

Introduced: 2/22/79
Referred: Resources and
Finance

1 IN THE HOUSE

BY CARNEY

2 HOUSE BILL NO. 274

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Department of Agriculture; and
7 providing for an effective date."

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

9 * Section 1. STATEMENT OF PURPOSE AND POLICY. The legislature finds that
10 agriculture and timber resources play a vital role in the economic well-being
11 and general quality of life in the state. Without these renewable resources
12 long-term sustained economic growth would not be possible. Accordingly, the
13 legislature finds it necessary to create a new department in the executive
14 branch which will be responsible for the protection, enhancement and develop-
15 ment of agriculture and timber resources.

16 * Sec. 2. AS 44.15.010 is amended by adding a new paragraph to read:
17 (18) Department of Agriculture.

18 * Sec. 3. AS 44 is amended by adding a new chapter to read:
19 CHAPTER 38. DEPARTMENT OF AGRICULTURE.

20 Sec. 44.38.010. COMMISSIONER OF AGRICULTURE. The principal execu-
21 tive officer of the Department of Agriculture is the commissioner of
22 agriculture.

23 Sec. 44.38.020. POWERS AND DUTIES OF THE DEPARTMENT. The Depart-
24 ment of Agriculture shall

25 (1) coordinate and develop programs to protect and encourage
26 the beneficial use of renewable resources;

27 (2) coordinate and develop programs for the protection and
28 development of agriculture;

29 (3) coordinate and develop programs for the management of

1 timber resources;

2 (4) cooperate with the Department of Natural Resources in the
3 management of land which is valuable for both renewable and nonrenewable
4 uses;

5 (5) cooperate with federal, state and local government agen-
6 cies where necessary to protect and encourage beneficial uses of renew-
7 able resources;

8 (6) gather and distribute information on subjects connected
9 with agriculture;

10 (7) control and regulate the entry and transportation of
11 seeds, plants and other horticultural products;

12 (8) control and eradicate the spread of pests injurious to
13 plants, trees, vegetables, livestock, and poultry;

14 (9) aid in developing agricultural resources;

15 (10) experiment with and determine practical methods of grow-
16 ing and processing agricultural products, soil analysis, eradication of
17 obnoxious weeds, control of insects, and land clearing; and

18 (11) carry out the duties listed in AS 03 and AS 41.

19 Sec. 44.38.030. ANNUAL REPORT. The commissioner of agriculture
20 shall submit to the governor and the legislature an annual report before
21 February 1 of each year. The report shall include the recommendations
22 of the commissioner for legislation necessary to develop and maintain
23 agriculture and the timber resources in the state.

24 Sec. 44.38.040. DEPARTMENTAL ORGANIZATION. The commissioner of
25 agriculture may, with the approval of the governor, organize the Depart-
26 ment of Agriculture into divisions that can most efficiently perform the
27 functions of the department.

28 Sec. 44.38.050. DEFINITIONS. In this chapter, "renewable re-
29 sources" means resources which, when properly managed, are capable of

1 producing a sustained yield for an indefinite period of time but does
2 not include commercial fish, sport fish, game and fur bearing animals in
3 their natural state.

4 * Sec. 4. AS 03.10.054 is amended to read:

5 Sec. 03.10.054. SALE OR TRANSFER OF MORTGAGES AND NOTES. The
6 commissioner may sell or transfer at par value or at a premium or dis-
7 count to the Department of Revenue or a bank or other private purchaser
8 for cash or other consideration the mortgages and notes held by the
9 Department of Agriculture [NATURAL RESOURCES] as security for loans made
10 under this chapter.

11 * Sec. 5. AS 03.17.010 is amended to read:

12 Sec. 03.17.010. DUTIES OF THE COMMISSIONER [DIRECTOR]. The com-
13 missioner [DIRECTOR] shall

14 (1) administer AS 03.17.010 - 03.17.100,

15 (2) enforce AS 03.17.010 - 03.17.100 and the provisions of
16 marketing orders issued under them, and

17 (3) have an accounting made of the funds held by the board at
18 least annually.

