

# MEMORANDUM

(Open Session Report)

State of Alaska  
Department of Law

to: Board of Agriculture and  
Conservation  
  
Division of Agriculture,  
Department of Natural Resources

DATE: April 28, 2014

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for May  
8, 2014 BAC meeting

FROM: Bob McFarlane  
Assistant Attorney General  
Commercial & Fair Business Section  
Anchorage

## **PART 1: NON-CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION**

**Legislation Update:** The second legislative session has finally ended and only a few of the agriculture related bills passed. HB 231 relating to cattle brand registration passed and HB 121 relating to loans from the Commercial Fishing and Agriculture Bank also passed. Bills that did not pass include HB 202 relating to bison drawing permit fees; HB 207 relating to changes to the Board of Agriculture; HB 249 prohibiting the use of genetically engineered seeds or plants; HB 238 relating to agricultural preferences; and SB 158 relating to labeling of genetically modified foods.

**Lanser v. Riddle Right to Farm Case:** On March 27, 2014 a hearing was held for the purpose of determining the remedy that would be ordered for abatement of the odors from Mr. Riddle's farm. Mr. Riddle's proposal to use an odor control system provided by Ecolo was discussed and there was testimony about the effectiveness of this system. The court concluded that the Ecolo deodorizing equipment and chemicals would probably solve the odor problem so it issued an order requiring Mr. Riddle to utilize this system. The court and parties will meet again in July for the purpose of discussing whether the odor abatement plan has been successful. If it has not solved the problem the court will most likely modify the order to require additional odor abatement measures. The case is essentially on hold until then.

**PART 2: CONFIDENTIAL MATTERS FOR EXECUTIVE SESSION**

Open Meetings Act – A.S. 44.62.310(b)<sup>1</sup>  
Attorney Client Privilege - Alaska Evidence Code §503(b)<sup>2</sup>  
Board of Agriculture and Conservation Statutes<sup>3</sup>  
ARLF Regulations<sup>4</sup>

No confidential matters for this meeting.

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<sup>1</sup> A motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session. AS §44.62.310(b).

<sup>2</sup> Section 503(b) of the Alaska Evidence Code states in relevant part: “A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client...”

<sup>3</sup> AS §03.09.040 authorizes the board to classify some loan and marketing information confidential.

<sup>4</sup> ARLF Regulations at 11 AAC 39.061 makes most loan information confidential and 11 AAC 39.031(f) authorizes the board to meet in executive session to consider loan applications.