

SB

132

SFIN

FILE

SB 132

**was referred to the
Senate Finance
Committee**

**No hearing was held
on this bill**

AMENDMENT

By: Phillips

OFFERED IN THE SENATE

TO: CSSB 132(), Draft Version "H"

1 Page 4, line 28, through page 5, line 31:

2 Delete all material.

3 Renumber the following bill sections accordingly.

4 Page 6, lines 22 - 27:

5 Delete all material and insert:

6 *** Sec. 12.** AS 17.20.075 is amended to read:

7 **Sec. 17.20.075. Definitions.** In AS 17.20.005 - 17.20.075,

8 (1) "commissioner" means

9 (A) as to seafood products, seafood processing, fish,
10 shellfish, and aquatic farm products, the commissioner of environmental
11 conservation; and

12 (B) except as provided in (A) of this paragraph, the
13 commissioner of natural resources;

14 (2) "department" means

15 (A) as to seafood products, seafood processing, fish,
16 shellfish, and aquatic farm products, the Department of Environmental
17 Conservation; and

18 (B) except as provided in (A) of this paragraph, the
19 Department of Natural Resources."

20 Page 7, line 30, following "section.":

21 Insert "The commissioner of environmental conservation has the same power and

1 duties with respect to seafood products, seafood processing, fish, shellfish, and aquatic
2 farm products as the commissioner of natural resources has with respect to food under
3 (a) and (b) of this section."

4 Page 8, line 2:

5 Delete "natural resources [ENVIRONMENTAL CONSERVATION]"

6 Insert "environmental conservation, the commissioner of natural resources,"

7 Page 8, line 16, following "section.":

8 Insert "The commissioner of environmental conservation has the same power and
9 duties with respect to seafood products, seafood processing, fish, shellfish, and aquatic
10 farm products as the commissioner of natural resources has with respect to food under
11 (a) and (b) of this section."

12 Page 8, line 31, following "section.":

13 Insert "The commissioner of environmental conservation has the same power and
14 duties with respect to seafood products, seafood processing, fish, shellfish, and aquatic
15 farm products as the commissioner of natural resources has with respect to food under
16 (a) of this section."

17 Page 9, line 4:

18 Delete "natural resources [ENVIRONMENTAL CONSERVATION]"

19 Insert "environmental conservation, the commissioner of natural resources,"

20 Page 9, lines 14 - 15:

21 Delete "natural resources [ENVIRONMENTAL CONSERVATION]"

22 Insert "environmental conservation, the commissioner of natural resources,"

23 Page 9, lines 24 - 25:

24 Delete "natural resources [ENVIRONMENTAL CONSERVATION]"

25 Insert "environmental conservation, the commissioner of natural resources,"

1 Page 10, line 5:

2 Delete "natural resources [ENVIRONMENTAL CONSERVATION]"

3 Insert "environmental conservation as to seafood, fish, shellfish, or an aquatic farm
4 product, or the commissioner of natural resources as to another perishable article."

5 Page 10, lines 9 - 10:

6 Delete "natural resources [ENVIRONMENTAL CONSERVATION]"

7 Insert "environmental conservation, the commissioner of natural resources."

8 Page 10, following line 13:

9 Insert a new bill section to read:

10 **** Sec. 24.** AS 17.20.290(b) is amended to read:

11 (b) The commissioner of environmental conservation or a designee of the
12 commissioner is responsible for enforcing (a)(1) - (4) and (6) - (10) [THE
13 PROVISIONS OF PARAGRAPHS (a)(1), (2), (3), (4), (6), (7), (8), (9), AND (10)]
14 of this section [,] if the subject of the prohibited act involves seafood, fish, shellfish,
15 or an aquatic farm product [FOOD OR COSMETICS, AND THE PROVISIONS
16 OF PARAGRAPH (a)(12) OF THIS SECTION]. This subsection does not limit the
17 authority of peace officers."