19 * Sec. 6. AS 03.17.020 is amended to read:

20 Sec. 03.17.020. MILK ADVISORY BOARD. There is a milk advisory
21 board consisting of five members. The commissioner [DIRECTOR] shall
22 select the members of the board from among Alaskan producers, handlers,
23 and retailers. No more than one handler and one retailer may serve on
24 the board at one time.

25 * Sec. 7. AS 03.17.030 is amended to read:

26 Sec. 03.17.030. DUTIES OF THE BOARD. The board shall

27 (1) advise the commissioner [DIRECTOR] in the formulation of
28 policy for the operation of the market program,

29 (2) receive and report complaints and violations of a market-

1 ing order,

2 (3) assist the commissioner [DIRECTOR] in collection of data,

3 (4) collect, hold, and account for the assessments authorized

4 by AS 03.17.010 - 03.17.100.

5 * Sec. 8. AS 03.17.040(a) is amended to read:

6 (a) The commissioner [DIRECTOR] may, with the advice of the milk
7 advisory board, issue, change, or repeal marketing orders to regulate
8 the marketing of milk in specified regions of the state. His actions
9 are subject to the provisions of the Administrative Procedure Act (AS
10 44.62) and AS 03.17.060. A milk marketing order may be issued to

11 (1) establish orderly marketing of milk;

12 (2) provide for uniform grading and classification of milk;

13 (3) provide for the proper preparation of milk for market;

14 (4) insure an adequate supply of milk;

15 (5) eliminate unfair competitive practices;

16 (6) assist producers to adjust to changing conditions;

17 (7) maintain incentive for the production of high quality
18 milk under the most sanitary conditions;

19 (8) conduct research and provide information for the benefit
20 of the producer and the consumer.

21 * Sec. 9. AS 03.17.060 is amended to read:

22 Sec. 03.17.060. PROCEDURE FOR ISSUANCE OF MARKETING ORDERS. (a)
23 A milk marketing order is initiated by the submission of a petition
24 signed by not less than 10 per cent of the commercial producers in the
25 area to which the marketing order is to apply. Upon receiving the
26 petition, the commissioner [DIRECTOR] shall proceed as provided in art.
27 4 of the Administrative Procedure Act (AS 44.62.180 - 44.62.290). In
28 reaching a decision on the requested marketing order, the commissioner
29 [DIRECTOR] shall consider at least the following factors:

- 1 (1) the quantity and quality of milk available in the area;
2 (2) the quantity of milk required in the area;
3 (3) the costs of production under desirable sanitary condi-
4 tions; and
5 (4) the comparative position of milk in the economy of the
6 area.

7 (b) Before the commissioner [DIRECTOR] may issue, change, or
8 repeal a marketing order, it must be approved in a referendum by (1) at
9 least two-thirds of the producers voting in the referendum who each,
10 during a representative period, has produced for market commercial
11 quantities of milk and who, during the same period, have produced in
12 total at least two-thirds of the volume of the commodity in the market
13 area specified in the order; and (2) handlers in the same area and
14 during the same period of at least one-half of the volume of milk.

15 (c) A marketing order which is approved by the producers but dis-
16 approved by the handlers may nevertheless be issued if necessary to
17 carry out the purposes of AS 03.17.010 - 03.17.100. [IN SUCH A CASE THE
18 DIRECTOR SHALL NOT ISSUE THE ORDER WITHOUT THE PERMISSION OF THE COM-
19 MISSIONER OF NATURAL RESOURCES.]

20 * Sec. 10. AS 03.17.065 is amended to read:

21 Sec. 03.17.065. EXAMINATION AND PRODUCTION OF RECORDS AND PERSONS.
22 To assist the commissioner [DIRECTOR] in issuing, changing or repealing
23 marketing orders

24 (1) the commissioner [DIRECTOR] or his authorized agent may
25 inspect the books, accounts, papers, records, and memoranda of a handler
26 or producer and examine under oath any officer, agent or employee of a
27 handler or producer in relation to its business and affairs; a person
28 who asserts the right to inspect shall produce his authority to do so;
29 and

1 (2) the commissioner [DIRECTOR] may, by order or subpoena
2 served on a handler or producer in the same manner as a summons in a
3 civil action in the superior court, require the production of original
4 or verified copies of books, accounts, papers or records kept by a
5 handler or producer at any place inside or outside the state in order
6 that an examination may be made by the director or under his direction.

