

Received in the House: 1/21/25; Introduced: 1/24/25

Referred: Resources, Finance

Received in the Senate: 1/21/25; Introduced: 1/24/25

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EXECUTIVE ORDER NO. 136

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance
2 with AS 24.08.210, I order the following:

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 FINDINGS. As governor, I find that it is in the best interests of efficient
6 administration to establish the Department of Agriculture and transfer the functions of the
7 Department of Natural Resources relating to agriculture to the Department of Agriculture.

8 * **Sec. 2.** AS 03.05.010 is amended to read:

9 **Sec. 03.05.010. Powers and duties of commissioner of agriculture**
10 **[NATURAL RESOURCES].** (a) The commissioner of agriculture [NATURAL
11 RESOURCES] shall

12 (1) direct, administer, and supervise promotional and experimental
13 work, extension services, and agricultural projects for the purpose of promoting and
14 developing commercial and noncommercial agricultural industry in the state,
15 including horticulture, dairying, cattle raising, fur farming, grain production, vegetable
16 production, and agricultural products;

17 (2) procure and preserve all information pertaining to developing the
18 agricultural industry in the state and disseminate that information to the public;

19 (3) assist prospective settlers and others to engage in the agricultural
20 industry in the state by providing information about activities and programs essential
21 to developing the agricultural industry and areas in the state that are suitable for
22 agriculture;

23 (4) review the marketing, financing, transportation, and development
24 of agricultural products in the state, with special emphasis on local production, and
25 negotiate for the marketing of agricultural products of the state with federal and state
26 agencies operating in the state;

1 (5) regulate and control the entry in the state and the transportation,
2 sale, or use in the state of plants, seeds, vegetables, shell eggs, fruits and berries,
3 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
4 agricultural chemicals to prevent the spread of pests, diseases, or toxic substances
5 injurious to the public interest and protect the agricultural industry against fraud,
6 deception, and misrepresentation; for purposes of this paragraph, the commissioner
7 may require registration, inspection, and testing and may establish procedures and
8 fees;

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

12 (7) adopt regulations relating to industrial hemp, including regulations
13 that

14 (A) specify approved sources or varieties of hemp seed to be
15 grown, sold, or offered for sale by an individual registered to produce
16 industrial hemp;

17 (B) require testing, paid for by the registrant, for delta-9-
18 tetrahydrocannabinol concentration following harvest of the industrial hemp;

19 (C) provide for general production practices to avoid the
20 unintended distribution of industrial hemp seeds by registrants into
21 nonagricultural land;

22 (D) establish isolation distances for the production of industrial
23 hemp; in this subparagraph, "isolation distance" means the minimum
24 separation required between two or more varieties of the plant (genus)
25 Cannabis for the purpose of keeping the seed pure;

26 (E) permit manufacturing and retail sale of industrial hemp and
27 products made from industrial hemp;

28 (F) establish a registration and renewal procedure for a
29 participant in the industrial hemp program developed under AS 03.05.076;

30 (8) submit a list of individuals registered to produce industrial hemp
31 under AS 03.05.076 and the expiration dates of the registrations to the Marijuana

1 Control Board and the Department of Public Safety;

2 (9) regulate the labeling of seed that does not comply with the
3 requirements of AS 03.20.130.

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

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

9 (2) establishment of quarantines for eradication of pests;

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

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

14 (5) cooperation with federal and other state agencies; and

15 (6) industrial hemp.

16 (c) The commissioner of **agriculture** [NATURAL RESOURCES] shall notify
17 the Marijuana Control Board and the Department of Public Safety when the
18 commissioner issues a stop order. The commissioner of **agriculture** [NATURAL
19 RESOURCES]

20 (1) shall issue a stop order to a person

21 (A) not registered under AS 03.05.076 who is found to be
22 producing a plant with delta-9-tetrahydrocannabinol; or

23 (B) registered under AS 03.05.076 who is found to be
24 producing a plant with delta-9-tetrahydrocannabinol over one percent; and

25 (2) may issue a stop order to a person registered under AS 03.05.076
26 who is found to be producing a plant with delta-9-tetrahydrocannabinol between 0.3
27 percent and one percent.

