

HB

380

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
 MAY 02 2006
 SENATE FINANCE COMMITTEE

DATE: 4/7/06

FURTHER:

DATE TURNED
 IN TO OFFICE: 5/2/2006

Finance Committee considered CS FOR HOUSE BILL NO. 380(FIN)(title am)

HB 380 ANIMALS & ANIMAL OR AGRICULTURAL PRODUCTS

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

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous S CS CS HB 380 (RES)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Ind. | Zero | FN# |
|------------|------|--------|------|------|-----|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Ind. | Zero | FN# |
|------------|--------|--------|------|------|-----|
| DEC | 2/6/06 | | | ✓ | 1 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | DO PASS | DO NOT PASS | NO REC | AMEND |
|---------------------------------|---------|-------------|--------|-------|
| <i>(Signature)</i> | ✓ | | | |
| <i>(Signature)</i> | ✓ | | ✓ | |
| COCHAIR: <i>(Signature)</i> | ✓ | | | |
| COCHAIR: <i>(Signature)</i> | | | | |

FISCAL NOTE

REPORTED OUT
MAY 12 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 380(RES)
(H) Publish Date: 2/8/06

Revision Date/Time (Note if correction): _____ Dept. Affected: DEC
Title: Animals and Agricultural Products RDU: Environmental Health
Component: Laboratory Services
Sponsor: Representative Kevin Meyer
Requester: House Resources Committee Component No.: 2065

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Contractual | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Supplies | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Land & Structures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Grants & Claims | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Miscellaneous | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|-----|-----|-----|-----|-----|-----|
| CHANGE IN REVENUES () | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
|-------------------------------|-----|-----|-----|-----|-----|-----|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF Match | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1037 GF/Mental Health | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Other (Specify Type--Do not abbreviate) | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

The bill will have no fiscal impact on DEC.

Prepared by: Kristin Ryan, Director Phone: (907) 269-7644
Division: Environmental Health Date/Time: 2/6/06 8:43 AM
Approved by: Kurt Fredriksson Date: 2/6/2006
Agency: Commissioner

(Revised 15-7-2005 OMB)

COMMITTEE COPY

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

SPONSOR STATEMENT

HB 380

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

House Bill 380 repeals and reenacts several provisions of Title 3 to modernize the powers of the Commissioner of the Department of Environmental Conservation and the State Veterinarian. HB 380 will allow the State Veterinarian to respond accordingly and immediately to potential dangers to Alaskans and our animal populations. Avian influenza is one in a long list of zoonotic diseases that can be devastating to animals and potentially pandemic in human populations. While headlines predict millions of potential deaths from Avian Flu, other immediate issues arising in Alaska are difficult to deal with because of the convoluted authority of the State Veterinarian. The geographic position that makes Alaska a center of air cargo traffic and a critical strategic base for our military forces also puts Alaska at risk from diseases carried across the globe by migratory birds and marine mammals.

The most immediate threat to humans from a zoonotic disease comes from exposure to domestic animals. Yet, the statutes governing Alaska's State Veterinarian were passed prior to statehood in 1949 when the concern of the territorial legislature was on the state of fur farms and animals were considered livestock. Under existing authority, the State Veterinarian would be unable to respond to an outbreak of disease in a backyard bird flock because the birds would not necessarily be considered livestock. To date, all cases of Avian Flu infections in humans have come from exposure to personal bird flocks.

Many of the authorities in this legislation exist today but in a less organized fashion.

By eliminating outdated requirements such as reporting to the legislature on fur farming, and clarifying existing authorities, the State Veterinarian's responsibilities can be focused on what is most important to Alaska - ensuring animal diseases do not spread or harm humans. Through collaboration with the Departments of Health and Social Services, Fish and Game and Natural Resources, the State Veterinarian fills an essential role in this process but needs clearer authority to do so.