7 * Sec. 11. AS 03.19.010 is amended to read:

8 Sec. 03.19.010. ESTABLISHMENT OF PROGRAM. The Department of
9 Agriculture [DIVISION OF AGRICULTURE] shall establish and administer a
10 small grain incentive program according to the provisions of this chap-
11 ter.

12 * Sec. 12. AS 03.19.020 is amended to read:

13 Sec. 03.19.020. PROCLAMATION OF PROGRAM ACREAGE. The commissioner
14 [DIRECTOR] shall publicly proclaim a program acreage for each of the
15 small grains on which incentive payments may be earned through partici-
16 pation in the small grain incentive program. The acreage may not exceed
17 150 per cent of the estimated utilization of small grains during the
18 year immediately following harvest.

19 * Sec. 13. AS 03.19.030(a) is amended to read:

20 (a) The commissioner [DIRECTOR] shall publicly proclaim annually
21 the incentive payment rate established for each of the small grains and
22 determine the cost of producing grain in the various areas of the state.

23 * Sec. 14. AS 03.19.030(b)(1) is amended to read:

24 (1) when added to any federal price support payment, produce
25 a sum in excess of 120 per cent of the production cost as previously
26 determined by the commissioner [DIRECTOR];

27 * Sec. 15. AS 03.19.040 is amended to read:

28 Sec. 03.19.040. REGULATIONS. The commissioner [DIRECTOR] shall
29 promulgate regulations and policies to carry out the purposes of this

1 chapter, including but not limited to regulations adequate to insure (1)
2 the equitable rights of participation in the program; (2) the issuance
3 of incentive payments earned by the participant; (3) the equitable
4 division of proclaimed program acreage between small grain producers;
5 and (4) the privilege of appeal to a higher administrative level where
6 the producer has information leading to the conclusion of inequitable
7 treatment or denial of rightful program benefits.

8 * Sec. 16. AS 03.19.050(a) is amended to read:

9 (a) The commissioner [DIRECTOR] may [WITH THE CONCURRENCE OF THE
10 COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES] enter into a co-
11 operative agreement with the Agricultural Stabilization and Conservation
12 Service, of the United States Department of Agriculture, to delegate to
13 the service part of the administrative functions related to the small
14 grain incentive program except final determinations rendered on appeals
15 filed by or for small grain producers.

16 * Sec. 17. AS 03.22.010 is amended to read:

17 Sec. 03.22.010. ESTABLISHMENT OF PLANT MATERIALS CENTER. The
18 Department of Agriculture [NATURAL RESOURCES], in cooperation with the
19 Institute of Agricultural Sciences, shall establish and maintain a plant
20 materials center.

21 * Sec. 18. AS 03.22.040 is amended to read:

22 Sec. 03.22.040. PERSONNEL. The department shall ensure that com-
23 petent professional, secretarial, and subprofessional personnel neces-
24 sary to carry on the work of the center are employed. The administrator
25 of the plant materials center is a joint appointment between the Depart-
26 ment of Agriculture [NATURAL RESOURCES] and the University of Alaska
27 Agricultural Experiment Station.

28 * Sec. 19. AS 03.35.030 is amended to read:

29 Sec. 03.35.030. NOTICE, HEARING, AND ORDER. Upon receipt of a

1 petition for the establishment of a controlled livestock district, the
2 district judge shall set a time for hearing the petition not less than
3 30 days thereafter. Notice of the time and place of the hearing and its
4 purpose shall be posted in not less than three conspicuous public places
5 within the proposed district, including a post office, for a period of
6 at least 30 days before the hearing. If there is no post office within
7 the proposed district, then the notice shall be posted in two conspic-
8 uous public places in the proposed district and in the post office
9 nearest the proposed district. If, at the hearing, the district judge
10 finds that the petition is sufficient and that notice of the hearing has
11 been given, he shall enter an order creating and establishing the con-
12 trolled livestock district and describing its boundaries. The district
13 judge shall certify to the clerk of the superior court for the judicial
14 district a copy of his findings and order. He shall send a copy of the
15 order to the commissioner of agriculture [DIRECTOR, DIVISION OF AGRI-
16 CULTURE, DEPARTMENT OF NATURAL RESOURCES].

