASIVE PLANTS  
SPONSOR(S): RESOURCES

01/17/08	(H)	READ THE FIRST TIME - REFERRALS
01/17/08	(H)	RES, FIN
02/11/08	(H)	RES AT 1:00 PM BARNES 124
02/11/08	(H)	Heard & Held
02/11/08	(H)	MINUTE(RES)
02/20/08	(H)	RES AT 1:00 PM BARNES 124

**WITNESS REGISTER**

REPRESENTATIVE WES KELLER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As sponsor of SSHB 348, answered questions and supported the proposed committee substitute.

JIM POUND, Staff  
to Representative Wes Keller  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding the proposed committee substitute for SSHB 348.

TIM BARRY, Legislative Liaison  
Public Communications Director  
Alaska Department of Fish & Game  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding the proposed committee substitute for SSHB 348.

REPRESENTATIVE WES KELLER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As sponsor of HJR 31, answered questions and supported the proposed committee substitute.

JEANNE OSTNES, Staff  
to Representative Craig Johnson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** On behalf of the House Resources Standing Committee, sponsor of HB 330, presented information and answered questions regarding the proposed committee substitute.

BRYCE WRIGLEY, President  
Alaska Farm Bureau  
Delta Junction, Alaska

**POSITION STATEMENT:** Stated he is comfortable with the proposed committee substitute for HB 330.

PETER FELLMAN, Staff  
to Representative John Harris  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding the proposed committee substitute for HB 330.

#### **ACTION NARRATIVE**

**CO-CHAIR CARL GATTO** called the House Resources Standing Committee meeting to order at [1:04:13 PM](#). Representatives Fairclough, Seaton, Roses, Gatto, and Johnson were present at the call to order. Representatives Wilson, Guttenberg, Edgmon, and Kawasaki arrived as the meeting was in progress.

#### HB 348-BOARD OF GAME REGULATIONS

1:04:37 PM

CO-CHAIR GATTO announced that the first order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 348, "An Act relating to the adoption of regulations by the Board of Game."

CO-CHAIR JOHNSON moved that the committee adopt as the working document the proposed committee substitute (CS) for SSHB 348, labeled 25-LS1328\Resources.

REPRESENTATIVE SEATON objected. He said reintroduction of the Board of Fisheries into the bill would cause extreme complications because it would include commercial fisheries and the potential allocation of assets between those fisheries, as well as between personal use, sport, and subsistence fisheries. He said he will maintain his objection unless the bill is referred to the House Special Committee on Fisheries where this can be addressed in detail.

1:07:51 PM

CO-CHAIR JOHNSON opposed the objection because four of the seven members of the House Special Committee on Fisheries also sit on the House Resources Standing Committee.

REPRESENTATIVE SEATON said the difference is that the House Special Committee on Fisheries concentrates only on the fisheries aspects and reintroduction of the Board of Fisheries into the bill will take study and investigation. The House Resources Standing Committee has looked solely at game during its previous hearings on this bill.

REPRESENTATIVE WILSON agreed with Representative Seaton. She asked why an amendment could not be made to strike the Board of Fisheries from the bill.

1:09:32 PM

REPRESENTATIVE WES KELLER, Alaska State Legislature, sponsor of HB 348, related his constituents' overwhelming support for HB 348 at a weekend meeting in his district. The Department of Law and the Alaska Department of Fish & Game assisted in writing the amendments at his request and gave some level of support, he said.

JIM POUND, Staff to Representative Wes Keller, Alaska State Legislature, noted that the new language, including the reference to the Board of Fisheries, came from Mr. Kevin Saxby of the Department of Law and is based on language used in two Alaska Supreme Court decisions: the 1981 Kenai Peninsula Fishermen's Cooperative Association, Inc. v. State and the 1996 Pullen v. Ulmer. This new language keeps the bill's initial intent of declaring both game and fish an asset in order to eliminate management by initiative, he said. However, fish could be eliminated.

CO-CHAIR JOHNSON understood the difference between the proposed CS and the sponsor substitute to be the addition of "Board of Fisheries" in the title with no other substance being changed. The proposed CS would thus be compliant with the supreme court ruling.

MR. POUND replied correct. However, he noted, there is a proposal in the committee's packets to change the title from the proposed CS. In further response to Co-Chair Johnson, Mr. Pound confirmed the Alaska Supreme Court has already ruled that fish are an asset. The bill would codify Alaska Supreme Court case law so it applies to game in the same context as fish.

