

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

April 17, 2017

1:04 p.m.

**MEMBERS PRESENT**

Representative Andy Josephson, Co-Chair  
Representative Geran Tarr, Co-Chair  
Representative Dean Westlake, Vice Chair  
Representative Harriet Drummond  
Representative Justin Parish  
Representative Chris Birch  
Representative George Rauscher  
Representative David Talerico

**MEMBERS ABSENT**

Representative DeLena Johnson  
Representative Mike Chenault (alternate)  
Representative Chris Tuck (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 201

"An Act relating to municipal regulation of trapping; and providing for an effective date.

- MOVED CSHB 201(CRA) OUT OF COMMITTEE

HOUSE BILL NO. 217

"An Act relating to the Alaska Food, Drug, and Cosmetic Act; relating to the sale of milk, milk products, raw milk, and raw milk products; and providing for an effective date."

- HEARD & HELD

HOUSE BILL 218

"An Act relating to the state veterinarian and to animals and animal products."

- HEARD & HELD

HOUSE BILL NO. 197

"An Act relating to the duties of the commissioner of natural resources; relating to agriculture; and relating to community seed libraries."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 201

SHORT TITLE: MUNICIPAL REGULATION OF TRAPPING

SPONSOR(s): REPRESENTATIVE(s) JOSEPHSON

03/29/17	(H)	READ THE FIRST TIME - REFERRALS
03/29/17	(H)	CRA, RES
04/11/17	(H)	CRA AT 8:00 AM BARNES 124
04/11/17	(H)	Heard & Held
04/11/17	(H)	MINUTE(CRA)
04/13/17	(H)	CRA AT 8:00 AM BARNES 124
04/13/17	(H)	Moved CSHB 201(CRA) Out of Committee
04/13/17	(H)	MINUTE(CRA)
04/14/17	(H)	CRA RPT CS(CRA) 2DP 2DNP 2NR
04/14/17	(H)	DP: DRUMMOND, PARISH
04/14/17	(H)	DNP: RAUSCHER, TALERICO
04/14/17	(H)	NR: WESTLAKE, FANSLER
04/14/17	(H)	RES AT 1:00 PM BARNES 124
04/14/17	(H)	Heard & Held
04/14/17	(H)	MINUTE(RES)
04/17/17	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 217

SHORT TITLE: RAW MILK SALES; FOOD EXEMPT FROM REGS

SPONSOR(s): REPRESENTATIVE(s) TARR

04/07/17	(H)	READ THE FIRST TIME - REFERRALS
04/07/17	(H)	RES, FIN
04/12/17	(H)	RES AT 1:00 PM BARNES 124
04/12/17	(H)	Scheduled but Not Heard
04/13/17	(H)	RES AT 5:00 PM BARNES 124
04/13/17	(H)	<Bill Hearing Postponed to 4/14/17>
04/14/17	(H)	RES AT 1:00 PM BARNES 124
04/14/17	(H)	<Bill Hearing Postponed>
04/17/17	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 218

SHORT TITLE: STATE VETERINARIAN;ANIMALS;PRODUCTS

SPONSOR(s): REPRESENTATIVE(s) TARR

04/07/17	(H)	READ THE FIRST TIME - REFERRALS
04/07/17	(H)	RES

04/12/17 (H) RES AT 1:00 PM BARNES 124  
 04/12/17 (H) Scheduled but Not Heard  
 04/13/17 (H) RES AT 5:00 PM BARNES 124  
 04/13/17 (H) <Bill Hearing Postponed to 4/14/17>  
 04/14/17 (H) RES AT 1:00 PM BARNES 124  
 04/14/17 (H) <Bill Hearing Postponed>  
 04/17/17 (H) RES AT 1:00 PM BARNES 124

BILL: HB 197

SHORT TITLE: COMMUNITY SEED LIBRARIES  
 SPONSOR(S): REPRESENTATIVE(S) JOHNSTON

03/24/17 (H) READ THE FIRST TIME - REFERRALS  
 03/24/17 (H) RES, FIN  
 04/10/17 (H) RES AT 1:00 PM BARNES 124  
 04/10/17 (H) -- Testimony <Invitation Only> --  
 04/12/17 (H) RES AT 1:00 PM BARNES 124  
 04/12/17 (H) Scheduled but Not Heard  
 04/13/17 (H) RES AT 5:00 PM BARNES 124  
 04/13/17 (H) Scheduled but Not Heard  
 04/17/17 (H) RES AT 1:00 PM BARNES 124

**WITNESS REGISTER**

NICK STEEN

Palmer, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 201.

