

**HB**

**380**

**HB 380 Sponsor Packet**

Cover Sheet _____	1 page
Scheduling Memo _____	1 page
Sponsor Statement _____	1 page
Sectional Analysis _____	4 pages
CS HB 380 FIN (title AM) (HB0380d) _____	8 pages
Fiscal Note ADEC 2-08-06 _____	1 page
Memo re: changes in Finance CS (3-15-06) _____	1 page
Memo re: changes in Resources CS (2-8-06) _____	1 page
CS HB 380 RES (HB0380c) _____	8 pages
CS HB 380 (HBO380b) _____	7 pages
HB 380a _____	6 pages
Alaska AHMS flow chart _____	1 page
A.D.N. Story Aug. 26, 2005 _____	2 pages
Alaska Veterinary Medical Association letter (1-26-06) _____	1 page

TOTAL PAGES: \_\_\_\_\_ 43 pages

# **REPRESENTATIVE KEVIN MEYER**

HOUSE DISTRICT 30

## **MEMORANDUM**

**DATE:** March 15, 2006

**TO:** Senator Tom Wagoner, Chairman  
Senate Resources Committee

**FROM:** Representative Kevin Meyer

**RE:** Request to schedule House Bill 380 *Animals & Animal or Agricultural Products*

---

Please schedule Bill 380 *Animals & Animal or Agricultural Products* for a hearing in the Senate Resources Committee at your earliest convenience.

HB 380 repeals and reenacts statutes relating to the powers of the Commissioner of the Department of Environmental Conservation regarding animals and animal products and the duties of the state veterinarian to enable the department to prepare for and respond to zoonotic diseases.

Included in this packet:

- CSHB 380 (FIN) *Animals & Animal or Agricultural Products* v. LS-1469\I.A
- Sponsor Statement
- Sectional Analysis
- Fiscal Note (DEC 2/8/06)
- State Vet Diagram
- Change Summary (CSHB 380 (FIN))
- CSHB 380 (RES) *Animals & Animal or Agricultural Products* v. LS-1469\F
- Change Summary (CSHB 380 (RES))
- HB 380 *Animals & Animal or Agricultural Products* v. LS-1469\G
- Supporting Materials
  - Letter from the Alaska State Veterinary Medical Association
  - ADN Article 1/20/2006



# 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: Sectional Analysis for 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 products" 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

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 380(I -S)  
 (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 200 <sup>n</sup>	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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>	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
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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  
 Division: Environmental Health  
 Approved by: Kurt Fredriksson  
 Agency: Commissioner

Phone (907) 269-7644  
 Date/Time 2/6/06 8:43 AM  
 Date 2/6/2006



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## MEMORANDUM

### *Change Summary*

**DATE:** March 15, 2006

**TO:** Representative Kevin Meyer

**FROM:** Mike Pawlowski

**RE:** Changes to HB 380 incorporated in CSHB 380 (FIN)  
(Version No. 24 – LS1469I)

---

#### Section 1.

- Rephrased page 2 lines 21-24 to allow fees to be charged only when services are performed at the request of a person.
- Added: "when adopting regulations under this paragraph, the commissioner shall give substantial weight to the typical practices and standards in the state and in the United States of the industry for which the regulations are designed." to page 2 line 30 through page 3 line 2.
- Changed "department" on page 3 line 2 to "commissioner."

#### Section 3.

- Inserted language allowing the State Veterinarian or designee to inspect a premises at any hours only if the commissioner determines there is an immediate threat. (Page 3 lines 26-28)

#### Section 7.

- Deleted the repeal of AS 03.45.070 & AS 03.45.080

**Section 9.** New section amending AS 47.05.012 *Material incorporated by reference* to make a technical amendment allowing DPH to use the most current version of the compendium of animal rabies prevention and control.



