

CS FOR HOUSE BILL NO. 197()

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JOHNSTON, Johnson, Sullivan-Leonard, Wilson, Kopp

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to the duties of the commissioner of natural resources; relating to
2 agriculture; relating to the noncommercial transfer of seed; and relating to community
3 seed libraries."

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

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

6 (a) The commissioner of natural resources shall

7 (1) direct, administer, and supervise promotional and experimental
8 work, extension services, and agricultural projects for the purpose of promoting and
9 developing **commercial and noncommercial** [THE] agricultural industry **in**
10 [WITHIN] the state, including [SUCH FIELDS AS] horticulture, dairying, cattle
11 raising, fur farming, grain production, vegetable production, and [DEVELOPMENT
12 OF OTHER] agricultural products;

13 (2) procure and preserve all information pertaining to **developing** the
14 [DEVELOPMENT OF THE] agricultural industry **in the state** and disseminate that

1 information to the public;

2 (3) assist prospective settlers and others [DESIRING] to engage in the
3 agricultural industry in the state by providing [WITH] information about
4 [CONCERNING AREAS SUITABLE FOR AGRICULTURE AND OTHER] activities and programs essential to developing the [DEVELOPMENT OF THE]
5 agricultural industry and areas in the state that are suitable for agriculture;

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

10 (5) regulate and control the entry in [INTO] the state and the
11 transportation, sale, or use in [INSIDE] the state of plants, seeds, vegetables, shell
12 eggs, fruits and berries, nursery stock, animal feeds, remedies and mineral
13 supplements, fertilizers, and agricultural chemicals [IN ORDER] to prevent the spread
14 of pests, diseases, or toxic substances injurious to the public interest [,] and [TO]
15 protect the agricultural industry against fraud, deception, and misrepresentation; for
16 purposes of this paragraph, [IN THIS CONNECTION] the commissioner may
17 require registration, inspection, and testing, and may establish procedures and 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) regulate the labeling of seed that does not comply with the
22 requirements of AS 03.20.130 [REPEALED].

23 * Sec. 2. AS 03.05.030 is amended to read:

24 **Sec. 03.05.030. Rules for grading and classification of agricultural**
25 **products. Subject to (b) of this section, the** [THE] commissioner may adopt rules,
26 regulations, and procedures requiring the classification, grading, and inspection of
27 agricultural products before the products are sold or offered for sale for general
28 consumption [BEFORE THEY ARE SOLD], and requiring the marking or labeling of
29 a [ANY] sack, box, carton, or other container of an agricultural product
30 [PRODUCTS] to show the kind, grade, or other prescribed classification of the
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1 container's contents.

2 * **Sec. 3.** AS 03.05.030 is amended by adding a new subsection to read:

3 (b) A rule, regulation, or procedure adopted under (a) of this section does not
4 apply to the noncommercial transfer of seed under AS 03.20.110 or the giving or
5 exchanging of seed through a community seed library under AS 03.20.120(a), unless
6 the seed

7 (1) does not comply with requirements applicable under AS 03.20;

8 (2) contains seed of a patented, protected, or proprietary variety used
9 without permission of the patent or certificate holder of the intellectual property
10 associated with the variety;

11 (3) has been misrepresented as seed classified, graded, or inspected
12 under (a) of this section; or

13 (4) contains prohibited or restricted weed seed or seed from a species
14 the department has determined is noxious.

15 * **Sec. 4.** AS 03.20 is amended by adding new sections to read:

16 **Article 1A. Noncommercial Transfer of Seed and Community Seed Libraries.**

17 **Sec. 03.20.110. Noncommercial transfer of seed.** An individual may give to
18 or exchange with another individual for noncommercial use in the state seed that is
19 otherwise legal to possess in the state.

20 **Sec. 03.20.120. Community seed libraries.** (a) A person may establish a
21 community seed library for individual giving or exchanging of seed that is intended
22 for home, educational, charitable, or noncommercial use in the state and that is
23 harvested from a plant grown

24 (1) outside the state, and imported into the state in compliance with
25 AS 03.05.010(a)(5); or

26 (2) in the state.

27 (b) A person may give seed to or exchange seed with another person through a
28 community seed library established under (a) of this section.

29 (c) Seed given, exchanged, or offered for giving or exchanging under (b) of
30 this section must be

31 (1) packaged either in the original package or repackaged; and

(2) except as provided in (d) of this section, labeled with the following information on each package:

(A) the common name of the plant from which the seed derives;

(B) the name and address of the community seed library;

(C) the statement "Not authorized for commercial use and not classified, graded, or inspected by the State of Alaska"; and

(D) if treated with a toxic substance, the statement "Treated seed--Not for consumption."

(d) A person who is giving, exchanging, or offering a seed package at a community seed library may satisfy the labeling requirement under (c)(2) of this section by displaying a sign near the packaged seed that identifies the seed and clearly states the information required under (c)(2) of this section.

Sec. 03.20.130. Limitations. A person may not give seed to or exchange seed with another person under AS 03.20.110 and 03.20.120 in an amount that, for each person who receives the seed, exceeds 100 pounds.

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 44.37.030(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. 03.20.150. Applicability of other laws. Nothing in AS 03.20.110 - 03.20.150 authorizes a person to

(1) violate 7 U.S.C. 2321 - 2582 (Plant Variety Protection Act of 1970);

(2) give, exchange, or receive a seed

(A) from a plant that is regulated as

(i) a controlled substance under AS 11.71 or a drug under AS 17.20; or

(ii) marijuana under AS 17.38; or

(B) patented under 35 U.S.C. 161 - 164 (Plant Patent Act of 1930);

(3) possess, give, or exchange seed that is considered to be noxious, invasive, or toxic under AS 03.05 or AS 44.37 or a regulation adopted under those chapters.

* **Sec. 5.** AS 03.22.020 is amended to read:

Sec. 03.22.020. Purpose of center. The objectives of the plant materials center, in cooperation with the college or department of the University of Alaska responsible for the Agricultural and Forestry Experiment Station, are to

(1) assemble, evaluate, select, and increase plant materials needed in soil and water conservation, agriculture, and industry, and maintain genetic purity of these materials;

(2) increase promising plant materials for field scale testing;

(3) test the promising materials in field plantings on sites that represent soil and climatic conditions not found at the center;

(4) maintain and provide for increase of basic seed stocks of plant materials for agricultural and conservation interests;

(5) make seed and plant materials available, for a fee if necessary, in such a manner as to avoid monopolistic control of basic stocks of these materials and encourage the development of a seed industry, **noncommercial transfer of seed, and community seed libraries established under AS 03.20.120;**

(6) support but not duplicate activities carried on by state or federally funded research programs in the state;

(7) prepare, publish, and disseminate a summary report on all studies as they are completed.

* **Sec. 6.** AS 44.37.030 is amended to read:

Sec. 44.37.030. Duties of department with respect to agriculture. The Department of Natural Resources shall

(1) **obtain and publish** [GET AND DISTRIBUTE] information **electronically and in print** on subjects connected with agriculture, **including** community seed libraries established under AS 03.20.120:

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

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

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

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

* **Sec. 7.** AS 44.37.030 is amended by adding a new subsection to read:

(b) The Department of Natural Resources may

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

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

(A) information about noncommercial giving or exchanging of seed, including information about community seed libraries established under AS 03.20.120, community seed library locations, community seed library facilitators, and best practices for noncommercial giving or exchanging of seed;

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

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