[1:14:42 PM](#)

CO-CHAIR GATTO proffered that adding the Board of Fisheries is a major change.

MR. POUND responded this is what the [Alaska Department of Fish & Game] and its attorney wanted to do.

REPRESENTATIVE WILSON asked what was deleted from the original bill and why.

MR. POUND said SSHB 348 would provide that game be considered an asset in regard to Board of Game allocation and management decisions. Under a loose interpretation of the law that could be considered appropriation. The bill's purpose is to eliminate biology management by initiative, and the proposed CS would accomplish this with fewer words.

[1:16:37 PM](#)

REPRESENTATIVE WILSON inquired whether the Board of Fisheries or the Alaska Department of Fish & Game would be commenting on the proposed CS.

MR. POUND replied that Mr. Barry is here from the Alaska Department of Fish & Game.

REPRESENTATIVE WILSON said she would like assurance that the commercial fishing industry will not be affected by the proposed CS because commercial fishing is a big part of her district.

MR. POUND said he had advised the primary people involved with commercial fish. However, he noted, neither he nor anyone else has had much time to look at this because he only received the proposed language at 5:30 p.m. yesterday.

[1:17:47 PM](#)

TIM BARRY, Legislative Liaison, Public Communications Director, Alaska Department of Fish & Game, informed the committee that Mr. Saxby is the person that members need to talk to, but he is presently testifying at another committee meeting and therefore unavailable. He said Mr. Saxby instructed him to tell the committee that the Alaska Department of Fish & Game and the Department of Law support this new language and that it would accomplish what the sponsor is attempting to achieve. He could not say how it would affect the commercial fishing industry because he had not asked Mr. Saxby that question.

[1:19:14 PM](#)

REPRESENTATIVE GUTTENBERG asked why moose and caribou are not automatically considered an asset given that fish are considered an asset.

MR. BARRY understood there was at least one [Alaska] Supreme Court case involving fish, but there is no similar case involving game so it has never been explicitly stated by the court [that game is an asset].

REPRESENTATIVE FAIRCLOUGH added that fish are a commodity that is sold and traded, which is not the case for caribou and bear. Thus, fish are monetized differently even though there may be an in-kind trade of caribou and bear in Alaska which is not necessarily recognized as an open trade. She said she thinks fish have been at the forefront of being an asset because they are a monetized commodity.

[1:20:54 PM](#)

REPRESENTATIVE WILSON inquired whether SSHB 348 designates that moose, caribou, and bear are assets when before they were not.

MR. BARRY deferred to Mr. Pound.

MR. POUND said yes. The Pullen case specifically declares that fish are an asset, but the case only addresses fish. This bill would provide that game also be considered an asset and be managed accordingly.

[1:22:36 PM](#)

REPRESENTATIVE SEATON cited apparent contradictions between statements made by Senior Assistant Attorney General Kevin Saxby and Attorney General Talis Colberg. In addition to including the Board of Fisheries, he warned, lines 6-7 on page 1 contain language that Mr. Colberg specifically stated would cause huge problems in his fiscal note analysis for SSHB 348. Additionally, the proposed CS was written by Mr. Saxby, not Legislative Legal and Research Services. Representative Seaton cited three February 2008 legal opinions from Legislative Counsel Brian Kane regarding SSHB 348 and stated he is reticent to adopt a CS that is not written by Legislative Legal and Research Services and for which there is no opinion from [Mr. Colberg].

MR. BARRY understood that Mr. Saxby did not draft the original legislation.

MR. POUND said correct.

MR. BARRY further understood that the [fiscal note analysis] cited by Representative Seaton was written by Mr. Saxby as comments on the original SSHB 348. Mr. Saxby has worked with the sponsor since then and is the person who either drafted or approved the new language in the proposed CS. He drew attention to the two-page document written by Mr. Saxby entitled, "Preferred option", which states Mr. Saxby's preference for the language in the proposed CS now before the committee. This language addresses Mr. Saxby's initial concerns on the SS, said Mr. Barry.

[1:28:16 PM](#)

MR. POUND added that the Board of Fisheries has been operating under this since 1997 because it is working under the Pullen decision. This language mirrors the Pullen decision.

REPRESENTATIVE SEATON replied that is not the case because the proposed CS directs that the board "must regulate" in this manner. The board has broad statutory authority and the Alaska Supreme Court found that an initiative could not take that over because it is an asset. However, the court's ruling that an initiative cannot be done to allocate an asset is far different than requiring that the Board of Fisheries must make all of its management decisions based on an asset allocation. He apologized for being mistaken regarding Mr. Saxby's earlier involvement.

