

HB

197

<TARGET><BILL>HB 197</BILL><SUBJECT>HB
197</SUBJECT><COMM>SRES30</COMM></TARGET>



Representative Jennifer Johnston Sponsor Statement

House Bill 197 "An Act Relating to Community Seed Libraries"

House Bill 197 expands the duties of the Commissioner of Natural Resources to administer and promote the creation of community seed libraries. Community seed libraries could be a place where Alaskans can exchange or share regionally-adapted seeds harvested from a plant grown in this state as an alternative to genetically modified, commercial seeds.

By reducing cumbersome labeling and testing regulations for small batches of noncommercial seeds, Alaskans will be able to increase biodiversity and plant resilience in their home and community gardens. HB 197 encourages the Department of Natural Resources to create a website that shows best practices of seed sharing as it is regulated by state and federal law. Additionally, this website would include a registration form which would allow the department to track and publicly promote library locations statewide.

Food security is a major challenge facing Alaskans. Currently, residents spend \$1.9 billion each year buying food produced outside of the state. Community seed libraries encourage self-sufficiency, and help preserve agricultural knowledge. Seed sharing contributes significant value to the health of communities. Each library is a resource for the community as a whole, and an opportunity to connect people with their food systems.

Minnesota, Nebraska, Illinois, and California have all passed legislation establishing seed libraries. Since introduction, these programs have grown with popularity. Nebraska has successfully used seed libraries to help meet the needs of low-income families and give them the tools to create home gardens and expand whole-food nutrition awareness.

Now that I've planted the seed, please join me in supporting HB 197.

SENATE COMMITTEE REPORT

DATE: 4/10/18

FURTHER: Rules
 DATE TURNED IN TO OFFICE: 4/17/18

Resources Committee considered CS FOR HOUSE BILL NO. 197(FIN)

HB 197 COMMUNITY SEED LIBRARIES; AGRICULTURE

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

and recommends:

- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DNR			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wielechowski			✓	
	Bishop	✓			
	Coghill	✓			
	Stedman				✓
	Meyer	✓			
CHAIR:	Giessel	✓			

**Representative
Jennifer Johnston**



Session:
Alaska State Capitol
Juneau, AK 99801
465-4949

MEMORANDUM

Date: 10 April 2018

To: Sen. Cathy Geissel, Chair

From: Rep. Jennifer Johnston

RE: **Hearing Request** JJ

Dear Chairwoman:

I am requesting a committee hearing of HB 197 in the Senate Resources Committee. Attached is a bill packet that contains the following:

- 1) HB197 Hearing Request
- 2) HB197 Sponsor Statement
- 3) HB197 Sectional Analysis
- 4) HB197 ver L
- 5) HB197 Fiscal Note-DNR-PMC-02-16-18
- 6) HB197 Summary of Changes ver A to ver L
- 7) HB197 Supporting Document – Letter 4.2.2018
- 8) HB197 Supporting Document – Letter 4.28.2017
- 9) HB197 Supporting Document – Article Seed Bill 12.16.2014
- 10) HB197 Supporting Document – Letter 4.9.2018

Please contact my staff Elizabeth Rexford at 465-6820 or Elizabeth.Rexford@akleg.gov with any additional questions you may have.



Representative Jennifer Johnston Sectional Analysis House Bill 197

This sectional is only a summary of the bill and should not be treated as a substitute for the bill.

Section 1: Amends the duties of the Commissioner of Natural Resources to include development and regulation of noncommercial seed use in community seed libraries.

Section 2&3: Adds subsection (b) to AS 03.05.030 to allow an exemption for seed libraries from regulations governing commercial seeds as long as they comply with AS 03.20.110 and do not violate regulations that pertain to patented use without permission, be misrepresented in classification or be prohibited by the department as a noxious (harmful) seed.

Section 4: Adds new sections 03.20.110, 03.20.120, 03.20.130, 03.20.140 and 03.20.150 providing guidelines for seed libraries; a person can establish a community seed library, packaging must be labeled with the common name of plant and name and address of the seed library. The seed library must display a sign that states "Not authorized for commercial use and not classified, graded, or inspected by the State of Alaska." If a seed is treated with a toxic substance, it must be labeled as so. The maximum transfer of seed cannot exceed 100 pounds per recipient, and if it does then it is subject to additional seed regulations within the Department. This section also directs the department to create a seed register for publication online. Nothing in these sections authorizes exchange, distribute or receive seeds that are considered a controlled substance under AS 11.71, a drug under AS 17.20, marijuana under AS 17.38, and a seed that is considered to be noxious, invasive or toxic.

Section 5: Change to include language about community seed libraries to statute regulating plant materials centers already in existence within the University of Alaska system.

Section 6: Amends AS 44.37.0303 to include community seed libraries in the information that the department must publish online and in print.

Section 7: Amended to include a subsection that allows the Department of Natural Resources to advise people interested in starting a community seed library on best practices and to submit information about their library without a fee.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version:	CSHB 197(FIN)
Fiscal Note Number:	2
(H) Publish Date:	4/4/2018

Identifier: HB197CS(RES)-DNR-PMC-02-16-18
 Title: COMMUNITY SEED LIBRARIES
 Sponsor: JOHNSTON
 Requester: House Finance

Department: Department of Natural Resources
 Appropriation: Agriculture
 Allocation: North Latitude Plant Material Center
 OMB Component Number: 2204

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Updated on SLA 2018 form.