18 Renumber the following bill sections accordingly.

19 Page 10, line 17, following "food":

20 Insert ", other than seafood, fish, shellfish, or an aquatic farm product,"

21 Page 10, lines 23 - 24:

22 Delete "Department of Natural Resources [ENVIRONMENTAL CONSERVATION]"

23 Insert "appropriate department [DEPARTMENT OF ENVIRONMENTAL
24 CONSERVATION]"

25 Page 10, line 28:

26 Delete "either"

1 Insert "[EITHER]"

2 Page 10, lines 28 - 29:

3 Delete "natural resources [ENVIRONMENTAL CONSERVATION]"

4 Insert "environmental conservation, the commissioner of natural resources."

5 Page 11, lines 5 - 6:

6 Delete "natural resources [ENVIRONMENTAL CONSERVATION]"

7 Insert "environmental conservation, the commissioner of natural resources."

8 Page 13, line 12, following "(1)":

9 Insert "seafood products, seafood processing, and fish, shellfish, and aquatic farm
10 product regulation"

11 Page 13, line 13:

12 Delete "COSMETICS UNDER AS 17.20; AND]"

13 Insert "COSMETICS] under AS 17.20, [;] and"

14 Page 14, line 6:

15 Following "AS 03.25.250;"

16 Insert "and"

17 Following "AS 03.58.070(1)"

18 Delete "; and AS 17.20.290(b)"



ALASKA STATE LEGISLATURE

SENATOR RANDY PHILLIPS
SENATE DISTRICT L

Session (Jan-May)
State Capitol, Room 103
Juneau, Alaska 99801
1 (907) 465-4949
1 (907) 465-4979 Fax
Toll Free Anchorage Area
1-800-478-4950
Interim
P.O. Box 142
Eagle River, Alaska 99577
1 (907) 694-4949
1 (907) 694-4948 Fax

Sponsor Statement

CSSB 132

SB 132 investigates efficiencies in State Government between similar services performed by the Department of Environmental Conservation and the Division of Agriculture in the Department of Natural Resources.

SB 132 proposes to combine the animal industries, food, seafood, and related inspection services from ADEC and into the Division of Agriculture. It is merging activities regulated by the U.S. Department of Agriculture, Food and Drug Administration into the Alaska Division of Agriculture, leaving activities regulated by the U.S. EPA in the Department of Environmental Conservation.

SB 132 does not make any structural changes to policy. It does include a Land exchange with the Matanuska-Susitna Borough to enable the development of a Hatcher Pass Ski Resort, this is supported by the Department of Natural Resources and the Borough.



ALASKA STATE LEGISLATURE

SENATOR RANDY PHILLIPS SENATE DISTRICT L

Session (Jan-May)
State Capitol, Room 103
Juneau, Alaska 99801
1 (907) 465-4949
1 (907) 465-4979 Fax
Toll Free Anchorage Area
1-800-478-4950
Interim
P.O. Box 142
Eagle River, Alaska 99577
1 (907) 694-4949
1 (907) 694-4948 Fax

Sectional

CSSB 132IH

"An Act relating to the powers and duties of the Department of Natural Resources, transferring some of the functions of the Department of Environmental Conservation to the Department of Natural Resources, and modifying the Department of Natural Resources' power to control and manage land within the Hatcher Pass Public use Area and authorizing municipal selection of that land."

Sect. 1. Transfers to DNR responsibility to regulate premises, pests, quarantine, fur farming, and elk.

Sect. 2, 3, 4, 5, and 6. Transfer responsibility for farm animals with infectious disease, including destruction and quarantine thereof.

Sect. 7. Transfer responsibility for elk to the DNR.

Sect. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28. Transfer responsibility to DNR for food, seafood, and related inspections and regulations.

Section 29 and 33. Enable the Matanuska-Susitna Borough to fulfill its general land grant entitlement with a sliver of land now in the Hatcher Pass Public Use Area. The Borough is seeking to create and lease a recreational facility in this area.