KNEELAND TAYLOR

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of CSHB 201(CRA).

AL BARRETTE

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 201.

ALPHEUS BULLARD, Attorney  
 Legislative Legal Counsel  
 Legislative Legal Services  
 Legislative Affairs Agency  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding CSHB 201(CRA).

CHRISTINA CARPENTER, Director  
 Division of Environmental Health  
 Department of Environmental Conservation

Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to HB 218.

ARTHUR KEYES, Director  
Division of Agriculture  
Department of Natural Resources  
Palmer, Alaska

**POSITION STATEMENT:** Answered questions related to HB 218.

JOHANNA HERRON, Development Specialist  
Division of Agriculture  
Department of Natural Resources  
Palmer, Alaska

**POSITION STATEMENT:** Answered a question during the hearing of HB 218.

#### **ACTION NARRATIVE**

[1:04:10 PM](#)

**CO-CHAIR ANDY JOSEPHSON** called the House Resources Standing Committee meeting to order at 1:04 p.m. Representatives Josephson, Tarr, Birch, Parish, Talerico, Rauscher, and Westlake were present at the call to order. Representative Drummond arrived as the meeting was in progress.

#### **HB 201-MUNICIPAL REGULATION OF TRAPPING**

[1:04:24 PM](#)

**CO-CHAIR JOSEPHSON** announced that the first order of business would be HOUSE BILL NO. 201, "An Act relating to municipal regulation of trapping; and providing for an effective date. [Before the committee was CSHB 201(CRA).]

[1:04:35 PM](#)

**CO-CHAIR JOSEPHSON** opened public testimony.

[1:04:58 PM](#)

**NICK STEEN** testified in opposition to HB 201. He said the bill would give the borough control over trapping regulations on state and/or federal lands. He stated that this would add a third level of potential law or regulations on trapping in a given area - state, federal, and borough - and would do nothing to correct a perceived problem. Mr. Steen further maintained

that trap identification is a worthless bit of information because all a trapper has to do is claim that a trap has been stolen at the beginning of the season, and the trapper is "home free" for the rest of the season. He clarified he isn't saying trappers are illegal, but rather it is an unenforceable regulation. All the bill would do is add more paperwork to the already existing problem of too many regulations on hunting and fishing in the state. For example, when he came to Alaska over 50 years ago the regulations were pocketbook sized, but not any longer. He recognized that things are becoming more and more involved because there are more people, but said more laws don't make it better.

[1:06:22 PM](#)

KNEELAND TAYLOR testified in strong support of CSHB 201 (CRA). He said it is an excellent bill because it provides clarification on what a municipal government can and cannot do. He offered his belief that municipalities should have their authority clearly outlined on regulating the placing of traps that can cause injury and, in particular, injury to dogs. The idea that the Board of Game and the Alaska Department of Fish and Game (ADF&G) can handle this is somewhat far-fetched, he continued. It is a mind-boggling task on a statewide basis to identify literally hundreds of trails, hundreds of small public parks, and densely populated subdivisions where everyone agrees that traps shouldn't be placed. It is the local governments that have the expertise and knowledge as to whether traps should be placed at the end of a particular street, in a particular subdivision inside that municipality. In the case of federal lands, he said, a clear delineation of what a local government can do in terms of setbacks or placing of traps on trails on federal lands gives those municipal governments a chance to fight back if the federal government tries to impose its view. It is an excellent bill because it would provide for local control.

CO-CHAIR JOSEPHSON, sponsor of HB 201, referenced a letter of opposition that the committee received from Al Barrette in which Mr. Barrette states that the Board of Game can handle this. He asked whether Mr. Taylor is personally aware of residents of the Matanuska-Susitna Borough who have drafted proposals to deal with the problem of dogs getting caught in traps.

