

Introduced: 2/4/81
Referred: Resources and
Finance

1 IN THE HOUSE

BY MOSS

2 HOUSE BILL NO. 86

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Department of Agriculture;
7 and 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
10 that agriculture and timber resources play a vital role in the economic
11 well-being and general quality of life in the state. Without these renew-
12 able resources long-term sustained economic growth would not be possible.
13 Accordingly, the legislature finds it necessary to create a new department
14 in the executive branch which will be responsible for the protection,
15 enhancement and development of agriculture and timber resources.

16 * Sec. 2. AS 44.17.005 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
21 executive officer of the Department of Agriculture is the commissioner
22 of 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
3 the management of land which is valuable for both renewable and non-
4 renewable uses;

5 (5) cooperate with federal, state and local government agen-
6 cies to protect and encourage beneficial uses of renewable resources;

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

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

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

13 (9) aid in developing agricultural resources;

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

17 (11) carry out the duties assigned to it by AS 03 and AS 41.

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

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

27 Sec. 44.38.050. DEFINITIONS. In this chapter, "renewable re-
28 sources" means resources which, when properly managed, are capable of
29 producing a sustained yield for an indefinite period of time but does

1 not include commercial fish, sport fish, game and fur bearing animals
2 in their natural state.

3 * Sec. 4. AS 03.17.010 is amended to read:

4 Sec. 03.17.010. DUTIES OF THE COMMISSIONER [DIRECTOR]. The com-
5 missioner [DIRECTOR] shall

6 (1) administer AS 03.17.010 - 03.17.100,

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

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

11 * Sec. 5. AS 03.17.020 is amended to read:

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

17 * Sec. 6. AS 03.17.030 is amended to read:

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

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

21 (2) receive and report complaints and violations of a
22 marketing order,

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

25 (4) collect, hold, and account for the assessments authorized
26 by AS 03.17.010 - 03.17.100.

27 * Sec. 7. AS 03.17.040(a) is amended to read:

28 (a) The commissioner [DIRECTOR] may, with the advice of the milk
29 advisory board, issue, change, or repeal marketing orders to regulate

1 the marketing of milk in specified regions of the state. His actions
2 are subject to the provisions of the Administrative Procedure Act
3 (AS 44.62) and AS 03.17.060. A milk marketing order may be issued to

- 4 (1) establish orderly marketing of milk;
- 5 (2) provide for uniform grading and classification of milk;
- 6 (3) provide for the proper preparation of milk for market;
- 7 (4) insure an adequate supply of milk;
- 8 (5) eliminate unfair competitive practices;
- 9 (6) assist producers to adjust to changing conditions;
- 10 (7) maintain incentive for the production of high quality
11 milk under the most sanitary conditions;
- 12 (8) conduct research and provide information for the benefit
13 of the producer and the consumer.

14 * Sec. 8. AS 03.17.060 is amended to read:

15 Sec. 03.17.060. PROCEDURE FOR ISSUANCE OF MARKETING ORDERS. (a)
16 A milk marketing order is initiated by the submission of a petition
17 signed by not less than 10 percent of the commercial producers in the
18 area to which the marketing order is to apply. Upon receiving the
19 petition, the commissioner [DIRECTOR] shall proceed as provided in
20 art. 4 of the Administrative Procedure Act (AS 44.62.180 - 44.62.290).
21 In reaching a decision on the requested marketing order, the commis-
22 sioner [DIRECTOR] shall consider at least the following factors:

- 23 (1) the quantity and quality of milk available in the area;
- 24 (2) the quantity of milk required in the area;
- 25 (3) the costs of production under desirable sanitary condi-
26 tions; and
- 27 (4) the comparative position of milk in the economy of the
28 area.

29 (b) Before the commissioner [DIRECTOR] may issue, change, or

1 repeal a marketing order, it must be approved in a referendum by (1) at
2 least two-thirds of the producers voting in the referendum who each,
3 during a representative period, has produced for market commercial
4 quantities of milk and who, during the same period, have produced in
5 total at least two-thirds of the volume of the commodity in the market
6 area specified in the order; and (2) handlers in the same area and
7 during the same period of at least one-half of the volume of milk.