28 (d) The commissioner of **agriculture** [NATURAL RESOURCES] may sell
29 promotional merchandise related to the "Alaska Grown" trademark and may charge or
30 collect a fee for the sale of promotional merchandise related to the "Alaska Grown"
31 trademark. The commissioner may issue a license and charge a license fee for the sale

1 of promotional merchandise related to the "Alaska Grown" trademark. The
2 commissioner shall price merchandise sold by the commissioner under this subsection
3 in a manner that ensures a reasonable monetary return to the state. To the extent
4 practicable, the commissioner shall sell only merchandise produced or manufactured
5 in the United States that, subject to AS 36.30, is procured from either an Alaska bidder
6 or a person that employs prisoners under AS 33.30.191(b).

7 * **Sec. 3.** AS 03.05.027(a) is amended to read:

8 (a) The commissioner of **agriculture** [NATURAL RESOURCES] shall
9 employ or appoint a state coordinator for noxious weed, invasive plant, and
10 agricultural pest management and education.

11 * **Sec. 4.** AS 03.05.040(b) is amended to read:

12 (b) In this section, "commissioner" means commissioner of **agriculture**
13 [NATURAL RESOURCES] with respect to those products over which the
14 commissioner of **agriculture** [NATURAL RESOURCES] has jurisdiction under this
15 title, and the commissioner of environmental conservation with respect to those
16 products over which the commissioner of environmental conservation has jurisdiction
17 under this title.

18 * **Sec. 5.** AS 03.05.050(b) is amended to read:

19 (b) In this section, "commissioner" means commissioner of **agriculture**
20 [NATURAL RESOURCES] with respect to those products over which the
21 commissioner of **agriculture** [NATURAL RESOURCES] has jurisdiction under this
22 title, and the commissioner of environmental conservation with respect to those
23 products over which the commissioner of environmental conservation has jurisdiction
24 under this title.

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

26 (a) Elk may be raised and bred as domestic stock for commercial purposes,
27 including the sale of meat, by a person who lawfully owns the elk and who holds a
28 current valid elk farming license. The commissioner of **agriculture** [NATURAL
29 RESOURCES] may issue an elk farming license for the farming of elk to a person
30 who applies on a form provided by the commissioner, pays the biennial elk farming
31 license fee, and proves to the satisfaction of the commissioner that the person lawfully

1 owns the elk, intends to raise and breed elk, and possesses facilities for maintaining
2 the elk under positive control. Before issuing or renewing an elk farming license, the
3 commissioner shall conduct a physical inspection of the elk farming facilities and
4 determine that the facilities are in good repair and comply with the fencing standards
5 established under (d) of this section. In this subsection, "lawfully owns" means
6 ownership that was obtained without violating a state or federal law or regulation or a
7 condition of a license or permit issued with respect to elk.

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

9 (b) The commissioner of **agriculture** [NATURAL RESOURCES] shall
10 provide to the Department of Fish and Game a copy of each application for an elk
11 farming license received by the commissioner and each elk farming license issued by
12 the commissioner.

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

14 (d) The commissioner of **agriculture** [NATURAL RESOURCES] shall
15 establish fencing standards for elk farming facilities to maintain elk under positive
16 control. Proposed fencing standards shall be submitted to the commissioner of fish and
17 game for review before the standards are adopted or amended.

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

19 (e) Notwithstanding other provisions of law, a license or permit is not required
20 from the Department of Fish and Game in order to import, export, or possess elk for
21 the purpose of elk farming. Elk imported, exported, or possessed for the purpose of elk
22 farming are subject to the provisions of this title and regulations adopted under this
23 title by the commissioner of **agriculture** [NATURAL RESOURCES] or the
24 commissioner of environmental conservation for domestic animals and livestock, to
25 the extent they are made applicable to elk by the commissioners.

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

27 (a) A person who violates a provision of this chapter or a regulation, order, or
28 quarantine made under authority of this chapter, or violates a provision of a permit
29 issued under this chapter, or sells seeds failing to meet the labeling requirements,
30 standards, and tests provided for by regulation of the commissioner of **agriculture**
31 [NATURAL RESOURCES] or the commissioner of environmental conservation is

1 guilty of a class A misdemeanor for each offense.

2 * **Sec. 11.** AS 03.09.020(a) is amended to read:

3 (a) The **commissioner of** [DIRECTOR OF THE DIVISION OF THE
4 DEPARTMENT WITH RESPONSIBILITY FOR] agriculture **or the commissioner's**
5 **designee** shall serve as the director of the Board of Agriculture and Conservation. The
6 director may employ staff and, as directed by the board, is responsible for the daily
7 operations of the agricultural revolving loan fund (AS 03.10.040).