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

January 24, 2006

TO: Representative Kevin Meyer

FR: Michael Pawlowski

RE: HB 380 *Animals & Animal or Agricultural Products*

House Bill 380 *Animals & Animal or Agricultural Products* repeals and reenacts several statutes relating to the powers of the commissioner of environmental conservation, the state veterinarian and the commissioner of natural resources regarding agricultural products. Below is an explanation of the expansions of authority added by, and a summary of the existing powers repealed and reenacted in, HB 380.

Section 1: Powers of commissioner of environmental conservation

In repealing and reenacting AS 03.05.011, HB 380 broadens the scope of the original statute while preserving the overlapping authority that currently exists between DEC and DNR to monitor the health of animals in the state. The reenacted AS 03.05.011 includes the powers granted to DEC under the original AS 03.05.011, AS 03.05.020 (miscellaneous powers), 03.05.060 (spread of contagious diseases in livestock), 03.05.080 (controlling the exportation of animals), the power to adopt regulations under AS 44.62 (APA), the power to charge fees, and notice requirements for actions taken under AS 03.05.011.

By moving powers spread throughout statute to a blended AS 03.05.011, the statute can be modernized and the corresponding authorities repealed. Additionally, where some powers are conferred, other requirements in statute can be repealed. The power granted in the proposed AS 03.05.011 to regulate and prohibit the importation or transportation of animals with diseases is adequate enough to warrant the repeal of the requirement in AS 03.53.010 to obtain a health certificate for an animal traveling on the state ferry system.

The primary change however, in the reenacted section is the extension of DEC's authority to inspect, test, quarantine, or embargo from *livestock* to *all animals*. The world has changed significantly since the original statutes were passed in 1949 and the broadening of AS 03.05.011 reflects the reality that animals are no longer uniformly considered livestock.

The authority of DEC to cooperate with other governmental agencies is also expanded in the reenacted AS 03.05.011 (3) to include "municipal and other governmental agencies." In the original 03.05.011 the department was only authorized to cooperate with "federal and other state agencies." An outbreak of a zoonotic disease like avian influenza requires a rapid coordinated response by federal, state and local officials. An updated AS 03.05.011 allows the department to cooperate with all the interested parties to prepare for a potential emergency.

The reenacted AS 03.05.011 represents a consolidation of authorities into a single statute that reflects the complicated regulatory, inter and intra-governmental and virological environment the department of environmental conservation and the state veterinarian are confronted with.

Section 2: State Veterinarian

Section 2 of HB 380 is a new section that replaces AS 03.25.010, 03.25.020 & 03.25.250, which are subsequently repealed in section 9. Chapter 25 of title 3 was written in 1949 and made the primary purpose of the state veterinarian the investigation of fur farms. The fur farm provisions have been removed from the proposed new AS 03.05.013. The removal of the antiquated provisions will make the statutes comport to the world the state veterinarian is confronted with. The new section makes the responsibility of the state veterinarian the requirements of the title over which the department has jurisdiction. The new section will also require the state veterinarian to be licensed to engage in the practice of veterinary medicine.

Section 3 & Section 4: Inspection & Products in Violation

Section 3 makes conforming amendments to AS 03.05.040 (a) & 03.05.050 (a):

- Expanding the time during which, locations where and persons authorized to, inspect a place where animals, animal products and agricultural products are raised, housed, kept, stored, processed or sold.
- Expanding the definition of what may be inspected for to include animal and animal products in addition to agricultural products.

Section 5: Penalty for Violation

Section 5 adds 5 new subsections to AS 03.05.090 specifying penalties for violations of the chapter and defining "knowingly" for purposes of the section.

Section 6: Definitions

Excludes "animals, or animal product:" from the definition of agricultural products.

Section 7: Definitions

Adds definitions of "animal" and "animal product" to the definitions section.

Section 8: Fees for Services

Makes a conforming change to the products that the department of environmental conservation is allowed to charge fees to recover their direct costs for.

