

HOUSE FINANCE COMMITTEE  
April 3, 2018  
10:05 a.m.

10:05:05 AM

CALL TO ORDER

Co-Chair Foster called the House Finance Committee meeting to order at 10:05 a.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair  
Representative Paul Seaton, Co-Chair  
Representative Les Gara, Vice-Chair  
Representative Jason Grenn  
Representative David Guttenberg  
Representative Scott Kawasaki  
Representative Dan Ortiz  
Representative Lance Pruitt  
Representative Steve Thompson  
Representative Cathy Tilton  
Representative Tammie Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Representative Jennifer Johnston, Sponsor; Elizabeth Rexford, Staff, Representative Jennifer Johnston.

PRESENT VIA TELECONFERENCE

Rob Carter, Manager, Plant Materials Center, Division of Agriculture, Department of Natural Resources; Doug Gardner, Director, Legislative Legal Services.

SUMMARY

HB 41           JOINT PRIME SPONSORSHIP OF BILLS

CSHB 41(FIN) was REPORTED out of committee with a "do pass" recommendation and with one new zero fiscal note from the Legislative Affairs Agency.

HB 197 COMMUNITY SEED LIBRARIES

CSHB 197(FIN) was REPORTED out of committee with a "do pass" recommendation and with one new zero fiscal note from the Department of Natural Resources.

Co-Chair Foster reviewed the meeting schedule.

#hb197

HOUSE BILL NO. 197

"An Act relating to the duties of the commissioner of natural resources; relating to agriculture; and relating to community seed libraries."

10:06:29 AM

REPRESENTATIVE JENNIFER JOHNSTON, SPONSOR, thanked the committee for hearing the bill. She referenced the new committee substitute (CS) [yet to be adopted version M, see below for detail]. She shared that working on the CS had been a collaborative process that had made a good bill even better. She had heard significant support for the passage of the bill from agricultural local gardening communities. The bill would help to legitimize a growing movement in the state to further improve food security and self-sufficiency. She thanked the committee for hearing the bill and asked her staff to provide further detail.

ELIZABETH REXFORD, STAFF, REPRESENTATIVE JENNIFER JOHNSTON, read from a prepared statement:

The newest version of HB 197 reduces labeling and testing regulations for the exchange of small batches of commercial seeds. The bill will permit the Alaskan gardening and farming communities the opportunity to continue expanding seed sharing without breaking the law. We currently have far onerously labeling requirements in Alaska.

The way the statute is currently written, any seed that is used at any capacity within the state has to

go through or should go through the commercial process of extensive testing, germinating percentages, and labeling. The new requirements comparatively would be limited. The new labeling guidelines would require only a few sections: the seed's common name and name and address of the seed library. If treated with a toxic substance the labeling would require the statement "treated seed, not for consumption." As for signage in the library, the seed library would have to display the statement "not authorized for commercial use and not classified, graded, or inspected by the State of Alaska." The new fewer requirements for labeling is far less than the two pages of requirements we currently do have.

As stated previously, Alaska has been experiencing a severe food security challenge. By passage of this bill, our community seed libraries will be able to confidently exist and grow into the future. Please join us in supporting HB 197. Rob Carter whom is the state's plant material center manager is online as our expert. Thank you for taking the time to hear this bill again.

[10:09:09 AM](#)

Co-Chair Foster noted the committee had previously been joined by Representative Ortiz.

Representative Wilson asked for verification the 100-pound limit in the bill meant that a person [could not give or exchange seed] exceeding more than 100 pounds at one time. She asked for verification that it was not an annual limit.

Ms. Rexford answered that a 12-month limitation per person included in a previous bill version had been removed.

Representative Wilson asked if the limit was based on a particular transaction in the current bill.

Ms. Rexford answered in the affirmative.

Co-Chair Seaton referenced language the summary of changes from bill versions A to M, specifying version M had removed the insertion of "commercial and noncommercial." He asked for clarification.

