



# ALASKA STATE LEGISLATURE

## SENATE RULES COMMITTEE

**SENATOR BILL WIELECHOWSKI, CHAIR**

State Capitol Room 103, Juneau, AK 99801-1182, Phone 465-2435

### **Senate Bill 128:**

### **Department of Agriculture**

### **Sectional Analysis**

**Section 1:** 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:

- 1) Direct, administer, and supervise work and projects to promote the commercial and noncommercial agriculture industry within the state, including horticulture, dairying, cattle raising, fur farming, grain production, vegetable production, and agricultural products;
- 2) Procure, preserve, and disseminate public information regarding agriculture within the state;
- 3) Inform prospective and current agricultural industry stakeholders of related programs and activities available to them within the state;
- 4) Review marketing, financing, transportation, and development of local agricultural products, and negotiate marketing of local products with federal and state agencies operating with the state;
- 5) Regulate and control the flow of agricultural products, supplies, and chemicals into the state, which may include the use of registration, inspection, testing, and fees;
- 6) Regulate elk farming similar to the regulation of domestic animals and livestock;
- 7) Regulate industrial hemp, including establishing regulations to ensure industrial hemp harvest and seeds are pure;
- 8) Submit a list of individuals approved to produce industrial hemp and their registration expiration dates to the Marijuana Control Board and the Department of Public Safety;
- 9) Regulate the labeling of seeds transferred from community seed libraries in excess of 100 pounds;
- 10) Issue orders, regulations, quarantines, and embargoes relating to agricultural activities, sales, products, and inspections;
- 11) Notify the Marijuana Control Board and Department of Public Safety if a stop order is issued to industrial hemp growers who are not lawfully registered and/or who are found to be producing a plant with delta-9-tetrahydrocannabinol over 1 percent;
- 12) Manage the "Alaska Grown" trademark, licensing, and associated merchandise.

**Section 2:** 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:** Amends AS 03.05.040(b) to transfer responsibilities relating to agricultural inspections from the commissioner of the Department of Natural Resources to the commissioner of the Department of Agriculture.

**Section 4:** Amends AS 03.05.050(b) to transfer responsibilities relating to agricultural products declared to be “public nuisance injurious to the public interest” from the commissioner of the Department of Natural Resources to the new commissioner of the Department of Agriculture that are under this commissioner’s jurisdiction.

**Section 5:** Amends AS 03.05.075(a) to transfer the responsibility of managing and inspecting prospective elk farmers and the distribution of elk farming licensing from the commissioner of the Department of Natural Resources to the commissioner of the Department of Agriculture.

**Section 6:** Amends AS 03.05.075(b) to transfer the requirement for the commissioner the Department of Natural Resources to the commissioner of Agriculture to provide applications and licenses for elk farming to the Department of Fish and Game.

**Section 7:** Amends AS 03.05.075(d) to transfer the requirement for the commissioner of the Department of Natural Resources to the commissioner of Agriculture to establish and communicate proposed fencing standards for elk farming with the Department of Fish and Game.

**Section 8:** Amends AS 03.05.075(e) to transfer the responsibility of regulating elk imports, exports, and possession from the commissioner of the Department of Natural Resources to the commissioner of the Department of Agriculture. This section of the bill does not change the roles of other departments in this process.

**Section 9:** 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. This section provides that a person who violates statute, regulation, or quarantine orders as determined by commissioners of Agriculture or Environmental Conservation is guilty of a class A misdemeanor for each offense.

**Section 10:** 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 or the commissioner’s designee. This includes responsibility for the daily operations of the agricultural revolving loan fund.

**Section 11:** Amends **AS 03.20.140**, relating to online publication of noncommercial giving or exchanging of seeds, with conforming changes to reflect the new Title 44 Chapter 38 created under Section 45 in this bill.

**Section 12:** Amends **AS 03.02.200(a)** to transfer the role of establishing a forgivable loan program for farmers from the Division of Agriculture within the Department of Natural Resources to the Department of Agriculture.

**Section 13:** Maintaining cooperation with the University of Alaska, 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:** 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:** 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:** 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:** 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 their spread from the Division of Agriculture to the Department of Agriculture.

**Section 18:** 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:** Amends **AS 03.47.030(e)** to change the regulatory authority of bee disease investigations from the Division of Agriculture to Department of Agriculture.

**Section 20:** Amends **AS 03.90.010**, the definitions section for Title 3 (Agriculture, Animals, and Food), to confirm any mention of “commissioner” and “department” to refer to Agriculture, and no longer Natural Resources.

**Section 21:** 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:** Clarifies references to the United States Departments of Agriculture and Interior under **AS 14.40.450**, relating to the Governor’s authority to make certificates to obtain federal grants for state colleges of agriculture and mechanic arts.

**Section 23:** 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 project from the Department of Natural Resources to the Department of Agriculture.

**Section 24:** 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.

**Section 25:** 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:** 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:** Regarding the conveyance of agricultural use rights to private users, this section amends **AS 38.04.030** to ensure the director of the Division of Lands within the department of Natural Resources consults with the commissioner of Agriculture, instead of the Board of Agriculture and Conservation.

**Section 28:** Regarding the modification of development requirements of a contract for the sale of agricultural land, this section amends **AS 38.05.020(b)** to transfer the responsibility of communicating with the commissioner of Natural Resources from the Board of Agriculture and Conservation to the commissioner of Agriculture.

**Section 29:** Regarding disposal of an interest in land limited to use for agricultural purposes by lottery, this section amends **AS 38.05.035(b)** to require the director of the Division of Lands of the Department of Natural Resources to consult the commissioner of Agriculture instead of the Board of Agriculture and Conservation.

**Section 30:** Regarding regulations to specify qualifications for agricultural land lottery participants, this section amends **AS 38.05.057(c)** to require the commissioner of Natural

Resources to consult with the commissioner of Agriculture instead of the Board of Agriculture and Conservation.

**Section 31:** Regarding a possible sale of land classified for agricultural uses in parcels or tracts under AS 38.05.020(b)(6), this section amends **AS 38.05.059** to require the commissioner of Natural Resources to consult with the commissioner of Agriculture instead of the Board of Agriculture and Conservation.

**Section 32:** Regarding terms of contract for sale of public lands, this section amends **AS 38.05.065(h)** to require the commissioner of Natural Resources to consult with the commissioner of Agriculture instead of the Board of Agriculture and Conservation.

**Section 33:** Regarding the determination of the best use for selected unoccupied lands for agricultural purposes, this section amends **AS 38.05.069(a)** to require the commissioner of Natural Resources to consult with the commissioner of Agriculture instead of the Board of Agriculture and Conservation.

**Section 34:** 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, rather than the Division of Agriculture.

**Section 35:** Regarding the designation and availability for homestead entry state land, including land classified for agricultural use, this section amends **AS 38.09.010(a)** to require the commissioner of Natural Resources to consult with the commissioner of Agriculture instead of the Board of Agriculture and Conservation.

**Section 36:** Amends **AS 41.10.040** to change the name of the Natural Resource Conservation and Development Board to the Soil and Water Conservation and Development Board. This section also transfers the position of ex officio member of the board from the director of the Division of Agriculture to the commissioner of Agriculture.

**Section 37:** 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.

**Section 38:** 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.

**Section 39:** To achieve soil and water conservation, this section amends **AS 41.10.110** to transfer the responsibilities of land surveys, technical assistance, soil conservation, erosion control, and

accept federal assistance from the commissioner of Natural Resources to the commissioner of Agriculture.

**Section 40:** 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:** 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:** 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:** Amends **AS 44.17.005** to include the Department of Agriculture in the list of principal offices and departments.

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

**Section 45:** Adds a new Chapter 38 to Alaska Statute Title 44 (State Government) to create the 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.
- Sec. 44.38.030 allows the commissioner of Agriculture to adopt regulations for the Department of Agriculture.

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

**Section 47:** **Repeals** the following statutes:

- **AS 03.09.020(b):** The appointment process for the director of the Division of Agriculture in the Department of Natural Resources.
- **AS 03.47.040(2):** Definition of “division” referring to the Division of Agriculture in AS 03.47, relating to bees and beekeeping equipment.
- **AS 44.37.030:** Duties of the Department of Natural Resources with respect to agriculture.

**Section 48:** 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:** Provides for an effective date of July 1, 2025.