Sections 30 and 31. Transfer regulatory fee authority for agriculture and animals to DNR.

Section 32. Repeals repetitive language regarding the Department of Environmental Conservation's responsibility for animals and their inspection.

Section 34. Provides transitional authority for existing regulations.

Section 35. Transfer from ADEC to ADNR takes effect July 1, 1999.

Section 36. Effective date at the time of the municipal conveyance for Hatcher Pass.

CS FOR SENATE BILL NO. 132()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the Department of Natural
2 Resources, transferring some of the functions of the Department of Environmental
3 Conservation to the Department of Natural Resources, and modifying the
4 Department of Natural Resources' power to control and manage land within the
5 Hatcher Pass Public Use Area and authorizing municipal selection of that land;
6 and providing for an effective date."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

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

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

3 (2) establishment of quarantines for eradication of pests and diseases
4 in livestock;

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

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

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

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

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

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

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

1 cooperation with the Animal Disease Eradication Branch and in accordance with its
2 regulations.

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

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

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

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

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

28 **Sec. 03.45.080. Record and payment of value of destroyed dairy cattle.**
29 The Department of Administration shall keep a record of the appraised value of all
30 dairy cattle slaughtered or destroyed and of the salvage value of the dairv cattle
31 [THEREOF], stating the date when the animal was slaughtered or destroyed and the

1 name of the inspector who ordered the animal slaughtered or destroyed. The
2 Department of Administration, with the approval of the department [DEPARTMENT
3 OF ENVIRONMENTAL CONSERVATION], shall pay the owner of the animal
4 slaughtered or destroyed two-thirds of the difference between the appraised value and
5 the salvage value of the animal slaughtered or destroyed. The appraised valuation of
6 each slaughtered animal may not exceed \$175 in the first judicial district and not more
7 than \$200 in the second and third judicial districts and not more than \$250 in the
8 fourth judicial district. Payment may not be made if at the time of inspection, test, or
9 destruction, the animal was upon the premises of any person to which it had been sold,
10 shipped, or delivered for the purpose of being slaughtered. Payment may not be made
11 unless the owner has complied with all lawful quarantine regulations.

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

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

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

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

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

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

25 * Sec. 8. AS 17.06.070(1) is amended to read:

26 (1) "department" means the Department of Natural Resources
27 [ENVIRONMENTAL CONSERVATION];

28 * Sec. 9. AS 17.20.005 is amended to read:

29 Sec. 17.20.005. Powers and duties of commissioner of natural resources.

30 To carry out the requirements of this chapter that are within the jurisdiction of the
31 Department of Natural Resources, the commissioner of natural resources may issue

1 orders, regulations, permits, quarantines, and embargoes relating to

2 (1) food offered to the public or sold, including

3 (A) inspection of meat, fish, poultry, and other food products;

4 (B) standards of sanitation and handling methods for all phases
5 of slaughtering, processing, storing, transporting, displaying, and selling; and

6 (C) labeling;

7 (2) control and eradication of pests;

8 (3) enforcement of hazard analysis critical control point programs for
9 seafood processing that are developed in cooperation with appropriate industry
10 representatives or, to the extent not inconsistent with this chapter or regulations
11 adopted under the authority of this chapter, that are established by regulations of the
12 United States Food and Drug Administration as they may periodically be revised;

13 (4) labeling and grading of milk and milk products and standards of
14 sanitation for dairies offering to the public or selling milk or milk products to at least
15 the minimum of current recommendations of the United States Public Health Service
16 pasteurized milk ordinance as it may periodically be revised;

17 (5) standards and conditions for the operation and siting of aquatic
18 farms and related hatcheries, including

19 (A) restrictions on the use of chemicals; and

20 (B) requirements to protect the public from contaminated
21 aquatic farm products that pose a risk to health;

22 (6) monitoring aquatic farms and aquatic farm products to ensure
23 compliance with this chapter and, to the extent not inconsistent with this chapter or
24 regulations adopted under the authority of this chapter, with the requirements of the
25 national shellfish sanitation program manual of operations published by the United
26 States Food and Drug Administration as it may periodically be revised;

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

29 (8) transportation of, use of, disposal of, recalls of, or warnings
30 concerning quarantined or embargoed items;

31 (9) cooperation with federal and other state agencies.