Ms. Rexford answered that the specific language in the summary of changes had been an error.

Representative Guttenberg spoke to the importance of the bill for encouraging gardens and early farmers. He appreciated the sponsor's work on the bill. He explained there was no need to regulate seed libraries "at that level" but they were still subject to regulations regarding noxious weeds and other things. He thought 100-pound per person limit seemed like a substantial amount. He asked for detail. He asked if the limit focused on one specific seed such as grass, alfalfa, hay, or other.

Ms. Rexford answered that the sponsor had considered a few levels and numbers in terms of grams and pounds. She believed the figure had originally been 100 grams, which was far too small for the department to oversee and regulate. The level had been increased to 1 pound, which was also viewed as too low. The department had come up with a number to protect the public and agricultural communities against invasive species and other noxious plants. She discussed how the 100-pound limit had been calculated. It had been suggested by calculating the general broadcasting plant recommendation for the non-commercial planting of a cover crop used to improve soil health or to produce a crop such as oats or barley for 1 acre of feed or forage. In the future there may be several instances where the amount would exceed the 100-pound limitation, in which case, the current testing regulations would be followed.

[10:13:19 AM](#)

Representative Guttenberg opined that a one acre lot bordered on commercial, but he was not certain where the break point occurred. He asked to hear from the Department of Natural Resources (DNR) at what point a low level seed library became commercial (due to size).

ROB CARTER, MANAGER, PLANT MATERIALS CENTER, DIVISION OF AGRICULTURE, DEPARTMENT OF NATURAL RESOURCES (via teleconference), asked for a restatement of the question.

Representative Guttenberg complied. He believed 100 pounds exceeded what he perceived a seed library to be. He viewed seed libraries as local gardeners with vegetable and garden patches. He stated that 100 pounds could be much more if it

was for a family. He asked what a 100-pound limit included that a limit of 25 to 50 pounds could not have done.

Mr. Carter answered that 100 pounds was a general broadcast planting rate for crops such as oats, barley, and wheat that an individual may utilize for a forage crop for their goats, cows, or other livestock. The department believed limitations were necessary to provide protection and ensure it could control the spread of invasive or nonnative species of plants in Alaska. The department wanted to make sure the limitations were high enough for individuals living a subsistence lifestyle who may be raising livestock or producing a forage or feed or improve their soil in remote regions of one acre or more. The department believed 100 pounds met the need and still fell below the threshold required for commercial planters or producers.

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Representative Guttenberg thought the answer made significant sense. He had not previously thought about a local gardener or seed library trying to support goats or dairy. He asked for the coverage of 100 pounds of barley or grass seed. He asked for verification the bill applied to noncommercial farmers only and would not include commercial seed producers.

Mr. Carter replied in the affirmative. For example, the bill would apply to an individual living in Bethel or north of the range along the Yukon River who was required to purchase some seed. He continued that to save on shipping the individual had brought in a couple hundred pounds. The individual had carryover from the previous year from a barley crop they had used to raise livestock for subsistence. The bill would give the individual the right to share the noncommercial seed with the community and nonprofits in order to reap the benefits of a cover crop or the forage produced off a reasonable one acre.

Co-Chair Seaton referenced the summary of changes, which addressed the limitation of 100 pounds for a single transfer. He pointed to labeling requirements on page 4 of the bill pertaining to each person receiving seeds. He wondered if a person could buy four 100-pound sacks on four different days to avoid the 100-pound limitation. Alternatively, he wondered if a person would be limited to buying 100 pounds per year.

Ms. Rexford answered that as the bill currently read, the limit was per transaction.

Co-Chair Seaton asked for the location of the provision in the bill. He looked at the requirement on page 4 of the bill that read "a person may not give seed 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." He asked if the limit was per transaction or per person.