MR. POUND offered that removing the Board of Fisheries from the proposed CS would not be a problem.

REPRESENTATIVE KELLER confirmed Mr. Pound's statement regarding removal of the Board of Fisheries.

CO-CHAIR GATTO stated that if the committee adopts the proposed CS it will be on the presumption that it will be amended to delete the Board of Fisheries.

[1:31:25 PM](#)

REPRESENTATIVE WILSON inquired whether the Board of Game has been looking at game as an asset or whether the legislation will completely change how the board has been dealing with game. She suggested the bill be set aside until legal counsel is obtained in this regard.

MR. POUND said the Board of Game is not presently managing game as an asset because there is no language that allows the board to do so. The bill would eliminate management of game by initiative by applying to game the same principle applied to fish by the Pullen decision. The Board of Game would then operate in the same manner as the Board of Fisheries which manages fish as an asset.

REPRESENTATIVE WILSON said she had no problem with that.

MR. BARRY interjected that Mr. Saxby is the attorney for the Board of Game, and since Mr. Saxby is comfortable with the language he therefore assumes the Board of Game is comfortable with it.

[1:33:26 PM](#)

REPRESENTATIVE FAIRCLOUGH stated that without absolute testimony as to what the language actually does and with the committee being asked to assume, she can sign no recommendation should the committee choose to move the bill forward today. The Alaska Department of Fish & Game and Legislative Legal and Research Services should be here to answer the questions given the contrary opinions, she submitted.

REPRESENTATIVE GUTTENBERG questioned whether AS 16.05.221 is the correct section because it is more about who is on the Board of Game and Board of Fisheries than it is about regulations.

MR. POUND acknowledged that this is a good point.

CO-CHAIR GATTO set aside SSHB 348. [Consideration of SSHB 348 was continued at 1:52:31 p.m.]

The committee took an at-ease from 1:37 p.m. to 1:39 p.m.

#### HJR 31-OPPOSE FED LAW RE AERIAL HUNTING

[1:39:12 PM](#)

CO-CHAIR GATTO announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 31, Opposing the enactment of the Protect America's Wildlife Act of 2007 that intends to prohibit aerial hunting of wildlife, which is essential for predator control in Alaska.

CO-CHAIR JOHNSON moved that the committee adopt as the working document the committee substitute (CS) for HJR 31, labeled 25-LS385\E, Kane, 2/19/08 (Version E).

The committee took an at-ease from 1:40 p.m. to [1:46:08 PM](#).

REPRESENTATIVE WES KELLER, Alaska State Legislature, supported the proposed committee substitute (CS) for HJR 31 and thanked the House Resources Standing Committee for improving the resolution. He urged its passage.

[1:46:25 PM](#)

CO-CHAIR GATTO explained that the proposed CS deletes "moose and caribou represent livestock to" and substitutes "much of Alaska's wildlife represents a natural food source for". He further explained that the proposed CS does not include the amendment to electronically transmit the resolution because of a

2/12/08 memorandum from Lieutenant Governor Parnell requesting this not be done for joint resolutions.

REPRESENTATIVE KAWASAKI noted that the proposed CS only says the resolution shall be sent, it does not say how it shall be sent. Since electronic transmission is not precluded, the resolution could be distributed both ways [paper and electronically].

REPRESENTATIVE FAIRCLOUGH suggested resolutions be sent in both electronic and post office formats due to the possibility of time sensitivity.

There being no objection to the proposed CS as written, Version E was before the committee.

CO-CHAIR JOHNSON moved to report HJR 31, labeled 25-LS385\E, Kane, 2/19/08, as amended, out of committee with individual recommendations. There being no objection, CSHJR 31(RES) was reported out of the House Resources Standing Committee.

#### HB 348-BOARD OF GAME REGULATIONS

[1:52:31 PM](#)

CO-CHAIR GATTO returned to consideration of SSHB 348.

MR. POUND drew attention to the Department of Law's one-page document entitled, "Less-preferred option".

The committee took an at-ease from 1:53 p.m. to [1:54:26 PM](#) due to a technical difficulty with the online sound system.

MR. POUND related that this language is Mr. Saxby's less-preferred option primarily because it does not deal with fish at all and could result in some questions as to different management styles or philosophies between the two boards. He noted that fish had been taken out of the original sponsor substitute (SS), as well.

The committee took an at-ease from 1:55 p.m. to [2:04:30 PM](#) due to another technical difficulty with the online sound system.