Section 9: Repealing

Section 9 repeals:

| | |
|--------------|----------------------------|
| AS 03.05.020 | Incorporated in section 1. |
| AS 03.05.060 | Incorporated in section 1. |
| AS 03.05.080 | Incorporated in section 1. |
| AS 03.25.010 | Incorporated in section 2. |
| AS 03.25.020 | Incorporated in section 2. |
| AS 03.05.250 | Incorporated in section 2. |
| AS 03.45.040 | Incorporated in section 5. |
| AS 03.45.050 | Incorporated in section 3. |
| AS 03.45.060 | Incorporated in section 1. |
| AS 03.45.070 | Incorporated in section 1. |
| AS 03.45.080 | Incorporated in section 1. |
| AS 03.53.010 | Incorporated in section 1. |

Section 10: Transitional Provisions

Transitional provisions allowing the department of environmental conservation and department of natural resources to adopt regulations needed to implement the changes in this Act.

Section 11: *Effective Date*

Immediate effective date for section 10.

Section 12: *Effective Date*

Provides an effective date of July 1, 2006 for sections 1-9

HB 380 Animals & Animal or Agricultural Products

Department of Environmental Conservation supports HB 380

- **Updating pre-Statehood Statutes needed**
Veterinary responsibilities are limited, outdated and disorganized.

Current statutes make commercial fur farms the primary responsibility of the State Veterinarian. No commercial fur farms exist in Alaska.

- **Existing Statutes leave holes in Alaska's public health system**
75% of recently discovered human infectious diseases originated from animals. Adequate authorities must be in place so the State of Alaska can respond to animal related public health threats immediately.

The State only has the legal capacity to test, quarantine, or euthanize animals that are livestock. (Limited poultry related authorities exist but are only intended for commercial flocks). **Human illness associated with the current Avian influenza outbreak has been predominantly associated with back yard bird flocks.**

Current statutes limit State response to limited types of infectious diseases and certain animals. These authorities need to be broadened for public health purposes.

- **Collaboration is the most effective way to ensure adequate protection of Alaskan animals and public health.**

The State of Alaska does not need expanded surveillance at this time – just the authority to act.

Animal owners, private veterinarians and local authorities are the first responders, identifying problems and notifying authorities.

By working with local, state, and federal agencies, controls can be put in place to stop the spread of the disease among animals or humans. HB 380 provides a mechanism to do this.

- **Existing authorities to charge fines and issue permits is adequate. HB 380 organizes these powers more coherently.**
Even though fine authority has existed for 50 years, it has not been enacted to-date. Fines continue to be an effective tool if needed and therefore the statutory authority should remain. But, no budget authority is requested.
- **Other State agencies (DNR, DHHS, DOT/PF, DF&G) support HB 380.**

Director of Environmental Health, Kristin Ryan 907-269-7644 or 907-465-5066
State Veterinarian, Dr. Bob Gerlach, 907-375-8214, Department of Environmental Conservation

Darwin Peterson

From: Mike Pawlowski
Sent: Friday, April 21, 2006 2:47 PM
To: Darwin Peterson
Subject: FW: HB380

-----Original Message-----

From: Jan Flora [mailto:snowshoe@xyz.net]
Sent: Friday, April 21, 2006 2:44 PM
To: Mike Pawlowski
Subject: HB380

Dear Representative Meyer:

We support HB 380, the bill that would expand the authority of the state veterinarian.

I've spoken with Dr. Bob Gerlach, DVM, our state veterinarian, pretty extensively about this bill. We need this one, so Dr. Gerlach and future state vets can protect the health of "the state herd." (That means all of the livestock in the state, not just the critters in one particular herd.)

