

EXECUTIVE  
ORDER

51

**THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE**

**FISCAL NOTE**

**I. REQUEST**  
 Bill/Resolution No. Executive Order No. 51  
 Title \_\_\_\_\_  
 Requested by Commissioner's Office Date February 10, 1981

**II. FISCAL DETAIL**  
 Agency Affected Health and Social Services  
 Program Category Affected Health  
 BRU, Program, or Subprogram(s) Affected Health and Safety  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		52.8	67.8	73.2	79.0	85.3
200 TRAVEL		12.0	13.0	14.0	15.1	16.3
300 CONTRACTUAL		3.3	3.6	3.8	4.2	4.5
400 COMMODITIES		1.8	1.9	2.1	2.3	2.4
500 EQUIPMENT		1.3	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>81.2</b>	<b>86.3</b>	<b>93.1</b>	<b>100.6</b>	<b>108.5</b>

**FUNDING** (Thousands of Dollars)

GENERAL FUND		81.2	86.3	93.1	100.6	108.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

**POSITIONS**

FULL TIME		1	1	1	1	1
PART TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

**III. ANALYSIS** (See Fiscal Note Preparation Instructions, Section III)

Inflation estimated @ 8% for future years.

*Erwin Cowles*  
 Agency: Department of Environmental Conservation

**IV. DATE** \_\_\_\_\_ **PREPARED BY** David Bruce  
**AGENCY** Department of Health and Social Services  
**PHONE** 465-3090  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

-6064 2/11/81

Executive Order Number 51 (cont.)

Personal Services

1. Epidemiological Field Officer R/22

Anchorage	3494/mo. x 12		41,928
Benefits @ .1655		\$6,939	
SBS @ 2,004		2,004	
Insu @ 150/mo.		<u>1,800</u>	
			<u>10,843</u>

*E.D.C. - P.H.S.*

\$62,771

Travel

*I H S*

\$12,000

Field travel to investigate disease outbreaks, suspected disease outbreaks or conditions as required on a state-wide basis.

Projected @	Trips Anch to:	<u>Trans</u>	<u>P.D.</u>	<u>Total</u>
4 trips x 3 days @ 74	Dutch Harbor & return + 685 trans	2740	888	
3 trips x 3 days @ 83	Bethel & return + 202 trans	606	747	
2 trips x 3 days @ 68	Kodiak & return + 261 trans	783	408	
3 trips x 3 days @ 88	Nome & return + 499 trans	1499	792	
2 trips x 2 days @ Barrow +	3 days @ 136 + 208 trans	624	816	
2 trips x Ketchikan - Craig	3 days @ 60 + 359 trans	718	360	
2 trips x Sitka	3 days @ 62 + 305 trans	<u>610</u>	<u>372</u>	
		7580	4383	\$11,963

Contractual Services

Phone, postage, toll calls, etc	\$1,000	
Machine repair	200	
Employee insurance @ \$114/ea.	100	
Space rental Est.	1,200	
Misc. tests not performed by state laboratories	<u>1,000</u>	
		\$3,300

Commodities

Field test kits, chemicals, sample containers and mailers	1,500	
Office supplies & materials	<u>300</u>	
		\$1,800

Equipment

Executive Desk	427	
Executive Chair	236	
3 Drawer file cabinet & lock	277	
1 bookcase	124	
2 side chairs @ 95	<u>190</u>	
		\$1,254

\$92,000

(PH)  
D+F)

Referred: Resources and  
Transportation  
1/13/81

IN THE SENATE

EXECUTIVE ORDER NO. 51

Under the authority of art. III, sec. 23 of the Constitution of the State of Alaska and in accordance with AS 24.30.130(b), I order the following:

\* Section 1. FINDINGS AND DETERMINATION. As governor, I find that consolidation of many of the inspection and enforcement functions associated with state statutes generally related to environmental health will further the interests of the state by eliminating costs associated with the provision of duplicate services by the state and by reducing the burden on industry resulting from regulation by several state agencies. In accordance with these findings, I determine that certain inspection and enforcement functions currently being performed by the Department of Natural Resources under AS 03.05 and by the Department of Health and Social Services under AS 17.05, AS 17.20, AS 18.05, and AS 18.99 should be the responsibility of the Department of Environmental Conservation.

\* Sec. 2. AS 03.05.010 is repealed and reenacted to read:

CHAPTER 05. POWERS AND DUTIES OF COMMISSIONERS (COMMISSIONER)  
OF NATURAL RESOURCES AND ENVIRONMENTAL CONSERVATION.

Sec. 03.05.010. POWERS AND DUTIES OF COMMISSIONERS. (a) The commissioner of natural resources shall

(1) direct, administer, and supervise promotional and experimental work, extension services, and agricultural projects for the purpose of promoting and developing the agricultural industry within the state including such fields as horticulture, dairying, cattle raising, fur farming, grain production, vegetable production, and development of other agricultural products, etc.;

(2) procure and preserve all information pertaining to the development of the agricultural industry and disseminate that information to the public;

1 (3) assist prospective settlers and others desiring to en-  
2 gage in the agricultural industry in the state with information con-  
3 cerning areas suitable for agriculture and other activities and programs  
4 essential to the development of the agricultural industry in the state;  
5 and

6 (4) review the marketing, financing, and development for  
7 agricultural products inside the state including transportation with  
8 special emphasis upon local production and negotiate for the marketing  
9 of agricultural products of the state with federal and state agencies  
10 operating in the state;

11 (5) regulate and control the entry into the state and the  
12 transportation sale or use inside the state of plants, seeds, vegeta-  
13 bles, fruits and berries, nursery stock, animal feeds, remedies and  
14 mineral supplements, fertilizers, and agricultural chemicals in order  
15 to prevent the spread of pests, diseases, or toxic substances injurious  
16 to the public interest, and to protect the agricultural industry against  
17 fraud, deception and misrepresentation; in this connection he may re-  
18 quire registration, inspection, and testing, and establish procedures  
19 and fees.

20 (b) To carry out his functions under this title, the commissioner  
21 of natural resources may issue orders, regulations, quarantines, and  
22 embargoes relating to

23 (1) examination and inspection of premises containing pro-  
24 ducts, articles, and commodities carrying pests;

25 (2) establishment of quarantines for eradication of pests;

26 (3) establishment of standards and labeling requirements  
27 pertaining to the sale of agricultural and vegetable seeds;

28 (4) tests and analyses which may be made and hearings which  
29 may be held to determine whether the commissioner will issue a stop

1 order or quarantine;

2 (5) cooperation with federal and other state agencies.

3 (c) To carry out his functions under this title, the commissioner  
4 of environmental conservation may issue orders, regulations, quaran-  
5 tines, and embargoes relating to

6 (1) examination and inspection of premises containing pro-  
7 ducts, articles, and commodities carrying pests;

8 (2) establishment of quarantines for eradication of pests;

9 (3) establishment of standards and labeling requirements  
10 pertaining to the sale of meat, fish, and poultry;

11 (4) tests and analyses which may be made and hearings which  
12 may be held to determine whether the commissioner will issue a stop  
13 order or quarantine;

14 (5) cooperation with federal and other state agencies;

15 (6) regulation of fur farming, except as specified in AS 16.-  
16 05.340(b); for purposes of this paragraph, "fur farming" means the  
17 raising of animals in captivity for the purpose of marketing their fur,  
18 and "domestic fur farm animal" means a fur animal born and raised in  
19 captivity;

20 (7) examination and inspection of meat, fish, and poultry  
21 advertised for sale or sold to the public.

22 \* Sec. 3. AS 09.05.020 is amended by adding a new subsection to read:

23 (b) For purposes of this section, "commissioner" means the com-  
24 missioner of environmental conservation.

25 \* Sec. 4. AS 03.05.035 is amended by adding a new subsection to read:

26 (d) For purposes of this section, "commissioner" means the com-  
27 missioner of environmental conservation.

28 \* Sec. 5. AS 03.05.040 is amended by adding a new subsection to read:

29 (b) For purposes of this section, "commissioner" means commis-

1 commissioner of natural resources with respect to those products over which  
2 the commissioner of natural resources has jurisdiction under this  
3 title, and the commissioner of environmental conservation with respect  
4 to those products over which the commissioner of environmental conser-  
5 vation has jurisdiction under this title.

6 \* Sec. 6. AS 03.05.050 is amended by adding a new subsection to read:

7 (b) For purposes of this section, "commissioner" means commis-  
8 sioner of natural resources with respect to those products over which  
9 the commissioner of natural resources has jurisdiction under this  
10 title, and commissioner of environmental conservation with respect to  
11 those products over which the commissioner of environmental conserva-  
12 tion has jurisdiction under this title.

13 \* Sec. 7. AS 03.05.060 is amended by adding a new subsection to read:

14 (b) For purposes of this section, "commissioner" means the commis-  
15 sioner of environmental conservation.

16 \* Sec. 8. AS 03.05.070 is amended by adding a new subsection to read:

17 (b) For purposes of this section, "commissioner" means the commis-  
18 sioner of environmental conservation.