MR. POUND pointed out that since the less-preferred option only addresses game, the applicable section of statute is therefore AS 16.05.255.

[2:05:30 PM](#)

CO-CHAIR GATTO inquired whether Representative Keller is agreeable to making changes to the proposed CS for SSHB 348.

REPRESENTATIVE KELLER responded yes.

CO-CHAIR GATTO said the motion to adopt Version 25-LS1328\Resources as the working document is still on the table, but that Representative Seaton, maker of the objection, is absent [while momentarily attending another committee meeting]. He conveyed his understanding with Representative Seaton that the objection was over the term fisheries. Co-Chair Gatto therefore considered Representative Seaton's objection as not maintained. There being no further objection, the proposed CS for SSHB 348, labeled 25-LS1328\Resources, was before the committee.

[2:07:18 PM](#)

CO-CHAIR JOHNSON moved that the committee adopt Amendment 1 as follows:

Page 1, line 1;  
Delete "Board of Fisheries and the";  
Page 1, line 7;  
Delete "fish or"

REPRESENTATIVE GUTTENBERG [objected]. Would fish not still be involved because the purpose of the language is to conform to the Pullen opinion, he asked.

CO-CHAIR GATTO offered his belief that this is the Board of Game section and this section does not address fish.

[2:09:32 PM](#)

REPRESENTATIVE EDGMON moved an amendment to Amendment 1 to include an additional deletion as follows:

Page 1, line 6,  
Delete "appropriate"

REPRESENTATIVE EDGMON further noted that the statute reference on page 1, line 4, should be changed.

REPRESENTATIVE GUTTENBERG removed his objection to Amendment 1.

There being no further objection, the amendment to Amendment 1 was adopted.

There being no objection, Amendment 1, as amended, was adopted as follows:

Page 1, line 1:  
delete "Board of Fisheries and the"

Page 1, line 7:  
delete "fish or"

Page 1, line 6:  
delete "appropriate"

The committee took an at-ease from 2:12 p.m. to 2:17 p.m.

[2:17:58 PM](#)

REPRESENTATIVE FAIRCLOUGH moved that the committee adopt Amendment 2 as follows: page 1, delete lines 4-7 and insert the text from [Mr. Saxby's] "less preferred option".

CO-CHAIR JOHNSON objected.

REPRESENTATIVE FAIRCLOUGH, in response to Co-Chair Gatto, explained the purpose of Amendment 2 is to bring forward a blank page and on that blank page insert what an attorney has drafted as the appropriate language. In further response to Co-Chair Gatto, Representative Fairclough confirmed that AS 16.05.255(j) is the correct reference, but that she will be making a following amendment to have Legislative Research and Legal Services look at the renumbering. She understood the proposed amendment is not a definition; rather it is a way to manage and is therefore an action item that will need to be (j).

[2:19:54 PM](#)

CO-CHAIR JOHNSON withdrew his objection. There being no further objection, Amendment 2 was adopted as follows (original punctuation provided):

Page 1, lines 4-7:  
Delete "**Section 1.** AS 16.05.221 is amended by adding a new subsection to read.  
(e) In this section, the terms 'conservation' and 'development' both require that the Board must

regulate in a manner that primarily concerns if, how, when and where the public assets of game will be allocated or appropriated.

insert "AS 16.05.255(j) is amended by adding a new paragraph to read.

(e) In this section, the terms 'conservation,' 'development' and 'utilization' all require that the Board must regulate in a manner that primarily concerns if, how, when and where the public asset of game will be allocated or appropriated."

[2:20:24 PM](#)

REPRESENTATIVE FAIRCLOUGH moved that the committee adopt Conceptual Amendment 3 as follows:

insert this (j) and renumber the following subsection that is currently labeled (j) to (k)

REPRESENTATIVE FAIRCLOUGH, in response to Co-Chair Gatto, confirmed Conceptual Amendment 3 will reletter and then renumber.

There being no objection, Conceptual Amendment 3 was adopted.

[2:21:43 PM](#)

CO-CHAIR JOHNSON moved to report CSSSHB 348, labeled 25-LS1328\Resources, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GUTTENBERG objected. There are still questions and one question is whether the word must changes how the board is required to operate. He said he believes that the bill's purpose to affect ballot initiatives is a bad thing and it will not change anything except that there will be another lawsuit. He expressed his concern over the legislature taking away the people's right to ballot box for initiatives.