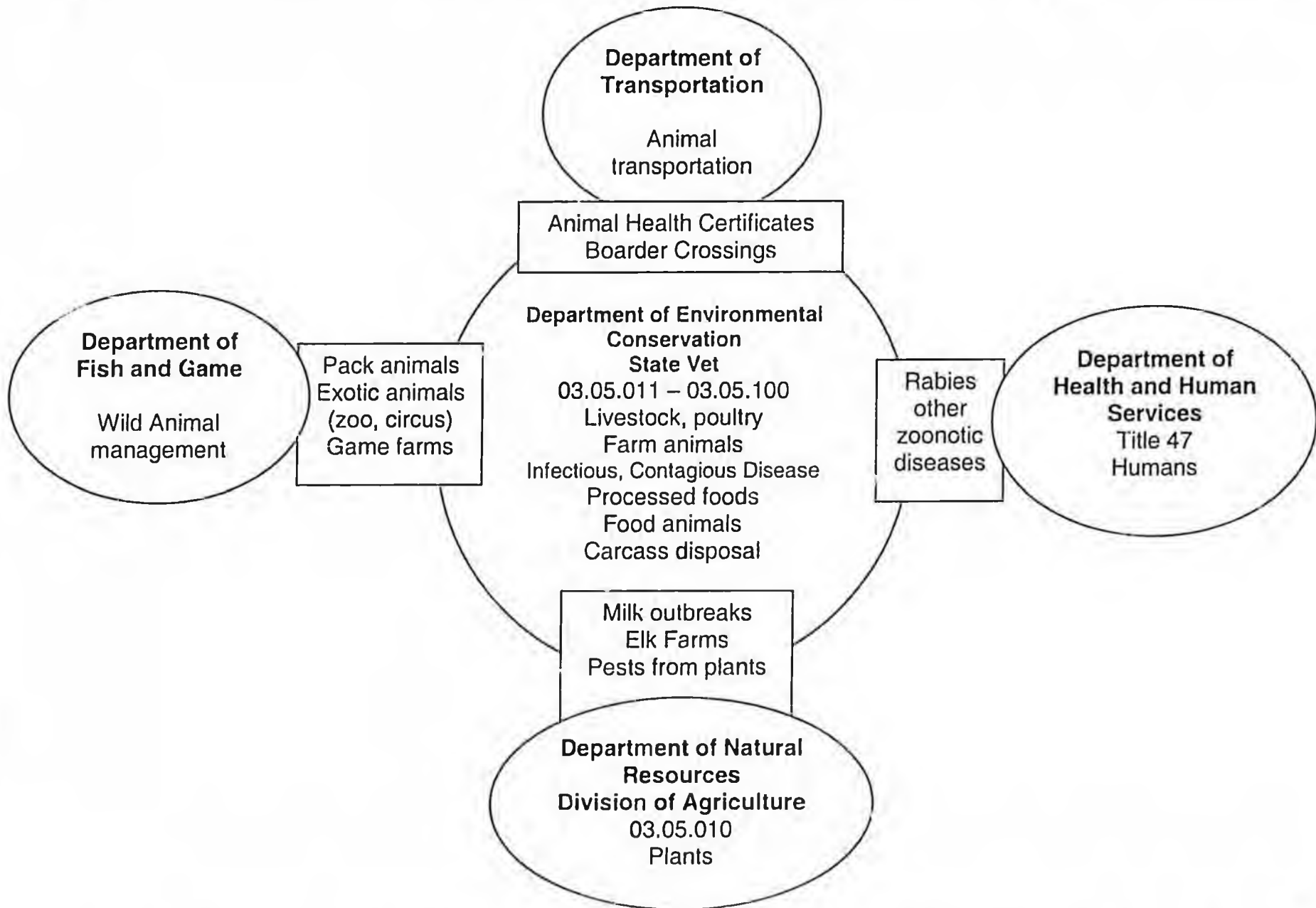
Many of the animal diseases coming down the pike these days are zoonotic. (Can be transmitted from animals to people.) So by protecting the state herd, Dr. Gerlach will be able to protect people, by finding these diseases before they ever get a chance to spread to people. (Avian flu is a really good case in point.)

Respectfully submitted,

Jan Flora
Rainwater Ranch
Homer, Alaska 99603
(907) 235-6278

Kenai Peninsula Chapter of the Alaska Farm Bureau (secretary & director)
Fox River Cattlemans Association

State of Alaska, Animal Health Management System



HB 380 would fill a critical gap by including domestic animals under the State Vet.