19 \* Sec. 9. AS 03.05.080 is amended by adding a new subsection to read:

20 (b) For purposes of this section, "commissioner" means the commis-  
21 sioner of environmental conservation.

22 \* Sec. 10. AS 03.05.090 is amended to read:

23 Sec. 03.05.090. PENALTY FOR VIOLATION. Any person who violates  
24 this chapter or a rule, regulation, order or quarantine made under  
25 authority of this chapter, or sells seeds failing to meet the labeling  
26 requirements, standards and tests provided for by regulation of the  
27 commissioner of natural resources or the commissioner of environmental  
28 conservation is, upon conviction, punishable for each offense by a fine  
29 of not more than \$1,000, or by imprisonment for not more than one year.

1 or by both.

2 \* Sec. 11. AS 03.15 is amended by adding a new section to read:

3       Sec 03.15.030. DEFINITION. For purposes of AS 03.15.020, "de-  
4 partment" means either the Department of Natural Resources or the  
5 Department of Environmental Conservation.

6 \* Sec. 12. AS 03.25 is amended by adding a new section to read:

7       Sec. 03.25.030. DEFINITION. For purposes of this chapter, "com-  
8 missioner" means the commissioner of environmental conservation.

9 \* Sec. 13. AS 03.45.050 is amended to read:

10       Sec. 03.45.050. INSPECTION, QUARANTINE OR DESTRUCTION OF LIVE  
11 STOCK. Domestic animals and poultry in the state are subject to in-  
12 spection and test for all diseases, and to quarantine, slaughter or de-  
13 struction when found to be infected with or suffering from any conta-  
14 gious disease by an inspector of the Animal Disease Eradication Branch,  
15 United States Department of Agriculture, or by a qualified inspector  
16 authorized by the commissioner of environmental conservation to make  
17 inspections and tests of animals. Inspections and tests of animals  
18 kept for dairy purposes by dairies that offer their products to the  
19 public in the state, and inspection and tests of animals kept for pri-  
20 vate dairy purposes, provided they are readily accessible, shall be  
21 made at least once every year, if possible, and all animals not readily  
22 accessible for inspection shall be inspected before they are brought  
23 into a community where other animals used for dairy purposes are kept.  
24 The commissioner may make arrangements with the Animal Disease Eradi-  
25 cation Branch, United States Department of Agriculture, for these in-  
26 spections and tests. In the event that arrangements cannot be made  
27 with the Animal Disease Eradication Branch, the commissioner may employ  
28 inspectors. Inspections shall be carried on in cooperation with the  
29 Animal Disease Eradication Branch and in accordance with its [RULES

1 AND] regulations.

2 \* Sec. 14. AS 03.45.080 is amended to read:

3 Sec. 03.45.080. RECORD AND PAYMENT OF VALUE OF DESTROYED DAIRY  
4 CATTLE. The Department of Administration shall keep a record of the  
5 appraised value of all dairy cattle slaughtered or destroyed and of the  
6 salvage value thereof, stating the date when the animal was slaughtered  
7 or destroyed and the name of the inspector who ordered the animal  
8 slaughtered or destroyed. The Department of Administration, with the  
9 approval of the Department of Environmental Conservation [NATURAL RE-  
10 SOURCES] shall pay the owner of the animal slaughtered or destroyed  
11 two-thirds of the difference between the appraised value and the salvage  
12 value of the animal slaughtered or destroyed. The appraised valuation  
13 of each slaughtered animal may not exceed \$175 in the first judicial  
14 district and not more than \$200 in the second and third judicial dis-  
15 tricts and not more than \$250 in the fourth judicial district. No  
16 payment may be made if at the time of inspection, test or destruction,  
17 the animal was upon the premises of any person to which it had been  
18 sold, shipped or delivered for the purpose of being slaughtered. No  
19 payment may be made unless the owner has complied with all lawful  
20 quarantine regulations.

21 \* Sec. 15. AS 03.53.010 is amended by adding a new subsection to read:

22 (c) The following persons are authorized to enforce the provisions  
23 of this section:

24 (1) the commissioner of environmental conservation;

25 (2) a state employee authorized by the commissioner of envi-  
26 ronmental conservation.

27 \* Sec. 16. AS 03.60.005 is amended by adding a new subsection to read:

28 (b) The commissioner of environmental conservation is responsible  
29 for enforcing this section, and may delegate his authority as he consi-

1 ders appropriate. This does not limit the authority of peace officers.

2 \* Sec. 17. AS 03.60.010 is amended to read:

3 Sec. 03.60.010. "DEPARTMENT" AND "COMMISSIONER" DEFINED. In this  
4 title, unless otherwise indicated,

5 (1) "department" means the Department of Natural Resources;

6 (2) "commissioner" means the commissioner of natural resour-  
7 ces.

8 \* Sec. 18. AS 17.05.160(4) is amended to read:

9 (4) "department" means the Department of Environmental  
10 Conservation [HEALTH AND SOCIAL SERVICES];

11 \* Sec. 19. AS 17.20 is amended by adding new sections to read:

12 Sec. 17.20.072. ENFORCEMENT AUTHORITY FOR AS 17.20.010 -- 17.20.-  
13 075. The commissioner is responsible for enforcing AS 17.20.010 --  
14 17.20.075, and may delegate his authority as he considers appropriate.  
15 This does not limit the authority of peace officers.

16 Sec. 17.20.075. DEFINITIONS FOR AS 17.20.010 -- 17.20.075. In  
17 AS 17.20.010 -- 17.20.075,

18 (1) "commissioner" means the commissioner of environmental  
19 conservation;

20 (2) "department" means the Department of Environmental  
21 Conservation.

22 Sec. 17.20.132. ENFORCEMENT AUTHORITY FOR AS 17.20.080 -- 17.20.-  
23 135. The commissioner is responsible for enforcing AS 17.20.080 --  
24 17.20.135, and may delegate his authority as he considers appropriate.  
25 This does not limit the authority of peace officers.

26 Sec. 17.20.135. DEFINITIONS FOR AS 17.20.080 -- 17.20.135. In  
27 AS 17.20.080 -- 17.20.135,

28 (1) "commissioner" means the commissioner of health and  
29 social services;

1 (2) "department" means the Department of Health and Social  
2 Services.

3 Sec. 17.20.152. ENFORCEMENT AUTHORITY FOR AS 17.20.140 -- 17.20.-  
4 155. The commissioner of environmental conservation is responsible for  
5 enforcing AS 17.20.140 -- 17.20.155, and may delegate his authority as  
6 he considers appropriate. This does not limit the authority of peace  
7 officers.

8 Sec. 17.20.155. DEFINITION FOR AS 17.20.140 -- 17.20.155. In  
9 AS 17.20.140 -- 17.20.155, "department" means the Department of Environ-  
10 mental Conservation.

11 Sec. 17.20.172. ENFORCEMENT AUTHORITY FOR AS 17.20.160 -- 17.20.-  
12 175. The commissioner is responsible for enforcing AS 17.20.160 --  
13 17.20.175, and may delegate his authority as he considers appropriate.  
14 This does not limit the authority of peace officers.

15 Sec. 17.20.175. DEFINITIONS FOR AS 17.20.160 -- 17.20.175. In  
16 AS 17.20.160 -- 17.20.175,

17 (1) "commissioner" means the commissioner of health and  
18 social services;

19 (2) "department" means the Department of Health and Social  
20 Services.

21 \* Sec. 20. AS 17.20.180 is amended to read:

22 Sec. 17.20.180. REGULATIONS. The Department of Environmental  
23 Conservation and the Department of Health and Social Services (DEPART-  
24 MENT) may adopt [PROMULGATE] regulations for the efficient enforcement  
25 of their respective portions of this chapter. Each [THE] department  
26 may make the regulations conform, in so far as practicable, with those  
27 adopted [PROMULGATED] under the federal act.

28 \* Sec. 21. AS 17.20.200 is amended to read:

29 Sec. 17.20.200. INSPECTIONS AND EXAMINATIONS. (a) The commis-

1 sioner of environmental conservation or his agent shall have free ac-  
2 cess at reasonable hours to a factory, warehouse, or establishment in  
3 which foods [, DRUGS, DEVICES,] or cosmetics are manufactured, proces-  
4 sed, packed, or held for introduction into commerce, or to enter a  
5 vehicle being used to transport or hold these foods [, DRUGS, DEVICES,]  
6 or cosmetics in commerce, in order to

7 (1) inspect a factory, warehouse, establishment, or vehicle  
8 to determine if the provisions of his respective portions of this  
9 chapter are being violated, and

10 (2) secure samples or specimens of a food [, DRUG, DEVICE,]  
11 or cosmetic after paying or offering to pay for the sample.

12 (b) The commissioner of environmental conservation shall make or  
13 have made examinations of samples secured under this section to deter-  
14 mine whether or not a provision of his respective portions of this  
15 chapter is being violated.

16 (c) The commissioner of health and social services has the same  
17 powers and duties with respect to drugs and devices as the commissioner  
18 of environmental conservation has with respect to food and cosmetics  
19 under (a) and (b) of this section.