A roll call vote was taken. Representatives Roses, Edgmon, Fairclough, Wilson, Gatto, and Johnson voted in favor of CSSSHB 348, as amended. Representative Guttenberg voted against it. Representative Seaton was excused from voting. Therefore, CSSSHB 348(RES) was reported out of the House Resources Standing Committee by a vote of 6-1.

HB 330-NOXIOUS WEEDS AND INVASIVE PLANTS

2:26:30 PM

CO-CHAIR GATTO announced that the final order of business would be HOUSE BILL NO. 330, "An Act relating to management of noxious weeds and invasive plants; establishing the Noxious Weed and Invasive Plant Board; and establishing the noxious weed and invasive plant management fund."

CO-CHAIR JOHNSON moved that the committee adopt as the working document the proposed CS for HB 330, labeled 25-LS1062\0, Bullard, 2/19/08 (Version 0). There being no objection, Version 0 was before the committee.

2:28:17 PM

JEANNE OSTNES, Staff to Representative Craig Johnson, Alaska State Legislature, explained the differences between the original bill and the CS. She specified:

The original HB 330 was formed under Article 2 of AS 41.10. This would be Chapter 10, Soil and Water Conservation of Title 4, which is your Public Resources.

The original bill formed a board and identified the powers and the duties of the board. It delineated advisory groups of the board, agency cooperation and joint operations. The original HB 330 also formed a noxious weed and invasive plant management fund.

The CS for HB 330 reincarnates as a state coordinator employed or appointed by the Commissioner of Natural Resources. It is now in Title 3, which is Agriculture and Animals, Chapter 5, Powers and Duties of the Commissioners of Natural Resources and Environmental Conservation, and it forms a new section, 027.

So, basically we've [taken] the original bill and taken the board completely out and we now have a ... state coordinator and this bill will allow the Commissioner ... of Natural Resources to employ or appoint a state coordinator for noxious weed, invasive plant, and agricultural pest management, as well as education. This coordinator will work through the Division of Agriculture along with state departments, agencies, and institutions. This person will bring

together the aforementioned entities in addition to the University of Alaska Cooperative Extension Service and the Alaska Association of Conservation Districts. The Cooperative Extension Service has a broad range of extension agents and they around the state work with horticulture, which is your nursery and greenhouses, agriculture, invasives, and the rural community development in our rural parts of the state. Through this coordination the State of Alaska will develop a strategic plan and, more importantly, a start toward limiting the economic loss and adverse effects [to] the state's agricultural, natural, and human resources because of the presence and spread of noxious weeds, agricultural pests, invasive terrestrial and aquatic plants in the state.

MS. OSTNES noted that the original fiscal note of \$236,800 is now reduced to about \$80,000.

[2:33:01 PM](#)

BRYCE WRIGLEY, President, Alaska Farm Bureau, stated he is comfortable with the proposed CS as written. He requested the opportunity to testify should any amendments be introduced.

REPRESENTATIVE WILSON said she thought the comments in a 2/15/08 letter from the Alaska Conservation Alliance were good ones. She asked whether these comments regarding the original bill were brought into Version 0. She read page 2, paragraph 1, of the comments which state (original punctuation provided):

... The definition of invasive species should be amended so that it does not include species natural northern migration due to the effects of global climate change. As warming increases, a species former range may be extended northward; as such, it does not fit the typical definition of an invasive species. This could be accomplished by making sure that "alien" does not include indigenous species to Alaska that may be naturally extending their range in response to the effects of climate change.

CO-CHAIR GATTO remarked that his only issue with the comments is that they represent complete common sense.

MS. OSTNES said the letter was written to the original bill and [the Alaska Conservation Alliance's executive director] did not have time to look at the CS.

[2:35:10 PM](#)

REPRESENTATIVE WILSON inquired whether the aforementioned comments are addressed in Version O.

MS. OSTNES explained that with the deletion of the board, most of that kind of information would come through regulations. The Alaska Association of Conservation Districts yesterday voted to accept Version O, she related. The association also voted to take on the task of forming a board made up of the stakeholders identified in the original bill. She said she believed that once the "weed" board is formed under the Alaska Association of Conservation Districts, all comers will be taken up.

[2:36:19 PM](#)

REPRESENTATIVE EDGMON asked why aquatic species are no longer addressed by Version O. While they may not be a problem today, they could be tomorrow as a result of global warming.

MS. OSTNES said the sponsor statement identifies terrestrial and aquatic plants in the state and she believes that becomes a part of the board's duties to expand, discuss, and develop. She related that there is also a board within the state that is dealing specifically with invasives and she believes there is a plan to establish an all-taxa council that would address aquatics, mammals, pests, microorganisms, weeds, and all other things.

