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Bannister
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CS FOR HOUSE BILL NO. 191()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

**Sponsor(s): REPRESENTATIVES THOMPSON BY REQUEST, Kerttula, Tuck, Lynn, Dick, Miller,
Tammie Wilson, Muñoz**

A BILL

FOR AN ACT ENTITLED

**"An Act establishing a state department of agriculture and food and relating to its
powers and duties; relating to the powers and duties of the Department of
Environmental Conservation and the Department of Natural Resources; and providing
for an effective date."**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 03.05.010 is amended to read:

**Sec. 03.05.010. Powers and duties: agricultural products [OF
COMMISSIONER OF NATURAL RESOURCES]. (a) The commissioner [OF
NATURAL RESOURCES] shall**

**(1) direct, administer, and supervise promotional and experimental
work, extension services, and agricultural projects for the purpose of promoting and
developing the agricultural industry within the state, including such fields as
horticulture, dairying, cattle raising, fur farming, grain production, vegetable
production, and development of other agricultural products;**

(2) procure and preserve all information pertaining to the development of the agricultural industry and disseminate that information to the public;

(3) assist prospective settlers and others desiring to engage in the agricultural industry in the state with information concerning areas suitable for agriculture, including storage, sustainable and renewable farming practices, and other activities and programs essential to the development of the agricultural industry in the state;

(4) review the marketing, financing, and development of agricultural products inside the state including transportation, with special emphasis upon local production, and negotiate for the marketing of agricultural products of the state with federal and state agencies operating in the state;

(5) regulate and control the entry into the state and the transportation, sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries, nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and agricultural chemicals in order to prevent the spread of pests, diseases, or toxic substances injurious to the public interest, and to protect the agricultural industry from [AGAINST] fraud, deception, and misrepresentation; in this connection the commissioner may require registration, inspection, and testing, and establish procedures and fees;

(6) regulate the farming of elk in a manner similar to the manner in which the commissioner regulates domestic animals and livestock, to the extent that is appropriate;

(7) implement the farm-to-school program established in AS 03.20.100;

(8) establish a food security program that includes record keeping of agricultural products stored on farms in the state and information about the number of days a supply of food is stored in the state; participation in the program by a farm is voluntary.

(b) To carry out the requirements of this title, the commissioner [OF NATURAL RESOURCES] may issue orders, regulations, quarantines, and embargoes relating to

(1) examination and inspection of **agricultural** premises containing products, articles, and commodities carrying pests;

(2) establishment of quarantines for eradication of pests;

(3) establishment of standards and labeling requirements pertaining to the sale of agricultural and vegetable seeds;

(4) tests and analyses **that** [WHICH] may be made and hearings **that** [WHICH] may be held to determine whether the commissioner will issue a stop order or quarantine;

(5) cooperation with federal and other state agencies.

* **Sec. 2.** AS 03.05.011(a) is amended to read:

(a) To carry out the requirements of this title relating to animals or animal products [OVER WHICH THE DEPARTMENT HAS JURISDICTION], the commissioner may

(1) issue orders or permits relating to or authorizing the examination, inspection, testing, quarantine, or embargo of animals or animal products, or **agricultural** premises containing or having contained animals or animal products, in order to prevent the spread of pests or contagious or infectious disease;

(2) conduct tests, analyses, and hearings to determine whether to issue an order or permit relating to animals or animal products under this section;

(3) cooperate with federal, state, municipal, and other governmental agencies regarding powers and duties under this section;

(4) issue orders or permits relating to or authorizing the custody, care, or destruction of animals or animal products **or agricultural premises** to prevent the spread of pests or contagious or infectious disease;

(5) designate points of entry for the admission of animals or animal products into the state; and

(6) issue orders or permits relating to, or authorizing the examination, testing, or care of, animals or animal products to be transported into, within, or from this state, in order

(A) to prevent the spread of pests or contagious or infectious disease; or

(B) to promote safe or sanitary conditions for the animals or animal products to be transported.

* **Sec. 3.** AS 03.05.011(b) is amended to read:

(b) The commissioner may

(1) adopt a schedule of fees or charges, and credit provisions, for services related to animals and animal products rendered by state veterinarians to farmers and others at their request, and all the receipts from the fees and charges shall be transmitted to the commissioner for deposit in the state treasury;

(2) designate individuals, independently or in cooperation with federal, state, municipal, or other governmental agencies, to carry out and enforce, under the direction of the state veterinarian, the requirements of this title relating to animals or animal products [OVER WHICH THE DEPARTMENT HAS JURISDICTION];

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

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

(5) adopt regulations under AS 44.62 (Administrative Procedure Act) to implement and interpret this section; 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.

* **Sec. 4.** AS 03.05.013 is amended to read:

Sec. 03.05.013. State veterinarian. The commissioner [OF ENVIRONMENTAL CONSERVATION] may employ or appoint a person to act as the state veterinarian to carry out and enforce the requirements of this title relating to animals or animal products over which the department [DEPARTMENT OF ENVIRONMENTAL CONSERVATION] has jurisdiction. To be eligible for appointment as the state veterinarian, a person must be licensed or otherwise legally authorized under AS 08.98 to engage in the practice of veterinary medicine in the state.

1 * **Sec. 5.** AS 03.05.027(a) is amended to read:

2 (a) The commissioner [OF NATURAL RESOURCES] shall employ or
3 appoint a state coordinator for noxious weed, invasive plant, and agricultural pest
4 management and education.

5 * **Sec. 6.** AS 03.05.075(a) is amended to read:

6 (a) Elk may be raised and bred as domestic stock for commercial purposes,
7 including the sale of meat, by a person who lawfully owns the elk and who holds a
8 current valid elk farming license. The commissioner [OF NATURAL RESOURCES]
9 may issue an elk farming license for the farming of elk to a person who applies on a
10 form provided by the commissioner, pays the biennial elk farming license fee, and
11 proves to the satisfaction of the commissioner that the person lawfully owns the elk,
12 intends to raise and breed elk, and possesses facilities for maintaining the elk under
13 positive control. Before issuing or renewing an elk farming license, the commissioner
14 shall conduct a physical inspection of the elk farming facilities and determine that the
15 facilities are in good repair and comply with the fencing standards established under
16 (d) of this section. In this subsection, "lawfully owns" means ownership that was
17 obtained without violating a state or federal law or regulation or a condition of a
18 license or permit issued with respect to elk.

19 * **Sec. 7.** AS 03.05.075(b) is amended to read:

20 (b) The commissioner [OF NATURAL RESOURCES] shall provide to the
21 Department of Fish and Game a copy of each application for an elk farming license
22 received by the commissioner and each elk farming license issued by the
23 commissioner.

24 * **Sec. 8.** AS 03.05.075(d) is amended to read:

25 (d) The commissioner [OF NATURAL RESOURCES] shall establish fencing
26 standards for elk farming facilities to maintain elk under positive control. Proposed
27 fencing standards shall be submitted to the commissioner of fish and game for review
28 before the standards are adopted or amended.

29 * **Sec. 9.** AS 03.05.075(e) is amended to read:

30 (e) Notwithstanding other provisions of law, a license or permit is not required
31 from the Department of Fish and Game in order to import, export, or possess elk for

the purpose of elk farming. Elk imported, exported, or possessed for the purpose of elk farming are subject to the provisions of this title and regulations adopted under this title by the commissioner [OF NATURAL RESOURCES OR THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION] for domestic animals and livestock, to the extent they are made applicable to elk by the commissioner [COMMISSIONERS].

* **Sec. 10.** AS 03.05.090(a) is amended to read:

(a) A person who violates a provision of this chapter or a regulation, order, or quarantine made under authority of this chapter, or violates a provision of a permit issued under this chapter, or sells seeds failing to meet the labeling requirements, standards, and tests provided for by regulation of the commissioner [OF NATURAL RESOURCES OR THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION] is guilty of a class A misdemeanor for each offense.

* **Sec. 11.** AS 03.05.090(c) is amended to read:

(c) If the department [DEPARTMENT OF ENVIRONMENTAL CONSERVATION] issues an order regarding, adopts a regulation on, issues a permit regarding, imposes a quarantine on, or orders an embargo on an animal or animal product that the department [DEPARTMENT OF ENVIRONMENTAL CONSERVATION] reasonably believes carries pests, a contagious disease, or an infectious disease, a consignee who knowingly receives, or a carrier who knowingly transports, the animal or animal product in violation of the order, regulation, permit, quarantine, or embargo is subject to a civil fine of not more than \$500 for each violation.

* **Sec. 12.** AS 03.05.090(d) is amended to read:

(d) The department [DEPARTMENT OF ENVIRONMENTAL CONSERVATION] or a court of competent jurisdiction may impose the fine authorized by (b) or (c) of this section.

* **Sec. 13.** AS 03.05.100 is amended to read:

Sec. 03.05.100. Definitions. In this chapter, unless the section or the context indicates otherwise,

(1) "agricultural products" does not include fish, fisheries products,

1 animals, or animal products;

2 (2) "animal" means an animal other than a human being and includes a
3 mammal, insect, bird, [FISH,] and reptile, whether wild or domestic, and whether
4 living or dead, **but does not include fish or fisheries products;**

5 (3) "animal product" means a product, article, or commodity
6 containing any part of an animal;

7 (4) "fish or fisheries products" means any aquatic animal, including
8 amphibians, or aquatic plants or parts of those plants, animals, or amphibians that are
9 usable as human food.

10 * **Sec. 14.** AS 03.09.020(a) is amended to read:

11 (a) The **commissioner** [DIRECTOR] of [THE DIVISION OF THE
12 DEPARTMENT WITH RESPONSIBILITY FOR] agriculture **and food** shall **appoint**
13 **an employee of the Department of Agriculture and Food to** serve as the director of
14 the Board of Agriculture and Conservation. The director may employ staff and, as
15 directed by the board, is responsible for the daily operations of the agricultural
16 revolving loan fund (AS 03.10.040).

17 * **Sec. 15.** AS 03.10.050(g) is amended to read:

18 (g) The board may dispose of property acquired by the agricultural revolving
19 loan fund through foreclosure, default, or other action arising out of agricultural loans
20 or the sale of agricultural land. Disposals shall be conducted under regulations
21 approved by the commissioner **of agriculture and food**. The regulations must ensure
22 that the property is disposed of so as to maximize the return to the state and must
23 require that the parcels of land that are composed primarily of cropland soils be
24 restricted to agricultural uses and disposed of only to persons who are residents of the
25 state.

26 * **Sec. 16.** AS 03.22.010 is amended to read:

27 **Sec. 03.22.010. Establishment of plant materials center.** The **department**
28 [DEPARTMENT OF NATURAL RESOURCES], in cooperation with the college or
29 department of the University of Alaska responsible for the Agricultural and Forestry
30 Experiment Station, shall establish and maintain a plant materials center.

31 * **Sec. 17.** AS 03.22.040 is amended to read:

1 **Sec. 03.22.040. Personnel.** The department shall ensure that competent
2 professional, secretarial, and subprofessional personnel necessary to carry on the work
3 of the center are employed. The administrator of the plant materials center is a joint
4 appointment between the department [DEPARTMENT OF NATURAL
5 RESOURCES] and the college or department of the University of Alaska responsible
6 for the Agricultural and Forestry Experiment Station.

7 * **Sec. 18.** AS 03.35.030 is amended to read:

8 **Sec. 03.35.030. Notice, hearing, and order.** Upon receipt of a petition for the
9 establishment, addition, elimination, or dissolution of a controlled livestock district,
10 the district judge shall set a time for hearing the petition not less than 30 days after its
11 receipt. Notice of the time and place of the hearing and its purpose shall be posted in
12 not less than three conspicuous public places within the proposed district, including a
13 post office, for a period of at least 30 days before the hearing. If there is no post office
14 within the proposed district, then the notice shall be posted in two conspicuous public
15 places in the proposed district and in the post office nearest the proposed district. If, at
16 the hearing, the district judge finds that the petition meets the requirements established
17 under AS 03.35.020 and that notice of the hearing has been given, the district judge
18 shall enter an order granting the request contained within the petition. The boundaries
19 of the district are those proposed within the petition. The district judge shall certify to
20 the clerk of the superior court for the judicial district a copy of the findings and order.
21 The district judge shall send a copy of the order to the commissioner of agriculture
22 and food.

23 * **Sec. 19.** AS 03.40.030(a) is amended to read:

24 (a) To adopt a brand or mark, a person shall forward to the commissioner [OF
25 NATURAL RESOURCES] a facsimile of the brand or mark, together with a written
26 application, and the recording fee of \$2. Upon receipt, the commissioner shall record
27 the brand or mark unless it is of record or conflicts or closely resembles that of some
28 other person, in which case the commissioner shall return the facsimile and fee to the
29 applicant. A brand described as being on either side of the animal may not be accepted
30 or recorded.
31

1 * **Sec. 20.** AS 03.47.020 is amended to read:

2 **Sec. 03.47.020. Importation of bees.** All bees imported into the state shall be
3 accompanied by a health certificate that states that the bees come from an apiary
4 apparently free of bee diseases and that is signed by an apiary inspector determined to
5 be qualified by the department [DIVISION].