Prepared by the Department of Environmental Conservation

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM *Change Summary*

DATE: April 11, 2006
TO: Representative Kevin Meyer
FROM: Mike Pawlowski
RE: Changes to HB 380 incorporated in SCS CSIB 380 (RES)
(Version No. 24 – LS1469\L)

Section 1. Added new language on page 2, lines 29-31 and page 3, lines 1-2 allowing the department to match federal indemnity payments, or make payments for animals destroyed under this section from any funds available for that purpose.

Section 10. Included AS 03.45.070 & 03.45.080 in the list of sections repealed by HB 380.



January 26, 2006

The Honorable Representative Kevin Meyer

We wanted to let you know that The Alaska Veterinary Medical Association supports HB 380. Technology, society and animal diseases have changed dramatically since the original 1949 statutes. The changes that have occurred since then are not as important as the changes you are proposing today. We believe the proper protocol for controlling animal disease and infections needs to exist to adequately protect the animal resources and people of our State. This bill is essential in assuring a mechanism to investigate, control the spread of and eradicate dangerous emerging zoonotic and debilitating diseases of this era.

The Office of the State Veterinarian works closely with our organization and it is a collaborative relationship that has been beneficial for private veterinarians. (Dr. Gerlach offers training and assistance as requested) and for the State (private veterinarians are the first responders in the field to animal emergencies such as disease outbreaks and natural disasters). Together, we meet the current challenges that face the State. Existing and emerging diseases such as Rabies, Monkey Pox, Avian Influenza, SARs and West Nile Virus have significant impacts in our world. As a profession, we must better address the fact that diseases in pets, livestock, and wild-life can harm humans. HB 380 will help us achieve that.

Thank you for introducing this important legislation.

Sincerely,

AKVMA Board of Directors
President: Dr. Siri Kavanaugh
Anchorage—522-1006

adn.com

Anchorage Daily News

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Biologist tests state fair's fowl for avian flu virus**FLYWAY FEARS: Migration could bring disease to state.**By DOUG O'HARRA
Anchorage Daily News*(Published: August 26, 2005)*

State veterinarian Bob Gerlach has been visiting Alaska's agricultural fairs to help test all those ribbon-winning chickens, ducks and turkeys for the presence of deadly avian flu.

It's the domestic portion of a much larger project to find out what flu viruses circulate among Alaska's wild migratory birds, and whether any of those strains include the dangerous H5N1 bird flu from Southeast Asia.

So far, Gerlach has taken samples from about 350 birds at three fairs, including 130 fowl entered into competition at the Alaska State Fair in Palmer on Aug. 23. Owners volunteered their animals.

"I wanted to go ahead as state veterinarian and sample our domestic population (to) find out if there were any circulating viruses," Gerlach said Thursday. "There's no doubt, our interest from the state end is to identify any highly pathogenic strain."

No one has discovered the H5N1 flu in Alaska's wild or domestic birds yet, and the state has few large poultry operations.

More sampling will take place Tuesday when 4H Club kids and adult producers check in their prized poultry at the main animal barn on the Palmer fairgrounds.

Chickens and turkeys are generally stoic during the test -- which involves swirling a Dacron-tipped swab inside each bird's anal cavity, he said.

But ducks and pigeons, with much smaller "cloacal vents," tend to squawk.

"The kids get a kick out of that," Gerlach said. "They think it's really funny to have a grown man take a Q-Tip and put it up their duck's behind."

The surveillance is serious business, however. The H5N1 strain is endemic among poultry in five countries, with more than 100 million birds killed. It has also killed 57 of the 112 people confirmed with the disease, almost always after direct contact with infected birds, according to the federal Centers for Disease Control and Prevention.

The virus showed up in western China and Siberia this summer, apparently carried by migrating waterfowl. Alaska is the Pacific Ocean's major migratory crossroad, where species from Asia and North America mingle in summer.

If the deadly H5N1 strain mutates into a form that could pass easily among people, health officials fear it could trigger a pandemic, with millions of deaths across the globe.

Gerlach is collaborating with other scientists in a project coordinated by University of Alaska

Program on the Biology and Epidemiology of Avian Influenza. Biologists have so far collected samples from 4,085 geese, ducks and other wild birds across the state and hope to collect 5,000 samples by the end of the season, said spokeswoman Marie Gilbert.