8 * **Sec. 12.** AS 03.20.140 is amended to read:

9 **Sec. 03.20.140. Online publication of noncommercial giving or exchanging**
10 **of seed.** A person involved in noncommercial giving or exchanging of seed under
11 AS 03.20.110 and 03.20.120 may register online with the department under
12 **AS 44.38.020(b)** [AS 44.37.030(b)] and submit to the department information,
13 including the person's name, telephone number, and electronic mail address, and the
14 location where the person gives or exchanges seed, for publication on the department's
15 Internet website.

16 * **Sec. 13.** AS 03.20.200(a) is amended to read:

17 (a) The [DIVISION OF THE] department [WITH RESPONSIBILITY FOR
18 AGRICULTURE] shall establish a forgivable loan program in regulation, under which
19 a recipient's loan may be forgiven by the department if the recipient implements a
20 business plan approved by the department to develop or make improvements to the
21 recipient's farm as described in (d) of this section. A loan may be used by a recipient
22 to fund investments in agriculture to build resiliency in the state's food supply. The
23 forgivable loan program must allow a loan to be forgiven if the recipient implements
24 the approved business plan and demonstrates a subsequent increase in food production
25 and distribution.

26 * **Sec. 14.** AS 03.22.010 is amended to read:

27 **Sec. 03.22.010. Establishment of plant materials center.** The Department of
28 **Agriculture** [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. 15.** 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 of Agriculture [NATURAL RESOURCES] and
5 the college or department of the University of Alaska responsible for the Agricultural
6 and Forestry Experiment Station.

7 * **Sec. 16.** AS 03.47.020 is amended to read:

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

12 * **Sec. 17.** AS 03.47.030(a) is amended to read:

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

15 * **Sec. 18.** AS 03.47.030(b) is amended to read:

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

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

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

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

26 * **Sec. 19.** AS 03.47.030(d) is amended to read:

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

30 * **Sec. 20.** AS 03.47.030(e) is amended to read:

31 (e) The department [DIVISION] shall adopt regulations necessary to carry

1 out the purposes of this chapter.

2 * **Sec. 21.** AS 03.90.010 is amended to read:

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

4 (1) "commissioner" means the commissioner of agriculture
5 [NATURAL RESOURCES];

6 (2) "department" means the Department of Agriculture [NATURAL
7 RESOURCES].

8 * **Sec. 22.** AS 09.45.235(a) is amended to read:

9 (a) An agricultural facility or an agricultural operation at an agricultural
10 facility is not and does not become a private nuisance as a result of a changed
11 condition that exists in the area of the agricultural facility if the agricultural facility
12 was not a nuisance at the time the agricultural facility began agricultural operations.
13 For purposes of this subsection, the time an agricultural facility began agricultural
14 operations refers to the date on which any type of agricultural operation began on that
15 site regardless of any subsequent expansion of the agricultural facility or adoption of
16 new technology. An agricultural facility or an agricultural operation at an agricultural
17 facility is not a private nuisance if the governing body of the local soil and water
18 conservation district advises the commissioner of agriculture in writing that the
19 facility or operation is consistent with a soil conservation plan developed and
20 implemented in cooperation with the district.

21 * **Sec. 23.** AS 37.05.146(c)(78) is amended to read:

22 (78) fees collected by the Department of Agriculture [NATURAL
23 RESOURCES] under AS 03.05.010(d);

24 * **Sec. 24.** AS 38.05.020(b) is amended to read:

25 (b) The commissioner may

26 (1) establish reasonable procedures and adopt reasonable regulations
27 necessary to carry out this chapter and, whenever necessary, issue directives or orders
28 to the director to carry out specific functions and duties; regulations adopted by the
29 commissioner shall be adopted under AS 44.62 (Administrative Procedure Act);
30 orders by the commissioner classifying land, issued after January 3, 1959, are not
31 required to be adopted under AS 44.62 (Administrative Procedure Act);

1 (2) enter into agreements considered necessary to carry out the
2 purposes of this chapter, including agreements with federal and state agencies;

3 (3) review any order or action of the director;

4 (4) exercise the powers and do the acts necessary to carry out the
5 provisions and objectives of this chapter;