6 * **Sec. 21.** AS 03.47.030(a) is amended to read:

7 (a) The department [DIVISION] shall investigate reported cases of diseased
8 bees and cases of diseased bees discovered by the department [DIVISION].

9 * **Sec. 22.** AS 03.47.030(b) is amended to read:

10 (b) The department [DIVISION] shall take action necessary to prevent the
11 spread of bee diseases. Bees or used beekeeping equipment found to contain the
12 causative organisms of American foulbrood (*Bacillus larvae*) or European foulbrood
13 (*Streptococcus pluton*) shall be immediately quarantined and treated within five days
14 by

15 (1) chamber fumigation using ethylene oxide or other gases approved
16 by the department [DIVISION];

17 (2) sterilization by boiling in lyewater for at least 15 minutes; or

18 (3) destruction of bees, bee combs, and frames by burning followed by
19 burying 18 inches deep.

20 * **Sec. 23.** AS 03.47.030(d) is amended to read:

21 (d) A quarantine imposed under this section may not be removed until infected
22 bees and used beekeeping equipment are destroyed or the department [DIVISION]
23 determines through testing that the used beekeeping equipment is free of the disease.

24 * **Sec. 24.** AS 03.47.030(e) is amended to read:

25 (e) The department [DIVISION] shall adopt regulations necessary to carry
26 out the purposes of this chapter.

27 * **Sec. 25.** AS 03.90.010 is amended to read:

28 **Sec. 03.90.010. Definitions.** In this title, unless otherwise indicated,

29 (1) "commissioner" means the commissioner of agriculture and food
30 [NATURAL RESOURCES];

31 (2) "department" means the Department of Agriculture and Food

1 [NATURAL RESOURCES].

2 * **Sec. 26.** AS 14.07.020(a) is amended to read:

3 (a) The department shall

4 (1) exercise general supervision over the public schools of the state
5 except the University of Alaska;

6 (2) study the conditions and needs of the public schools of the state,
7 adopt or recommend plans, administer and evaluate grants to improve school
8 performance awarded under AS 14.03.125, and adopt regulations for the improvement
9 of the public schools;

10 (3) provide advisory and consultative services to all public school
11 governing bodies and personnel;

12 (4) prescribe by regulation a minimum course of study for the public
13 schools; the regulations must provide that, if a course in American Sign Language is
14 given, the course shall be given credit as a course in a foreign language;

15 (5) establish, in coordination with the Department of Health and Social
16 Services, a program for the continuing education of children who are held in detention
17 facilities in the state during the period of detention;

18 (6) accredit those public schools that meet accreditation standards
19 prescribed by regulation by the department; these regulations shall be adopted by the
20 department and presented to the legislature during the first 10 days of any regular
21 session, and become effective 45 days after presentation or at the end of the session,
22 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
23 the members of each house;

24 (7) prescribe by regulation, after consultation with the state fire
25 marshal and the state sanitarian, standards to ensure [THAT WILL ASSURE]
26 healthful and safe conditions in the public and private schools of the state, including a
27 requirement of physical examinations and immunizations in pre-elementary schools;
28 the standards for private schools may not be more stringent than those for public
29 schools;

30 (8) exercise general supervision over pre-elementary schools that
31 receive direct state or federal funding;

(9) exercise general supervision over elementary and secondary correspondence study programs offered by municipal school districts or regional educational attendance areas; the department may also offer and make available to any Alaskan through a centralized office a correspondence study program;

(10) accredit private schools that request accreditation and that meet accreditation standards prescribed by regulation by the department; nothing in this paragraph authorizes the department to require religious or other private schools to be licensed;

(11) review plans for construction of new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the department, determine and approve the extent of eligibility for state aid of a school construction or major maintenance project; for the purposes of this paragraph, "plans" include educational specifications, schematic designs, projected energy consumption and costs, and final contract documents;

(12) provide educational opportunities in the areas of vocational education and training, and basic education to individuals over 16 years of age who are no longer attending school;

(13) administer the grants awarded under AS 14.11;

(14) establish, in coordination with the Department of Public Safety, a school bus driver training course;

(15) require the reporting of information relating to school disciplinary and safety programs under AS 14.33.120 and of incidents of disruptive or violent behavior;

(16) establish by regulation criteria, based on low student performance, under which the department may intervene in a school district to improve instructional practices, as described in AS 14.07.030(14) or (15); the regulations must include

(A) a notice provision that alerts the district to the deficiencies and the instructional practice changes proposed by the department;

(B) an end date for departmental intervention, as described in AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three

consecutive years of improvement consisting of not less than two percent increases in student proficiency on standards-based assessments in mathematics, reading, and writing as provided in AS 14.03.123(f)(2)(A); and

(C) a process for districts to petition the department for continuing or discontinuing the department's intervention;

(17) notify the legislative committees having jurisdiction over education before intervening in a school district under AS 14.07.030(14) or redirecting public school funding under AS 14.07.030(15);

(18) assist the Department of Agriculture and Food [NATURAL RESOURCES] in developing and implementing the farm-to-school program established under AS 03.20.100.

* **Sec. 27.** AS 17.20.005 is repealed and reenacted to read:

Sec. 17.20.005. Powers and duties of commissioner of agriculture and food. To carry out the responsibilities of the Department of Agriculture and Food and the commissioner of agriculture and food under this chapter, the commissioner of agriculture and food may issue orders, regulations, permits, quarantines, and embargoes relating to

(1) agricultural food products, including

(A) inspection;

(B) standards of sanitation and handling methods for all phases of slaughtering, processing, storing, transporting, displaying, and selling;

(C) labeling; and

(D) the training, testing, and certification requirements for individuals who handle or prepare the products, their supervisors, and their employers to ensure their knowledge of food safety and sanitation principles and requirements;

(2) control and eradication of pests;

(3) labeling, subject to AS 17.20.013, and grading of milk and milk products and standards of sanitation for dairies offering to the public or selling milk or milk products to at least the minimum of current recommendations of the United States Public Health Service pasteurized milk ordinance as it may periodically be

revised;

(4) tests and analyses that may be made and hearings that may be held to determine whether the commissioner will issue a stop order or quarantine;

(5) transportation of, use of, disposal of, recalls of, or warnings concerning quarantined or embargoed items;

(6) cooperation with federal and other state agencies;

(7) written food safety disclosure statements by persons who sell directly to a consumer agricultural food products that are grown and processed by the sellers.