20 \* Sec. 22. AS 17.20.210 is amended to read:

21 Sec. 17.20.210. REIMBURSEMENT FOR EXPENSES. The Department  
22 of Environmental Conservation and the Department of Health and Social  
23 Services [DEPARTMENT] may make expenditures from money appropriated for  
24 the administration of their respective portions of this chapter to  
25 reimburse authorized employees or agents for amounts expended without  
26 receipt, covering purchases or services obtained in securing evidence  
27 of a violation of their respective portions of this chapter, upon  
28 vouchers certified by the disbursing and certifying officers of the  
29 appropriate department. Disbursement shall not exceed \$800 in any

1 biennium.

2 \* Sec. 23. AS 17.20.220 is amended to read:

3 Sec. 17.20.220. PUBLICATION OF REPORTS AND INFORMATION. (a) The  
4 commissioner of environmental conservation and the commissioner of  
5 health and social services may have published from time to time reports  
6 summarizing judgments, decrees, and court orders which have been ren-  
7 dered under their respective portions of this chapter, including the  
8 nature of the charge and the disposition of it.

9 (b) The commissioner of environmental conservation may have dis-  
10 seminated information regarding food [, DRUGS, DEVICES,] and cosmetics  
11 which he considers necessary in the interest of public health and the  
12 protection of the consumer against fraud. This section does not prohi-  
13 bit the commissioner from collecting, reporting, and illustrating the  
14 results of his investigations.

15 (c) The commissioner of health and social services has the same  
16 power with respect to drugs and devices as the commissioner of environ-  
17 mental conservation has with respect to food and cosmetics under (b) of  
18 this section.

19 \* Sec. 24. AS 17.20.230 is amended to read:

20 Sec. 17.20.230. DETENTION OR EMBARGO OF GOODS. (a) Whenever the  
21 commissioner of environmental conservation finds or has probable cause  
22 to believe that a food [, DRUG, DEVICE,] or cosmetic is adulterated, or  
23 so misbranded as to be dangerous or fraudulent within the meaning of  
24 this chapter, he shall affix to it a tag or other appropriate marking,  
25 giving notice that it is or is suspected of being adulterated or mis-  
26 branded and has been detained or embargoed, and warn all persons not  
27 to remove or dispose of it by sale or otherwise until permission for  
28 removal or disposal is given by the commissioner or the court. It is  
29 unlawful for a person to remove or dispose of a detained or embargoed

1 article by sale or otherwise without this permission.

2 (b) The commissioner of health and social services has the same  
3 duty with respect to drugs and devices as the commissioner of environ-  
4 mental conservation has with respect to food and cosmetics under (a) of  
5 this section.

6 \* Sec. 25. AS 17.20.240 is amended to read:

7 Sec. 17.20.240. PETITION FOR LIBEL FOR CONDEMNATION. When an  
8 article detained or embargoed under AS 17.20.230 has been found by the  
9 commissioner of environmental conservation or the commissioner of  
10 health and social services, as the case may be, to be adulterated or  
11 misbranded, he shall petition the superior court for a libel for con-  
12 demnation of the article. When that [THE] commissioner finds that a  
13 detained or embargoed article is not adulterated or misbranded, he  
14 shall remove the tag or other marking.

15 \* Sec. 26. AS 17.20.250 is amended to read:

16 Sec. 17.20.250. DESTRUCTION OF ADULTERATED OR MISBRANDED GOODS.  
17 If the superior court finds that a detained or embargoed article is  
18 adulterated or misbranded, it shall, after entry of the decree, be  
19 destroyed at the expense of the claimant, under the supervision of the  
20 commissioner of environmental conservation or the commissioner of  
21 health and social services, as the case may be. Court costs and fees  
22 and storage and other proper expenses shall be taxed against the claim-  
23 ant of the article.

24 \* Sec. 27. AS 17.20.260 is amended to read:

25 Sec. 17.20.260. EXEMPTION FROM DESTRUCTION. When the adultera-  
26 tion or misbranding can be corrected by proper labeling or processing  
27 of the article, and after entry of the decree and after costs, fees,  
28 and expenses have been paid and a good and sufficient bond, conditioned  
29 that the article will be properly labeled or processed has been exe-

1       cuted, the court may order that the article be delivered to the claimant for labeling or processing under the supervision of the commissioner of environmental conservation or the commissioner of health and social services, as the case may be. The claimant shall pay the expense of supervision. The bond shall be returned to the claimant of the article on representation to the court by the appropriate commissioner that the article is no longer in violation of this chapter, and that the expenses of supervision have been paid.

9       \* Sec. 28. AS 17.20.270 is amended to read:

10           Sec. 17.20.270. IMMEDIATE DESTRUCTION OF CONTAMINATED FOOD.

11       Meat, sea food, poultry, vegetable, fruit, or other perishable article in any room, building, vehicle of transportation or other structure which is unsound, or contains filthy, decomposed, or putrid substance, or a substance that may be poisonous or deleterious to health or otherwise unsafe, is a nuisance. Whenever the commissioner of environmental conservation finds such an article, he shall immediately condemn or destroy it or in any other manner render it unsalable as human food.

18       \* Sec. 29. AS 17.20.280 is amended to read:

19           Sec. 17.20.280. INJUNCTION PROCEEDINGS. The commissioner of environmental conservation and the commissioner of health and social services may apply to the superior court for, and the court has jurisdiction to grant, a temporary or permanent injunction restraining a person from violating their respective portions of AS 17.20.290.

24       \* Sec. 30. AS 17.20.290 is amended by adding new subsections to read:

25           (b) The commissioner of environmental conservat' his designee is responsible for enforcing the provisions of paragraphs (a)(1), (2), (3), (4), (6), (7), (8), (9), and (10) of this section, if the subject of the prohibited act involves food or cosmetics, and the provisions of paragraph (a)(12) of this section. This does not limit

1 the authority of peace officers.

2 (c) The commissioner of health and social services or his desig-  
3 nee is responsible for enforcing the provisions of paragraphs (a)(1),  
4 (2), (3), (4), (6), (7), (8), (9), and (10) of this section, if the  
5 subject of the prohibited act involves drugs or devices, and the provi-  
6 sions of paragraphs (a)(5), (11), and (13) of this section. This does  
7 not limit the authority of peace officers.

8 \* Sec. 31. AS 17.20.330 is amended to read:

9 Sec. 17.20.330. LIABILITY FOR DISSEMINATION OF FALSE ADVERTISING.

10 No publisher, radio-broadcast licensee, or agency or medium for the  
11 dissemination of an advertisement, except the manufacturer, packer,  
12 distributor, or seller of the article to which a false advertisement  
13 relates, is liable under AS 17.20.310 for the dissemination of the  
14 false advertisement, unless he has refused [, ON] the request of the  
15 commissioner of health and social services to furnish [THE COMMISSIONER]  
16 the name and post office address of the manufacturer, packer, distri-  
17 butor, seller, or advertising agency, residing in the state who caused  
18 him to disseminate the advertisement.

19 \* Sec. 32. AS 17.20.350 is amended to read:

20 Sec. 17.20.350. REPORT OF MINOR VIOLATIONS. Nothing in this  
21 chapter requires either the commissioner of environmental conservation  
22 or the commissioner of health and social services, as the case may be,  
23 to report minor violations of their respective portions of this chapter  
24 for prosecution, or for the institution of libel or injunction pro-  
25 ceedings, when that [THE] commissioner believes that the public interest  
26 will be adequately served by a suitable written notice or warning.

27 \* Sec. 33. AS 17.20.360 is amended to read:

28 Sec. 17.20.360. HEARING BEFORE REPORT OF CRIMINAL VIOLATION. The  
29 attorney general, to whom the commissioner of environmental conservation

1 or the commissioner of health and social services, as the case may be,  
2 reports a violation of this chapter, shall institute appropriate pro-  
3 ceedings in the superior court without delay and prosecute them in the  
4 manner required by law. Before a violation of this chapter is reported  
5 to the attorney general, the person against whom the proceeding is con-  
6 templated shall be given appropriate notice and an opportunity to  
7 present his views before the appropriate commissioner, orally or in  
8 writing, in person or by attorney, with regard to the contemplated pro-  
9 ceeding.

10 \* Sec. 34. AS 18.05.040(a)(18) is amended to read:

11 (18) the regulation of quality and purity of commercially com-  
12 pressed [AIR AND] oxygen sold for human respiration;

13 \* Sec. 35. AS 18.35.090(2) is amended to read:

14 (2) "department" means the Department of Environmental  
15 Conservation [HEALTH AND SOCIAL SERVICES].

16 \* Sec. 36. AS 18.35.230(1) is amended to read:

17 (1) "department" means the Department of Environmental  
18 Conservation [HEALTH AND SOCIAL SERVICES];

19 \* Sec. 37. AS 18.35 is amended by adding new sections to read:

20 Sec. 18.35.350. ENFORCEMENT AUTHORITY. The commissioner of  
21 environmental conservation or his designee is responsible for enforcing  
22 the provisions of AS 18.35.300 -- 18.35.340 and the provisions of  
23 regulations adopted under AS 18.35.360. This does not limit the  
24 authority of peace officers.

25 Sec. 18.35.360. REGULATIONS. The Department of Environmental  
26 Conservation may adopt regulations to implement the provisions of  
27 AS 18.35.300 -- 18.35.350.

28 \* Sec. 38. AS 44.62.330(a)(27) is amended to read:

29 (27) Department of Health and Social Services and Department

1 of Environmental Conservation under Alaska Food, Drug, and Cosmetic Act  
2 (AS 17.20), and Department of Health and Social Services in connection  
3 with the licensing of embalmers under AS 08.44.010

4 \* Sec. 39. AS 44.62.330(a)(30) is amended to read:

5 (30) Department of Environmental Conservation [HEALTH AND  
6 SOCIAL SERVICES], under AS 18.35.010 -- 18.35.090, concerning the  
7 regulations of tourist and trailer camps, motor courts, and motels

8 \* Sec. 40. AS 44.46.020 is amended by adding a new paragraph to read:

9 (5) adopt regulations for

10 (A) the prevention and control of public health nui-  
11 sances;

12 (B) the regulation of sanitation and sanitary practices  
13 in the interest of public health;

14 (C) standards of cleanliness and sanitation in connec-  
15 tion with the construction, operation, and maintenance of a camp,  
16 cannery, food handling establishment, food manufacturing plant,  
17 mattress manufacturing establishment, industrial plant, school,  
18 barbershop, hairdressing or cosmetology establishment, soft drink  
19 establishment, beer and wine dispensaries, and for other similar  
20 establishments in which lack of sanitation may create a condition  
21 which causes disease;

22 (D) the regulation of quality and purity of commer-  
23 cially compressed air sold for human respiration.

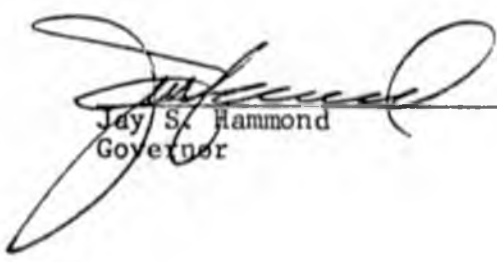
24 \* Sec. 41. AS 17.20.370(1) and (2); AS 18.05.040(a)(2), (3), and (9);  
25 and AS 44.29.020(4) are repealed.

26 \* Sec. 42. TRANSITION. All litigation, hearings, investigations and  
27 other proceedings pending under a law amended or repealed by this order, or  
28 in connection with functions transferred by this order, continue in effect  
29 and may be continued and completed notwithstanding a transfer or amendment

1 or repeal provided for in this order. Certificates, orders, and regulations  
2 issued or adopted under authority of a law amended or repealed by this order  
3 remain in effect for the term issued, until revoked, vacated, or otherwise  
4 modified under the provisions of this order. All contracts, rights, liabil-  
5 ities, and obligations created by or under a law amended or repealed by this  
6 order, and in effect on the effective date of this order, remain in effect  
7 notwithstanding this order's taking effect. Records, equipment, and other  
8 property of agencies of the state whose functions are transferred under this  
9 order shall be transferred commensurate with the provisions of this order.

10 \* Sec. 43. This order takes effect July 1, 1981.

11  
12 DATED: Jun 12, 1981

13   
14 Jay S. Hammond  
15 Governor

January 12, 1981

Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting to you Executive Order No. 51, dated January 12, 1981. This order transfers certain statutory functions from the Departments of Natural Resources and Health and Social Services to the Department of Environmental Conservation, as described below. Under art. III, sec. 23, of the Alaska Constitution, the legislature has 60 days of a regular session, or a full session if of shorter duration, to disapprove this executive order by resolution concurred in by a majority of the members in joint session; if not disapproved, this executive order will become effective on July 1, 1981.

The purpose of consolidating these various functions in DEC is to eliminate the costs associated with the provision of duplicate services by the state in the field of environmental health and to reduce the burden on industry resulting from potentially duplicate regulation by two or three state agencies. Consolidation was first suggested in May of 1976 in the form of a recommendation from my Management and Efficiency Review Committee. The Legislative Audit Division conducted a performance audit of these inspection programs in 1979 as part of the legislature's sunset review process. The division strongly recommended in its January 29, 1980 letter to me that all three inspection functions be placed in a single agency. During its deliberations on the fiscal year 81 budget, the legislature did centralize the budget for these programs in the Department of Environmental Conservation. However, the necessary statutory changes were not made at that time.

The transfer of functions from DNR to DEC involves the provisions of AS 03. The responsibilities transferred to DEC involve functions generally related to environmental health, such as the inspection of meat, fish, and poultry

offered for sale to the public. The state veterinarian and associated functions are also transferred from DNR to DEC. DNR will retain responsibility for activities related to the development of agriculture in the state, including marketing milk.

The transfer of functions from H&SS to DEC involves the provisions of AS 17.05, AS 17.20, AS 18.05, and AS 18.35. Specifically, DEC receives full responsibility for enforcing the provisions of AS 17.05 relating to flour and bread standards. Under AS 17.20, the Alaska Food, Drug and Cosmetic Act, DEC receives responsibility for enforcing the provisions relating to food and cosmetics, while H&SS retains control over drugs and devices and the false advertising provisions of the Act. Under AS 18.05, DEC assumes authority for adopting regulations relating to health and sanitation, such as regulations establishing standards for canneries. And, under AS 18.35, DEC assumes control over public accommodations and facilities, such as restaurants.

Sincerely yours,

S/JSH

Jay S. Hammond  
Governor

March 10, '81

The Honorable Jim Duncan  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to transfer a penalty provision corresponding to the transfer of four of the public health functions which were transferred in Executive Order No. 51.

This provision was inadvertently left out of that order. However, one of the co-revisors of statutes has informed the Department of Law that this cannot be treated as a "manifest clerical error" or an omission which could be corrected by the revisor under AS 01.05.031(b)(7). Therefore, I am transmitting this bill to solve the problem.

In secs. 34, 40, and 41 of Executive Order No. 51, four public health functions are transferred from the Department of Health and Social Services to the Department of Environmental Conservation. The substance of the transferred functions is set out in sec. 40.

The four paragraphs in sec. 40 are based on current AS 18.05.040(a)(2), (3), (9), and (18), respectively. Under current law (AS 18.05.060), a violation of a regulation adopted under those provisions is a misdemeanor, with a penalty of up to \$500 or one year's imprisonment. However, a corresponding penalty provision, applicable to those provisions in their new location in AS 44.46.020, was inadvertently left out of the executive order.

If the new provisions had been located in AS 46.03 (where many Department of Environmental Conservation functions are set out), certain penalty provisions already in that chapter would have been applicable. A draft of the order did locate the new provisions there. However, AS 46.03's penalty provisions establish a penalty structure quite different from the one in the present AS 18.05.060. That

IV. DATE March 11, 1981

*Richard I. Pegues*  
PREPARED BY Richard I. Pegues, Dir., Admin. Svcs.

AGENCY Department of Law

PHONE 465-3695

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

change of penalties would not have been appropriate in an executive order. Unfortunately, although the function provisions were relocated to AS 44.46, an appropriate penalty provision was not included in the final version of the order.

Since I do not believe that it would be appropriate for me to change a penalty provision substantively by means of an executive order issued under art. III, sec. 23, of the Alaska Constitution, the provision I would have included in Executive Order No. 51 would have very closely paralleled AS 18.05.060. But, since I am proposing a bill to transfer the penalty provision, AS 18.05.060 has been used as the base and then updated to conform to the new criminal code.

The attached bill characterizes violations as class A misdemeanors. This means that violators would be subject to a fine of up to \$5,000 (AS 12.55.035(b)(3)) and imprisonment of up to one year (AS 12.55.135(a)) rather than AS 18.05.060's \$500 or one year. (Also see AS 12.55.015.) AS 18.05.060 was originally enacted in 1946 (see ch. 4 SLA 1946). Clearly, inflation during the intervening three and one-half decades has made the \$500 figure ridiculously obsolete.

Under the new criminal code, the next lower classification -- class B misdemeanor -- does not seem appropriate. It would entail a penalty of up to \$1,000 and 90 days imprisonment.

I believe that the attached bill appropriately transfers and updates the penalty for violations of a regulation pertaining to any of the four public health functions cited above, and I urge your prompt passage of this bill with the effective date of Executive Order No. 51 (July 1, 1981).

Sincerely,

*S/SSH*

Jay S. Hammond  
Governor

-2-

IV. DATE March 11, 1981 PREPARED BY *Richard I. Pegues* Dir., Admin. Svcs.  
AGENCY Department of Law  
PHONE 465-3695  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HOUSE BILL NO. 322  
 Title "An Act relating to the enforcement of certain public health functions"  
 Requested by The Governor Date 3/10/81  
of the Department of Environmental Conservation; and providing for an effective date."

II. FISCAL DETAIL  
 Agency Affected Department of Law  
 Program Category Affected Administration of Justice  
 BRU, Program, or Subprogram(s) Affected Prosecution  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill transfers the penalty provisions corresponding to the transfer of the four public health functions transferred in Executive Order No. 51. These penalties are currently covered by AS 18.05.060 and this bill brings the penalty provisions within the state's revised criminal code. The current provision, which has not been changed since 1946, sets the penalty at \$500 or one year's imprisonment. The bill changes the provision to \$5,000 and one year's imprisonment. Since the department is already responsible for prosecuting violations under the current provision, no additional fiscal impact is anticipated.

*Richard I. Pegues*

IV. DATE March 11, 1981 PREPARED BY Richard I. Pegues, Dir., Adm. Svcs.  
 AGENCY Department of Law  
 PHONE 465-3695

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)



# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Rep. Don Clocksin, Chairman  
465-3797

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 5, 1981

Rep. Jim Duncan  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. Speaker:

The Health, Education and Social Services Committee has reviewed Executive Order 51 and recommends that no action be taken to disapprove it.

However, two points should be made regarding the Executive Order. First, it appears that reorganization of various functions has already occurred by administrative fiat and that most of the necessary adjustments in the budgets of the affected agencies were made last year. Thus, if we were to disapprove the Executive Order, it would cause major upheaval in the agencies. When a reorganization of state government requires changes in statutes - as this one does - and is implemented before an Executive Order is proposed to the Legislature, then the intent of Article III, Sec. 21 of the Alaska Constitution is being frustrated. We recommend the Governor review the process by which reorganizations are implemented.

Second, Article III, Sec. 21 allows reorganization for "efficient administration." Examples arose during hearings which raise questions as to how efficient the reorganization really is:

1. While the Department of Environmental Conservation is given responsibility over false or misleading food advertising (AS 17.20.040), the Department of Health and Social Services also has responsibility over false advertising of foods and drugs (AS 17.20.160; AS 17.20.330).
2. While the Department of Natural Resources has the responsibility for eggs (AS 03.05.010(a)), the Department of Environmental Conservation has responsibility for chickens (AS 03.05.010(c)).

Rep. Jim Duncan  
March 5, 1981  
Page Two

3. While the Department of Health and Social Services is responsible for "commercially compressed oxygen sold for human respiration" (AS 18.05.040(a)(18)), the Department of Environmental Conservation is responsible for "commercially compressed air sold for human respiration" (AS 44.46.020).

However, considering that the reorganization is a fait accompli and that the Legislature could later pass a bill to change the statutes altered by an Executive Order if problems arise, the committee has chosen not to disapprove the Executive Order.

Sincerely,



Rep. Don Clocksin

DC:am

cc: Governor Jay S. Hammond  
Rep. Terry Gardiner  
Rep. Fred Zharoff



# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Donald E. Clocksin, Chairman  
465-3797  
465-3777

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 12, 1981

MEMO

TO: ALL HOUSE HESS COMMITTEE MEMBERS

FROM: REP. DON CLOCKSIN, Chair

RE: EXECUTIVE ORDER #51

Please find enclosed back-up material for Executive Order #51 as provided by the Department of Environmental Conservation on February 11, 1981.



Rep. Don Clocksin, Chairman  
465-797

# Alaska State Legislature

## House of Representatives

### Committee on Health, Education & Social Services

February 19, 1981

Pouch V  
State Capitol  
Juneau, Alaska 99811

MEMO

TO: ALL HESS COMMITTEE MEMBERS

FROM: DON CLOCKSIN, CHAIR *DC*

RE: EXECUTIVE ORDER #51- fiscal information

Please find enclosed the fiscal information the Hess Committee requested at the February 13 hearing on Executive Order #51.

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 99811

February 18, 1981

The Honorable Donald E. Clocksin  
House of Representatives  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Clocksin:

At the February 13 hearing on Executive Order 51, you requested certain fiscal information on the transfer of regulatory programs from the Department of Natural Resources and the Department of Health and Social Services to the Department of Environmental Conservation. As mentioned, much of that change was initiated by Governor's Budget Amendment B18-2, which was approved by the Legislature, and included in the FY 1981 operating budgets of the affected agencies. The budget amendment was introduced at the behest of several legislators, in part in response to the reports prepared by the Division of Legislative Audit on the inspection functions of the Division of Agriculture, Environmental Health Section, and the Department of Environmental Conservation.

The budget amendment transferred \$839,100 and 17 permanent full-time positions from the Division of Agriculture to the Department of Environmental Conservation, Office of the Commissioner, inspection project BRU. That budget transfer represented the animal industry and seafood industry components of the agricultural inspection BRU in the public protection category. The remainder of that BRU, the plant industry component, was retained in the Department of Natural Resources, but transferred from the public protection category to the development category.

Also transferred to the inspection office BRU was \$1,050,700, 27 permanent full-time and three permanent part-time positions from the general sanitation component of the environmental health BRU in the health category. The remaining \$383,700 and seven permanent full-time positions and 2.0 permanent part-time positions were retained in the general sanitation component. Additionally, \$125,000 was appropriated to pay for one-time transition expenditures.

February 18, 1981

Once the budget transfer was formally made, the agencies negotiated which exact functions were to be transferred to DEC; these negotiations ultimately resulted in Executive Order 51. As a result of these negotiations, the Department of Health and Social Services transferred to DEC an additional \$213,644 and five full-time and one part-time permanent positions. Thus, remaining in the general sanitation component were two full-time and two part-time positions and \$170,056. The reason this action was taken by RSA rather than included in the budget amendment was that we did not have sufficient time during the last few days of the 1980 legislative session to develop an exact budget proposal based on a close analysis of the functions transferred.

I hope that this information adequately responds to the committee's questions on the fiscal implications of the Executive Order. I have enclosed a copy of the budget amendment, the Reimbursable Services Agreement, and the budget pages from the FY 1981 budget. If there are any further questions we might answer, please contact me.

Sincerely,



Ernst W. Mueller  
Commissioner

Enclosures

cc: Dale Wallington  
Keith Specking w/encl

18-53-3

06-16-01-00-00 (00-00-0-00-00-00)

STATE OF ALASKA -- COMPONENT BUDGET ANALYSIS

17:25

6/13/80

CATEGORY: PUBLIC PROTECTION  
AGENCY: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PROGRAM: COMMISSIONER'S OFFICE  
SUB-PROGRAM: INSPECTION PROJECT

\*\*\* F.C.C. ANALYSIS \*\*\*

GOVERNORS F&C 90.0

OBJECT GROUP	VARIATION		DESCRIPTION: F.C. ., VERSUS GOVERNOR
01 PERS. SERV.	1474.4	100.0%	
02 TRAVEL	127.2	100.0%	
03 CONTRACTUAL	238.0	100.0%	
04 COMMODITIES	35.1	100.0%	
05 EQUIPMENT	3.6	100.0%	
06 LANDS/BLDGS	10.3	100.0%	
07 GRANTS, CLMS	1.0	100.0%	
08 MISC.	129.0	100.0%	
MM TOTAL	2014.8	100.0%	

F.C.C. FIGURE \$2,014.8

THIS IS A NEW COMPONENT ESTABLISHED BY GOVERNOR'S BUDGET AMENDMENT B18-2 AND APPROVED BY THE F.C.C. IT IS A COMBINATION OF \$1050.7, 27 PFT AND 3 PPT POSITIONS FROM D.H.S.S. GENERAL SANITATION UNIT, \$629.3 AND 13 PFT POSITIONS FROM THE D.H.R. ANIMAL INDUSTRY COMPONENT, AND, \$209.8 AND 4 PFT POSITIONS FROM THE D.H.R. SEAFOOD INDUSTRY COMPONENT. THERE ALSO IS \$125.0 FOR ONE TIME REORGANIZATION COSTS.

65

13  
7  
114

96.9  
7.6  
629.3  
209.3  
-----  
943.1

GF 5/11/80  
FF 2/11/80

06-10-01-02-00 (10-53-3-17-02-00)

STATE OF ALASKA -- COMPONENT\_BUDGET\_SUMMARY

17:24

6/13/80

CATEGORY: PUBLIC PROTECTION  
 AGENCY: DEPARTMENT OF NATURAL RESOURCES

PROGRAM: AGRICULTURAL INSPECTION  
 SUB-PROGRAM: ANIMAL INDUSTRY

EXPENDITURES & FUNDING	FISCAL YEAR 1981												
	(01) FY77 ACT	(02) FY80 ATH	(03) FY80 RP	(04) FY80 SUP	(05) CONT	(06) REQUEST	(07) GOV AMD	(08) GOVERNOR	(09) HOUSE	(10) SENATE	(11) F.C.C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	512.2	515.8			470.1	470.1	-504.2	504.2	504.2	504.2	504.2		
02 TRAVEL	38.8	33.5			51.7	51.7	-35.8	51.7	35.8	33.8			
03 CONTRACTUAL	131.1	68.8			127.0	127.0	-62.9	127.0	62.9	64.6			
04 COMMODITIES	9.8	16.8			21.8	21.8	-21.8	21.8	21.8	17.5			
05 EQUIPMENT	2.3				3.6	3.6	-3.6	3.6	6				
06 LANDS/BLOGS	2.2	2.2											
07 GRANTS, CLMS		81.0			1.0	1.0	-1.0	1.0	1.0	1.0			
08 MISC.													
09 TOTAL EXPEND	696.4	718.1			675.2	675.2	-629.3	709.3	629.3	621.1			
09 I-A TRANSFER	5.7	5.0			29.0	29.0		29.0	29.0	29.0			
10 FED. RECEIPT	245.6	213.6			227.5	227.5	-245.6	236.5	245.6	236.5			
11 G. F. MATCH	245.6	218.6			227.5	227.5	-245.6	252.6	245.6	252.6			
12 GENERAL FUND	205.2	294.9			220.2	220.2	-138.1	220.2	138.1	132.0			
13 PGM RECEIPTS													
14 OTHER FUNDS													
15 FULL-TIME		14.0			13.0	13.0	-13.0	13.0	13.0	13.0			
16 PART-TIME													
17 TEMPORARY													
18 MAN-MONTHS		173.0			159.2	159.2	-152.0	159.2	159.2	159.2			

18-53-3 1/1

6:13  
 11/11/80  
 (Handwritten notes and stamps)

FOOTNOTES

1 TRANSFERRED TO DEPT. OF ENV. CONS., COMM. OFFICE INSPECTION PROJECT.

REVISED PROGRAMS, GOVERNOR AMENDMENTS, SUPPLEMENTAL & SPECIAL APPROPRIATIONS AND FISCAL NOTES...

GOVERNOR AMENDMENTS: 18-2 6629.3-

06-10-02-03-20 10-53-3-17-03-00)

## STATE OF ALASKA -- COMPONENT BUDGET ANALYSIS

17-24

6/13/80

CATEGORY: PUBLIC PROTECTION  
AGENCY: DEPARTMENT OF NATURAL RESOURCESPROGRAM: AGRICULTURE INSPECTION  
SUB-PROGRAM: SEAFOOD INDUSTRY

## \*\*\*\*\* F.C.C. ANALYSIS \*\*\*\*\*

GOVERNORS REC \$209.8

OBJECT GROUP	VARIATION	
01 PERS. SERV.	-110.8	-100.0%
02 TRAVEL	-29.3	-100.0%
03 CONTRACTUAL	-62.0	-100.0%
04 COMMODITIES	-7.7	-100.0%
*** TOTAL	-209.8	-100.0%
F.C.C. FIGURE	00.0	

## DESCRIPTION: F.C.C. VERSUS GOVERNOR

THIS COMPONENT FUNDED IN THE AMOUNT OF 209.8 IS TRANSFERRED TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, COMMISSIONER'S OFFICE, INSPECTION PROJECT COMPONENT AS REQUESTED IN GOVERNOR'S BUDGET AMENDMENT B18-2 AND APPROVED BY THE F.C.C.

\*\*\*\*\* HOUSE ANALYSIS \*\*\*\*\*

\*\*\*\*\* SENATE ANALYSIS \*\*\*\*\*

10-01-03-00 (10-93-3-17-03-00)

STATE OF ALASKA -- COMPONENT\_BUDGET\_SUMMARY

17:24

6/13/80

CATEGORY: PUBLIC PROTECTION  
 AGENCY: DEPARTMENT OF NATURAL RESOURCES

PROGRAM: AGRICULTURE INSPECTION  
 SUB-PROGRAM: SEAFOOD INDUSTRY

PENDING FUNDING	FISCAL YEAR 1981												
	(01) FY79 ACT	(02) FY80 ATH	(03) FY80 RP	(04) FY80 SUP	(05) CCNT	(06) REQUEST	(07) GOV AMD	(08) GOVERNOR	(09) HOUSE	(10) SENATE	(11) F.C.C.	(12) BILLS	(13) LEG.REC.
PERS. SERV.	76.1	104.8			103.8	103.8	-110.8	110.8	110.8	110.8			
TRAVEL	16.2	23.0			29.4	29.3	-29.3	29.3	29.3	29.3			
CONTRACTUAL	9.7	14.5			19.5	62.0	-62.0	62.0	62.0	62.0			
COMMODITIES	1.2	1.2			1.	7.7	-7.7	7.7	7.7	7.7			
EQUIPMENT	1.3												
LANDS/BLDGS													
GRANTS, CLMS													
MISC.													
TOTAL EXPEND	104.5	144.3			146.0	202.8	-209.8	209.8	209.8	209.8			
I-A TRANSFER	2.6	4.6			4.9	4.9		4.0	4.9	4.9			
FED. RECEIPT													
G. F. MATCH													
GENERAL FUND	104.5	144.3			146.0	202.8	-209.8	209.8	209.8	209.8			
PGM RECEIPTS													
OTHER FUNDS													
FULL-TIME	4.0	4.0			4.0	4.0	-4.0	4.0	4.0	4.0			
PART-TIME													
TEMPORARY													
MAN-MONTHS	48.0	48.0			48.0	48.0	-48.0	48.0	48.0	48.0			

FOOTNOTES

1 TRANSFERRED TO DEPT. OF ENV. CONSL., COMM. OFFICE INSPECTION PROJECT.

REVISED PROGRAMS, GOVERNOR AMENDMENTS, SUPPLEMENTAL & SPECIAL APPROPRIATIONS AND FISCAL NOTES...

GOVERNOR AMENDMENTS: 18- 2 6209.8-



AV 04570

JV 04570

AMENDMENT NO. 00

B & M RSA LOG NO. 5714

I. DESCRIPTION:

THE Department of Health and Social Services

(AGENCY)

HEREBY REQUESTS THE FOLLOWING

SERVICES TO BE PERFORMED BY THE Department of Environmental Conservation

(AGENCY)

PROJECT OR PROGRAM TITLE: DEC Commissioner's Office/Inspection Projects R21

DESCRIPTION OF SERVICE TO BE PROVIDED: To complete consolidation of environmental health

inspectional activities initiated by Governor's budget amendment R18-2 dated 5/21/80

2/10

TERMS AND MECHANICS OF REIMBURSEMENT: Interagency transfer by adjustment voucher for \$21,644 upon execution of this RSA

DATE WORK TO COMMENCE: July 1, 1980 DATE COMPLETION REQUIRED: June 30, 1981

II. BUDGETING AND ACCOUNTING INFORMATION:

THIS SERVICE REQUIREMENT [ ] WAS [X] WAS NOT DOCUMENTED IN THE REQUESTING AGENCY'S BUDGET. (REF: FY \_\_\_\_\_ BUDGL. PAGE NO. \_\_\_\_\_)

THIS SERVICE REQUIREMENT [ ] WAS [X] WAS NOT DOCUMENTED IN THE SERVICING AGENCY'S BUDGET. (REF: FY \_\_\_\_\_ BUDGET PAGE NO. \_\_\_\_\_)

REQUESTING AGENCY ACCOUNT NUMBER(S) TO BE CHARGED: (1) 06-31-1-500 CONTINUING FUNDS? [ ] YES [X] NO IF YES, AUTHORITY?: 380

(2) \_\_\_\_\_ CONTINUING FUNDS? [ ] YES [ ] NO IF YES, AUTHORITY?:

REQUESTING AGENCY ENCUMBRANCE NUMBER: RS 06-0699

DECISION

SCHEDULE OF MAXIMUM COSTS TO BE INCURRED:

OBJECT OF EXPENDITURE	ORIGINAL AGREEMENT	ALL PREVIOUS AMENDMENTS	THIS AMENDMENT	TOTAL
PERSONAL SERVICES	200,424		0	200,424
EQUIPMENT			0	
LANDS AND BUILDINGS			0	
OTHER (ITEMIZE):				
Contractual	10,720		0	10,720
Commodities	2,500		0	2,500
TOTAL MAXIMUM COST:	213,644		0	213,644

III. APPROVALS AND CERTIFICATIONS:

18-53-3-550

1. REQUESTING AGENCY:

( ( 551 ) )

IN ADDITION TO AGREEING TO THE ABOVE STIPULATIONS, I CERTIFY, BASED ON THE ABOVE COST SCHEDULE, THAT SUFFICIENT FUNDS ARE AUTHORIZED AND AVAILABLE TO PAY THIS OBLIGATION, THAT THE ACCOUNTING CODE(S) TO BE CHARGED HAS (HAVE) A BALANCE SUFFICIENT TO COVER THIS OBLIGATION AND THAT A BALANCE WILL BE MAINTAINED IN THIS (THESE) ACCOUNT(S) SUFFICIENT TO PAY ANY AGENCY OBLIGATIONS ESTABLISHED BY THIS AGREEMENT.

[Signature] AUTHORIZED SIGNATURE

7/3/80 DATE

2. SERVICING AGENCY APPROVAL:

[Signature] AUTHORIZED SIGNATURE

8/1/80 DATE

THE BUDGET AND MANAGEMENT APPROVAL:

[Signature] AUTHORIZED SIGNATURE

7/1/80 DATE

May 21, 1980

The Honorable John Sackett  
Chairman, Senate Finance Committee  
Alaska State Legislature  
Pouch Y  
Juneau, Alaska 99811

FY 81 Budget Amendment # B18-2

<u>Category</u>	<u>Department</u>	<u>BRU</u>
NRMEC	Dept. of Environmental Conservation	Commissioner's Office
Health	Dept. of Health and Social Services	Inspections Project General Sanitation
Public Protection	Dept. of Natural Resources	Agricultural Inspection

Components: Various as listed on attachment. Transfer of various appropriation to DEC  
Workbook Form 4A, page 243 (Health), 940, 966 (Public Protection)

Dear Senator Sackett:

Please amend the Governor's budget to transfer portions of the Agricultural Inspection (DHR) and Environmental Health (DH&SS) BRU's to the Commissioner's Office/Inspection Project BRU within the Department of Environmental Conservation. These transferred programs will be part of the Commissioner's Office and will be in the Public Protection Category. Once work plans have been written by DEC, these programs will be removed from the Commissioner's Office and integrated into other appropriate areas within the Department. The specific amounts to be transferred are outlined on the attached sheets.

Briefly, this transfer will consolidate certain inspection functions involving sanitation and health standards, water quality, wastewater disposal, solid waste disposal, insect and rodent control, animal health and nuisances that impact public health from both the Environmental Health Section of the Department of Health and Social Services, and the Division of Agriculture, Department of Natural Resources into the Department of Environmental Conservation.

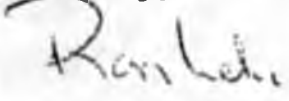
Senator Sackett

-2-

May 21, 1980

The purpose of this consolidation is to eliminate the burden placed on the public by multiple agency inspection visits, to reduce the overall cost of the State's inspection program through elimination of duplication and to provide more effective regulatory service.

Sincerely,

  
Dr. Ronald D. Lehr  
Director

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RD/LR/psp

May 21, 1980

The Honorable Russ Meekins  
Chairman, House Finance Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

FY 81 Budget Amendment # B18-2

<u>Category</u>	<u>Department</u>	<u>BRU</u>
NR/IEC	Dept. of Environmental Conservation	Commissioner's Office Inspections Project
Health	Dept. of Health and Social Services	General Sanitation
Public Protection	Dept. of Natural Resources	Agricultural Inspection

Components: Various as listed on attachment. Transfer of various  
appropriation to DEC  
Workbook Form 4A, page 243 (Health), 940, 906 (Public Protection)

Dear Representative Meekins:

Please amend the Governor's budget to transfer portions of the Agricultural Inspection (DNR) and Environmental Health (DH&SS) BRU's to the Commissioner's Office/Inspection Project BRU within the Department of Environmental Conservation. These transferred programs will be part of the Commissioner's Office and will be in the Public Protection Category. Once work plans have been written by DEC, these programs will be removed from the Commissioner's Office and integrated into other appropriate areas within the Department. The specific amounts to be transferred are outlined on the attached sheets.

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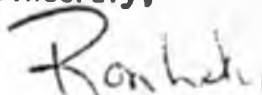
Representative Meekins

-2-

May 21, 1980

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Sincerely,



Dr. Ronald D. Lehr  
Director

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RDL/LW/psp

HEALTH CATEGORY  
Department of Health and  
Social Services  
Environmental Health BRU  
General Sanitation Component

1434.4	To Public Protection Category	383.7
34 PFT	(1,050.7) To DEC	7 PFT
5 PFT	(27 PFT)	3 PPT
	(3 PPT)	

PUBLIC PROTECTION CATEGORY  
Department of Natural Resources  
Agricultural Inspection BRU  
Plant Industry

112.7	To Development Category	112.7
2 PFT	-0-	2 PFT

Animal Industry

629.3	No Category Change to DEC	-0-
13 PFT	(629.3)	-0-
	(13 PFT)	

Seafood Industry

209.8	No Category Change to DEC	-0-
4 PFT	(209.8)	-0-
	(4 PFT)	

PUBLIC PROTECTION CATEGORY  
Department of Environmental Conservation  
Commissioner's Office - Inspection Project BRU

-0-	Public Protection Category	
	1050.7 From H&SS	
	44 PFT	
	3 PPT	

839.1 From DNR  
17 PFT

One-Time Organizational Expenses  
125.0

2014.8  
44 PFT  
3 PPT

BUDGET AMENDMENT NO. B 18-2

CATEGORY: Public Protection  
 DEPARTMENT: Natural Resources  
 DIVISION: Agricultural Inspection  
 COMPONENT: Seafood Industry

CODE	EXPENDITURE BY OBJECT	CURRENT GOVERNOR'S BUDGET	REVISION	AMENDED GOVERNOR'S BUDGET
00	PERSONAL SERVICES	110.8	(110.8)	-0-
00	TRAVEL	29.3	(29.3)	
00	CONTRACTUAL SERVICES	62.0	(62.0)	
00	COMMODITIES	7.7	(7.7)	
00	EQUIPMENT			
00	LANDS, BUILDINGS ETC.			
00	GRANTS, CLAIMS ETC.			
00	MISCELLANEOUS			
	TOTAL	209.8	(209.8)	
FEDERAL RECEIPTS				
REQUIRED GENERAL FUND MATCH				
	OTHER GENERAL FUND	209.8	(209.8)	-0-
INTER-AGENCY TRANSFERS				
OTHER: _____				
	TOTAL			
PERMANENT FULL-TIME POSITIONS				
	PERMANENT PART-TIME POSITIONS			
TEMPORARY (FULL-TIME) EQUIV.				
	NUMBER OF STAFF MONTHS	48	(48)	-0-

BUDGET AMENDMENT NO. B18-2

CATEGORY: Public Protection

DEPARTMENT: Natural Resources

BRANCH: Agricultural Inspection

COMPONENT: Animal Industry

CODE	EXPENDITURE BY OBJECT	CURRENT GOVERNOR'S BUDGET	REVISION	AMENDED GOVERNOR'S BUDGET
00	PERSONAL SERVICES	504.2	(504.2)	-0-
00	TRAVEL	35.8	(35.8)	
00	CONTRACTUAL SERVICES	62.9	(62.9)	
00	COMMODITIES	21.8	(21.8)	
00	EQUIPMENT	3.6	(3.6)	
00	LANDS, BUILDINGS ETC.			
00	GRANTS, CLAIMS ETC.	1.0	(1.0)	
00	MISCELLANEOUS			
	TOTAL	629.3	(629.3)	
	FEDERAL RECEIPTS	245.6	(245.6)	-0-
	REQUIRED GENERAL FUND MATCH	245.6	(245.6)	-0-
	OTHER GENERAL FUND	138.1	(138.1)	
	INTER-AGENCY TRANSFERS			
	OTHER:			
	• House Figure TOTAL	629.3*	(629.3)	
	PERMANENT FULL-TIME POSITIONS	13	(13)	-0-
	PERMANENT PART-TIME POSITIONS			
	TEMPORARY (FULL-TIME) EQUIV.			
	NUMBER OF STAFF MONTHS	152.2	(152.2)	

AMENDMENT NO. B18-2

SUBJECT: Public Protection

DEPARTMENT: Department of Environmental Conservation

PROJECT: Commissioner's Office/Inspection Project

COMPONENT: \_\_\_\_\_

LINE	EXPENDITURE BY OBJECT	CURRENT GOVERNOR'S BUDGET	REVISION	AMENDED GOVERNOR'S BUDGET
100	PERSONAL SERVICES	-0-	1474.4	1474.4
100	TRAVEL	-0-	127.2	127.2
100	CONTRACTUAL SERVICES	-0-	238.0	238.0
100	COMMODITIES	-0-	35.1	35.1
100	EQUIPMENT	-0-	3.6	3.6
100	LANDS, BUILDINGS ETC.	-0-	10.5	10.5
100	GRANTS, CLAIMS ETC.	-0-	1.0	1.0
100	MISCELLANEOUS	-0-	125.0	125.0
	TOTAL		2,014.8	2,014.8
<hr/>				
	FEDERAL RECEIPTS		245.6	245.6
	REQUIRED GENERAL FUND MATCH		245.6	245.6
	OTHER GENERAL FUND		1,460.5	1,460.5
	INTER-AGENCY TRANSFERS			
	OTHER: <u>Medical Transfer</u>		63.1	63.1
	TOTAL		2,014.8	2,014.8
<hr/>				
	PERMANENT FULL-TIME POSITIONS		44	44
	PERMANENT PART-TIME POSITIONS		3	3
	TEMPORARY (FULL-TIME) EQUIV.			
	NUMBER OF STAFF MONTHS			

*City of Fairport  
Contract  
Receipts*

AMENDMENT NO. B 18-2

ORY: Health

ARTMENT: H & SS

RU: Environmental Health

OMPONENT: General Sanitation

CODE	EXPENDITURE BY OBJECT	HOUSE BUDGET ACCEPTED BY FCC	REVISION	AMENDED GOVERNOR'S BUDGET
00	PERSONAL SERVICES	1186.4	(859.4)	327.0
00	TRAVEL	73.1	(62.1)	11.0
00	CONTRACTUAL SERVICES	138.6	(113.1)	25.5
00	COMMODITIES	9.1	(5.6)	3.5
00	EQUIPMENT			
00	LANDS, BUILDINGS ETC.	27.2	(10.5)	16.7
00	GRANTS, CLAIMS ETC.			
00	MISCELLANEOUS			
	TOTAL	1434.4	(1050.7)	383.7
<b>FEDERAL RECEIPTS</b>				
REQUIRED GENERAL FUND MATCH				
	OTHER GENERAL FUND	1371.3	(987.6)	383.7
INTER-AGENCY TRANSFERS				
OTHER:	<i>City of Fairbanks Contract Wasteland Transfers Programs Receipts</i>	63.1	(63.1)	-0-
	TOTAL			
	PERMANENT FULL-TIME POSITIONS	34.0	(27)	7.0
	PERMANENT PART-TIME POSITIONS	5.0	(3)	2.0
	TEMPORARY (FULL-TIME) EQUIV.			
	NUMBER OF STAFF MONTHS			

As early as July of 1975 the possibility of having all food related inspection functions conducted by a single individual or job class was being considered.

The remainder of 1975 and 1976 saw periodic discussions between Department of Health and Social Services and Department of Natural Resources regarding the possibility of combining some or all of their related inspection functions into DHSS. No definite steps were taken. In December of 1976, EC entered the discussions involved with inspections of public water and sewage systems and the relationship between water, sewer and public health. Representatives of Department of Natural Resources, Office of the Governor, Department of Health and Social Services, Department of Environmental Conservation and Department of Labor met in January of 1977 to discuss consolidation and other options such as cross-training and sharing inspectors. In February of 1977 the question of the legality of delegation of duties between departments arose and the Attorney General's office was consulted. The resulting opinion stated that an employee of DEC, DNR or DHSS may inspect for the other, but only DNR and DEC could enforce for another agency. (The regulations of DHSS were written in such a manner as to prohibit their enforcing another agency's regulations.)

In 1978, the Office of the Governor requested specific information regarding the feasibility of consolidation or entering into a memorandum of understanding. A draft memorandum of understanding was proposed, but not agreed to because it did not resolve all the issues involved.

Various legislators introduced HR 825, an act relating to certain state health inspection functions which would have transferred food product, food handling, standard setting, regulation and enforcement authority from Department of Natural Resources to Department of Health and Social Services and delegating a portion of DEC's authority regarding public water supply protection and sewage disposal to DHSS.

The Office of the Governor opposed HB 825.

In October of 1978, Legislative Affairs entered the picture pointing out an overlap of regulatory authority in the area of water pollution control and water quality protection between the Departments of Fish and Game, Environmental Conservation, Natural Resources and Health and Social Services. The possibility of an MOU between DEC and DHSS for involvement in water analysis and waterborne disease outbreaks was discussed.

The Second Session of the 11th Alaska Legislature saw the introduction of HB 189. (HB 189 was an act relating to certain health inspection functions which would combine within a single agency all authority for regulation and inspection of certain food animals, poultry, fish, dairy products and derivative food products and the power to inspect and enforce state standards for sewage disposal and water supply in a broad variety of establishments.)

Towards the end of 1979, three Legislative Audits were performed: Department of Health and Social Services, Division of Public Health, Environmental Health Section; Department of Natural Resources, Division of Agriculture, Agricultural Inspection Program and Department of Environmental Conservation, Water Inspection Program. These three audits shared a common recommendation -- "responsibilities for sanitation inspections of business establishments on a routine basis should be centralized under one agency."

The reviews were mixed. Although the agencies agreed that consolidation was probably a viable alternative they seemed to prefer a program of interagency cooperation. This would include an MOU to allow agency cross-inspection and development of uniform class specifications for inspectors in the three departments and cross-training of inspectors. This plan allowed for an evaluation after about 10 months to determine

if this method of coping with the overlap of responsibilities was working. If not, consolidation would be again considered.

In early 1980, two legislators - Joe McKinnon and Clem Tillion - expressed interest in the proposed consolidation of programs within Department of Environmental Conservation, Department of Natural Resources and Department of Health and Social Services. In April of 1980, Governor Hammond stated his intent to consolidate environmental health and agricultural inspections into the Department of Environmental Conservation.

With the decision finally made, the wheels began to turn - amazingly quickly for a bureaucracy - and between April and July a task force of representatives from the three departments developed and implemented a plan to merge environmental health and agricultural inspections into DEC.

In June 1980, Commissioner Helen Beirne delegated authority for inspection and enforcement of the following items:

AS 17.05 Food and Drink Standards

AS 18.05.040 regulations for definition, reporting & control of diseases of public health significance;

prevention and control of public health nuisances;

regulation of sanitation and sanitary practices in the interest of public health and prevention of disability and mortality;

standards of cleanliness and sanitation;

the conduct of its business and for carrying out provisions of laws of the United States and the state relating to public health;

regulation of quality and purity of commercially compressed air and oxygen sold for human respiration; and

AS 18.35 Public Accommodations and Facilities.

Commissioner Robert LaResche delegated authority for:

inspection and enforcement of AS 03.05.010 - AS 03.05.100 with regard to food, animal, fish, poultry, milk and derivative food products to protect the public against fraud, disease and spoilage.

Consolidation officially occurred on July 1, 1991 by Executive Order #51.

The Office of Seafood and Animal Inspection Services was established under the Office of the Commissioner. This office is comprised largely of positions from Department of Natural Resource's Agricultural Inspection Program and is responsible for inspection and/or permit issuance for seafood processing plants, importation of animals, milk processors, milk products, frozen dessert manufacturers, sale of biological products, and meat production from slaughter to retail.

The environmental health sanitarians located in 11 field offices were merged with sister DEC offices with DEC gaining an office in Tok, Kodiak and Nome. These sanitarians were placed in the existing Division of Environmental Quality Operations. An environmental sanitation management position was established in the Water Quality and Environmental Sanitation Section in the, again, existing Division of Environmental Quality Management.

Work continues on integrating DHSS and DNR regulations into DEC's regulations. These regulations are being updated at the same time. Sanitarians are being cross-trained to assist with water and sewer inspections while seafood and meat inspectors are each being cross-trained to assume the duties of the other job class. DEC has included within its budget request several increments to expand both the sanitation and seafood and animal health programs.



# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Donald E. Clocksin, Chairman  
465-3797  
465-3777

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 12, 1981

MEMO

TO: ALL HOUSE HESS COMMITTEE MEMBERS

FROM: REP. DON CLOCKSIN, Chair

RE: EXECUTIVE ORDER #51

Please find enclosed back-up material for Executive Order #51 as provided by the Department of Environmental Conservation on February 11, 1981.

January 12, 1981

Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting to you Executive Order No. 51, dated January 12, 1981. This order transfers certain statutory functions from the Departments of Natural Resources and Health and Social Services to the Department of Environmental Conservation, as described below. Under art. III, sec. 23, of the Alaska Constitution, the legislature has 60 days of a regular session, or a full session if of shorter duration, to disapprove this executive order by resolution concurred in by a majority of the members in joint session; if not disapproved, this executive order will become effective on July 1, 1981.

The purpose of consolidating these various functions in DEC is to eliminate the costs associated with the provision of duplicate services by the state in the field of environmental health and to reduce the burden on industry resulting from potentially duplicate regulation by two or three state agencies. Consolidation was first suggested in May of 1976 in the form of a recommendation from my Management and Efficiency Review Committee. The Legislative Audit Division conducted a performance audit of these inspection programs in 1979 as part of the legislature's sunset review process. The division strongly recommended in its January 29, 1980 letter to me that all three inspection functions be placed in a single agency. During its deliberations on the fiscal year 81 budget, the legislature did centralize the budget for these programs in the Department of Environmental Conservation. However, the necessary statutory changes were not made at that time.

The transfer of functions from DNR to DEC involves the provisions of AS 03. The responsibilities transferred to DEC involve functions generally related to environmental health, such as the inspection of meat, fish, and poultry

offered for sale to the public. The state veterinarian and associated functions are also transferred from DNR to DEC. DNR will retain responsibility for activities related to the development of agriculture in the state, including marketing milk.

The transfer of functions from H&SS to DEC involves the provisions of AS 17.05, AS 17.20, AS 18.05, and AS 18.35. Specifically, DEC receives full responsibility for enforcing the provisions of AS 17.05 relating to flour and bread standards. Under AS 17.20, the Alaska Food, Drug and Cosmetic Act, DEC receives responsibility for enforcing the provisions relating to food and cosmetics, while H&SS retains control over drugs and devices and the false advertising provisions of the Act. Under AS 18.05, DEC assumes authority for adopting regulations relating to health and sanitation, such as regulations establishing standards for canneries. And, under AS 18.35, DEC assumes control over public accommodations and facilities, such as restaurants.

Sincerely yours,

*S/JSH*

Jay S. Hammond  
Governor