Initial testing of the samples is now under way at the Armed Forces Institute of Pathology, she said.

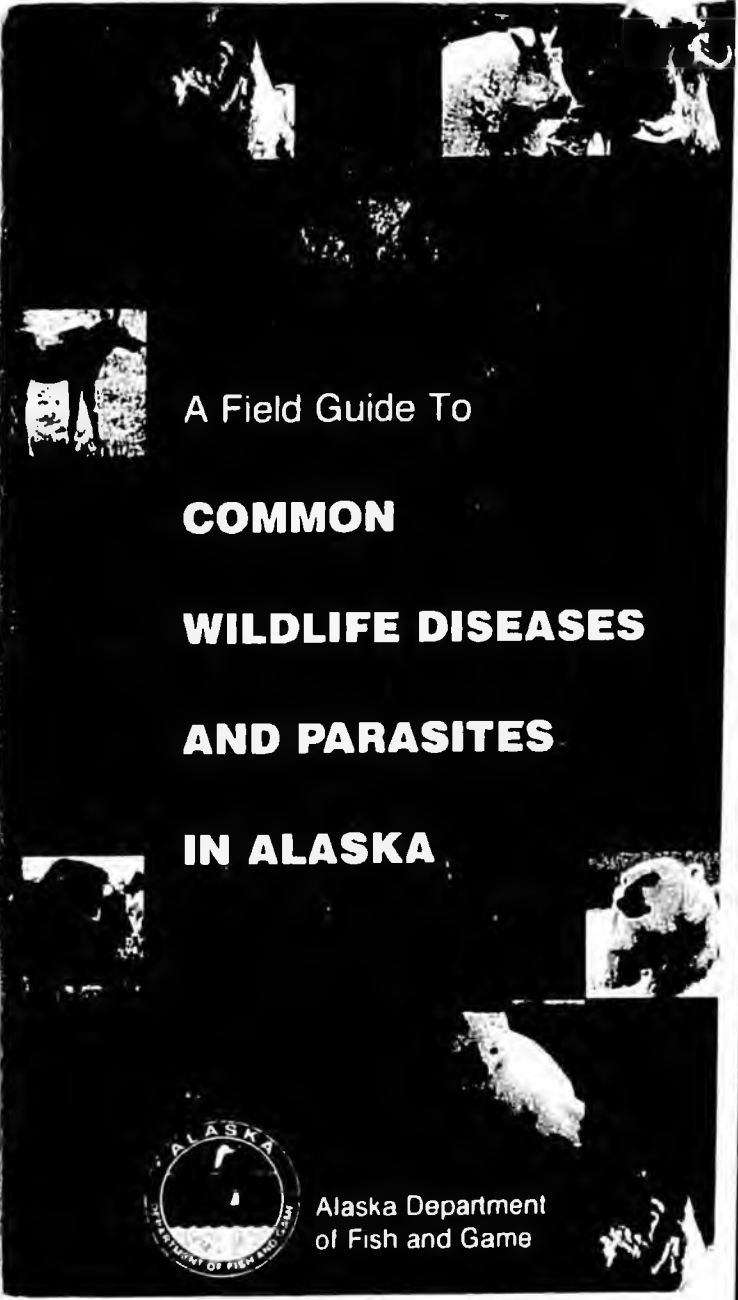
Daily News reporter Doug O'Harra can be reached at do'harra@adn.com.

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THE FOLLOWING DOCUMENT HAS NOT
BEEN FILMED BUT IS AVAILABLE IN THE
ORIGINAL FILE.



A Field Guide To

**COMMON
WILDLIFE DISEASES
AND PARASITES
IN ALASKA**



Alaska Department
of Fish and Game

SENATE FINANCE COMMITTEE

SIGN-IN

HB 380-ANIMALS & ANIMAL OR AGRICULTURAL PRODUCTS

✓ NAME: Kristin Ryan Subject/Bill No: _____
Co./Dept./Title: DEC / Director Phone: _____
environmental Health Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions