

# ALASKA STATE LEGISLATURE



## REPRESENTATIVE ZACK FIELDS

Fairview • South Addition • Forest Park • Downtown • North Star

3/25/2025

### **Sectional Analysis: HB 140**

**Section 1:** This section amends **AS 03.05.010** to transfer the following responsibilities from the commissioner of the Department of Natural Resources to the new commissioner of the Department of Agriculture:

- Oversee work and projects to promote the agriculture industry within the state;
- Oversee information and communications regarding agriculture within the state;
- Inform stakeholders of the agriculture industry of related programs and activities;
- Review marketing, financing, transportation, and development of local agriculture;
- Regulate flow of agricultural products into the state;
- Regulate elk farming;
- Regulate industrial hemp and submit a list of individuals approved to produce it;
- Regulate exchange of seeds in excess of 100 pounds;
- Issue orders, regulations, quarantines and embargoes agricultural activities;
- Communicate with the Marijuana Control Board if a stop order is issued;
- Manage the “Alaska Grown” trademark and associated merchandise.

**Section 2:** This section amends **AS 03.05.027(a)** to transfer the responsibility of appointing a state coordinator for noxious or invasive species management and education from the commissioner of the Department of Natural Resources to the new commissioner of the Department of Agriculture.

**Section 3:** This section amends **AS 03.05.040(b)** to transfer responsibilities in this section from the commissioner of the Department of Natural Resources to the new commissioner of the Department of Agriculture.

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**Section 4:** This section amends **AS 03.05.050(b)** to transfer responsibilities in this section from the commissioner of the Department of Natural Resources to the new commissioner of the Department of Agriculture.

**Section 5:** This section amends **AS 03.05.075(a)** to transfer the responsibility of managing elk farming and the distribution of associated licensure from the commissioner of the Department of Natural Resources to the new commissioner of the Department of Agriculture.

**Section 6:** This section amends **AS 03.05.075(b)** to transfer the responsibility of communication with Department of Fish and Game on the licensure of elk permits from the commissioner of the Department of Natural Resources to the new commissioner of the Department of Agriculture.

**Section 7:** This section amends **AS 03.05.075(d)** to transfer the responsibility of establishing fencing standards for elk farming and communicating those standards with the Department of Fish and Game from the commissioner of the Department of Natural Resources to the new commissioner of the Department of Agriculture.

**Section 8:** This section amends **AS 03.05.075(e)** to transfer the responsibility of managing elk farming from the commissioner of the Department of Natural Resources to the new commissioner of the Department of Agriculture.

**Section 9:** This section amends **AS 03.05.090(a)** by changing a reference to the commissioner of the Department of Natural Resources to the commissioner of the Department of Agriculture.

**Section 10:** This section amends **AS 03.09.020(a)** to transfer the role of director of the Board of Agriculture and Conservation from the director of the Division of Agriculture to the commissioner of the Department of Agriculture.

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**Section 11:** This section amends **AS 03.20.140** to reference the seed library provisions in the newly added Chapter 38 in AS 44.

**Section 12:** This section amends **AS 03.02.200(a)** to transfer the role of establishing a forgivable loan program for farmers from the division of agriculture to the Department of Agriculture.

**Section 13:** This section amends **AS 03.22.010** to transfer the role of establishing and maintaining the plant materials center from the Department of Natural Resources to the Department of Agriculture.

**Section 14:** This section amends **AS 03.22.040** to transfer the responsibility of appointing the administrator of the plant materials center from a joint appointment between the Department of Natural Resources and the University of Alaska to a joint appointment between the Department of Agriculture and the University of Alaska.

**Section 15:** This section amends **AS 03.47.020** to transfer the responsibility of ensuring that apiary inspectors are qualified to assess imported bees for disease from the division of agriculture to the Department of Agriculture.

**Section 16:** This section amends **AS 03.47.030(a)** to transfer the responsibility of investigating reports of diseased bees from the division of agriculture to the Department of Agriculture.

**Section 17:** This section amends **AS 03.47.030(b)** to transfer the responsibility of preventing the spread of bee diseases and approving chamber fumigation for use in controlling the spread of bee diseases from the division of agriculture to the Department of Agriculture.

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**Section 18:** This section amends **AS 03.47.030(d)** to transfer the responsibility of ensuring beekeeping equipment is free of disease before removing a quarantine from the division of agriculture to the Department of Agriculture

**Section 19:** This section amends **AS 03.47.030(e)** to change the mention of division of agriculture to Department of Agriculture.

**Section 20:** This section amends **AS 03.90.010** to change the mention of commissioner of the Department of Natural Resources to commissioner of the Department of Agriculture and changing the mention of the Department of Natural Resources to the Department of Agriculture.

**Section 21:** This section amends **AS 09.45.235(a)** to clarify that the commissioner of the Department of Agriculture is responsible for receiving written notice from the governing body of a local soil and water conservation district if an agricultural facility is consistent with a local soil conservation plan.

**Section 22:** This section amends **AS 14.40.450** to clarify that this section refers to the United States Department of Agriculture, not the Alaska Department of Agriculture.

**Section 23:** This section amends **AS 16.20.310(c)** to transfer the responsibility of coordinating with the commissioner of the Department of Fish and Game on game management related to the Big Delta agricultural development program from the Department of Natural Resources to the Department of Agriculture.