8 (c) A marketing order which is approved by the producers but dis-
9 approved by the handlers may nevertheless be issued if necessary to
10 carry out the purposes of AS 03.17.010 - 03.17.100. [IN SUCH A CASE
11 THE DIRECTOR SHALL NOT ISSUE THE ORDER WITHOUT THE PERMISSION OF THE
12 COMMISSIONER OF NATURAL RESOURCES.]

13 * Sec. 9. AS 03.17.065 is amended to read:

14 Sec. 03.17.065. EXAMINATION AND PRODUCTION OF RECORDS AND PER-
15 SONS. To assist the commissioner [DIRECTOR] in issuing, changing or
16 repealing marketing orders

17 (1) the commissioner [DIRECTOR] or his authorized agent may
18 inspect the books, accounts, papers, records, and memoranda of a
19 handler or producer and examine under oath any officer, agent or
20 employee of a handler or producer in relation to its business and
21 affairs; a person who asserts the right to inspect shall produce his
22 authority to do so; and

23 (2) the commissioner [DIRECTOR] may, by order or subpoena
24 served on a handler or producer in the same manner as a subpoena
25 [SUMMONS] in a civil action in the superior court, require the produc-
26 tion of original or verified copies of books, accounts, papers or
27 records kept by a handler or producer at any place inside or outside
28 the state in order that an examination may be made by the commissioner
29 [DIRECTOR] or under his direction.

1 * Sec. 10. AS 03.19.010 is amended to read:

2 Sec. 03.19.010. ESTABLISHMENT OF PROGRAM. The Commissioner
3 [DIVISION OF AGRICULTURE] shall establish and administer a small grain
4 incentive program according to the provisions of this chapter.

5 * Sec. 11. AS 03.19.020 is amended to read:

6 Sec. 03.19.020. PROCLAMATION OF PROGRAM ACREAGE. The commis-
7 sioner [DIRECTOR] shall publicly proclaim a program acreage for each of
8 the small grains on which incentive payments may be earned through
9 participation in the small grain incentive program. The acreage may
10 not exceed 150 percent of the estimated utilization of small grains
11 during the year immediately following harvest.

12 * Sec. 12. AS 03.19.030(a) is amended to read:

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

17 * Sec. 13. AS 03.19.030(b)(1) is amended to read:

18 (1) when added to any federal price support payment, produce
19 a sum in excess of 120 percent of the production cost as previously
20 determined by the commissioner [DIRECTOR];

21 * Sec. 14. AS 03.19.040 is amended to read:

22 Sec. 03.19.040. REGULATIONS. The commissioner [DIRECTOR] shall
23 promulgate regulations and policies to carry out the purposes of this
24 chapter, including but not limited to regulations adequate to insure
25 (1) the equitable rights of participation in the program; (2) the
26 issuance of incentive payments earned by the participant; (3) the
27 equitable division of proclaimed program acreage between small grain
28 producers; and (4) the privilege of appeal to a higher administrative
29 level where the producer has information leading to the conclusion of

1 inequitable treatment or denial of rightful program benefits.

2 * Sec. 15. AS 03.19.050(a) is amended to read:

3 (a) The commissioner [DIRECTOR] may [WITH THE CONCURRENCE OF THE
4 COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES] enter into a co-
5 operative agreement with the Agricultural Stabilization and Conserva-
6 tion Service, of the United States Department of Agriculture, to
7 delegate to the service part of the administrative functions related to
8 the small grain incentive program except final determinations rendered
9 on appeals filed by or for small grain producers.

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

11 Sec. 03.22.010. ESTABLISHMENT OF PLANT MATERIALS CENTER. The
12 department [DEPARTMENT OF NATURAL RESOURCES], in cooperation with the
13 Institute of Agricultural Sciences, shall establish and maintain a
14 plant materials center.

15 * Sec. 17. AS 03.22.040 is amended to read:

16 Sec. 03.22.040. PERSONNEL. The department shall ensure that com-
17 petent professional, secretarial, and subprofessional personnel neces-
18 sary to carry on the work of the center are employed. The adminis-
19 trator of the plant materials center is a joint appointment between the
20 department [DEPARTMENT OF NATURAL RESOURCES] and the University of
21 Alaska Agricultural Experiment Station.

22 * Sec. 18. AS 03.35.030 is amended to read:

23 Sec. 03.35.030. NOTICE, HEARING, AND ORDER. Upon receipt of a
24 petition for the establishment of a controlled livestock district, the
25 district judge shall set a time for hearing the petition not less than
26 30 days thereafter. Notice of the time and place of the hearing and
27 its purpose shall be posted in not less than three conspicuous public
28 places within the proposed district, including a post office, for a
29 period of at least 30 days before the hearing. If there is no post

1 office within the proposed district, then the notice shall be posted in
2 two conspicuous public places in the proposed district and in the post
3 office nearest the proposed district. If, at the hearing, the district
4 judge finds that the petition is sufficient and that notice of the
5 hearing has been given, he shall enter an order creating and establish-
6 ing the controlled livestock district and describing its boundaries.
7 The district judge shall certify to the clerk of the superior court for
8 the judicial district a copy of his findings and order. He shall send
9 a copy of the order to the commissioner [DIRECTOR, DIVISION OF AGRI-
10 CULTURE, DEPARTMENT OF NATURAL RESOURCES].

11 * Sec. 19. AS 03.40.030(a) is amended to read:

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

20 * Sec. 20. AS 03.45.080 is amended to read:

21 Sec. 03.45.080. RECORD AND PAYMENT OF VALUE OF DESTROYED DAIRY
22 CATTLE. The Department of Administration shall keep a record of the
23 appraised value of all dairy cattle slaughtered or destroyed and of the
24 salvage value thereof, stating the date when the animal was slaughtered
25 or destroyed and the name of the inspector who ordered the animal
26 slaughtered or destroyed. The Department of Administration, with the
27 approval of the department [DEPARTMENT OF NATURAL RESOURCES] shall pay
28 the owner of the animal slaughtered or destroyed two-thirds of the
29 difference between the appraised value and the salvage value of the

1 animal slaughtered or destroyed. The appraised valuation of each
2 slaughtered animal may not exceed \$175 in the first judicial district
3 and not more than \$200 in the second and third judicial districts and
4 not more than \$250 in the fourth judicial district. No payment may be
5 made if at the time of inspection, test or destruction, the animal was
6 upon the premises of any person to which it had been sold, shipped or
7 delivered for the purpose of being slaughtered. No payment may be made
8 unless the owner has complied with all lawful quarantine regulations.

9 * Sec. 21. AS 03.57.010(b) is amended to read:

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

13 * Sec. 22. AS 03.57.020 is amended to read:

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

26 * Sec. 23. AS 03.57.030(a)(4) is amended to read:

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

1 * Sec. 24. AS 03.57.030(b) is amended to read:

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

5 * Sec. 25. AS 03.60.010 is amended to read:

6 Sec. 03.60.010. "DEPARTMENT" AND "COMMISSIONER" DEFINED. In this
7 title

8 (1) "department" means the Department of Agriculture [NATURAL
9 RESOURCES];

10 (2) "commissioner" means the commissioner of agriculture
11 [NATURAL RESOURCES].

12 * Sec. 26. AS 19.30.040(a) is amended to read:

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

24 * Sec. 27. AS 38.05.027(a) is amended to read:

25 (a) Consistent with his authority under law, the commissioner
26 of natural resources or the commissioner of agriculture, after deter-
27 mining that the agreement is in the best interests of the public and
28 the state, may enter into cooperative resource management or develop-
29 ment agreements affecting resources under his jurisdiction with the

1 federal government, a state agency, a village or municipality, or a
2 person [AS] defined in AS 01.10.060(7). Specific guidelines to protect
3 the state and public interest may [SHALL] be established [, IF NECES-
4 SARY,] by the responsible commissioner before entering into an agree-
5 ment under this section.

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

7 (a) If the commissioner of agriculture [DIRECTOR] determines that
8 the highest and best use of unoccupied land is for agricultural pur-
9 poses, [AND IF HE DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE
10 STATE TO SELL OR LEASE THE LAND,] he may nominate the land for classi-
11 fication by the commissioner as agricultural land under AS 38.05.312.
12 After classification of the land as agricultural land, the commissioner
13 of agriculture may [SHALL] grant to an Alaskan resident owning and
14 using or leasing and using land for agricultural purposes a 60-day
15 first option after the date of the auction to purchase or lease the
16 unoccupied land situated adjacent to or in the approximate vicinity of
17 his presently held land for the amount of the high bid received at
18 public auction. A parcel of agricultural land sold under this section
19 may not be less than 20 acres and a parcel of agricultural land which
20 is acquired by exercise of the option granted in this subsection may
21 not exceed 320 acres. Agricultural land which is acquired under this
22 section must be used for agricultural purposes as required by law.

23 * Sec. 29. AS 38.05.069(b) is amended to read:

24 (b) If more than one person is eligible for a first option under
25 (a) of this section, the commissioner of agriculture [DIRECTOR] shall
26 determine priority by granting precedence first to the person who
27 demonstrates the greatest need for the unoccupied land in order to
28 establish an economic unit and, secondly, to the eligible person who
29 occupies land that is most readily accessible to unoccupied land to be

1 sold or leased. In the event that two or more persons have approximate-
2 ly equal qualifications for priority under this section, the commis-
3 sioner of agriculture [DIRECTOR] shall grant priority to that person
4 who is a veteran. If more than one person is approximately equally
5 well qualified under this section, the commissioner of agriculture
6 [DIRECTOR] shall determine priority by lot.

7 * Sec. 30. AS 38.05.069(c)(1) is amended to read:

8 (1) the commissioner of agriculture [DIRECTOR] may convey or
9 lease an interest in the land only for agricultural purposes, and all
10 other interests in the land remain in the state; the sale or lease
11 shall be at public auction;

12 * Sec. 31. AS 38.05.069(c)(2) is amended to read:

13 (2) the remaining interests may subsequently be conveyed or
14 leased by the director only upon the request of the grantee or lessee
15 or his assigns and the determination of the commissioner of agriculture
16 [DIRECTOR, WITH THE WRITTEN CONCURRENCE OF THE COMMISSIONER,] that
17 the conveyance or lease is in the public interest;

18 * Sec. 32. AS 38.05.110 is amended to read:

19 Sec. 38.05.110. SALE OF TIMBER AND MATERIALS. The state forester
20 [DIRECTOR] shall provide for cruises of timber and appraisals of other
21 materials in or upon lands and transmit this data to the commissioner
22 of agriculture, together with his recommendations with respect to (1)
23 the timber and other materials which should be offered for sale, and (2)
24 the terms of sale of the timber or other materials.

25 * Sec. 33. AS 38.05.115(a) is repealed and reenacted to read:

26 (a) The commissioner of agriculture, with the concurrence of the
27 commissioner of natural resources, shall determine the timber and other
28 materials to be sold which are located on state land not designated as a
29 state forest. The commissioner of agriculture shall also set the limi-

tations, conditions and terms of sale. The limitations, conditions and terms shall include the use, development and maintenance of the sustained yield principle, subject to preference among other beneficial uses. The state forester may negotiate sales of timber or materials without advertisement and on the limitations, conditions, and terms which he considers are in the best interests of the state, subject to the approval of the commissioner of agriculture. However, not more than 500 M.B.M. or equivalent other measure of timber or more than 25,000 cubic yards of materials may be sold by unadvertised, negotiated sale to the same purchaser within a one-year period.