6 (5) notwithstanding the provisions of any other section of this chapter,
7 grant an extension of the time within which payments due on any exploration license,
8 lease, or sale of state land, minerals, or materials may be made, including payment of
9 rental and royalties, on a finding that compliance with the requirements is or was
10 prevented by reason of war, riots, or acts of God;

11 (6) classify tracts for agricultural uses;

12 (7) after consulting with the **commissioner of agriculture** [BOARD
13 OF AGRICULTURE AND CONSERVATION (AS 03.09.010)], waive, postpone, or
14 otherwise modify the development requirements of a contract for the sale of
15 agricultural land if

16 (A) the land is inaccessible by road; or

17 (B) transportation, marketing, and development costs render
18 the required development uneconomic;

19 (8) reconvey or relinquish land or an interest in land to the federal
20 government if

21 (A) the land is described in an amended application for an
22 allotment under 43 U.S.C. 1617; and

23 (B) the reconveyance or relinquishment is

24 (i) for the purposes provided in 43 U.S.C. 1617; and

25 (ii) in the best interests of the state;

26 (9) lead and coordinate all matters relating to the state's review and
27 authorization of resource development projects;

28 (10) enter into commercial agreements with a duration of not more
29 than two years for project services related to a North Slope natural gas project;

30 (11) in consultation with the commissioner of revenue, participate in
31 the negotiation of agreements that include balancing, marketing, disposition of natural

1 gas, and offtake and contracts and development of terms for inclusion in those
 2 proposed agreements and contracts associated with a North Slope natural gas project;
 3 an agreement or contract negotiated under this paragraph to which the state is a party
 4 is not effective unless the legislature authorizes the governor to execute the agreement
 5 or contract;

6 (12) enter into confidentiality agreements to maintain the
 7 confidentiality of information related to contract negotiations and contract
 8 implementation associated with a North Slope natural gas project; information under
 9 those confidentiality agreements is not subject to AS 40.25.100 - 40.25.295 (Alaska
 10 Public Records Act), except that

11 (A) the terms of a proposed contract that the commissioner
 12 presents to the legislature for the purpose of obtaining authorization for the
 13 governor to execute are not confidential and must be made available to the
 14 public at least 90 days before the proposed effective date for the terms; and

15 (B) the commissioner may share confidential information
 16 obtained under this paragraph with members of the legislature, their agents,
 17 and contractors on request under confidentiality agreements, either in
 18 committees held in executive session or individually;

19 (13) consult with the Alaska Gasline Development Corporation in the
 20 development of agreements or contracts under (10) or (11) of this subsection for
 21 project services related to a gas treatment plant, pipeline, liquefaction facility, marine
 22 terminal, or marine transportation services necessary to transport natural gas to
 23 market;

24 (14) in consultation with the commissioner of revenue, take custody of
 25 gas delivered to the state under AS 43.55.014(b) and manage the project services and
 26 disposition and sale of that gas;

27 (15) exercise the powers and do the acts necessary to carry out the
 28 provisions and objectives of AS 43.90 that relate to this chapter.

29 * **Sec. 25.** AS 38.05.057(c) is amended to read:

30 (c) The commissioner, after consulting with the **commissioner of agriculture**
 31 [BOARD OF AGRICULTURE AND CONSERVATION (AS 03.09.010)], may adopt

1 regulations under the Administrative Procedure Act (AS 44.62) that specify
 2 qualifications for lottery participants different from those specified in (b) of this
 3 section if

4 (1) an interest in land limited to agricultural purposes is to be sold
 5 under (a) of this section;

6 (2) the sale is a part of a program to develop agricultural land as a
 7 renewable resource of the state; and

8 (3) the regulations include residency, skill, experience, and financial
 9 requirements necessary to qualify persons who are competent and financially able to
 10 develop the land as a successful agricultural enterprise.

11 * **Sec. 26.** AS 38.05.059 is amended to read:

12 **Sec. 38.05.059. Sale of agricultural land.** The commissioner, after consulting
 13 with the commissioner of agriculture [BOARD OF AGRICULTURE AND
 14 CONSERVATION (AS 03.09.010)], may provide for the sale of land classified under
 15 AS 38.05.020(b)(6) for agricultural uses in parcels or tracts described by aliquot parts.
 16 The parcels or tracts are subject to state subdivision requirements and municipal
 17 ordinances. Money from a sale of agricultural land shall be separately accounted for
 18 and may be appropriated to the agricultural revolving loan fund (AS 03.10.040).