**Section 24:** This section amends **AS 27.19.030(b)** to add the commissioner of The Department of Agriculture to the list of commissioners to consult when the commissioner of The Department of Natural Resources considers uses for mining land after operations have concluded.

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**Section 25:** This section amends **AS 37.05.146(c)(78)** to change the mention of the Department of Natural resources to the Department of Agriculture as it related to fees collected for the Alaska Grown trademark under AS 03.05.010(d).

**Section 26:** This section amends **AS 38.04.020(g)** to allow the commissioner of The Department of Agriculture to comment on disposal of agricultural land instead of the Board of Agriculture and Conservation.

**Section 27:** This section amends **AS 38.04.030** to transfer the responsibility of overseeing the conveyance of agricultural use rights to private users from the Board of Agriculture and Conservation to the commissioner of Agriculture.

**Section 28:** This section amends **AS 38.05.020(b)** to transfer the responsibility of communicating with the commissioner of Natural Resources on the modification of development requirements of a contract for the sale of agricultural land from the board of agriculture and conservation to the commissioner of Agriculture.

**Section 29:** This section amends **AS 38.05.035(b)** to transfer the responsibility of communicating with the director of the Division of Lands of the Department of Natural Resources on the disposal of an interest in land limited to use for agricultural purposes by lottery from the Board of Agriculture and Conservation to the commissioner of Agriculture.

**Section 30:** This section amends **AS 38.05.057(c)** to transfer the responsibility of communicating with the commissioner of Natural Resources on the qualifications for agricultural land lottery participants from the Board of Agriculture and Conservation to the commissioner of Agriculture.

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**Section 31:** This section amends **AS 38.05.059** to transfer the responsibility of communicating with the commissioner of Natural Resources on the sale of lands classified for agricultural use from the Board of Agriculture to the commissioner of Agriculture.

**Section 32:** This section amends **AS 38.05.065(h)** to transfer the responsibility of communicating with the commissioner of Natural Resources on the management of agricultural land contracts from the Board of Agriculture to the commissioner of Agriculture.

**Section 33:** This section amends **AS 38.05.069(a)** to transfer the responsibility of determining if agriculture is the best use for selected unoccupied lands from the Board of Agriculture and Conservation to the commissioner of Agriculture.

**Section 34:** This section amends **AS 38.07.030(a)** to specify that an applicant's agricultural land may be included in state clearing or draining operations under **AS 38.07.010(a)** if it furthers the agricultural policies of the state, not just the agricultural policies of the division of the Department of Natural Resources with responsibility for agriculture.

**Section 35:** This section amends **AS 38.09.010(a)** to transfer the responsibility of communicating with the commissioner of Natural Resources on making agricultural land available for homestead entry state land from the Board of Agriculture to the commissioner of Agriculture.

**Section 36:** This section amends **AS 41.10.040** to change mentions of the Natural Resource Conservation and Development Board to the Soil and Water Conservation and Development Board.

**Section 37:** This section amends **AS 41.10.045** to transfer the responsibility of appointing an executive director and clerical staff to assist the Soil and Water Conservation and Development Board from the commissioner of Natural Resources to the commissioner of Agriculture.

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**Section 38:** This section amends **AS 41.10.100** to transfer the responsibility of coordinating with the Soil and Water Conservation and Development Board from the commissioner of Natural Resources to the commissioner of Agriculture.



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**Section 39:** This section amends **AS 41.10.110** to transfer the responsibilities in this section including land surveys, technical assistance, soil conservation, erosion control, and accept federal assistance to achieve purposes in this chapter from the commissioner of natural resources to the commissioner of agriculture.

**Section 40:** This section amends **AS 41.10.120** to transfer the responsibility of receiving approval from the land users before implementing soil conservation and erosion control measures from the commissioner of natural resources to the commissioner of agriculture.

**Section 41:** This section amends **AS 41.10.130(a)** to transfer the responsibilities of establishing soil and water conservation districts from the commissioner of natural resources to the commissioner of agriculture.

**Section 42:** This section amends **AS 41.10.140(1)** to change the definition of board in this section from the Natural Resource Conservation and Development Board to the Soil and Water Conservation and Development Board.

**Section 43:** This section amends **AS 44.17.005** to include the Department of Agriculture in the list of principal offices and departments.

**Section 44:** This section amends **AS 44.37.020(a)** to remove agriculture and soil conservation from the purview of the Department of Natural Resources.

**Section 45:** This section amends **AS 44** with a new chapter: Chapter 38. Department of Agriculture.

- Sec. 44.38.010 establishes the commissioner of agriculture as the principal executive officer of the Department of Agriculture.
- Sec. 44.38.020 outlines the duties of the Department of Agriculture to collect and distribute relevant information, manage agricultural products, control relevant pests, aid in agricultural development, and advise seed libraries.



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- Sec. 44.38.030 allows the commissioner of agriculture to adopt regulations for the Department of Agriculture.

**Section 46:** This section amends **AS 44.62.330(a)(31)** to change the mention of Department of Natural Resources to Department of Agriculture regarding the Alaska grain reserve program.

**Section 47:** This section repeals **AS 03.09.020(b)**, **AS 03.47.040(2)**, and **AS 44.37.030**.

**Section 48:** This section adds to the uncodified law of the State of Alaska a section outlining the transition of related employees, board members, proceedings, contracts, regulations, records, equipment, and appropriations from the Department of Natural Resources to the Department of Agriculture.

**Section 49:** This section provides for an effective date of July 1<sup>st</sup>, 2025.