17 * Sec. 20. AS 03.40.030(a) is amended to read:

18 (a) To adopt a brand or mark, a person shall forward to the com-
19 missioner of agriculture [NATURAL RESOURCES] a facsimile of the brand or
20 mark, together with a written application, and the recording fee of \$2.
21 Upon receipt, the commissioner shall record the brand or mark unless it
22 is of record or conflicts or closely resembles that of some other per-
23 son, in which case the commissioner shall return the facsimile and fee
24 to the applicant. No brand described as being on either side of the
25 animal shall be accepted or recorded.

26 * Sec. 21. AS 03.45.080 is amended to read:

27 Sec. 03.45.080. RECORD AND PAYMENT OF VALUE OF DESTROYED DAIRY
28 CATTLE. The Department of Administration shall keep a record of the
29 appraised value of all dairy cattle slaughtered or destroyed and of the

1 salvage value thereof, stating the date when the animal was slaughtered
2 or destroyed and the name of the inspector who ordered the animal
3 slaughtered or destroyed. The Department of Administration, with the
4 approval of the Department of Agriculture [NATURAL RESOURCES] shall pay
5 the owner of the animal slaughtered or destroyed two-thirds of the
6 difference between the appraised value and the salvage value of the
7 animal slaughtered or destroyed. The appraised valuation of each
8 slaughtered animal may not exceed \$175 in the first judicial district
9 and not more than \$200 in the second and third judicial districts and
10 not more than \$250 in the fourth judicial district. No payment may be
11 made if at the time of inspection, test or destruction, the animal was
12 upon the premises of any person to which it had been sold, shipped or
13 delivered for the purpose of being slaughtered. No payment may be made
14 unless the owner has complied with all lawful quarantine regulations.

15 * Sec. 22. AS 03.57.010(b) is amended to read:

16 (b) The fee for the license is \$25. The commissioner [DIRECTOR OF
17 THE DIVISION OF AGRICULTURE OF THE DEPARTMENT OF NATURAL RESOURCES]
18 shall grant a license to each person who pays the fee.

19 * Sec. 23. AS 03.57.020 is amended to read:

20 Sec. 03.57.020. BOND REQUIRED. Each dealer is required to obtain
21 and file with the commissioner [DIRECTOR OF THE DIVISION OF AGRICULTURE
22 OF THE DEPARTMENT OF NATURAL RESOURCES] a bond in the amount of \$5,000.
23 The bond shall be conditioned on the faithful performance of the legal
24 duties of the dealer as set out in this chapter and the payment for
25 vegetables purchased by him. The bond is payable to the person injured
26 to the extent of the damages. The aggregate liability of the surety for
27 all breaches of the conditions of the bond shall, in no event, exceed
28 the amount of the bond. The surety may cancel the bond upon giving 30
29 days' notice in writing to the commissioner [DIRECTOR] and thereafter

1 shall be relieved of any liability for a breach of condition occurring
2 after the effective date of cancellation.

3 * Sec. 24. AS 03.57.030(a)(4) is amended to read:

4 (4) dumping, discarding, or destroying vegetables on con-
5 signment without reasonable cause, or reinspection by the commissioner
6 [DIRECTOR] or his agent;

7 * Sec. 25. AS 03.57.030(b) is amended to read:

8 (b) A dealer shall keep accurate records of his transactions. The
9 records shall be retained for 18 months and subject to examination by
10 the commissioner [DIRECTOR].

11 * Sec. 26. AS 03.60.010 is amended to read:

12 Sec. 03.60.010. "DEPARTMENT" AND "COMMISSIONER" DEFINED. In this
13 title

14 (1) "department" means the Department of Agriculture [NATURAL
15 RESOURCES];

16 (2) "commissioner" means the commissioner of agriculture
17 [NATURAL RESOURCES].

18 * Sec. 27. AS 19.30.040(a) is amended to read:

19 (a) Upon approval of an application and agreement as to state
20 participation, the applicant resource developer shall submit to the
21 commissioner of natural resources road plans and specifications for the
22 standard of construction he believes to be necessary to develop the
23 mineral resource and protect [THE] fish and game and other renewable
24 resources that may be affected by the road construction. Plans and
25 specifications submitted by each applicant shall be forwarded by the
26 commissioner of natural resources to the commissioner of transportation
27 and public facilities, [AND] the commissioner of fish and game, and,
28 when applicable, the commissioner of agriculture and upon approval by
29 them, the applicant may proceed with construction.

1 * Sec. 28. AS 38.05.027(a) is amended to read:

2 (a) Consistent with their [HIS] authority under law, the commis-
3 sioners of natural resources and agriculture [COMMISSIONER], after
4 determining that the agreement is in the best interests of the public
5 and the state, may enter into cooperative resource management or
6 development agreements affecting resources under their respective regu-
7 latory jurisdictions with the federal government, a state agency, a
8 village or municipality, or a person as defined in AS 01.10.060(7).
9 Specific guidelines to protect the state and public interest shall be
10 established, if necessary, by the responsible commissioner before enter-
11 ing into an agreement under this section.

12 * Sec. 29. AS 38.05.069(a) is amended to read:

13 (a) If the commissioner of agriculture [DIRECTOR] determines that
14 the highest and best use of unoccupied land is for agricultural pur-
15 poses, and if he determines that it is in the best interests of the
16 state to sell or lease the land, the director [HE] shall grant to an
17 Alaskan resident owning and using or leasing and using land for agri-
18 cultural purposes a 60-day first option after the date of the auction to
19 purchase or lease unoccupied land situated adjacent to or in the
20 approximate vicinity of his presently held land for the amount of the
21 high bid received at public auction; provided the aggregate number of
22 acres owned and acquired under the option shall not exceed 320 acres;
23 and further provided that the land acquired under this section is used
24 for agricultural purposes as required by law.

25 * Sec. 30. AS 38.05.110 is amended to read:

26 Sec. 38.05.110. SALE OF TIMBER AND MATERIALS. The state forester
27 [DIRECTOR] shall provide for cruises of timber and appraisals of other
28 materials in or upon lands and transmit this data to the commissioner
29 of agriculture, together with his recommendations with respect to (1)

1 the timber and other materials which should be offered for sale, and (2)
2 the terms of sale of the timber or other materials.

3 * Sec. 31. AS 38.05.115(a) is repealed and re-enacted to read:

4 (a) The commissioner of agriculture, with the concurrence of the
5 commissioner of natural resources, shall determine the timber and other
6 materials to be sold which are located on state land not designated as a
7 state forest. The commissioner of agriculture shall also set the limi-
8 tations, conditions and terms of sale. The limitations, conditions and
9 terms shall include the utilization, development and maintenance of the
10 sustained yield principle, subject to preference among other beneficial
11 uses. The state forester may negotiate sales of timber or materials
12 without advertisement and on the limitations, conditions, and terms
13 which he considers are in the best interests of the state, subject to
14 the approval of the commissioner of agriculture. However, not more than
15 500 M.B.M. or equivalent other measure of timber or more than 25,000
16 cubic yards of materials may be sold by nonadvertised, negotiated sale
17 to the same purchaser within a one-year period.

18 * Sec. 32. AS 38.05.120 is amended to read:

19 Sec. 38.05.120. DISPOSAL PROCEDURE. Timber and other materials
20 shall be sold either by sealed bids or public auction, depending on
21 which method is determined by the commissioner of agriculture to be in
22 the best interests of the state, to the highest qualified bidder as
23 determined by the state forester [DIRECTOR]. An aggrieved bidder may
24 appeal to the commissioner of agriculture within five days after the
25 sale for a review of the state forester's [DIRECTOR'S] determination.
26 The sale shall be conducted by the state forester [DIRECTOR] or his
27 representative, and at the time of sale the successful bidder shall de-
28 posit the amount specified in the terms of sale. The means by which the
29 amount of deposit is determined shall be prescribed by appropriate regu-

1 lation. The state forester [DIRECTOR] or his representative shall
2 immediately issue a receipt containing a description of the timber or
3 materials purchased, the price bid, and the terms of sale. The receipt
4 shall be acknowledged in writing by the bidder. A contract of sale, on
5 a form approved by the attorney general, shall be signed by the pur-
6 chaser and, following the approval of the commissioner of agriculture,
7 the contract shall be signed by the state forester [DIRECTOR] on behalf
8 of the state. The state forester [DIRECTOR], with the approval of the
9 commissioner of agriculture, may impose conditions, limitations, and
10 terms which he considers necessary and proper to protect the interests
11 of the state. Violation of any provision of this chapter or the terms
12 of the contract of sale subjects the purchaser to appropriate legal
13 action.

14 * Sec. 33. AS 38.07.060(3) is amended to read:

15 (3) "commissioner" means the commissioner of the Department
16 of Agriculture [NATURAL RESOURCES].

17 * Sec. 34. AS 38.50.090(a) is amended to read:

18 (a) During the negotiation of a land exchange, the director shall
19 consult with other departments and other divisions of the Department of
20 Natural Resources relative to matters which are within their jurisdic-
21 tion. If land under the jurisdiction of a state agency other than the
22 Department of Natural Resources may be involved in a proposed exchange,
23 the director shall afford the head of that agency an opportunity to par-
24 ticipate in the discussions respecting the land. Land classified for
25 use consistent with the sustained yield of renewable resources may not
26 be exchanged without the prior review and approval of the commissioner
27 of agriculture.

28 * Sec. 35. AS 39.25.120(11) is amended to read:

29 (11) the state forester, in the Department of Agriculture

1 [NATURAL RESOURCES].

2 * Sec. 36. AS 41.10.100 is amended to read:

3 Sec. 41.10.100. DUTY OF BOARD TO ADVISE COMMISSIONER OF AGRICUL-
4 TURE [NATURAL RESOURCES]. At the request of the commissioner of agri-
5 culture [NATURAL RESOURCES], the board shall meet and advise him in the
6 exercise of his powers, duties, and functions.

7 * Sec. 37. AS 41.10.110 is amended to read:

8 Sec. 41.10.110. POWERS OF COMMISSIONER OF AGRICULTURE [NATURAL
9 RESOURCES] RELATING TO SOIL CONSERVATION. The commissioner of agricul-
10 ture [NATURAL RESOURCES] has the power to

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

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

21 (3) carry out measures for soil conservation and erosion con-
22 trol within the district, including engineering operations, methods of
23 cultivation, the growing of vegetation, and changes in use of land, with
24 the consent and cooperation of the land occupier or agency having juris-
25 diction of the land;

26 (4) cooperate with, furnish assistance to, and enter into
27 agreements with, an occupier of land or agency within the district,
28 subject to the conditions as the board considers necessary to advance
29 the purposes of this chapter;

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

4 (6) develop comprehensive plans for the conservation of soil
5 and control of soil erosion within the district, cropping programs,
6 tillage practices and changes in land use, and publish plans and infor-
7 mation and bring them to the attention of occupiers of lands within the
8 district;

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

13 * Sec. 38. AS 41.10.130 is amended to read:

14 Sec. 41.10.130. CREATION OF SUBDISTRICTS. The commissioner of
15 agriculture [NATURAL RESOURCES] may create subdistricts of the Soil
16 Conservation District of Alaska, upon petition signed by 25 or more land
17 occupiers setting out the proposed boundaries of the subdistrict. The
18 commissioner shall fix a time for and give notice of a public hearing
19 based on the petition at a convenient location or locations within the
20 boundaries of the proposed subdistrict. The commissioner may fix the
21 boundaries of the subdistrict created, supervise the election of, pre-
22 scribe the duties of, and install a governing body of five land
23 occupiers to be known as district supervisors for each subdistrict
24 created, and delegate to the district supervisors powers as the commis-
25 sioner considers necessary to accomplish the purposes of this chapter
26 within the subdistrict boundaries.