1 * Sec. 10. AS 17.20.066(c) is amended to read:

2 (c) The commissioner shall authorize the use of an "inspection" seal for
3 display on seafood products processed by a person who, at the time the products are
4 processed, holds a permit to operate issued under AS 17.20.065 and who complies with
5 regulations adopted by the commissioner under this chapter.

6 * Sec. 11. AS 17.20.066(d) is amended to read:

7 (d) The commissioner, after consultation with the Alaska Seafood Marketing
8 Institute, shall develop product specifications and standards for the use of the
9 "premium quality" seal on Alaska seafood products. The commissioner shall authorize
10 a seafood processor to display a "premium quality" seal on products that qualify for
11 the seal if the processor meets the requirements of regulations adopted by the
12 commissioner under this chapter and has been issued a permit to operate under
13 AS 17.20.065.

14 * Sec. 12. AS 17.20.067 is amended to read:

15 Sec. 17.20.067. **Seafood processing research.** The commissioner may
16 conduct studies, research, experiments, and demonstrations, directly or through grants
17 to or contracts with public or private agencies, organizations, or individuals to

18 (1) improve sanitation practices in the processing of fish and fisheries
19 products; and

20 (2) develop improved techniques for surveillance and inspection
21 activities of the department under this chapter.

22 * Sec. 13. AS 17.20.075 is amended to read:

23 Sec. 17.20.075. **Definitions.** In AS 17.20.005 - 17.20.075,

24 (1) "commissioner" means the commissioner of natural resources
25 [ENVIRONMENTAL CONSERVATION];

26 (2) "department" means the Department of Natural Resources
27 [ENVIRONMENTAL CONSERVATION].

28 * Sec. 14. AS 17.20.152 is amended to read:

29 Sec. 17.20.152. **Enforcement authority.** The commissioner of natural
30 resources [ENVIRONMENTAL CONSERVATION] is responsible for enforcing
31 AS 17.20.140 - 17.20.155, and may delegate that authority as appropriate. This section

1 does not limit the authority of peace officers.

2 * Sec. 15. AS 17.20.155 is amended to read:

3 **Sec. 17.20.155. Definition.** In AS 17.20.140 - 17.20.155, "department" means
4 the Department of Natural Resources [ENVIRONMENTAL CONSERVATION].

5 * Sec. 16. AS 17.20.180 is amended to read:

6 **Sec. 17.20.180. Regulations.** The Department of Natural Resources
7 [ENVIRONMENTAL CONSERVATION] and the Department of Health and Social
8 Services may adopt regulations for the efficient enforcement of their respective
9 portions of this chapter. Each department may make the regulations conform, in so
10 far as practicable, with those adopted under the federal act.

11 * Sec. 17. AS 17.20.200 is amended to read:

12 **Sec. 17.20.200. Inspections and examinations.** (a) The commissioner of
13 natural resources [ENVIRONMENTAL CONSERVATION] or an agent shall have
14 free access at reasonable hours to a factory, warehouse, or establishment in which
15 foods or cosmetics are manufactured, processed, packed, or held for introduction into
16 commerce, to enter a vehicle being used to transport or hold these foods or cosmetics
17 in commerce, or to an aquatic farm in order to

18 (1) inspect a factory, warehouse, establishment, vehicle, or aquatic farm
19 to determine if the provisions of the commissioner's respective portions of this chapter
20 are being violated; and

21 (2) secure samples or specimens of a food, aquatic farm product, or
22 cosmetic.

23 (b) The commissioner of natural resources [ENVIRONMENTAL
24 CONSERVATION] shall make or have made examinations of samples secured under
25 this section to determine whether or not a provision of the commissioner's respective
26 portions of this chapter is being violated.