* **Sec. 28.** AS 17.20 is amended by adding a new section to article 1 to read:

Sec. 17.20.007. Powers and duties of commissioner of environmental conservation. To carry out the responsibilities of the Department of Environmental Conservation and the commissioner of environmental conservation under this chapter, the commissioner of environmental conservation may issue orders, regulations, permits, quarantines, and embargoes relating to

(1) the inspection of nonagricultural food products for sanitation and food safety, including

(A) standards of sanitation and handling methods for all phases of processing, storing, transporting, displaying, and selling of food; and

(B) the training, testing, and certification requirements for individuals who handle or prepare food, their supervisors, and their employers to ensure their knowledge of food safety and sanitation principles and requirements;

(2) nonagricultural food products, including

(A) inspection;

(B) standards of sanitation and handling methods for all phases of processing, storing, transporting, displaying, and selling;

(C) labeling; and

(D) the training, testing, and certification requirements for individuals who handle or prepare the products, their supervisors, and their employers to ensure their knowledge of food safety and sanitation principles

1 and requirements;

2 (3) enforcement of hazard analysis critical control point programs for
3 seafood processing that are developed in cooperation with appropriate industry
4 representatives or, to the extent not inconsistent with this chapter or regulations
5 adopted under the authority of this chapter, that are established by regulations of the
6 United States Food and Drug Administration as they may periodically be revised;

7 (4) standards and conditions for the operation and siting of aquatic
8 farms and related hatcheries, including

9 (A) restrictions on the use of chemicals; and

10 (B) requirements to protect the public from contaminated
11 aquatic farm products that pose a risk to health;

12 (5) monitoring aquatic farms and aquatic farm products to ensure
13 compliance with this chapter and, to the extent not inconsistent with this chapter or
14 regulations adopted under the authority of this chapter, with the requirements of the
15 national shellfish sanitation program manual of operations published by the United
16 States Food and Drug Administration as it may periodically be revised;

17 (6) tests and analyses that may be made and hearings that may be held
18 to determine whether the commissioner will issue a stop order or quarantine;

19 (7) transportation of, use of, disposal of, recalls of, or warnings
20 concerning quarantined or embargoed items;

21 (8) cooperation with federal and other state agencies.

22 * **Sec. 29.** AS 17.20.010 is amended to read:

23 **Sec. 17.20.010. Definitions and standards for food.** When, in the judgment
24 of the commissioner of agriculture and food, honest and fair dealing in the interest of
25 consumers will be promoted, the Department of Agriculture and Food
26 [DEPARTMENT] shall adopt regulations fixing and establishing for agricultural
27 food products or classes [CLASS] of agricultural food products a reasonable
28 definition and standard of identity, a reasonable standard of quality, and reasonable
29 standards of fill of container. In prescribing a definition and standard of identity for
30 agricultural food products or classes [CLASS] of agricultural food products in
31 which optional ingredients are permitted, the department shall, for the purpose of

1 promoting honesty and fair dealing in the interest of consumers, designate the optional
2 ingredients that [WHICH] shall be named on the label. The definitions and standards
3 adopted shall conform as far as practicable to the definitions and standards adopted
4 under authority of the federal act. The Department of Agriculture and Food
5 [DEPARTMENT] shall establish a mobile canned agricultural food products
6 inspection service available upon request to agricultural food product packers or
7 processors inside the state.

8 * **Sec. 30.** AS 17.20.010 is amended by adding a new subsection to read:

9 (b) When, in the judgment of the commissioner of environmental
10 conservation, honest and fair dealing in the interest of consumers will be promoted,
11 the Department of Environmental Conservation shall adopt regulations fixing and
12 establishing for nonagricultural products or classes of nonagricultural fish products a
13 reasonable definition and standard of identity, a reasonable standard of quality, and
14 reasonable standards of fill of container. In prescribing a definition and standard of
15 identity for nonagricultural food products or classes of nonagricultural food products
16 in which optional ingredients are permitted, the department shall, for the purpose of
17 promoting honesty and fair dealing in the interest of consumers, designate the optional
18 ingredients that shall be named on the label. The definitions and standards adopted
19 must conform as far as practicable to the definitions and standards adopted under
20 authority of the federal act. The Department of Environmental Conservation shall
21 establish a mobile canned nonagricultural food products inspection service available
22 upon request to nonagricultural food product packers or processors inside the state.

23 * **Sec. 31.** AS 17.20.013(e) is amended to read:

24 (e) A dairy plant shall keep the original affidavit provided under (c) of this
25 section on file for a period of not less than two years. The affidavit and corresponding
26 records shall be made available for inspection by the commissioner of agriculture
27 and food. If the milk product is to be labeled under (a) of this section, dairy plants
28 supplying milk or cream to a processor or to a manufacturer of a milk product for use
29 in the milk product shall supply the processor or manufacturer with a certificate stating
30 that the producers of the supplied milk or cream have executed and delivered the
31 affidavits as required by (c) of this section.

1 * **Sec. 32.** AS 17.20.013(f) is amended to read:

2 (f) All milk or cream from non-rBGH-treated cows used in the manufacturing
3 or processing of milk products labeled under (a) of this section, and milk or cream
4 supplied by a producer using an affidavit under (c) of this section, shall be kept
5 completely separate from any other milk or cream throughout all stages of storage,
6 transportation, and processing until the resulting milk products are in final packaged
7 form in a properly labeled container. The dairy plant and the processor or
8 manufacturer at each stage shall keep records of the separation and make them
9 available to the commissioner **of agriculture and food** for inspection.

10 * **Sec. 33.** AS 17.20.030 is amended to read:

11 **Sec. 17.20.030. Tolerances for added poisonous ingredients.** A poisonous or
12 deleterious substance added to food, except where the substance is required in the
13 production of food or cannot be avoided by good manufacturing practice, is unsafe for
14 purposes of the application of AS 17.20.020(a)(2). When the substance is required or
15 cannot be avoided, the department **responsible under AS 17.20.005 - 17.20.075 for**
16 **the particular food item involved** shall adopt regulations limiting the quantity of it to
17 the extent necessary for the protection of public health. A quantity exceeding the
18 limits fixed is unsafe for purposes of the application of AS 17.20.020(a)(2). While a
19 regulation limiting the quantity of a substance in the case of any food is in effect, the
20 food is not, by reason of bearing or containing an added amount of the substance,
21 adulterated within the meaning of AS 17.20.020(a)(1). In determining the quantity of
22 the added substance to be tolerated in or on food, the department **responsible under**
23 **AS 17.20.005 - 17.20.075 for the particular food item involved** shall consider the
24 extent to which the use of the substance is required or cannot be avoided in the
25 production of each article and the other ways in which the consumer may be affected
26 by that or other poisonous or deleterious substances.

