

HOUSE BILL NO. 111

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RASMUSSEN

Introduced: 3/25/19

Referred: Labor and Commerce, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act transferring the division with responsibility for agriculture from the
2 Department of Natural Resources to the Department of Commerce, Community, and
3 Economic Development; and providing for an effective date."

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

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

6 **Sec. 03.05.010. Powers and duties of commissioner of commerce,**
7 **community, and economic development [NATURAL RESOURCES].** (a) The
8 commissioner [OF NATURAL RESOURCES] shall

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

14 (2) procure and preserve all information pertaining to developing the

1 agricultural industry in the state and disseminate that information to the public;

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

6 (4) review the marketing, financing, transportation, and development
7 of agricultural products in the state, with special emphasis on local production, and
8 negotiate for the marketing of agricultural products of the state with federal and state
9 agencies operating in the state;

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

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

21 (7) adopt regulations relating to industrial hemp, including regulations
22 that

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

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

28 (C) provide for general production practices to avoid the
29 unintended distribution of industrial hemp seeds by registrants into
30 nonagricultural land;

31 (D) establish isolation distances for the production of industrial

1 hemp; in this subparagraph, "isolation distance" means the minimum
 2 separation required between two or more varieties of the plant (genus)
 3 Cannabis for the purpose of keeping the seed pure;

4 (8) submit a list of individuals registered to produce industrial hemp
 5 under AS 03.05.076 and the expiration dates of the registrations to the Marijuana
 6 Control Board and the Department of Public Safety;

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

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

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

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

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

17 (4) 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 (5) cooperation with federal and other state agencies; and

20 (6) industrial hemp.

21 (c) The commissioner [OF NATURAL RESOURCES] shall issue a stop order
 22 to any person who is found to be producing a plant product with delta-9-
 23 tetrahydrocannabinol over 0.3 percent, regardless of whether the person is registered
 24 under AS 03.05.076. The commissioner [OF NATURAL RESOURCES] shall notify
 25 the Marijuana Control Board and the Department of Public Safety when the
 26 commissioner issues a stop order.

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

merchandise sold by the commissioner under this subsection in a manner that ensures a reasonable monetary return to the state. To the extent practicable, the commissioner shall sell only merchandise produced or manufactured in the United States that, subject to AS 36.30, is procured from either an Alaska bidder or a person that employs prisoners under AS 33.30.191(b).

* **Sec. 2.** AS 03.05.027(a) is amended to read:

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

* **Sec. 3.** AS 03.05.040(b) is amended to read:

(b) In this section, "commissioner" means commissioner of **commerce, community, and economic development** [NATURAL RESOURCES] with respect to those products over which the commissioner of **commerce, community, and economic development** [NATURAL RESOURCES] has jurisdiction under this title, and the commissioner of environmental conservation with respect to those products over which the commissioner of environmental conservation has jurisdiction under this title.

* **Sec. 4.** AS 03.05.050(b) is amended to read:

(b) In this section, "commissioner" means commissioner of **commerce, community, and economic development** [NATURAL RESOURCES] with respect to those products over which the commissioner of **commerce, community, and economic development** [NATURAL RESOURCES] has jurisdiction under this title, and the commissioner of environmental conservation with respect to those products over which the commissioner of environmental conservation has jurisdiction under this title.

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

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

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

9 * **Sec. 6.** AS 03.05.075(b) is amended to read:

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

14 * **Sec. 7.** AS 03.05.075(d) is amended to read:

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

19 * **Sec. 8.** AS 03.05.075(e) is amended to read:

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

27 * **Sec. 9.** AS 03.05.090(a) is amended to read:

28 (a) A person who violates a provision of this chapter, or a regulation, order, or
 29 quarantine made under authority of this chapter, [OR] violates a provision of a permit
 30 issued under this chapter, or sells seeds failing to meet the labeling requirements,
 31 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. 10.** AS 03.20.140 is amended to read:

**Sec. 03.20.140. Online publication of noncommercial giving or exchanging
of seed.** A person involved in noncommercial giving or exchanging of seed under
AS 03.20.110 and 03.20.120 may register online with the department under
AS 44.33.023(b) [AS 44.37.030(b)] and submit to the department information,
including the person's name, telephone number, and electronic mail address, and the
location where the person gives or exchanges seed, for publication on the department's
Internet website.

* **Sec. 11.** AS 03.22.010 is amended to read:

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

* **Sec. 12.** AS 03.22.040 is amended to read:

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

* **Sec. 13.** AS 03.40.030(a) is amended to read:

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

* **Sec. 14.** AS 03.90.010 is amended to read:

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

2 (1) "commissioner" means the commissioner of **commerce,**
3 **community, and economic development** [NATURAL RESOURCES];

4 (2) "department" means the Department of **Commerce, Community,**
5 **and Economic Development** [NATURAL RESOURCES].

6 * **Sec. 15.** AS 37.05.146(c)(78) is amended to read:

7 (78) fees collected by the Department of **Commerce, Community,**
8 **and Economic Development** [NATURAL RESOURCES] under AS 03.05.010(c);

9 * **Sec. 16.** AS 44.33.020(a) is amended by adding a new paragraph to read:

10 (45) administer the state programs for agriculture under AS 44.33.023.

11 * **Sec. 17.** AS 44.33 is amended by adding a new section to read:

12 **Sec. 44.33.023. Duties of department with respect to agriculture.** (a) The

13 department shall

14 (1) obtain and publish information electronically and in print on
15 subjects connected with agriculture, including community seed libraries established
16 under AS 03.20.120;

17 (2) control and regulate the entry and transportation of seeds, plants,
18 and other horticultural products;

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

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

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

25 (b) The department may

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

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

30 (A) information about noncommercial giving or exchanging of
31 seed, including information about community seed libraries established under

1 AS 03.20.120, community seed library locations, community seed library
2 facilitators, and best practices for noncommercial giving or exchanging of
3 seed;

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

7 (C) information provided for publication under (B) of this
8 paragraph.

9 * **Sec. 18.** AS 44.37.020(a) is amended to read:

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

16 * **Sec. 19.** AS 44.37.030 is repealed.

17 * **Sec. 20.** This Act takes effect July 1, 2020.