MR. TAYLOR replied he is not personally aware of whether they have or have not. However, he continued, he was on a Board of Game subcommittee that addressed this issue in 2002 and, after

many meetings with trappers, board chairman Ted Spraker said the board did not think this issue was a problem. Four years ago, local residents of Cooper Landing submitted a proposal to the Board of Game that would have designated several trails, trailheads, and beach along Kenai Lake as places where traps could not be placed, but that proposal was rejected. In talking with board members about the rejection of that proposal, he related, it really boiled down to a people issue. Basically, one member of the board, Ted Spraker, viewed it as the local residents asking for too much and therefore they got nothing. It is a far-fetched idea, he reiterated, that the Board of Game will be able to do this or would be inclined to assist local communities in handling this problem.

[1:11:07 PM](#)

AL BARRETTE testified in opposition to HB 201. If enacted, he said, it would be a competing statute with Alaska Statute (AS) 16.05.255, Regulations of the Board of Game, under which the Board of Game is granted the regulation of wildlife, even for public safety. Further, he continued, he has a problem with two competing authorities creating regulations or ordinances because this would hinder trappers in finding restriction information. The current trapping regulation handbook distinguishes what trapping restrictions exist. He said municipalities such as Fairbanks, Anchorage, Valdez, Skagway, and Prince of Wales have come before the Board of Game concerning trapping issues and have received favorable action by the board. Not every proposal before the Board of Game gets passed. Proposals must meet some merits and input is taken from regulation specialists within the Department of Law and other state agencies.

MR. BARRETTE stated he specifically has an issue on page 1, line 13, which states, "trap identification requirements". He said this provision is unclear and it could be argued what that actually means. Terminology is everything in a court of law or in regulations or statute. He then drew attention to the bill on page 2, line 1, which states, "restrictions on the use of types of traps likely to cause injury or damage to persons or property." He said he doesn't know of any trap made that doesn't cause injury, so he wonders what trap is out there that would fit this definition if the bill were enacted.

MR. BARRETTE pointed out that the bill doesn't mention the use of snares and said there is a difference in definition in regulation between a steel trap and a snare. He suggested this be clarified. He further pointed out that the bill uses what

trapping means by the statutory definition and maintained that this definition only relates to furbearers. Other animals are classified as small game, unclassified game, and fur animals, he continued, and these animals are allowed to be trapped with a trapping license or a hunting license. This bill has many complications, he said, including having two governing bodies, one which has been appointed and confirmed based on knowledge of wildlife resources, and the other that is basically elected by their political views.

[1:14:45 PM](#)

CO-CHAIR JOSEPHSON surmised Mr. Barrette wants the bill to be more expansive because one of Mr. Barrette's positions is that municipalities should not have any authority, but when it comes to what municipalities have authority over Mr. Barrette wants to expand the definition to even more mammals.

MR. BARRETTE replied that he is pointing out he is not for the bill as written and that he is further pointing out the errors and complications in the bill should it be passed as written.

[1:15:33 PM](#)

CO-CHAIR JOSEPHSON recalled Mr. Barrette's statement that the Board of Game responds to municipal interests in this regard, but stated that he thinks there is evidence the board does not respond to municipal interests. He inquired why there is a problem with the bill if the Board of Game does respond to municipalities. He posed a scenario in which a local government is concerned for public safety, which is within the local purview, and wants to regulate around a schoolyard. He said Mr. Barrette's position is that the board will accommodate that and therefore he doesn't understand the concern.

MR. BARRETTE responded that his main issue is with state lands. He offered his belief that Co-Chair Josephson is correct that boroughs and municipalities have ownership of their lands; however, there have been times when state land was an issue. He recalled that Juneau brought a [proposal] to the Board of Game that was passed. Municipalities can write a proposal and bring it to the board, he continued. It will be vetted through the deliberation and public comment processes but there is a chance it might not pass, which happened in Cooper Landing's case. Justification was put on record as to why the board didn't pass it, he said, not all proposals get passed.

1:17:06 PM

REPRESENTATIVE WESTLAKE noted the committee has been working on making this back into a local control issue. He said he sees where Mr. Barrette is coming from and that Mr. Barrette is talking about state regulations versus municipal regulations. Representative Westlake offered his understanding that if, for example, his village wanted to opt in and create its own laws and ordinances for trapping within the city limits, it could do that, and the state would have no real say, but beyond the city or borough limits it would go back over to the state. He asked Mr. Barrette whether he is misunderstanding something.