27 * **Sec. 34.** AS 17.20.040(a) is amended to read:

28 (a) Food is misbranded if

- 29 (1) its labeling is false or misleading in any particular;
30 (2) it is offered for sale under the name of another food;
31 (3) it is an imitation of another food, unless its label bears, in type of

uniform size and prominence, the word "imitation" and, immediately **after that word** [THEREAFTER], the name of the food imitated;

(4) its container is made, formed, or filled so as to be misleading;

(5) it is in package form unless it bears a label containing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; however, under (B) of this paragraph, reasonable variations are permitted, and exemptions for small packages shall be established by regulations prescribed by the department **responsible under AS 17.20.005 - 17.20.075 for the particular food item involved**;

(6) a word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed with the conspicuousness, [(] as compared with other words, statements, designs, or devices in the labeling, [)] and in terms that make it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by AS 17.20.010, unless (A) it conforms to the definition and standard, and (B) its label bears the name of the food specified in the definition and standard and the common names of optional ingredients other than spices, flavoring, and coloring present in the food as required by regulation;

(8) it purports to be or is represented as **a food for which a standard of**

(A) [A FOOD FOR WHICH A STANDARD OF] quality has been prescribed by regulations, and its quality falls below that standard, unless its label bears, in the manner and form the regulations specify, a statement that it falls below that standard; or

(B) [A FOOD FOR WHICH A STANDARD OF] fill of container has been prescribed by regulation as provided by AS 17.20.010 and it falls below the applicable standard of fill of container, unless its label bears, in the manner and form as the regulations specify, a statement that it falls

below that standard;

(9) it is not subject to the provisions of (7) of this subsection, unless it bears labeling clearly giving (A) the common or usual name of the food, if any, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that [, HOWEVER,] spices, flavorings, and colorings, other than those sold as **spices, flavorings, and colorings** [SUCH], may be designated as spices, flavorings, and colorings, without naming each; [HOWEVER,] to the extent that compliance with the requirements of (B) of this paragraph is impracticable [,] or results in deception or unfair competition, exemptions shall be established by regulations adopted by the department **with the responsibility under AS 17.20.005 - 17.20.075 for the particular food item involved**, but the requirements of (B) of this paragraph do not apply to food products that are packaged at the direction of purchasers at retail at the time of sale, the ingredients of which are disclosed to the purchasers by other means in accordance with regulations adopted by the department **with the responsibility under AS 17.20.005 - 17.20.075 for the particular food item involved**;

(10) it purports to be or is represented for special dietary uses, unless its label bears information concerning its vitamin, mineral, and other dietary properties the commissioner **of the department with the responsibility under AS 17.20.005 - 17.20.075 for the particular food item involved** determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for those uses;

(11) it bears or contains artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; [HOWEVER,] to the extent that compliance with the requirements of this paragraph is impracticable, exemption shall be established by regulations adopted by the department **with the responsibility under AS 17.20.005 - 17.20.075 for the particular food item involved**;

(12) the food is a farmed halibut, salmon, or sablefish product, unless

(A) the product is labeled to identify the product as farmed fish raised outside the state, if the product is sold in a packaged form; or

(B) the product is conspicuously identified as farmed fish raised outside the state, if the product is sold in an unpackaged form;

(13) the labeling, advertisement, or identification of the food is inconsistent with the labeling, advertisement, or identification provisions of AS 17.20.048 or 17.20.049;

(14) the food is a genetically modified fish or genetically modified fish product unless

(A) the food is conspicuously labeled to identify the fish or fish product as a genetically modified fish or fish product if the fish or fish product is sold in a packaged form; or

(B) the food is conspicuously identified as a genetically modified fish or fish product if the fish or fish product is sold in an unpackaged form.

* **Sec. 35.** AS 17.20.044(b) is amended to read:

(b) Meat, fish, and poultry that has been frozen must be labeled as a frozen food in accordance with regulations adopted by the commissioner of the department with the responsibility under AS 17.20.005 - 17.20.075 for the food item.

* **Sec. 36.** AS 17.20.044(c) is amended to read:

(c) The commissioner of the department with the responsibility under AS 17.20.005 - 17.20.075 for the food item shall adopt regulations that

(1) require frozen food labels for meat, fish, and poultry that has been frozen; and

(2) provide for the examination and inspection of meat, fish, and poultry to ascertain whether it has been frozen.

* **Sec. 37.** AS 17.20.050 is amended to read:

Sec. 17.20.050. Emergency permit control. When a [THE] department finds after investigation that the distribution in the state of a class of food that the department has responsibility for under AS 17.20.005 - 17.20.075 may, by reason of contamination with microorganisms during the manufacture, processing, or packing, be injurious to health, and that the injurious nature cannot be adequately determined after the articles have entered commerce, the department [IT], in that

case only, shall adopt regulations providing for the issuance of permits to manufacturers, processors, or packers of that class of food, to which shall be attached the conditions governing the manufacture, processing, or packing of that class of food, for a temporary period of time as may be necessary to protect the public health. After the effective date of the regulations, and during the temporary period, no person may introduce or deliver for introduction into commerce the food so manufactured, processed, or packed by any manufacturer, processor, or packer unless the manufacturer, processor, or packer of it holds a permit issued by the commissioner of the department that has responsibility under AS 17.20.005 - 17.20.075 for the particular food item.

* **Sec. 38.** AS 17.20.060 is amended to read:

Sec. 17.20.060. Suspension and reinstatement of emergency permit. The commissioner of the department that has responsibility under AS 17.20.005 - 17.20.075 for the particular food item may suspend immediately upon notice a permit issued under AS 17.20.050 if it is found that the conditions of the permit have been violated. The holder of a suspended permit may apply for the reinstatement of the permit, and the commissioner of the department that has responsibility under AS 17.20.005 - 17.20.075 for the particular food item, immediately after prompt hearing and an inspection of the establishment, shall reinstate the permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit as originally issued or as amended.