19 * **Sec. 27.** AS 38.05.065(h) is amended to read:

20 (h) The commissioner, after consulting with the commissioner of agriculture
 21 [BOARD OF AGRICULTURE AND CONSERVATION (AS 03.09.010)],

22 (1) shall provide that, notwithstanding (a) and (b) of this section, in a
 23 contract for the sale of land classified under AS 38.05.020(b)(6) for agricultural uses,
 24 the interest rate to be charged on installment payments may not exceed 9.5 percent;
 25 and

26 (2) may declare a moratorium of up to five years on payments on land
 27 sold under this section for land classified under AS 38.05.020(b)(6) for agricultural
 28 uses if

29 (A) the commissioner determines that the moratorium is in the
 30 best interest of the state;

31 (B) the commissioner certifies and the contract purchaser

1 agrees to perform farm development, crop production, and harvesting, not
2 including land clearing or related activity, requiring the expenditure of
3 amounts equivalent to the payments that would otherwise be made during the
4 moratorium;

5 (C) the sale of the agricultural land takes place after July 1,
6 1979; and

7 (D) the contract purchaser is in compliance with the
8 development plan specified in the purchase contract at the time the purchaser
9 applies for a moratorium under this paragraph and remains in compliance with
10 the development plan during the moratorium; for the payments subject to the
11 moratorium declared under this paragraph, interest payments are subject to the
12 moratorium but interest continues to accrue during the moratorium.

13 * **Sec. 28.** AS 38.05.069(a) is amended to read:

14 (a) After consulting with the **commissioner of agriculture** [BOARD OF
15 AGRICULTURE AND CONSERVATION (AS 03.09.010)], on a determination that
16 the highest and best use of unoccupied land is for agricultural purposes and that it is in
17 the best interests of the state to sell or lease the land, the commissioner shall grant to
18 an Alaska resident owning and using or leasing and using land for agricultural
19 purposes a first option to purchase or lease the unoccupied land situated adjacent to
20 land presently held by the Alaska resident for the amount of the high bid received at
21 public auction or by sealed bid. If more than one Alaska resident qualifies for a first
22 option under this section, eligibility for the first option shall be determined by lot, and
23 the option must be exercised on the conclusion of the public auction or opening of
24 sealed bids. A parcel of agricultural land sold under this section may not be less than
25 20 acres, and a parcel of agricultural land that is acquired by exercise of the option
26 granted in this subsection may not exceed 320 acres. Agricultural land that is acquired
27 under this section must be used for agricultural purposes as required by law.

28 * **Sec. 29.** AS 38.07.030(a) is amended to read:

29 (a) An owner of agricultural land, or a lessee from the state of agricultural
30 land, in the general vicinity of the land to be cleared or drained under AS 38.07.010(a)
31 may apply to the commissioner to have the land cleared or drained or both along with

1 the state land. The applicant's land shall be included in the contract of land to be
 2 cleared or drained if, in the discretion of the commissioner, the inclusion is feasible
 3 and furthers the agricultural policies of the state [DIVISION OF THE
 4 DEPARTMENT OF NATURAL RESOURCES WITH RESPONSIBILITY FOR
 5 AGRICULTURE].

6 * **Sec. 30.** AS 41.10.040 is amended to read:

7 **Sec. 41.10.040. Soil and Water [NATURAL RESOURCE] Conservation**
 8 **and Development Board.** The Alaska Soil and Water [NATURAL RESOURCE]
 9 Conservation and Development Board is composed of five members. The
 10 commissioner [OR, IN THE ABSENCE OF THE COMMISSIONER, THE
 11 DIRECTOR] of agriculture [,] serves ex officio but without a vote on the board.

12 * **Sec. 31.** AS 41.10.045 is amended to read:

13 **Sec. 41.10.045. Executive director.** The commissioner of agriculture shall
 14 appoint an executive director and clerical staff to assist the board.

15 * **Sec. 32.** AS 41.10.100 is amended to read:

16 **Sec. 41.10.100. Duties of board.** (a) At the request of the commissioner of
 17 agriculture, the board shall meet and advise the commissioner of agriculture in the
 18 exercise of the powers, duties, and functions of the commissioner of agriculture.