* Sec. 34. AS 38.05.120 is amended to read:

Sec. 38.05.120. DISPOSAL PROCEDURE. Timber and other materials shall be sold either by sealed bids or public auction, depending on which method is determined by the commissioner of agriculture to be in the best interests of the state, to the highest qualified bidder as determined by the state forester [DIRECTOR]. An aggrieved bidder may appeal to the commissioner of agriculture within five days after the sale for a review of the state forester's [DIRECTOR'S] determination. The sale shall be conducted by the state forester [DIRECTOR] or his representative, and at the time of sale the successful bidder shall deposit the amount specified in the terms of sale. The means by which the amount of deposit is determined shall be prescribed by appropriate regulation. The state forester [DIRECTOR] or his representative shall immediately issue a receipt containing a description of the timber or materials purchased, the price bid, and the terms of sale. The receipt shall be acknowledged in writing by the bidder. A contract of sale, on a form approved by the attorney general, shall be signed by the purchaser and, following the approval of the commissioner of agriculture, the contract shall be signed by the state forester [DIRECTOR] on behalf

1 of the state. The state forester [DIRECTOR], with the approval of the
2 commissioner of agriculture, may impose conditions, limitations, and
3 terms which he considers necessary and proper to protect the interests
4 of the state. Violation of any provision of this chapter or the terms
5 of the contract of sale subjects the purchaser to appropriate legal
6 action.

7 * Sec. 35. AS 38.07.060(3) is amended to read:

8 (3) "commissioner" means the commissioner of the Department
9 of Agriculture [NATURAL RESOURCES].

10 * Sec. 36. AS 38.50.090(a) is amended to read:

11 (a) During the negotiation of a land exchange, the director shall
12 consult with other departments and other divisions of the Department of
13 Natural Resources relative to matters which are within their jurisdic-
14 tion. If land under the jurisdiction of a state agency other than the
15 Department of Natural Resources is [MAY BE] involved in a proposed
16 exchange, the director shall afford the head of that agency an oppor-
17 tunity to participate in the discussions respecting the land. Land
18 classified for agriculture, grazing, forests, or for a use consistent
19 with the sustained yield of renewable resources may not be exchanged
20 without the approval of the commissioner of agriculture.

21 * Sec. 37. AS 39.25.120(11) is amended to read:

22 (11) the state forester, in the Department of Agriculture
23 [NATURAL RESOURCES].

24 * Sec. 38. AS 38.05 is amended by adding a new section to read:

25 Sec. 38.05.312. CLASSIFICATION OF LAND FOR AGRICULTURAL PURPOSES.

26 (a) The commissioner may classify as agricultural land land nominated
27 for that purpose by the commissioner of agriculture. After approval by
28 the commissioner of a classification of land as agricultural land, the
29 commissioner of agriculture shall assume the responsibility for the

1 management and for the sale, lease, or other disposal of the land. The
2 commissioner of agriculture may request the commissioner to reclassify
3 for other purposes land classified as agricultural land. After re-
4 classification of the land for a purpose other than agricultural, the
5 commissioner shall assume the responsibility for the management of the
6 land.

7 (b) The commissioner of agriculture may nominate land he con-
8 siderers suitable for classification as agricultural land. The commis-
9 sioner shall classify as agricultural land by July 1, 1986, not less
10 than 1,200,000 acres. As used in this subsection, land classified as
11 grazing land or as forest land does not qualify as agricultural land.

12 * Sec. 39. AS 41.10.100 is amended to read:

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

17 * Sec. 40. AS 41.10.110 is amended to read:

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

21 (1) conduct land capability surveys and investigations of
22 potential agricultural areas and of soil conservation and erosion con-
23 trol, including necessary preventative and control measures, in the
24 state; to publish the results of these surveys and investigations and
25 to disseminate information concerning the results of the surveys and
26 investigations to prospective settlers and the general public;

27 (2) make technical guidance and other assistance available
28 to settlers of new land to assure the development of the land in a
29 manner that will permit it to be used in accordance with its capabili-

1 ties and treated in accordance with its needs;

2 (3) carry out measures for soil conservation and erosion
3 control within the district, including engineering operations, methods
4 of cultivation, the growing of vegetation, and changes in use of land,
5 with the consent and cooperation of the land occupier or agency having
6 jurisdiction of the land;

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

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

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

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

23 * Sec. 41. AS 41.10.130 is amended to read:

24 Sec. 41.10.130. CREATION OF SUBDISTRICTS. The commissioner of
25 agriculture [NATURAL RESOURCES] may create subdistricts of the Soil
26 Conservation District of Alaska, upon petition signed by 25 or more
27 land occupiers setting out the proposed boundaries of the subdistrict.
28 The commissioner shall fix a time for and give notice of a public
29 hearing based on the petition at a convenient location or locations

1 within the boundaries of the proposed subdistrict. The commissioner
2 may fix the boundaries of the subdistrict created, supervise the
3 election of, prescribe the duties of, and install a governing body of
4 five land occupiers to be known as district supervisors for each
5 subdistrict created, and delegate to the district supervisors powers as
6 the commissioner considers necessary to accomplish the purposes of this
7 chapter within the subdistrict boundaries.

8 * Sec. 42. AS 41.15.170(1) is amended to read:

9 (1) "commissioner" means the commissioner of agriculture
10 [NATURAL RESOURCES];

11 * Sec. 43. AS 41.17.020(a) is amended to read:

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

24 * Sec. 44. AS 41.17.030(a) is amended to read:

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

1 * Sec. 45. AS 41.17.040(a) is amended to read:

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

5 * Sec. 46. AS 41.17.070(c)(4) is amended to read:

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

10 * Sec. 47. AS 41.17.950(3) is amended to read:

11 (3) "commissioner" means the commissioner of agriculture
12 [NATURAL RESOURCES];

13 * Sec. 48. AS 41.17.950(4) is amended to read:

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

16 * Sec. 49. AS 44.37.020 is amended to read:

17 Sec. 44.37.020. DUTIES OF DEPARTMENT WITH RESPECT TO NATURAL
18 RESOURCES. The Department of Natural Resources shall administer the
19 state program for the conservation and development of natural resources,
20 including [FORESTS,] parks, and recreational areas, lands, waters,
21 [AGRICULTURE, SOIL CONSERVATION] and minerals (including petroleum and
22 natural gas), but excluding state forests and agriculture, commercial
23 fisheries, sport fish, game, and fur-bearing animals in their natural
24 state.

25 * Sec. 50. TRANSFER OF FUNCTIONS. (a) The Department of Agriculture is
26 vested with the duties, powers and responsibilities formerly exercised and
27 held by the Department of Natural Resources in respect to agriculture and
28 forestry.

29 (b) The powers, duties and responsibilities of the division of agri-

1 culture, Department of Natural Resources, are transferred to the Department
2 of Agriculture.

3 (c) Supervision of the Soil Conservation Board established under
4 AS 41.10 is transferred from the Department of Natural Resources to the
5 Department of Agriculture.

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

9 (e) Appropriations and other money available to and to become avail-
10 able to a state agency, the functions, powers and duties of which have been
11 transferred to the department established under this Act, shall be available
12 for the objects and purposes for which appropriated or otherwise made avail-
13 able, subject to terms, restrictions, limitations or other requirements
14 imposed under this section or other state and federal law.

15 (f) Regulations, rules, orders or other Acts in effect with respect to
16 a state agency transferred to the Department of Agriculture under this sec-
17 tion shall continue in full force and effect until amended, repealed, modi-
18 fied or rescinded as the commissioner of agriculture determines in accord-
19 ance with law. Existing contracts made by a state agency transferred to the
20 Department of Agriculture under this section shall continue in full force
21 and effect until amended, repealed, modified or rescinded as the commis-
22 sioner of agriculture determines in accordance with law. Existing contracts
23 made by a state agency transferred to the department under this Act remain
24 in effect according to the terms of the contracts.

25 (g) The powers, duties and functions transferred to the Department of
26 Agriculture under this section are in addition to and not derogated by the
27 powers, duties and functions otherwise vested in the department under this
28 Act.

29 * Sec. 51. AS 03.17.100(2); AS 03.19.070; and AS 44.37.030 are repealed.

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* Sec. 52. This Act takes effect on January 1, 1982.