[10:19:50 AM](#)

Mr. Carter viewed the limit as applying to the person receiving the seed. For example, it was more efficient to buy cereal grain in bulk. He provided a hypothetical example of an individual on the peninsula who chose to purchase a super sack (1,800 to 2,000 pounds of seed) to be used as forage on their property. If a person used 1,000 pounds of the seed and wanted to donate the remainder across the community, to a seed library, or to a nonprofit, they would be limited to giving out 100 pounds of the seed per person.

Co-Chair Seaton asked if the sponsor saw a transaction limitation any differently.

Representative Johnston answered they had contemplated various limits. She believed the current language was the best it could be without limiting too much, while maintaining some kind of protection.

Co-Chair Seaton clarified for the record that the limit was per person.

Co-Chair Foster noted the committee had been joined by Representative Grenn earlier.

Co-Chair Seaton MOVED to ADOPT the proposed committee substitute for CSHB 197(FIN), Work Draft 30-LS0493\M (Wayne, 3/7/18).

There being NO OBJECTION, it was so ordered.

Vice-Chair Gara reviewed the zero fiscal note from the Department of Natural Resources.

Co-Chair Seaton MOVED to REPORT CSHB 197(FIN) out of committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CSHB 197(FIN) was REPORTED out of committee with a "do pass" recommendation and with one new zero fiscal note from the Department of Natural Resources.

[10:23:57 AM](#)

AT EASE

[10:25:25 AM](#)

RECONVENED

#hb41

HOUSE BILL NO. 41

"An Act relating to joint prime sponsorship of bills."

[10:25:36 AM](#)

REPRESENTATIVE LES GARA, SPONSOR, introduced the legislation. He explained that over the years the legislature had allowed legislators to become joint prime sponsors of legislation. The old rule only allowed legislators to become joint prime sponsors in the first five days of session. He discussed that some of the best relationships he had built in the building were with members across the aisle working as joint sponsors on legislation. The bill would reinstitute the practice of allowing joint sponsors on legislation and would allow it to happen any time during the year. He believed working across party lines was good - it built relationships and trust. He thought it was what the public expected. He believed it was better for a group of people, especially people across party lines, to stand together on an issue. He recalled working as a joint prime sponsor with the former mayor of Fairbanks [Representative Steve Thompson] and the former House Finance Committee co-chair from Haines [Representative Bill Thomas] and a number of other individuals.

Vice-Chair Gara elaborated that based on his experience as a former Minority member, Minority bills move through the legislative process more slowly. He believed co-sponsorship across party lines helped solve the problem. He stated the

bill was simple and followed the current legislative Uniform Rules. He explained that changing the Uniform Rules required a two-thirds vote, which he did not want to do. He explained that the bill would allow a group of legislators to agree to be joint prime sponsors. There would be one or two lead legislators sponsoring the bill. He elaborated that a legislator could always remove their name from a bill at any time it was in the house they belonged to. He had asked Doug Gardner, director of Legislative Legal Services if he could remember a case where someone had objected to another legislator removing their own name off a bill. As far as Mr. Gardner could recall, it had never happened. He acknowledged it was a possibility and a legislator would know that when they signed on. In that circumstance, he reasoned he would tell his constituents he no longer supported a piece legislation and would try to take his name off as soon as possible.

Vice-Chair Gara summarized that the bill would get people to work together and especially encouraged newer, younger legislators to build relationships. He thought the bill was a small thing that was beneficial for the legislative process.

[10:29:53 AM](#)

Co-Chair Seaton asked if one of six or so co-prime sponsors would be allowed to offer an amendment in committee. He asked if all co-prime sponsors would have equal ownership of the legislation. He noted that co-sponsors were different than the owner of the bill.

Vice-Chair Gara believed the co-prime sponsors would have to come up with an agreement at the start of a piece of legislation. In the past, when he had been the lead co-prime sponsor, people had given him the discretion to make those calls and he had brought issues back to the other sponsors for them to decide whether they were amenable to the change. A group of sponsors could also agree in advance whether to accept any amendments or a co-prime sponsor would have to say in front of a committee they did not know whether the other co-prime sponsors accepted the amendment. He reasoned that when considering legislation, it was a committee's purview to decide whether or not to amend a bill. He noted he had never had the problem. In his experience, they had always trusted the lead prime sponsor to report back to other sponsors to determine whether the

change was acceptable or if they should try to reverse it. He believed it was necessary to have an understanding between prime sponsors at the start of a piece of legislation.

Co-Chair Seaton thought it was beneficial to put any potential pitfalls on the record during committee discussion. He noted that it was easy for a legislator to take their name off a piece of legislation as a co-sponsor, which included submitting a green slip or telling the clerks. He asked if the process would be the same for prime sponsors. Alternatively, he asked if a legislator had to stand on the [House or Senate] floor to make the request, which was typically the process when requesting to change the sponsor.

10:33:08 AM

Vice-Chair Gara replied it was a good question. He referenced the late date and explained that he would support changing the Uniform Rules if he believed it could be done. The bill followed the current Uniform Rules requirement for a person to stand up [on the House or Senate floor] to request unanimous consent for the removal of their name from the bill. No one could recall that a person had ever objected to the removal of a name. He reiterated his earlier testimony that a person would enter into a co-prime sponsorship with the knowledge that it was a remote possibility.

Representative Thompson recalled when he had first become a legislator there had been a yellow sheet that members could fill out to become a co-prime sponsor, but the first prime sponsor had to agree to add any co-prime sponsors. He thought there had been a deadline one to two weeks after the start of session to sign on as a co-prime sponsor on a bill. He asked if that was the case under the bill as well.

Vice-Chair Gara replied that all prime sponsors had to agree to the other prime sponsors, which had never been a problem. In the past, it had only been possible to sign on as a co-prime sponsor within the first five days of the first year of a two-year legislative session. He thought the option should be available all year. He believed working together should occur all year and should not be limited to the first five days of session.

Representative Thompson agreed.

Representative Guttenberg would much prefer to have someone help him with a bill whether they were prime or co-prime sponsors, instead of a person merely adding their name as a co-sponsor. He did not object to the bill. He spoke to the preference for having legislators sign on who actively advocate for the legislation. He did not necessarily believe a person had to be on the co-prime or prime sponsor list to take that action. He noted that he had worked significantly with the sponsor of the previous bill and had become a co-sponsor earlier in the day. He spoke to the importance of getting things done as opposed to merely putting someone's name on a bill. He understood it was important for some people and the dynamics for everyone in the building were different. He thought it was possible to bring a group of people together who did not feel it was important to have their name on the legislation. He observed the dynamics differed by person, bill, and party. He noted that some issues had no party or regional lines, which worked very well. He imagined the co-prime sponsorship option was the best thing. He added the dynamics in the building took wild swings.

[10:38:14 AM](#)

Representative Tilton asked how far along in the process a co-prime sponsor could be added.

Vice-Chair Gara answered upon introduction of the bill. He elaborated there would be agreement prior to the introduction of a bill. He understood Representative Guttenberg's point and explained his preference to have co-prime sponsors who would contribute work to the bill. Additionally, if someone who wanted to co-prime had a good relationship with a legislator the prime sponsor did not, the co-prime sponsor could inform the person about the merits of the bill. He agreed with Representative Guttenberg about his preference to have co-prime sponsors who would work on the bill and help it along. He surmised that four people could do more work than one person. He believed it was nice to have ownership over a passed bill after two years of hard work.

Representative Pruitt referenced language in Section 3 of the bill specifying that a bill could only be withdrawn with the agreement of all joint prime sponsors and in the

manner prescribed in the Uniform Rules. He asked how the process would work. He wondered if a prime sponsor would make the motion to withdraw the bill on the floor or if co-prime sponsor signatures would need to be gathered prior to moving to withdraw the bill.