* **Sec. 39.** AS 17.20.065 is amended by adding a new subsection to read:

(c) In this section, "department" means the Department of Environmental Conservation.

* **Sec. 40.** AS 17.20.066 is amended by adding a new subsection to read:

(f) In this section, "commissioner" means the commissioner of environmental conservation.

* **Sec. 41.** AS 17.20.067 is amended to read:

Sec. 17.20.067. Seafood processing research. The commissioner of environmental conservation may conduct studies, research, experiments, and demonstrations, directly or through grants to or contracts with public or private

1 agencies, organizations, or individuals to

2 (1) improve sanitation practices in the processing of fish and fisheries
3 products; and

4 (2) develop improved techniques for surveillance and inspection
5 activities under this chapter.

6 * **Sec. 42.** AS 17.20.070 is amended to read:

7 **Sec. 17.20.070. Inspection by department.** An officer or employee
8 designated by the commissioner of the department that has responsibility under
9 AS 17.20.005 - 17.20.075 for the factory, aquatic farm, or establishment shall have
10 access to a factory, aquatic farm, or establishment, the operator of which holds a
11 permit from the commissioner of the department with responsibility under
12 AS 17.20.005 - 17.20.075 for the factory, aquatic farm, or establishment, for the
13 purpose of ascertaining whether the conditions of the permit are being complied with.
14 Denial of access for inspection is ground for suspension of the permit until access is
15 freely given.

16 * **Sec. 43.** AS 17.20.072 is repealed and reenacted to read:

17 **Sec. 17.20.072. Enforcement authority.** The department that has
18 responsibility under AS 17.20.005 - 17.20.075 for a particular area of regulation is
19 responsible for enforcing that area of regulation and may delegate the responsibility as
20 appropriate.

21 * **Sec. 44.** AS 17.20.180 is amended to read:

22 **Sec. 17.20.180. Regulations.** The Department of Agriculture and Food, the
23 Department of Environmental Conservation, and the Department of Health and Social
24 Services may adopt regulations for the efficient enforcement of their respective
25 portions of this chapter. Each department may make the regulations conform, in so far
26 as practicable, with those adopted under the federal act.

27 * **Sec. 45.** AS 17.20.200(a) is amended to read:

28 (a) The commissioner of environmental conservation or an agent shall have
29 free access at reasonable hours to a factory, warehouse, or establishment in which
30 nonagricultural food products [FOODS] or cosmetics are manufactured, processed,
31 packed, or held for introduction into commerce, to enter a vehicle being used to

1 transport or hold **nonagricultural food products** [THESE FOODS] or cosmetics in
2 commerce, or to an aquatic farm in order to

3 (1) inspect a factory, warehouse, establishment, vehicle, or aquatic
4 farm to determine if the provisions of the commissioner's respective portions of this
5 chapter are being violated; and

6 (2) secure samples or specimens of a **nonagricultural** food **product**,
7 aquatic farm product, or cosmetic.

8 * **Sec. 46.** AS 17.20.200 is amended by adding a new subsection to read:

9 (d) The commissioner of agriculture and food or the commissioner's agent
10 shall have free access at reasonable hours to a factory, warehouse, or establishment in
11 which agricultural food is manufactured, processed, packed, or held for introduction
12 into commerce, to enter a vehicle being used to transport or hold the foods in
13 commerce in order to

14 (1) inspect a vehicle, factory, warehouse, or establishment, except a
15 retail establishment, to determine if the provisions of the commissioner of agriculture
16 and food's respective portions of this chapter are being violated; and

17 (2) secure samples or specimens of an agricultural food product.

18 * **Sec. 47.** AS 17.20.220(a) is amended to read:

19 (a) The **commissioner of agriculture and food, the** commissioner of
20 environmental conservation, and the commissioner of health and social services may
21 have published from time to time reports summarizing judgments, decrees, and court
22 orders **that** [WHICH] have been rendered under their respective portions of this
23 chapter, including the nature of the charge and the disposition of it.

24 * **Sec. 48.** AS 17.20.220(b) is amended to read:

25 (b) The commissioner of environmental conservation may **disseminate**
26 [HAVE DISSEMINATED] information regarding **nonagricultural** food **products**
27 and cosmetics **that** [WHICH] the commissioner considers necessary in the interest of
28 public health and the protection of the consumer against fraud. This section does not
29 prohibit the commissioner from collecting, reporting, and illustrating the results of the
30 commissioner's investigations.

31 * **Sec. 49.** AS 17.20.220 is amended by adding a new subsection to read:

(d) The commissioner of agriculture and food may disseminate information regarding agricultural food products that the commissioner considers necessary in the interest of public health and the protection of the consumer against fraud. This section does not prohibit the commissioner from collecting, reporting, and illustrating the results of the commissioner's investigations.

* **Sec. 50.** AS 17.20.230(a) is amended to read:

(a) Whenever the commissioner of environmental conservation finds or has probable cause to believe that a nonagricultural food product or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent within the meaning of this chapter, the commissioner shall affix to it a tag or other appropriate marking, giving notice that it is or is suspected of being adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of it by sale or otherwise until permission for removal or disposal is given by the commissioner or the court. A person may not remove or dispose of a detained or embargoed article by sale or otherwise without this permission.

* **Sec. 51.** AS 17.20.230 is amended by adding a new subsection to read:

(c) Whenever the commissioner of agriculture and food finds or has probable cause to believe that an agricultural food product is adulterated, or so misbranded as to be dangerous or fraudulent within the meaning of this chapter, the commissioner shall affix to it a tag or other appropriate marking, giving notice that it is or is suspected of being adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of it by sale or otherwise until permission for removal or disposal is given by the commissioner or the court. A person may not remove or dispose of a detained or embargoed article by sale or otherwise without this permission.

* **Sec. 52.** AS 17.20.240 is amended to read:

Sec. 17.20.240. Petition for libel for condemnation. When an article detained or embargoed under AS 17.20.230 has been found by the commissioner of agriculture and food, the commissioner of environmental conservation, or the commissioner of health and social services, as the case may be, to be adulterated or misbranded, the appropriate commissioner shall petition the superior court for a libel

1 for condemnation of the article. When that commissioner finds that a detained or
2 embargoed article is not adulterated or misbranded, the commissioner shall remove the
3 tag or other marking.