MR. BARRETTE answered that he thinks Representative Westlake has it perfectly. The Board of Game controls state land and private property and the boroughs control their property.

1:18:15 PM

REPRESENTATIVE BIRCH said he shares Mr. Barrett's concerns. He related that the Matanuska-Susitna Borough has implemented some sort of local control on trapping, as has Anchorage. He offered his appreciation for Mr. Barrette's concerns and said local control works well from his experience.

CO-CHAIR JOSEPHSON asked legal counsel Alpheus Bullard whether snares would be something a local government could regulate under HB 201.

1:19:36 PM

ALPHEUS BULLARD, Attorney, Legislative Legal Counsel, Legislative Legal Services, Legislative Affairs Agency, acknowledged it's possible that the [regulation of snares] is an inadequacy in this legislation. But if it is, he continued, it's also a problem in the state's fish and game statutes because the definition of trapping that's provided for all of Title 16 is referenced in this legislation and that definition of trapping is what controls what can be taken with a trapping license. So, he added, if snares are allowed under Title 16, then a local municipality could regulate them under this legislation.

CO-CHAIR JOSEPHSON noted the committee has an opinion from the Matanuska-Susitna Borough attorney. He requested Mr. Bullard's opinion on whether municipalities have the power within their purview to regulate trapping within their borders.

MR. BULLARD responded that to the extent it is a legitimate ordinance and it protects human life and property within the municipality's boundaries, it is a legitimate local concern and well within the municipality's purview.

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CO-CHAIR JOSEPHSON closed public testimony after ascertaining no one else wished to testify.

REPRESENTATIVE RAUSCHER inquired whether he is correct that the bill does not reference private lands.

CO-CHAIR JOSEPHSON answered that the bill doesn't speak to private lands except by implication. It would be a heavy lift, he said, for a member of a city council or assembly to offer an ordinance to regulate trapping on someone's private land; but there would be nothing prohibiting it in this bill.

REPRESENTATIVE RAUSCHER understood there is nothing prohibiting that and asked whether that means it is inclusive.

CO-CHAIR JOSEPHSON replied it is inclusive per page 1, line 10. He said bills that list everything become very long.

REPRESENTATIVE BIRCH stated he does not support the bill because it is unnecessary. As said by Mr. Bullard, he continued, local communities can take care of themselves and can implement trapping regulations as was done by the Matanuska-Susitna [Borough]. He said his preference is that it be left up to the local communities to manage their own affairs.

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REPRESENTATIVE TALERICO remarked that it is clear as mud as to where this will fit in the actual charter code of ordinances for particular municipalities and ordinances that they have adopted. [The committee] could probably get a legal opinion to say it will be land use regulation because theoretically it could be said that an ordinance has been written that traps cannot be put on the ground in particular spots. However, he continued, the issue is that most of the codes for land use regulation that he is familiar with deal with boundaries and lines and community plans and that type of structure, not restrictions on these other things. The other avenue, he said, would probably be the adoption of public safety powers. However, whether real or

imagined, a fear in smaller municipalities is that if they adopt public safety powers they are not far away from losing their state trooper when the state then steps in saying that because the municipality has public safety powers it must now take responsibility.

REPRESENTATIVE TALERICO said his biggest issue has to do with previous experience in that he is very defensive of Title 29 in its current form and the way it is written. Before any changes are made, he continued, he would have to hear from an enormous number of municipalities saying they need this particular change in Title 29. He argued that a municipality choosing a trapping ordinance would not have enforcement provided by the Alaska Wildlife Troopers because these troopers do state regulatory issues. He said he opposes the bill, but appreciates the idea of trying to figure out a way to resolve this issue, but the bill does not resolve it for him.

CO-CHAIR JOSEPHSON responded he takes the aforementioned point, but said that if a municipality passes an ordinance and doesn't wish to enforce it, it just will not be enforced very well.

[1:27:55 PM](#)

REPRESENTATIVE WESTLAKE inquired whether HB 201, as proposed, would grant more power to municipalities or boroughs. For example, he said, whether it would move it over to the local level where the local level can use these powers and enforce these powers on their own.

MR. BULLARD answered that if the legislation is passed and enacted, it would be in the general powers in AS 29.35 and it would provide that both for general law and home rule municipalities, this is the power that municipalities have and in that way, it would clear up what power these municipalities have to enact an ordinance like this.