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## MEMORANDUM

### *Change Summary*

**DATE:** February 8, 2006

**TO:** Representative Kevin Meyer

**FROM:** Mike Pawlowski

**RE:** Changes to HB 380 incorporated in CSHB 380 (RES)  
(Version No. 24 – LS1469\F)

---

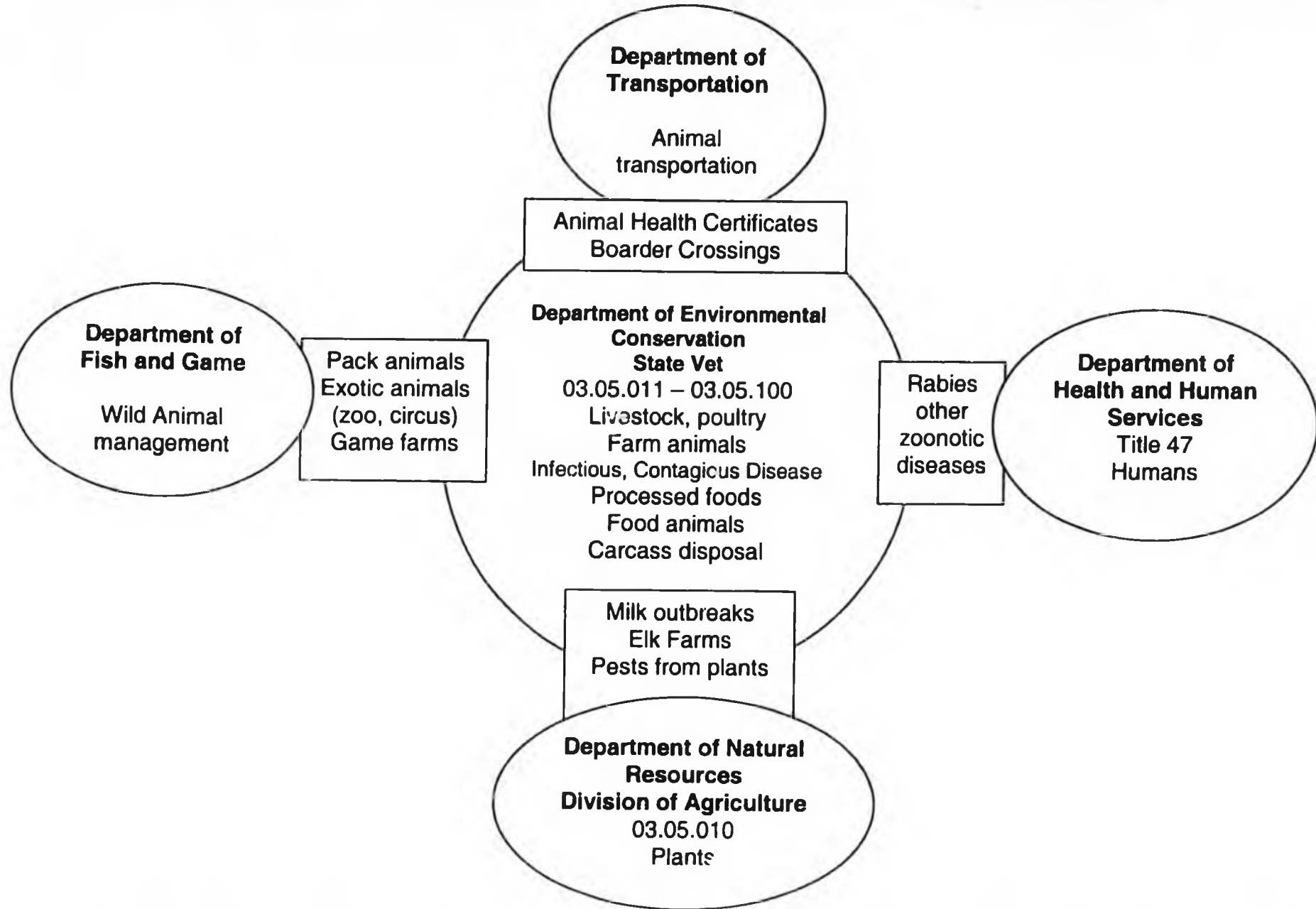
**Title:** Added: "*relating to animal rabies prevention and control;*" to the title to incorporate new section 9.

**Section 1.** Added: "over which the department has jurisdiction" to page 1 line 11.

**Section 9.** New section amending AS 47.05.012 *Material incorporated by reference* to make a technical amendment allowing DPH to use the most current version of the compendium of animal rabies prevention and control.

# State of Alaska, Animal Health Management System

---



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

**adn.com**

Anchorage Daily News

Print Page

Close Window

**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 the 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](mailto:do'harra@adn.com).

[Print Page](#)

[Close Window](#)

Copyright © 2006 The Anchorage Daily News ([www.adn.com](http://www.adn.com))



January 26, 2006  
The Honorable Representative Kevin Meyer

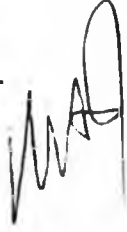
We wanted to let you know that The Alaska Veterinary Medical Association supports HB 380. Technology, society and animal diseases have changed dramatically since the original 1949 statutes. The changes that have occurred since then are not as important as the changes you are proposing today. We believe 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

DATE: April 6, 2006  
TO: Terry Bannister  
FROM: Mary Jackson   
RE: HB 380 - Senate Resources Committee Substitute

---

Senate Resources Committee passed out HB 380 last evening, with the following amendment:

Adopted, no objection, 24-LS1469\1A.1

I have attached a copy of the amendment.

Please provide a final CS, incorporating this amendment, so we can report the bill out of committee.

Thank you for your time and attention.

Attachment: (1) page

AMENDMENT

OFFERED IN THE SENATE

TO: CSHB 380(FIN)(title am)

1 Page 2, line 28:

2 Delete "and"

3 Insert new paragraphs to read:

4 "(3) enter into agreements with the federal government for controlling  
5 disease among animals and match federal payments for animals destroyed under those  
6 agreements from any appropriation available for this purpose;

7 (4) pay an owner of an animal destroyed under this section an amount  
8 from any appropriation available for this purpose; and"

9

10 Renumber the following paragraph accordingly.

11

12 Page 7, line 23, following "03.45.060":

13 Insert ", 03.45.070, 03.45.080"

*MOVED BY SEEKINS:*

*ADOPTED NO OBJECTION 4-05-06*

LEGISLATIVE REFERENCE LIBRARY

LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3808  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 400  
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

H13 380

House Resources 2/16/06

House Finance 2/28/06