19 (b) The board shall also

20 (1) receive and review reports concerning the use of soil resources of
 21 the state;

22 (2) hold public hearings and meetings to determine whether land in the
 23 state is being used in a manner consistent with sound soil and water conservation
 24 practices;

25 (3) make recommendations to the commissioner of agriculture and
 26 the commissioner of natural resources, as appropriate, for specific action
 27 necessary to provide for the effective and orderly development of agricultural, forest,
 28 and grazing land in the state;

29 (4) review an appeal by an applicant or lessee from a decision of the
 30 director of the division of lands concerning a sale or lease of state agricultural or
 31 grazing land and submit its recommendations to the commissioner of natural

1 resources or hearing officer;

2 (5) act in an advisory capacity to the soil and water conservation
3 districts in the state;

4 (6) act in an advisory capacity to the commissioner [AND DIRECTOR
5 OF THE DIVISION] of [THE DEPARTMENT WITH RESPONSIBILITY FOR]
6 agriculture in the review of farm conservation plans for all state agricultural land sales
7 in the state.

8 * **Sec. 33.** AS 41.10.110 is amended to read:

9 **Sec. 41.10.110. Powers of commissioner.** The commissioner of agriculture
10 has the power to

11 (1) conduct land capability surveys and investigations of potential
12 agricultural areas and of soil conservation and erosion control, including necessary
13 preventative and control measures, in the state; to publish the results of these surveys
14 and investigations and to disseminate information concerning the results of the surveys
15 and investigations to prospective settlers and the general public;

16 (2) make technical guidance and other assistance available to settlers
17 of new land to assure the development of the land in a manner that will permit it to be
18 used in accordance with its capabilities and treated in accordance with its needs;

19 (3) carry out measures for soil conservation and erosion control within
20 the state, including engineering operations, methods of cultivation, the growing of
21 vegetation, and changes in use of land, with the consent and cooperation of the land
22 user or agency having jurisdiction of the land;

23 (4) cooperate with, furnish assistance to, and enter into agreements
24 with, a user of land or agency within the state;

25 (5) construct, improve, and maintain soil erosion control and
26 conservation structures as are necessary and practical for carrying out the purposes of
27 this chapter;

28 (6) develop comprehensive plans for the conservation of soil and
29 control of soil erosion within the state, cropping programs, tillage practices and
30 changes in land use, and publish plans and information and bring them to the attention
31 of users of land within the state;

1 (7) accept contributions in money, services, materials, or equipment
 2 from the United States or its agencies, from an agency of the state, and from any other
 3 source, for use in carrying out the purposes of this chapter.

4 * **Sec. 34.** AS 41.10.120 is amended to read:

5 **Sec. 41.10.120. Approval of land user.** A survey, investigation or plan for
 6 land may not be undertaken by the commissioner **of agriculture** and measures for soil
 7 conservation and erosion control may not be carried out without the prior approval of
 8 the user of the land.

9 * **Sec. 35.** AS 41.10.130(a) is amended to read:

10 (a) The commissioner **of agriculture** may, on the recommendation of the
 11 board, create soil and water conservation districts in the state upon petition signed by
 12 25 or more land users setting out the proposed boundaries of the proposed district. The
 13 commissioner **of agriculture** shall fix a time for and give notice of a public hearing
 14 based on the petition at a convenient location or locations within the boundaries of the
 15 proposed district. The commissioner **of agriculture** may fix the boundaries of the
 16 district created, supervise the election of, prescribe the duties of, and install a
 17 governing body of five land users to be known as district supervisors for each district
 18 created, and delegate to the district supervisors powers as the commissioner **of**
 19 **agriculture** considers necessary to accomplish the purposes of this chapter within the
 20 district boundaries.

21 * **Sec. 36.** AS 41.10.140(1) is amended to read:

22 (1) "board" means the Alaska **Soil and Water** [NATURAL
 23 RESOURCE] Conservation and Development Board;

24 * **Sec. 37.** AS 44.17.005 is amended to read:

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

- 27 (1) Office of the Governor;
- 28 (2) Department of Administration;
- 29 (3) Department of Law;
- 30 (4) Department of Revenue;
- 31 (5) Department of Education and Early Development;

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

14 * **Sec. 38.** AS 44.37.020(a) is amended to read:

15 (a) The Department of Natural Resources shall administer the state program

16 for the conservation and development of natural resources, including forests, parks,

17 and recreational areas, land, water, [AGRICULTURE, SOIL CONSERVATION,] and

18 minerals including petroleum and natural gas, but excluding commercial fisheries,

19 sport fish, game, and fur-bearing animals in their natural state.