[1:29:26 PM](#)

REPRESENTATIVE WESTLAKE asked whether it would then be up to the municipality or borough to enforce these powers.

MR. BULLARD replied yes, correct, it would be completely up to whatever municipality that passed it to enforce it.

CO-CHAIR JOSEPHSON added that a local government would have to make a legitimate claim that the restriction was necessary to

prevent injury or damage to persons or property and that it was in an area or location where that injury or damage could occur.

REPRESENTATIVE RAUSCHER said he appreciates that "may" was used so many times in the bill and appreciates that the sponsor was working with municipalities and their abilities to choose by using the word "may". However, he continued, what the legislature does with people's private property and how the legislature regulates it is of worry to him. He said he had an amendment that he didn't offer because he didn't think it would have passed. He stated he is not in favor of the bill, although he appreciates that the sponsor is trying to work on a problem.

REPRESENTATIVE PARISH noted that the bill explicitly expands the authority of municipalities/local governments into an area where it would be thought that they already have the authority to say, for example, no traps near the local school regardless of whether that school is on state or private property. He recalled a tragic story told by Representative Westlake about a child who came too close to a cyanide trap and the child's dog died but the child was able to rinse his own eyes. He said he thinks it appropriate to explicitly give the power to municipalities to be able to say that there are some areas where they do not want traps that could harm people or property. The sort of trap that doesn't harm persons or property would be live traps, and these types of traps are used frequently for nuisance animals. He said it is a useful bill that he supports.

CO-CHAIR JOSEPHSON noted that HB 40 [a bill he sponsored] was clearly a much more ambitious bill in regard to 200-foot buffers near public trails. He said the feedback on HB 40 was that it should be handled by the local governments and so that is the bill now before the committee. The criticism of HB 40 was vast, he continued, while the criticism of HB 201, to his knowledge, has been restricted to a couple letters.

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CO-CHAIR TARR moved to report CSHB 201(CRA) out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE TALERICO objected.

[1:35:44 PM](#)

A roll call vote was taken. Representatives Westlake, Drummond, Parish, Tarr, and Josephson voted in favor of CSHB 201(CRA). Representatives Rauscher, Talerico, and Birch voted against it. Therefore, CSHB 201 (CRA) was reported from the House Resources Standing Committee by a vote of 5-3.

[CO-CHAIR JOSEPHSON passed the gavel to Co-Chair Tarr.]

[1:35:48 PM](#)

The committee took an at-ease from 1:35 p.m. to 1:38 p.m.

**HB 217-RAW MILK SALES; FOOD EXEMPT FROM REGS**

[1:38:05 PM](#)

CO-CHAIR TARR announced that the next order of business would be HOUSE BILL NO. 217, "An Act relating to the Alaska Food, Drug, and Cosmetic Act; relating to the sale of milk, milk products, raw milk, and raw milk products; and providing for an effective date."

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CO-CHAIR TARR, prime sponsor of HB 217, said the materials provided in the committee packet are to show her intent with the bill. She recounted that she first learned about what is called the Food Freedom Movement when she met a representative from Wyoming. In 2015 Wyoming became the first state to pass a food freedom bill, which has now caught on and a number of western states have legislation. She explained that the purpose of the legislation is to allow for the sale and consumption of homemade foods, and to encourage the expansion of agricultural sales by farmers markets, ranches, farms and homebased producers.

CO-CHAIR TARR related that the Wyoming legislation removed some of the regulatory restrictions on the aforementioned types of sales. If this is done in Alaska, she said, care must be taken that people's health is not put at risk. To that end, Wyoming's legislation includes the words "informed" and "consumer". These products must be properly labeled so that an individual can be an informed consumer and know what product is being purchased. An informed consumer who knows the product being purchased should have the right to choose to buy that product. She pointed out that foodborne illness has not eliminated by purchasing through grocery stores.

