

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 24, 2010

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for April
5, 2010 BAC meeting

FROM: Bob McFarlane
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PART 1: NON CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

1. Hartman Collection. The attorney we hired to handle representation of the Hartman estate has prepared the necessary court documents and is just waiting for Mr. Hartman's death certificate. Once they receive the death certificate they will file the paperwork with the court for appointment of a personal representative. Once I know the approximate date of appointment I will order the trustee's sale guarantee, prepare the notice of default and begin the foreclosure. The foreclosure process will take about 4 months to complete once the notice of default is recorded.

2. Legislation updates:

A. HB 383 – Transfer of Certain DNR Duties to Dept. of Commerce.

There was a hearing on this bill on March 19, 2010. Rep. Ramras did a very good job introducing the issue and the individuals that testified at the hearing overwhelmingly supported transferring the Division of Agriculture to the Department of Commerce. You can listen to the complete hearing by following this link:

<http://www.ktoo.org/gavel/new/player.cfm?evid=HLAC100319A>

(The first part of the recording concerns HB282. The discussion of HB383 follows). As of the date of this memo there are no any additional hearings scheduled on this bill.

B. HB 225 – Amendment of the Procurement Code. The provisions of this bill of most interest to the BAC are the amendments in sections 2-4:

Section 2: Amends AS 36.15.050(a)

Amends the local agricultural preference to grant a seven percent cost preference to the qualifying bid rather than to the low bid, making this preference consistent with other procurement preferences.

Section 3: Amends AS 36.15.050(b)

Amends the local fisheries preference to grant a seven percent cost preference to the qualifying bid rather than to the low bid, making this preference consistent with other procurement preferences.

Section 4: Amends AS 36.15.050 by adding a new subsection (h)

Amends the local agricultural and fisheries preferences to disallow a bidder from being granted both a local agricultural/fisheries preference and an Alaska product preference under another statute.

This bill passed the house vote unanimously and was transmitted to the senate for consideration on 3/22/2010.

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 reports to the board for this meeting.

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...”