4 * **Sec. 53.** AS 17.20.250 is amended to read:

5 **Sec. 17.20.250. Destruction of adulterated or misbranded goods.** If the
6 superior court finds that a detained or embargoed article is adulterated or misbranded,
7 it shall, after entry of the decree, be destroyed at the expense of the claimant, under the
8 supervision of the commissioner of agriculture and food, the commissioner of
9 environmental conservation, or the commissioner of health and social services, as the
10 case may be. Court costs and fees and storage and other proper expenses shall be taxed
11 against the claimant of the article.

12 * **Sec. 54.** AS 17.20.260 is amended to read:

13 **Sec. 17.20.260. Exemption from destruction.** When the adulteration or
14 misbranding can be corrected by proper labeling or processing of the article, and after
15 entry of the decree and after costs, fees, and expenses have been paid and a good and
16 sufficient bond, conditioned that the article will be properly labeled or processed has
17 been executed, the court may order that the article be delivered to the claimant for
18 labeling or processing under the supervision of the commissioner of agriculture and
19 food, the commissioner of environmental conservation, or the commissioner of health
20 and social services, as the case may be. The claimant shall pay the expense of
21 supervision. The bond shall be returned to the claimant of the article on representation
22 to the court by the appropriate commissioner that the article is no longer in violation of
23 this chapter, and that the expenses of supervision have been paid.

24 * **Sec. 55.** AS 17.20.270 is amended to read:

25 **Sec. 17.20.270. Immediate destruction of contaminated food.** Meat,
26 seafood, poultry, vegetable, fruit, or other perishable article in any room, building,
27 vehicle of transportation, or other structure that [WHICH] is unsound, or contains
28 filthy, decomposed, or putrid substance, or a substance that may be poisonous or
29 deleterious to health or otherwise unsafe, is a nuisance. Whenever the commissioner
30 of the department that is responsible under AS 17.20.005 - 17.20.075 for the
31 article or structure [ENVIRONMENTAL CONSERVATION] finds [SUCH] an

1 article that is a nuisance under this section, the commissioner shall immediately
2 condemn or destroy it or in any other manner render it unsalable as human food.

3 * **Sec. 56.** AS 17.20.280 is amended to read:

4 **Sec. 17.20.280. Injunction proceedings.** The commissioner of agriculture
5 and food, the commissioner of environmental conservation, and the commissioner of
6 health and social services may apply to the superior court for, and the court has
7 jurisdiction to grant, a temporary or permanent injunction restraining a person from
8 violating their respective portions of this chapter.

9 * **Sec. 57.** AS 17.20.290(b) is amended to read:

10 (b) The commissioner of environmental conservation or a designee of the
11 commissioner is responsible for enforcing the provisions of (a)(1) - (10) of this
12 section, if the subject of the prohibited act involves nonagricultural food products or
13 cosmetics, and the provisions of (a)(12) of this section. This subsection does not limit
14 the authority of peace officers.

15 * **Sec. 58.** AS 17.20.290 is amended by adding a new subsection to read:

16 (d) The commissioner of agriculture and food or a designee of the
17 commissioner is responsible for enforcing the provisions of (a)(1) - (10) of this
18 section, if the subject of the prohibited act involves an agricultural food product. This
19 subsection does not limit the authority of peace officers.

20 * **Sec. 59.** AS 17.20.315(c) is repealed and reenacted to read:

21 (c) In this section, "department" means the Department of Agriculture and
22 Food for violations of this chapter relating to agricultural food products, or the
23 Department of Environmental Conservation for violations relating to other items.

24 * **Sec. 60.** AS 17.20.350 is amended to read:

25 **Sec. 17.20.350. Report of minor violations.** Nothing in this chapter requires
26 [EITHER] the commissioner of agriculture and food, the commissioner of
27 environmental conservation, or the commissioner of health and social services, as the
28 case may be, to report minor violations of their respective portions of this chapter for
29 prosecution, or for the institution of libel or injunction proceedings, when that
30 commissioner believes that the public interest will be adequately served by a suitable
31 written notice or warning.

1 * **Sec. 61.** AS 17.20.360 is amended to read:

2 **Sec. 17.20.360. Attorney general to prosecute.** The attorney general, to
3 whom the **commissioner of agriculture and food, the** commissioner of
4 environmental conservation, or the commissioner of health and social services, as the
5 case may be, reports a violation of this chapter, shall institute appropriate proceedings
6 in the superior court without delay and prosecute them in the manner required by law.

7 * **Sec. 62.** AS 17.20.370 is amended by adding new paragraphs to read:

8 (17) "agricultural food product" means a food product produced on a
9 farm, except an aquatic farm, until the product leaves the farm and enters into
10 commerce;

11 (18) "nonagricultural food product" means a food product that is not an
12 agricultural food product.

13 * **Sec. 63.** AS 18.65.340(f)(1) is amended to read:

14 (1) "department" means a department of state government listed in
15 **AS 44.17.005(2) - (16)** [AS 44.17.005(2) - (15)];

16 * **Sec. 64.** AS 37.05.146(c)(55) is amended to read:

17 (55) money received by the **Department of Agriculture and Food**
18 **and the** Department of Environmental Conservation from the inspection of food under
19 AS 17.20;

20 * **Sec. 65.** AS 38.07.030(a) is amended to read:

21 (a) An owner of agricultural land, or a lessee from the state of agricultural
22 land, in the general vicinity of the land to be cleared or drained under AS 38.07.010(a)
23 may apply to the commissioner to have the land cleared or drained or both along with
24 the state land. The applicant's land shall be included in the contract of land to be
25 cleared or drained if, in the discretion of the commissioner, the inclusion is feasible
26 and furthers the agricultural policies of the [DIVISION OF THE] Department of
27 **Agriculture and Food** [NATURAL RESOURCES WITH RESPONSIBILITY FOR
28 AGRICULTURE].

29 * **Sec. 66.** AS 44.17.005 is amended to read:

30 **Sec. 44.17.005. Offices and departments.** There are in the state government
31 the following principal offices and departments:

- (1) Office of the Governor;
- (2) Department of Administration;
- (3) Department of Law;
- (4) Department of Revenue;
- (5) Department of Education and Early Development;
- (6) Department of Health and Social Services;
- (7) Department of Labor and Workforce Development;
- (8) Department of Commerce, Community, and Economic Development;
- (9) Department of Military and Veterans' Affairs;
- (10) Department of Natural Resources;
- (11) Department of Fish and Game;
- (12) Department of Public Safety;
- (13) Department of Transportation and Public Facilities;
- (14) Department of Environmental Conservation;
- (15) Department of Corrections;
- (16) Department of Agriculture and Food.**

* **Sec. 67.** AS 44.37.020(a) is amended to read:

(a) The Department of Natural Resources shall administer the state program for the conservation and development of natural resources, including forests, parks, and recreational areas, land, water, [AGRICULTURE, SOIL CONSERVATION,] and minerals including petroleum and natural gas, but excluding commercial fisheries, sport fish, game, and fur-bearing animals in their natural state.