CO-CHAIR TARR explained that a challenge in starting a business is economies of scale - it is difficult to produce enough initially to be able to get into a grocery store. This means instead selling through subscribership or farmers markets to build up a customer base that allows expansion into retail opportunities. Restrictions on sales include [the requirement of using] a certified kitchen, she said. Entrepreneurs in Alaska are renting kitchen space from restaurant owners during the time when the restaurant is closed, but this is limiting because there are not enough [restaurant kitchens] available. Conversation is currently ongoing between the Division of Agriculture, Department of Natural Resources, and the Anchorage School District about using the district's certified [kitchen] facility. She said HB 217 seeks to open up some of those opportunities.

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CO-CHAIR TARR noted that HB 217 also includes provisions for raw milk that were previously in proposed HB 46, a bill about product procurement preference statute and marketing for Alaska Grown. She explained that it was decided to split out the raw milk from HB 46 and put it into HB 217 because HB 217 is more about regulation.

CO-CHAIR TARR reviewed the provisions in HB 217. She said the first section of HB 217 includes statutory references to some of the new things that are being added, including the raw milk. Section 2 is about raw milk sales, which, she allowed, some people find controversial. However, she pointed out, individuals are currently able to buy raw milk through cow shares, which is a bit difficult to manage and doesn't provide as much opportunity for small-scale retail sales. She said that opening up raw milk sales would allow direct producer-to-consumer sales with [required product] labeling. Someone having concerns about raw milk can take it home and boil it, which is essentially pasteurization. Also accomplished would be the support of an Alaskan business and Alaskan family with dollars that will stay in the Alaskan economy. Section 3, she continued, is about the exemptions. It provides that these products can be sold but must be sold to the end consumer, the products are only for home consumption and not for commercial sales in any way, sales occur only within the state, and the sale of meat products is not involved except for the specific exemptions listed. Section 3 includes the wording of the information that must be provided to the consumer and how the wording must be displayed for the consumer to see and read.

CO-CHAIR TARR stated that since passage of its legislation, Wyoming has been a huge increase in local food production sales, access to local foods, and economic development. Interest in local food production is growing in Alaska, she said. It is a great business opportunity and helps food security and increases in the aforementioned would be great for Alaska. She again drew attention to the various materials and articles included in the committee packet. She noted that Colorado entitled its bill "The Cottage Food Act." Other states are doing this, she continued, and foodborne illnesses have not increased in those states.

CO-CHAIR TARR noted she is not trying to move HB 217 today, but rather she is providing preliminary information on the bill. Over the coming summer, she said, she will be engaging farmers and others in the bill so that further work can be done on it.

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REPRESENTATIVE DRUMMOND said she shops at the Spenard Farmers Market near her home in Anchorage, at which an organic farmer from Sutton sells her produce every weekend. She offered her understanding that this farmer is already allowed to produce food at her farm and sell it without a license. However, she continued, this farmer is finding that the Municipality of Anchorage's health department is limiting what can be sold in the farmers markets. A way must be figured out to set these farmers free, she said, because many come from outside the municipality and are suddenly restricted from food freedom when they hit the municipality's border. She asked whether that would be allowed within this bill so that municipalities can be helped in being less bureaucratic, especially in regard to farmers markets, which have been so successful.

CO-CHAIR TARR responded that state statute would supersede municipal code on that issue. The Alaska Administrative Code includes some existing exemptions, she said, but specifically putting it in statute allows for being very prescriptive in what kind of exemptions are wanted. That is one of the reasons for not trying to push this quickly, she pointed out. Once a bill is introduced, those people who are interested will start responding and time will be spent with each regulatory agency. People are worried about public health, a concern that she also shares. However, she continued, a balance can be struck between informed consumer choice and managing for consumer health.

[1:53:11 PM](#)

REPRESENTATIVE TALERICO expressed his support for the bill, thanked the sponsor for her comments on startup businesses as the state tries to develop its agriculture, and agreed that a starting point is needed. He shared that during his youth he enjoyed raw milk and recalled that it develops many layers once bottled and that these layers have many benefits to them. He further recalled the adjustment he had to make when he went from raw milk to store-bought milk. He said the bill would be beneficial to all the state's growers and those people who want to start doing this.

CO-CHAIR TARR replied she received many comments about raw milk when [HB 46] was introduced, most of them in support. Several of those emails, she related, included similar stories about the benefits of raw milk. The point of HB 217 is to allow consumers the choice of such things as a raw milk option. She noted that Fred Meyer's grocery store carries raw milk cheese as one option for consumers to select from, and she would like to see these opportunities made available to Alaska farmers.