Vice-Chair Gara answered that a person would stand up on the floor and ask for unanimous consent to withdraw the bill; if there were no objections, a co-prime sponsor's name would be removed. He referenced the last provision in the bill [Section 3 cited by Representative Pruitt] regarding an agreement of all joint prime sponsors and deferred to Legislative Legal Services. He was amenable to removing the sentence requiring agreement of all joint prime sponsors to withdraw the bill if it did not require a Uniform Rules change. He did not want a bill that would require a two-thirds vote in both bodies.

DOUG GARDNER, DIRECTOR, LEGISLATIVE LEGAL SERVICES (via teleconference), referenced the conversation about the prior prime sponsorship for pre-filed bills that ended in the 29th Legislature. One of the concerns at the time had been about who had the authority to withdraw a bill. In response to the concern, the dilemma had been resolved in the current bill by requiring all joint prime sponsors to agree to the bill's withdrawal. In other words, everyone sponsoring the bill would be treated the same. Currently, only the sponsor of a bill had the authority to withdraw a bill. He believed the provision was a logical extension of the rule.

[10:43:57 AM](#)

Vice-Chair Gara had misread the last sentence and believed the sentence made sense. He explained that if a person wanted to remove their name from a bill they could stand on the floor and make the request. Historically, there had been no objections. The second part of the sentence pertained to withdrawing a bill. He provided a scenario where a bill had four prime sponsors who supported it and one who no longer supported it. He explained that the person could decide to take their name off the bill. He did not want to prevent the remaining sponsors from trying to move the bill forward.

Representative Pruitt believed there needed to be approval of all the joint sponsors. He was trying to determine the

logistics of the process. He used a scenario with two co-prime sponsors who had a disagreement on the bill. He elaborated that one sponsor wanted to withdraw the bill, but the other did not. He contemplated what would take place if the member who supported the legislation was absent and the other member made a motion to withdraw the bill. He asked how there would be confirmation of agreement between all co-prime sponsors. He recalled there had been problems with the issue in the past, which had resulted in the elimination of the process.

Mr. Gardner mentioned statute, floor practice, and precedent developed by the bodies. He likened the situation to a scenario where a bill was being waived from committee with the agreement of all committee members. He believed legislators were honorable on the floor and that individuals would communicate whether an agreement had been made. He referenced the scenario provided by Representative Pruitt where there were two co-prime sponsors of a bill. He believed one of the sponsors could stand up on the floor and relay that they had spoken to the other sponsor and they both agreed the bill should be withdrawn. He believed it was probably the same type of practice. If there was a dispute, the member who wanted the bill withdrawn could chose to remove their name from the legislation.

Representative Pruitt asked if waiving a bill from committee was practice or fell under Uniform Rules.

Mr. Gardner answered under Uniform Rules, the House Speaker or Senate President had to provide one committee of referral. The practice of waiving from committee allowed the speaker and president to satisfy that requirement. He believed it was a practice issue, where for efficiency, a bill could be waived at the end of session if a companion bill had been heard or if people wanted to move it to the floor. He concluded waiving a bill from committee was rule-based but was mostly a practice that had evolved in the legislature to move bills.

[10:48:19 AM](#)

Representative Wilson MOVED conceptual Amendment 1 to delete Section 1, lines 3 through 5:

Section 1. The uncodified law of the State of Alaska is amended by adding a new section to read:

SHORT TITLE. This Act may be known as the Bipartisan Cooperation Act.

Representative Wilson wanted to ensure independents were counted. She believed including the word "bipartisan" made the legislation more partisan.

Representative Thompson asked Representative Wilson to repeat the amendment.

Representative Wilson complied.

There being NO OBJECTION, conceptual Amendment 1 was ADOPTED.

Representative Wilson MOVED to ADOPT conceptual Amendment 2 on page 1, lines 13 and 14 to delete the words "up to four joint prime sponsors." She believed the number of individuals allowed to sign on to a piece of legislation should not be limited to four.

Vice-Chair Gara was agreeable to the amendment and understood Representative Wilson's point. He posed a question about whether eight [joint prime sponsors] became unwieldy. He reasoned the group of individuals could decide how big or small they wanted to be.