* **Sec. 68.** AS 44.46.020(a) is amended to read:

(a) The Department of Environmental Conservation shall

- (1) have primary responsibility for coordination and development of policies, programs, and planning related to the environment of the state and of the various regions of the state;
- (2) have primary responsibility for the adoption and enforcement of regulations setting standards for the prevention and abatement of all water, land, subsurface land, and air pollution, and other sources or potential sources of pollution

of the environment, including by way of example only, petroleum and natural gas pipelines;

(3) promote and develop programs for the protection and control of the environment of the state;

(4) take actions that are necessary and proper to further the policy declared in AS 46.03.010;

(5) adopt regulations for

(A) the prevention and control of public health nuisances;

(B) the regulation of sanitation and sanitary practices in the interest of public health under AS 03 and AS 17.20;

(C) standards of cleanliness and sanitation under AS 03 and AS 17.20 in connection with the construction, operation, and maintenance of a camp, cannery, food handling establishment, food manufacturing plant, mattress manufacturing establishment, industrial plant, school, barbershop, hairdressing, manicuring, esthetics, tattooing and permanent cosmetic coloring, body piercing, or ear piercing establishment, soft drink establishment, beer and wine dispensaries, and for other similar establishments in which lack of sanitation may create a condition that causes disease;

(D) the regulation of quality and purity of commercially compressed air sold for human respiration.

* **Sec. 69.** AS 44.46.025(a) is amended to read:

(a) Except as otherwise provided in AS 37.10.050 - 37.10.056, the Department of Environmental Conservation may adopt regulations that prescribe reasonable fees, and establish procedures for the collection of those fees, to cover the applicable direct costs, not including travel except in the case of a designated regulatory service, as that term is defined in AS 37.10.058, of inspections, permit preparation and administration, plan review and approval, and other services provided by the department relating to

(1) nonagricultural food products, retail [ANIMALS AND ANIMAL PRODUCTS UNDER AS 03.05;] food establishments, drugs, and cosmetics under AS 17.20; and public accommodations and facilities under AS 18.35;

(2) certificates of inspection for motor vehicles under AS 46.14.400 or

46.14.510;

(3) drinking water systems under AS 46.03.720;

(4) water and wastewater operator training under AS 46.30;

(5) waste management and disposal authorizations under AS 46.03.100;

(6) certification of laboratories conducting environmental analyses of public drinking water systems or of oil or hazardous substances, or conducting other analyses required by the department;

(7) certification of federal permits or authorizations under 33 U.S.C. 1341 (sec. 401, Clean Water Act);

(8) regulation of point source discharges of pollutants under the program authorized by AS 46.03.020(12);

(9) regulation of pesticides and broadcast chemicals registered under AS 46.03.320(a)(4), with a reasonable fee not to exceed \$120;

(10) licensing of pesticide applicators under AS 46.03.320(b), with a reasonable fee not to exceed \$25.

* **Sec. 70.** AS 44 is amended by adding a new chapter to read:

Chapter 48. Department of Agriculture and Food.

Sec. 44.48.010. Commissioner. The principal executive officer of the Department of Agriculture and Food is the commissioner of agriculture and food.

Sec. 44.48.020. Duties of department. (a) The department shall

(1) have primary responsibility for coordination and development of policies, programs, and planning related to commercial agriculture in the state;

(2) promote and develop programs for the protection and promotion of commercial agriculture in the state;

(3) obtain and distribute information on subjects connected with commercial agriculture;

(4) control and regulate the entry and transportation of seeds, plants, and other horticultural products into and within the state;

(5) control and eradicate the spread of pests injurious to plants, trees, vegetables, fruit, livestock, and poultry;

(6) aid in developing used and unused agricultural resources; and

(7) experiment and determine practical methods of growing, processing, soil analysis, eradication of obnoxious weeds, control of insects, and cheaper and more satisfactory methods of land clearing.

(b) The department may adopt regulations to implement its powers and duties.

Sec. 44.48.030. Fees for services. (a) The department may adopt regulations that establish reasonable fees, and establish procedures for the collection of those fees, to cover the applicable direct costs, except for travel unless for a designated regulatory service, of inspections, permit preparation, permit administration, plan review, plan approval, and other services provided by the department relating to

(1) the department's responsibilities under AS 03;

(2) the department's responsibilities under AS 17.20.

(b) The department may not charge a fee for a service that is provided by a municipality under a delegation of authority by the department to the municipality.

(c) Notwithstanding (a) of this section, the department may not charge a fee for an inspection, permit, or other service provided by the department under AS 03.05 to a school.

(d) In this section,

(1) "direct cost" has the meaning given in AS 37.10.058;

(2) "school" means a public school or private school for children of school age, or a head start center that receives federal financial assistance under 42 U.S.C. 9835;

(3) "school age" has the meaning given in AS 14.03.070.

Sec. 44.48.090. Definitions. In this chapter, "department" means the Department of Agriculture and Food.

* **Sec. 71.** AS 44.62.330(a)(16) is amended to read:

(16) **Department of Agriculture and Food**, Department of Health and Social Services, and Department of Environmental Conservation under AS 17.20 (Alaska Food, Drug, and Cosmetic Act), and Department of Commerce, Community, and Economic Development in connection with the licensing of embalmers and funeral directors under AS 08.42;

1 * **Sec. 72.** AS 03.05.011(e), 03.05.040(b), 03.05.050(b); AS 03.47.040(2); AS 03.55.190(3);
2 AS 17.20.075; AS 44.37.030; and AS 44.62.330(a)(34) are repealed.

3 * **Sec. 73.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 TRANSITION: REGULATIONS. The Department of Agriculture and Food, created
6 under sec. 70 of this Act, the Department of Environmental Conservation, and the Department
7 of Natural Resources may adopt, amend, and repeal regulations as necessary to implement
8 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
9 before July 1, 2014.

10 * **Sec. 74.** Section 73 of this Act takes effect immediately under AS 01.10.070(c).

11 * **Sec. 75.** Except as provided in sec. 74 of this Act, this Act takes effect July 1, 2014.