[1:55:50 PM](#)

HB 217 was held over.

**HB 218-STATE VETERINARIAN;ANIMALS;PRODUCTS**

[1:56:34 PM](#)

CO-CHAIR TARR announced that the final order of business would be HOUSE BILL NO. 218, "An Act relating to the state veterinarian and to animals and animal products."

[1:56:40 PM](#)

CO-CHAIR TARR, prime sponsor, explained that HB 218 is an attempt to strengthen agriculture opportunities in Alaska by moving the position of state veterinarian from its current location within the Department of Environmental Conservation (DEC) to the Division of Agriculture, Department of Natural Resources (DNR). Many states have a Department of Agriculture, she said, but Alaska doesn't and instead has a Division of Agriculture. Typically, state veterinarians are housed with agriculture because of the close relationship to inspecting livestock and supporting agriculture. She noted that Alaska's state veterinarian has responsibilities related to livestock and

agriculture as well as for illnesses, shellfish testing, and environmental health testing.

CO-CHAIR TARR pointed out that moving the state veterinarian position from DEC's environmental lab and integrating it into the Division of Agriculture is not as simple as is outlined in the bill. Bringing forth the bill is the first phase of the idea of moving the position, she explained, and the next phase is working together on the necessary structural changes to be included. Current statute specifically places some of the responsibilities for the state veterinarian under DEC, and Legislative Legal Services, Legislative Affairs Agency, has advised that this needs to be resolved. If the position is moved, she continued, the more complex part will be deciding whether to reclassify some of the support staff under the veterinarian and whether to reclassify some of the responsibilities. It will be necessary to resolve who is housed where, who is responsible for what, and whether it means different positions, she said, so there is reason to be thoughtful and do it right. For example, shellfish testing might stay with the environmental health lab while things related to livestock and typical agriculture responsibilities would go over to the Division of Agriculture.

[2:00:07 PM](#)

REPRESENTATIVE BIRCH inquired whether it would be DEC's or the Division of Agriculture's responsibility should avian flu come to Alaska, given that avian flu would be an issue of health and well-being of the population.

CO-CHAIR TARR replied that health-related illness testing is currently the responsibility of DEC. She deferred the question to DEC.

CHRISTINA CARPENTER, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), responded that DEC has authority over a disease outbreak in animals and in domestic poultry. She said her division's Food Safety and Sanitation Program coordinates that effort with the Alaska Department of Fish and Game (ADF&G) and the U.S. Fish and Wildlife Service (USFWS), Department of the Interior. Coordination across agencies and programs is required because avian flu could spread from a domestic flock to wild flocks or to the human population.

CO-CHAIR TARR remarked she is glad for the question because it shows the problem of overlapping jurisdiction.

[2:02:21 PM](#)

REPRESENTATIVE RAUSCHER asked which agency would take care of a problem involving raw milk sickness.

CO-CHAIR TARR answered it would be DEC. She invited Ms. Carpenter to present DEC's statement on the bill.

MS. CARPENTER said DEC is very supportive of Representative Tarr's efforts to grow the agricultural industry in Alaska and looks forward to working on this with DNR and others during the interim. She pointed out the importance of recognizing that the agricultural and fishing industries are dependent on the work that the state is performing as part of the larger food safety and animal health team within DEC. She said DEC is willing to work together to try to find the resources that the Division of Agriculture needs to implement its plans to grow the agriculture industry in Alaska, while continuing to meet DEC's responsibilities and demands.

[2:03:39 PM](#)

REPRESENTATIVE RAUSCHER inquired whether DEC has a position on the raw milk bill.

MS. CARPENTER replied that her division is looking forward to continuing the conversations with the stakeholders during the interim. The existing cow share program has seemed to work for the individuals who want to obtain raw milk. If it needs to be revisited, the division can be part of those discussions.