27 (c) The commissioner of health and social services has the same powers and
28 duties with respect to drugs and devices as the commissioner of natural resources
29 [ENVIRONMENTAL CONSERVATION] has with respect to food and cosmetics
30 under (a) and (b) of this section.

31 * Sec. 18. AS 17.20.220 is amended to read:

1 **Sec. 17.20.220. Publication of reports and information.** (a) The
2 commissioner of natural resources [ENVIRONMENTAL CONSERVATION] and the
3 commissioner of health and social services may have published from time to time
4 reports summarizing judgments, decrees, and court orders which have been rendered
5 under their respective portions of this chapter, including the nature of the charge and
6 the disposition of it.

7 (b) The commissioner of natural resources [ENVIRONMENTAL
8 CONSERVATION] may have disseminated information regarding food and cosmetics
9 that [WHICH] the commissioner considers necessary in the interest of public health
10 and the protection of the consumer against fraud. This section does not prohibit the
11 commissioner from collecting, reporting, and illustrating the results of the
12 commissioner's investigations.

13 (c) The commissioner of health and social services has the same power with
14 respect to drugs and devices as the commissioner of natural resources
15 [ENVIRONMENTAL CONSERVATION] has with respect to food and cosmetics
16 under (b) of this section.

17 * **Sec. 19.** AS 17.20.230 is amended to read:

18 **Sec. 17.20.230. Detention or embargo of goods.** (a) Whenever the
19 commissioner of natural resources [ENVIRONMENTAL CONSERVATION] finds
20 or has probable cause to believe that a food or cosmetic is adulterated [,] or so
21 misbranded as to be dangerous or fraudulent within the meaning of this chapter, the
22 commissioner shall affix to it a tag or other appropriate marking [,] giving notice that
23 it is or is suspected of being adulterated or misbranded and has been detained or
24 embargoed, and warning all persons not to remove or dispose of it by sale or otherwise
25 until permission for removal or disposal is given by the commissioner or the court.
26 A person may not remove or dispose of a detained or embargoed article by sale or
27 otherwise without this permission.

28 (b) The commissioner of health and social services has the same duty with
29 respect to drugs and devices as the commissioner of natural resources
30 [ENVIRONMENTAL CONSERVATION] has with respect to food and cosmetics
31 under (a) of this section.

1 * **Sec. 20.** AS 17.20.240 is amended to read:

2 **Sec. 17.20.240. Petition for libel for condemnation.** When an article
3 detained or embargoed under AS 17.20.230 has been found by the commissioner of
4 natural resources [ENVIRONMENTAL CONSERVATION] or the commissioner of
5 health and social services, as the case may be, to be adulterated or misbranded, the
6 appropriate commissioner shall petition the superior court for a libel for condemnation
7 of the article. When that commissioner finds that a detained or embargoed article is
8 not adulterated or misbranded, the commissioner shall remove the tag or other
9 marking.

10 * **Sec. 21.** AS 17.20.250 is amended to read:

11 **Sec. 17.20.250. Destruction of adulterated or misbranded goods.** If the
12 superior court finds that a detained or embargoed article is adulterated or misbranded,
13 it shall, after entry of the decree, be destroyed at the expense of the claimant [,] under
14 the supervision of the commissioner of natural resources [ENVIRONMENTAL
15 CONSERVATION] or the commissioner of health and social services, as the case may
16 be. Court costs and fees and storage and other proper expenses shall be taxed against
17 the claimant of the article.

18 * **Sec. 22.** AS 17.20.260 is amended to read:

19 **Sec. 17.20.260. Exemption from destruction.** When the adulteration or
20 misbranding can be corrected by proper labeling or processing of the article, and after
21 entry of the decree and after costs, fees, and expenses have been paid and a good and
22 sufficient bond, conditioned that the article will be properly labeled or processed has
23 been executed, the court may order that the article be delivered to the claimant for
24 labeling or processing under the supervision of the commissioner of natural resources
25 [ENVIRONMENTAL CONSERVATION] or the commissioner of health and social
26 services, as the case may be. The claimant shall pay the expense of supervision. The
27 bond shall be returned to the claimant of the article on representation to the court by
28 the appropriate commissioner that the article is no longer in violation of this chapter
29 [,] and that the expenses of supervision have been paid.

