

MEMORANDUM

(Open Session Report)

State of Alaska
Department of Law

to: Board of Agriculture and
Conservation

Division of Agriculture,
Department of Natural Resources

DATE: March 22, 2011

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for
March 31, 2011 BAC
meeting

FROM: Bob McFarlane
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Anchorage

PART 1: NON CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

HB 191 – Establishment of Department of Agriculture and Food. On March 11, 2011 HB 191 was introduced by Rep. Steve Thompson (Fairbanks) to establish a new Department of Agriculture and Food. The bill would not move the ARLF to the Department of Commerce as proposed in the last legislative session. However, there would be numerous changes to the duties of the present Division of Agriculture if the bill was passed in its current form. Section 1 of the bill would establish a food security program and provide for record keeping requirements of food products stored on farms. Also, fish and fisheries products would be eliminated from the coverage of agriculture under sections 17 and 75 of the bill and the commissioner of Environmental Conservation would be responsible for regulating those products. Section 19 of the bill requires the commissioner to appoint an employee of the department to serve as the director of the BAC and section 59 gives the commissioner “free access” at reasonable hours to “a factory, warehouse, or establishment in which agricultural food is manufactured.” Section 59 also allows the commissioner to inspect vehicles, factories and warehouses. This is just a summary of some of the more notable changes. I will bring a few copies of the bill to the meeting for anyone that would like a hard copy.

HB 121 – Aquaculture loans. This is the House version of the Senate bill that I reported on at the last BAC meeting. This bill would establish various revolving loan funds including an aquaculture revolving loan fund which could make loans to oyster farmers. There was a hearing on the bill on March 16, 2011 and there was

considerable support for the loan programs from those individuals that testified. The bill continues to move forward.

PART 2: CONFIDENTIAL MATTERS FOR EXECUTIVE SESSION

Open Meetings Act – A.S. 44.62.310(b)¹
Attorney Client Privilege - Alaska Evidence Code §503(b)²

There are no confidential legal matters for discussion in executive session.

¹ A motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session. A.S. 44.62.310(b).

² 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...”