27 * Sec. 39. AS 41.15.170(1) is amended to read:

28 (1) "commissioner" means the commissioner of agriculture
29 [NATURAL RESOURCES];

1 * Sec. 40. AS 41.17.020(a) is amended to read:

2 (a) The governor shall establish, within the Department of
3 Agriculture [NATURAL RESOURCES], a division of forest, land, and water
4 management to carry out this chapter and other appropriate duties
5 designated by the governor. The division shall be headed by a director
6 who shall be the state forester, appointed to the partially exempt
7 service in accordance with law by the commissioner, from a list of two
8 or more candidates submitted by the board. The commissioner may reject
9 all candidates, in which case the board shall submit a new list. The
10 state forester shall be a natural resources land manager with generally
11 accepted educational credentials, familiar and experienced with the
12 renewable and nonrenewable resources and values of forest land and the
13 products, benefits, and services obtained from them.

14 * Sec. 41. AS 41.17.030(a) is amended to read:

15 (a) The division shall manage state forests and, as directed by
16 the commissioner, provide technical advice to the division of lands
17 in the Department of Natural Resources on sound forest practices neces-
18 sary to ensure the continuous growing and harvesting of commercial
19 forest species on other state land.

20 * Sec. 42. AS 41.17.040(a) is amended to read:

21 (a) The Board of Forestry is established in the Department of
22 Agriculture [NATURAL RESOURCES], division of forest, land, and water
23 management.

24 * Sec. 43. AS 41.17.070(c)(4) is amended to read:

25 (4) make recommendations to the legislature respecting the
26 legal authority of the Department of Agriculture [NATURAL RESOURCES]
27 relating to forestry, the qualifications of the director of the divi-
28 sion, and the location of the division within the department.

29 * Sec. 44. AS 41.17.950(3) and (4) are amended to read:

1 (3) "commissioner" means the commissioner of agriculture
2 [NATURAL RESOURCES];

3 (4) "department" means the Department of Agriculture [NATURAL
4 RESOURCES];

5 * Sec. 45. AS 44.37.020 is amended to read:

6 Sec. 44.37.020. DUTIES OF DEPARTMENT WITH RESPECT TO NATURAL
7 RESOURCES. The Department of Natural Resources shall administer the
8 state program for the conservation and development of natural resources,
9 including [FORESTS,] parks, and recreational areas, lands, waters,
10 [AGRICULTURE, SOIL CONSERVATION] and minerals (including petroleum and
11 natural gas), but excluding state forests and agriculture, commercial
12 fisheries, sport fish, game, and fur-bearing animals in their natural
13 state.

14 * Sec. 46. TRANSFER OF FUNCTIONS. (a) The Department of Agriculture is
15 vested with the duties, powers and responsibilities formerly exercised and
16 held by the Department of Natural Resources in respect to agriculture and
17 forestry.

18 (b) The powers, duties and responsibilities of the division of agri-
19 culture, Department of Natural Resources, are transferred to the Department
20 of Agriculture.

21 (c) Supervision of the Soil Conservation Board established under AS
22 41.10 is transferred from the Department of Natural Resources to the Depart-
23 ment of Agriculture.

24 (d) Appropriations, records, equipment and other property of state
25 agencies referred to in (a) and (b) of this section are transferred to the
26 Department of Agriculture.

27 (e) Appropriations and other money available to and to become available
28 to a state agency, the functions, powers and duties of which have been trans-
29 ferred to the department established under this Act, shall be available for

1 the objects and purposes for which appropriated or otherwise made available,
2 subject to terms, restrictions, limitations or other requirements imposed
3 under this section or other state and federal law.

4 (f) Regulations, rules, orders or other Acts in effect with respect to
5 a state agency transferred to the Department of Agriculture under this sec-
6 tion shall continue in full force and effect until amended, repealed, modi-
7 fied or rescinded as the commissioner of agriculture determines in accordance
8 with law. Existing contracts made by a state agency transferred to the
9 Department of Agriculture under this section shall continue in full force and
10 effect until amended, repealed, modified or rescinded as the commissioner of
11 agriculture determines in accordance with law. Existing contracts made by a
12 state agency transferred to the department under this Act remain in effect
13 according to the terms of the contracts.

14 (g) The powers, duties and functions transferred to the Department of
15 Agriculture under this section are in addition to and not derogated by the
16 powers, duties and functions otherwise vested in the department under this
17 Act.

18 * Sec. 47. AS 03.17.100(2); AS 03.19.070; and AS 44.37.030 are repealed.

19 * Sec. 48. This Act takes effect on January 1, 1980.

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