30 * **Sec. 23.** AS 17.20.270 is amended to read:

31 **Sec. 17.20.270. Immediate destruction of contaminated food.** Meat,

1 seafood, poultry, vegetable, fruit, or other perishable article in any room, building,
2 vehicle of transportation, or other structure that [WHICH] is unsound, or contains
3 filthy, decomposed, or putrid substance, or a substance that may be poisonous or
4 deleterious to health or otherwise unsafe, is a nuisance. Whenever the commissioner
5 of natural resources [ENVIRONMENTAL CONSERVATION] finds such an article,
6 the commissioner shall immediately condemn or destroy it or in any other manner
7 render it unsalable as human food.

8 * Sec. 24. AS 17.20.280 is amended to read:

9 **Sec. 17.20.280. Injunction proceedings.** The commissioner of natural
10 resources [ENVIRONMENTAL CONSERVATION] and the commissioner of health
11 and social services may apply to the superior court for, and the court has jurisdiction
12 to grant, a temporary or permanent injunction restraining a person from violating their
13 respective portions of this chapter.

14 * Sec. 25. AS 17.20.290 is amended by adding a new subsection to read:

15 (d) The commissioner of natural resources or a designee of the commissioner
16 is responsible for enforcing (a)(1) - (4) and (6) - (10) of this section if the subject of
17 the prohibited act involves food or cosmetics and for enforcing (a)(12) of this section.
18 This subsection does not limit the authority of peace officers.

19 * Sec. 26. AS 17.20.345(c) is amended to read:

20 (c) A person who donates to a food bank salmon from a hatchery that operates
21 under a permit issued under AS 16.10.400 - 16.10.470 is immune from liability as
22 provided in this section if the salmon is apparently fit for human consumption at the
23 time of its donation, even if the hatchery does not have a permit issued by the
24 Department of Natural Resources [ENVIRONMENTAL CONSERVATION] under
25 this chapter or other statute to process fisheries products for human consumption.

26 * Sec. 27. AS 17.20.350 is amended to read:

27 **Sec. 17.20.350. Report of minor violations.** Nothing in this chapter requires
28 either the commissioner of natural resources [ENVIRONMENTAL
29 CONSERVATION] or the commissioner of health and social services, as the case may
30 be, to report minor violations of their respective portions of this chapter for
31 prosecution, or for the institution of libel or injunction proceedings, when that

1 commissioner believes that the public interest will be adequately served by a suitable
2 written notice or warning.

3 * Sec. 28. AS 17.20.360 is amended to read:

4 **Sec. 17.20.360. Attorney general to prosecute; hearing before report of**
5 **criminal violation.** The attorney general, to whom the commissioner of natural
6 resources [ENVIRONMENTAL CONSERVATION] or the commissioner of health
7 and social services, as the case may be, reports a violation of this chapter, shall
8 institute appropriate proceedings in the superior court without delay and prosecute
9 them in the manner required by law. Before a violation of this chapter is reported to
10 the attorney general, the person against whom the proceeding is contemplated shall be
11 given appropriate notice and an opportunity to respond to the appropriate
12 commissioner, orally or in writing, in person or by attorney, with regard to the
13 contemplated proceeding.

14 * Sec. 29. AS 41.23.130 is amended to read:

15 **Sec. 41.23.130. Hatcher Pass Public Use Area.** The vacant and
16 unappropriated state-owned land and water and the state land and water acquired in the
17 future that lie within the boundaries described in this section are designated as the
18 Hatcher Pass Public Use Area, are reserved for all uses compatible with their primary
19 function as public use land, and are assigned to the department for control and
20 management:

21 Township 19 North, Range 1 East, Seward Meridian

22 Section 1: NW1/4NW1/4, NW1/4NE1/4NW1/4, W1/2SW1/4NW1/4,
23 NE1/4SW1/4NW1/4

24 Section 2: NE1/4, SE1/4NW1/4, SE1/4NE1/4NW1/4,
25 SE1/4SW1/4NW1/4, SW1/4 exclusive of S1/2SW1/4SW1/4,
26 NW1/4SE1/4, SW1/4SE1/4, NW1/4SE1/4SE1/4,
27 W1/2NE1/4SE1/4, NE1/4NE1/4SE1/4

28 [SECTION 10: E1/2E1/2]

29 Section 11: W1/2, NW1/4NE1/4, exclusive of Tract A

30 Section 14: W1/2, exclusive of Tract A

31 [SECTION 15: E1/2E1/2]

- 1 [SECTION 22: E1/2E1/2]
 2 Section 23: W1/2
 3 Section 26: W1/2SW1/4, SW1/4NW1/4
 4 [SECTION 27: E1/2E1/2]
 5 Township 20 North, Range 1 East, Seward Meridian
 6 Section 25: S1/2S1/2SE1/4
 7 Section 35: SE1/4, SE1/4SE1/4NE1/4
 8 Section 36: NE1/4, SW1/4, E1/2NW1/4, SW1/4NW1/4,
 9 SE1/4NW1/4NW1/4, NW1/4SE1/4, NW1/4NE1/4SE1/4,
 10 NW1/4SW1/4SE1/4
 11 Township 20 North, Range 2 East, Seward Meridian
 12 Section 9: E1/2SE1/4, E1/2SW1/4SE1/4, SE1/4SE1/4NE1/4
 13 Section 10: W1/2SW1/4, E1/2NW1/4, SW1/4NW1/4,
 14 E1/2NW1/4NW1/4, W1/2NE1/4SW1/4, NW1/4NE1/4,
 15 NW1/4SW1/4NE1/4
 16 Section 15: W1/2W1/2NW1/4
 17 Section 16: SE1/4, E1/2NE1/4, E1/2W1/2NE1/4
 18 Section 21: E1/2SW1/4, E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,
 19 SE1/4NW1/4SW1/4, NW1/4SE1/4, W1/2SW1/4SE1/4,
 20 NE1/4SW1/4SE1/4, W1/2NE1/4, W1/2NE1/4NE1/4,
 21 NW1/4SE1/4NE1/4, SE1/4NW1/4, E1/2NE1/4NW1/4,
 22 SW1/4NE1/4NW1/4
 23 Section 28: NW1/4, W1/2NW1/4NE1/4, NW1/4SW1/4,
 24 NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4
 25 Section 29: E1/2SE1/4, SE1/4NE1/4, SW1/4SE1/4, S1/2 NW1/4SE1/4,
 26 NE1/4NW1/4SE1/4, S1/2SW1/4, S1/2NE1/4SW1/4
 27 Section 30: S1/2S1/2S1/2, S1/2SE1/4
 28 Section 31: NW1/4, N1/2NE1/4, N1/2S1/2NE1/4
 29 Section 32: N1/2NW1/4, N1/2SW1/4NW1/4, NW1/4NW1/4NE1/4.
 30 * Sec. 30. AS 44.37 is amended by adding a new section to read:
 31 Sec. 44.37.032. Fees for certain services. The Department of Natural

1 Resources may adopt regulations that prescribe reasonable fees, and establish
2 procedures for the collection of the fees, to cover the applicable direct costs, not
3 including travel, of inspections, permit preparation and administration, plan review and
4 approval, and other services provided by the department relating to agriculture and
5 animals under AS 03.05.