There being NO OBJECTION, conceptual Amendment 2 was ADOPTED.

[10:50:12 AM](#)

Co-Chair Seaton pointed to the following language on line 15, page 1 through line 1, page 2: "All joint prime sponsors must agree to allow additional joint prime sponsors." He referenced an earlier statement that members could only sign on as joint prime sponsors at the introduction of a bill. He thought the language allowed joint prime sponsors to be added to a bill throughout the process. He asked Mr. Gardner for clarification.

Mr. Gardner believed the sponsor [of HB 41] should be asked about his intent. He added that AS 24.08.060, which would be amended by the addition of subsection (c) applied to the introduction of bills. In the past, prime sponsorship had been done in the pre-file process. Once the bill had been

introduced people could become co-sponsors. He believed the subsection was about the introduction of bills, not about later on in the process. He reiterated his belief that the sponsor should put his intent on the record.

Co-Chair Seaton wanted to receive something in writing from Legislative Legal Services about their interpretation of the provision. He also wanted to hear from the sponsor.

Vice-Chair Gara replied that the issue had been closely considered to ensure joint prime sponsors could only sign onto legislation upon introduction. He noted there were only two remaining sections in the bill. The first section specified a group of members may introduce a bill or resolution (for the introduction). For clarity, the same language had been added in Section 3, which specified a bill may be introduced by a group of members. He explained the bill clearly applied only to the introduction of legislation.

[10:54:22 AM](#)

Co-Chair Seaton wanted to ensure it was clear on the record that the bill only applied to the introduction of legislation. He reasoned that when a bill had not been introduced there would be no co-prime sponsors at that time. He referred to the bill's language that all joint prime sponsors must agree to allow additional joint prime sponsors, which he believed indicated additional joint prime sponsors could be added. He wanted it to be clear that additional prime sponsors could not be added. He believed no one was a co-prime sponsor until after a bill was introduced. He explained a bill did not exist until it had been introduced. He asked if a change to the formatting was needed.

Mr. Gardner replied that the bill addressed introduction of bills only and addressed a group of people working together on a bill. He did not believe the bill language needed further clarification. He stated that if a person wanted to be added after the introductory period, they would be added as co-sponsors, not prime sponsors. Prime sponsors could not be added under the specific statute after a bill had been introduced. One of the issues the bill resolved, was how Legislative Legal Services dealt with additional names being added to the bill. The statute specified that if an individual wanted to be a co-prime sponsor that other prime

sponsors all had to agree. He explained it removed Legislative Legal Services from getting involved in the process. The issue would be up to prime sponsors to sort out. He underscored that the bill applied to an introduction statute, not an add-on-later statute. Based on the way the statute was drafted, Legislative Legal Services would not add co-primes after the introduction of a bill. He believed the statute was fairly clear.

Co-Chair Seaton wanted to make sure it was clear on the record. He appreciated the explanation.

[10:58:17 AM](#)

Representative Wilson asked for verification that the provision requiring all joint prime sponsors to agree to allow additional joint prime sponsors only pertained to the introduction portion of a bill. She surmised someone could not be added as a joint prime sponsor later on.

Mr. Gardner agreed. He detailed HB 41 pertained only to the introduction process, and not to the period after a piece of legislation had been introduced. After the introduction period any individuals added to a bill would be co-sponsors.

Co-Chair Foster OPENED and CLOSED public testimony.

Co-Chair Seaton MOVED to REPORT CSHB 41(FIN) out of committee with individual recommendations and the accompanying fiscal note.

CSHB 41(FIN) was REPORTED out of committee with a "do pass" recommendation and with one new zero fiscal note from the Legislative Affairs Agency.

Co-Chair Foster reviewed the schedule for the following meeting.

#  
ADJOURNMENT

[11:01:16 AM](#)

The meeting was adjourned at 11:01 a.m.