[2:37:50 PM](#)

REPRESENTATIVE EDGMON noted that the definitions for invasive plant and noxious weed are not included in Version O. He inquired whether the definitions currently in statute for invasive plant and noxious weed are sufficient.

MS. OSTNES responded that the statutes are not good enough and regulations need to be updated. The CS allows the Alaska Association of Conservation Districts to deal with this by making recommendations.

[2:39:19 PM](#)

REPRESENTATIVE EDGMON drew attention to the inclusion of "federal agencies" on page 1, lines 11-12. He asked whether "federal" should be added to page 2, line 18, to make it consistent.

MS. OSTNES replied she believes the board can coordinate with federal agencies, but it cannot make recommendations directly to the federal agencies to change federal regulations. She deferred to others more familiar with how this would work.

PETER FELLMAN, Staff to Representative John Harris, Alaska State Legislature, stated that he has been a farmer in Alaska for over 20 years. He said the federal agencies are already working on programs throughout the Lower 48 that are funded and have standards already established by law. In order for Alaska to qualify for some of that federal funding, the state needs to give the board person the ability to consult with the federal agencies so Alaska can match its program to the federal qualifications. The board person cannot make recommendations; he or she can only consult to make sure Alaska's recommendations meet federal guidelines.

[2:42:58 PM](#)

CO-CHAIR GATTO surmised the board person would be allowed to coordinate with federal agencies without it being put into statute.

MR. FELLMAN agreed. He cautioned against the state locking itself in with statute that does not allow for development of a state plan. This board and this person need to be given the ability to work with all these different entities and agencies to create something that works that can then it can be put into regulations so it can be modified over time and continue to work. If it is locked into statute, the state will go through this process every year, he warned.

[2:43:48 PM](#)

CO-CHAIR GATTO inquired whether it would be better to delete "state" from page 2, line 18, so it would read, "recommendations to departments and agencies". Thus, there would be no restrictions as to whether it is state or federal departments and agencies.

MR. FELLMAN said that would make the legislation more fluid so there is the opportunity to make changes on the go.

MS. OSTNES explained that Version 0 takes the board out of statute and puts it as part of the Alaska Association of Conservation Districts. Thus, there needs to be some way to bring in at least four of Alaska's state departments - the Department of Transportation & Public Facilities, the Department of Environmental Conservation, the Department of Natural Resources, and the Alaska Department of Fish & Game. So, she said, there needs to be some way to allow the coordinator to [work with state departments]. In further response to Co-Chair Gatto, she said she is not suggesting the four departments be specifically identified in the bill. Rather, by keeping "state departments" in the bill it leaves it wide open for the coordinator to talk to any and all departments.

[2:46:11 PM](#)

REPRESENTATIVE ROSES observed that page 1 deals with coordinating with state and federal agencies and page 2, lines 18-20, deals with reviewing and making recommendations to state departments and agencies regarding state regulations and statutes. Therefore the current language is appropriate.

CO-CHAIR JOHNSON pointed out that it must be a state recognized board and a state plan in order to qualify for federal funds. If "state" is taken out, the ability to apply for federal money may be lost and that ability is the purpose of this legislation.

[2:47:56 PM](#)

REPRESENTATIVE GUTTENBERG asked whether the three-year sunset is enough time to accomplish what needs to be accomplished.

MR. FELLMAN said the sunset's purpose is to provide fiscal accountability in the Department of Agriculture as to whether the state's money is really accomplishing something. It ensures that the individual knows he or she will be held accountable and if federal funds are not received and the program is not put together, the job will go away.

[2:48:57 PM](#)

REPRESENTATIVE GUTTENBERG inquired whether a three-year sunset provides enough time to determine that the plan is working.

MR. FELLMAN responded that a lot of the groundwork is already done. The Alaska Committee for Noxious & Invasive Plants

Management (CNIPM) has done a lot of work, the soil and water conservation districts already exist and have plans and maps and have identified the weeds and problems, and the districts already know how to do the control. The goal now is to get a person in the Division of Agriculture to gather all that information together and develop a state plan so it can be funded by federal money. It is not how well the plan is working, he said, it is whether or not the state is making a plan and that is what HB 330 would do.

[2:51:14 PM](#)

CO-CHAIR JOHNSON moved to report HB 330, labeled 25-LS1062\O, Bullard, 2/19/08, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 330(RES) was reported out of the House Resources Standing Committee.

#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:53 p.m.