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ARTHUR KEYES, director, Division of Agriculture, DNR, pointed out that 74 percent of the departments or divisions of agriculture throughout the U.S. are organized with the state veterinarian under the purview of those departments of agriculture. If given the opportunity to be like those other departments of agriculture, a state veterinarian in his division would be focused on agriculture, including animal imports, certifications, licenses, and problems and issues with meat, fiber, and dairy production. He said the greatest opportunity would be education and outreach, specifically to farmers, because the opportunities for the farmers to learn are

tremendous. There would also be work with consumers and other issues would be opportunities with getting animals to market and quarantine authority. A recent issue, he noted, is wild sheep, which is an odd issue in that the farmers are looking to the Division of Agriculture for help. However, he explained, the Division of Agriculture is the odd man out in that it doesn't have a voice in the conversation because it doesn't have the authority since the state veterinarian is housed in DEC.

MR. KEYES stated that the industries of animal care, nutrition, poultry, and livestock have been growing and many younger people are coming in. For example, he continued, the Matanuska-Susitna Coop is a dynamic organization that is putting locally produced eggs on the grocery shelves. That tells him that the industry is growing and there is tremendous opportunity, and if his division had a state veterinarian like other departments of agriculture his division would be there helping this industry grow. A state veterinarian housed within the Division of Agriculture, he said, would focus on strengthening the agriculture businesses in Alaska and increasing Alaska's food security. Agriculture is growing, he reiterated, animal import numbers are up, and the opportunity for the industry to continue growing is there.

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REPRESENTATIVE RAUSCHER requested Mr. Keyes to expound on the sheep and goat issue that was mentioned.

MR. KEYES qualified that he is not an expert on this issue and the issue is outside the purview of his division. He explained that the Wild Sheep Foundation has put Proposition 90 before the [Board of Game]. This proposition would have the Board of Game remove sheep and goats from the "clean list," a de facto way of making it so sheep and goats cannot be imported and would require fencing of these animals that is not economical from a production standpoint. The agriculture community views this proposition as very unpalatable, he said, because it would damage the producers that have sheep and goats in Alaska. The state veterinarian is the one who makes the decision as to whether sheep and goats are still a livestock animal and a clean animal that can still be raised in Alaska. The agriculture community is looking at the Division of Agriculture because they are viewing this as an agriculture issue, he continued, but the division is in the very strange situation of not having the voice to make a decision in this regard.

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REPRESENTATIVE RAUSCHER asked what the clean issue is about.

MR. KEYES responded that domesticated sheep and goats could carry disease that wild sheep and goats don't have and don't have immunity to. When a wild sheep or goat comes in contact with a domesticated animal carrying the disease, the disease can be transmitted to the wild animal. He offered his understanding that the prevalence of the disease of concern is suspected to be incredibly low, especially in Alaska. The argument he has heard is that the concern is being blown out of proportion. He said he further understands that the Wild Sheep Foundation is an outside group that is developing chapters within Alaska.

REPRESENTATIVE RAUSCHER inquired whether there have been any cases in Alaska of the disease that is being talked about.

MR. KEYES deferred to the state veterinarian for an answer, but said his understanding is that there have been no cases that warrant this kind of concern.

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CO-CHAIR JOSEPHSON recalled that between 1815 and the 1820's there were problems throughout the Midwest with people becoming sick and sometimes dying from consumption of bad milk. He asked whether Mr. Keyes knows what that was about and whether it is no longer a concern.

MR. KEYES replied he cannot speak to that.

CO-CHAIR TARR interjected that some problems with milk are attributed to problems with cleanliness. Even with provisions [in legislation], there would still be a need for someone to do inspections, she said. The farmers must be relied upon to not milk from a cow that has any kind of sickness. While Alaska doesn't yet have a huge dairy industry, she continued, it is an industry that people want to see expanded for the production of milk and cheeses. People were very disappointed when the Matanuska creamery went out of business because it was a reduction in the industry rather than an expansion. She posited that the bill might be something that would improve things.

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MR. KEYES stated that DEC is currently doing a lot of work that wouldn't be appropriate to agriculture. He said DEC is doing a tremendous amount of important work for the state, but DEC's mission is different than that of the Division of Agriculture.

CO-CHAIR TARR responded that if things were to be re-organized then there would need to be a sorting out of who has what responsibilities.

[2:16:32 PM](#)

JOHANNA HERRON, development specialist, Division of Agriculture, DNR, in response to Co-Chair Tarr, said the farmers markets open at various time throughout the state, but some start toward the end of May. She said the division would make a schedule available as soon as the information is received from the market managers.

[HB 218 was held over.]

[2:20:12 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:20 p.m.