6 * Sec. 31. AS 44.46.025(a) is amended to read:

7 (a) The Department of Environmental Conservation may adopt regulations that
8 prescribe reasonable fees, and establish procedures for the collection of the fees, to
9 cover the applicable direct costs, not including travel, of inspections, permit
10 preparation and administration, plan review and approval, and other services provided
11 by the department relating to

12 (1) [AGRICULTURE AND ANIMALS UNDER AS 03.05; FOOD,
13 DRUGS, AND COSMETICS UNDER AS 17.20; AND] public accommodations and
14 facilities under AS 18.35;

15 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
16 46.14.510;

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

19 (4) [REPEALED

20 (5) REPEALED

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

22 (5) [(7)] control of solid waste facilities under AS 46.03.020(10) and
23 46.03.100;

24 (6) [(8)] certification of laboratories conducting environmental analyses
25 of public drinking water systems or of oil or hazardous substances [,] or conducting
26 other analyses required by the department;

27 (7) [(9)] certification of federal permits or authorizations under 33
28 U.S.C. 1341 (sec. 401, Clean Water Act).

29 * Sec. 32. AS 44.46.025(d) is amended to read:

30 (d) Notwithstanding (a) of this section, the department may not charge a fee
31 for inspection, permit preparation and administration, plan review and approval, or

1 other services provided by the department under [AS 03.05 OR] AS 44.46.020(5) to
 2 a school. In this subsection, "school" means a public school or private school for
 3 children of school age, as defined in AS 14.03.070, or a head start center that receives
 4 federal financial assistance under 42 U.S.C. 9835.

5 * Sec. 33. AS 03.05.020(b), 03.05.040(b), 03.05.050(b), 03.05.060(b), 03.05.080(b);
 6 AS 03.25.250; AS 03.58.070(1); and AS 17.20.290(b) are repealed.

7 * Sec. 34. AVAILABILITY OF HATCHER PASS PUBLIC USE AREA LAND FOR
 8 GENERAL GRANT LAND ENTITLEMENT OF THE MATANUSKA-SUSITNA
 9 BOROUGH. Notwithstanding the reservation of land, designation of the reserved land as the
 10 Hatcher Pass Public Use Area, and assignment of control and management of the land to the
 11 Department of Natural Resources made by AS 41.23.130, and notwithstanding selection
 12 procedures applicable to municipal general grant land entitlements under AS 29.65.010 -
 13 29.65.140, the following land within Township 19 North, Range 1 East, Seward Meridian, that
 14 is part of the Hatcher Pass Public Use Area is available for selection and conveyance to the
 15 Matanuska-Susitna Borough to fulfill the borough's general grant land entitlement under
 16 AS 29.65.010 - 29.65.140:

- 17 Section 2: S1/2SW1/4SW1/4
- 18 Section 10: E1/2E1/2
- 19 Section 11: Tract A
- 20 Section 14: Tract A
- 21 Section 15: E1/2E1/2
- 22 Section 22: E1/2E1/2
- 23 Section 27: E1/2E1/2

24 * Sec. 35. TRANSITION. (a) All litigation, hearings, investigations, and other
 25 proceedings pending under a law amended or repealed by this Act, or in connection with
 26 functions transferred by this Act, continue in effect and may be continued and completed
 27 notwithstanding an amendment or a repeal provided for in this Act.

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

31 (c) Regulations in effect on June 30, 1999, that were adopted to implement a function

1 that is transferred by this Act remain in effect and shall be enforced by the agency to which
2 the function is transferred under this Act until amended by the agency to which the function
3 is transferred.

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

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

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

15 * Sec. 36. Sections 1 - 28 and 30 - 35 of this Act take effect July 1, 1999.

16 * Sec. 37. Section 29 of this Act takes effect on the date of conveyance by the Department
17 of Natural Resources to the Matanuska-Susitna Borough of all land described in sec. 34 of this
18 Act. The commissioner of natural resources shall promptly notify the revisor of statutes of
19 the conveyance made by the Department of Natural Resources to the Matanuska-Susitna
20 Borough of land described in sec. 34 of this Act.