20 * **Sec. 39.** AS 44 is amended by adding a new chapter to read:

21 **Chapter 38. Department of Agriculture.**

22 **Sec. 44.38.010. Commissioner of agriculture.** The principal executive officer

23 of the Department of Agriculture is the commissioner of agriculture.

24 **Sec. 44.38.020. Duties of the department.** (a) The Department of Agriculture

25 shall administer state programs for agriculture, soil conservation, and the conservation

26 and development of state agricultural land. The department shall

27 (1) obtain and publish information electronically and in print on

28 subjects connected with agriculture, including community seed libraries established

29 under AS 03.20.120;

30 (2) control and regulate the entry and transportation of seeds, plants,

31 and other horticultural products;

1 (3) control and eradicate the spread of pests injurious to plants, trees,
2 vegetables, livestock, and poultry;

3 (4) aid in developing used and unused agricultural resources; and

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

7 (b) The Department of Agriculture may

8 (1) advise persons who establish or operate a community seed library
9 under AS 03.20.120; and

10 (2) post on the department's Internet website and annually update the
11 following:

12 (A) information about noncommercial giving or exchanging of
13 seed, including information about community seed libraries established under
14 AS 03.20.120, community seed library locations, community seed library
15 facilitators, and best practices for noncommercial giving or exchanging of
16 seed;

17 (B) an online registration form for a person involved in
18 noncommercial giving or exchanging of seed to submit to the department for
19 publication, without a fee, information under AS 03.20.140;

20 (C) information provided for publication under (B) of this
21 paragraph.

22 **Sec. 44.38.030. Regulations.** The commissioner of agriculture may adopt
23 regulations to carry out or assist in carrying out the powers and duties of the
24 Department of Agriculture.

25 * **Sec. 40.** AS 44.62.330(a)(31) is amended to read:

26 (31) Department of Agriculture [NATURAL RESOURCES]
27 concerning the Alaska grain reserve program under former AS 03.12;

28 * **Sec. 41.** AS 03.09.020(b); AS 03.47.040(2); and AS 44.37.030 are repealed.

29 * **Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 REVISOR INSTRUCTION. The revisor of statutes is requested to change

1 (1) the title of AS 03.05 from "Powers and Duties of Commissioners of
2 Natural Resources and Environmental Conservation" to "Powers and Duties of
3 Commissioners of Agriculture and Environmental Conservation"; and

4 (2) the catchline of AS 03.09.020 from "Director of agriculture and staff" to
5 "Director of the Board of Agriculture and Conservation and staff."

6 * **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 TRANSITION. (a) Employees of the Department of Natural Resources whose duties
9 have been transferred by this Order to the Department of Agriculture shall be transferred to
10 the Department of Agriculture on the effective date of this Order.

11 (b) Members of any board or commission transferred by this Order whose terms have
12 not expired by the effective date of this Order may continue to serve the remainder of their
13 terms.

14 (c) Litigation, hearings, investigations, and other proceedings pending under a law
15 repealed or amended by this Order, or in connection with a function transferred by this Order,
16 continue in effect and may be completed notwithstanding a transfer, repeal, or amendment
17 provided for in this Order.

18 (d) Contracts, rights, liabilities, and obligations created by or under a law repealed or
19 affected by this Order, and in effect on the effective date of this Order, remain in effect
20 notwithstanding this Order's taking effect.

21 (e) Certificates, licenses, orders, and regulations in effect on the effective date of this
22 Order that were issued or adopted under the authority of a law amended or repealed by this
23 Order, or in connection with a function transferred by this Order, remain in effect for the term
24 issued and shall be enforced by the agency to which the function is transferred under this
25 Order until revoked, vacated, or amended by the agency to which the function is transferred.

26 (f) Records, equipment, appropriations, and other property of an agency of the state
27 whose functions are transferred under this Order shall be transferred to implement the
28 provisions of this Order.

29 * **Sec. 44.** This Order takes effect July 1, 2025.

30 DATED: _____

31 _____
32 Mike Dunleavy, Governor