Prepared By: Arthur Keyes, Director
 Division: Division of Agriculture
 Approved By: Andrew T. Mack, Commissioner
 Agency: Department of Natural Resources

Phone: (907)745-7200
 Date: 02/16/2018 09:00 AM
 Date: 02/16/18

REPORTED OUT OF
HFC 04/03/2018

Control Code: bFvrd

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

Analysis

This legislation relates to the duties of the commissioner of natural resources, agriculture, and community seed libraries. While the legislation clarifies some existing statutes, and creates an explicit authorization for community seed libraries, any fiscal impact on the department will be minimal and can be absorbed with existing resources.



HB 197 Summary of Changes Ver. A to Ver. L

The word personal is removed from the bill when referencing “personal noncommercial” areas, such as noncommercial transfer of seed, noncommercial agriculture, etc. This change leaves the smaller-level gardener out of the bill, and instead focuses on seed libraries.

Page 2, line 22: inserted “regulate the labeling of seed that does not comply with the requirements of AS 03.02.130” – this requires anything over the weight limitation of 100 pounds for a single transfer to follow labeling requirements as determined by the department.

Page 3, lines 17-18: “individual” changed to “person” to align with the rest of the document.

Page 4, line 13: inserted language allowing the seed library to display a sign instead of requiring labeling on all individual packages that state “Not authorized for commercial use and not classified, graded, or inspected by the State of Alaska.”

Page 5, line 20-21: inserted a new subsection (8) to correct grammar under subsection (5).

Section 4 includes the following changes:

Sec. 03.20.110 Allows for Noncommercial Transfer of seeds. The language outlining a maximum quantity allowed to be disbursed within a 12-month time period to an individual was removed.

Sec. 03.20.120 Allows for the use of seeds from a plant grown outside and imported into the state in a seed library as long as they are compliance with 03.05.010 (a)(5).

Sec. 03.20.130 The maximum allowed weight of seed sharing is increased to 100 pounds for each exchange. If the exchange is greater than 100 pounds, the department has the authority to regulate the labeling of seed.

Sec.03.20.150 adds Subsection A (i) and (ii) which states that no person is authorized to exchange or distribute seeds or plants regulated as a controlled substance under AS.11.71 and AS 17. 20 or marijuana under AS 17. 38.



CENTRAL PENINSULA GARDEN CLUB

PO Box 767, Kenai, AK 99611
www.cenpengardenclub.org

April 2, 2018

Office of Representative Johnston
House District 28
120 E. 4th Street, Rm. 430
Juneau, AK 99801

Ph: 907-465-6820

Email: Elizabeth.Rexford@akleg.gov

Re: Support for House Bill 197

Dear Representative Johnston,

This letter is to communicate the Central Peninsula Garden Club's support for HB 197.

Started in 2007, the Central Peninsula Garden Club is a volunteer, nonprofit 501(c)3 organization. We currently have over 200 members.

We sponsor monthly programs, September through April, which are free and open to the public. In addition to these programs, we also have a monthly newsletter, bonus presentations, gardening workshops, and summer garden tours.

The CPGC's mission is "to educate and exchange reliable information about all aspects of gardening on the Kenai Peninsula, Alaska." We support this legislation to have seed libraries in Alaska where we can exchange seeds, as well.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Renae Wall".

Renae Wall, President
Central Peninsula Garden Club
cenpengardenclub@gmail.com

From: Jan Flora
Sent: Friday, April 28, 2017 1:47 PM
To: Thatcher Brouwer <Thatcher.Brouwer@akleg.gov>
Cc
Subject: HB197

To the House Resources Committee:

I support HB197, Community Seed Libraries.

Alaska is very food insecure despite 43 farmers markets around the state and Alaska Grown produce in our grocery stores. I think this bill will help us improve food security and build community resilience by making locally adapted and heirloom seed more available to home gardeners.

Small agriculture is booming all over the state. We have over 200 high tunnel greenhouses in Homer, Alaska - the most in any zip code in the United States. Most of them are being used by families to grow their own vegetables, bush fruits and tree fruits. Seed saving and seed swapping is very common among our growers. There's a family in Ninilchik that has been saving the seed that their ancestor brought over from Russia 160 years ago. They've continued to grow the crops every year and save the earliest and the best seed to keep their ancestral varieties going. A new farmer here started growing Winter Luxury pumpkins four years ago. That's a 105 day crop. By saving seed from her earliest and best pumpkins, she now gets her first ripe pumpkins in 84 days, which is a stunning adaptation to her soil and climate.

A community seed library in Homer would increase availability and enable us to encourage and educate new seed savers. The Homer Public Library kept one of their oak card catalogs to be used by a seed library. They have offered to house a seed library, as has the Homer Soil & Water Conservation District. We are excited about the possibilities.

The prime sponsor of the bill and your committee have been very receptive to feedback from agrarians in shaping the bill. Your hard work is commendable and appreciated. If I'm allowed, I'd love to invite members of your committee to sign on as co-sponsors of this bill.

Thank you,

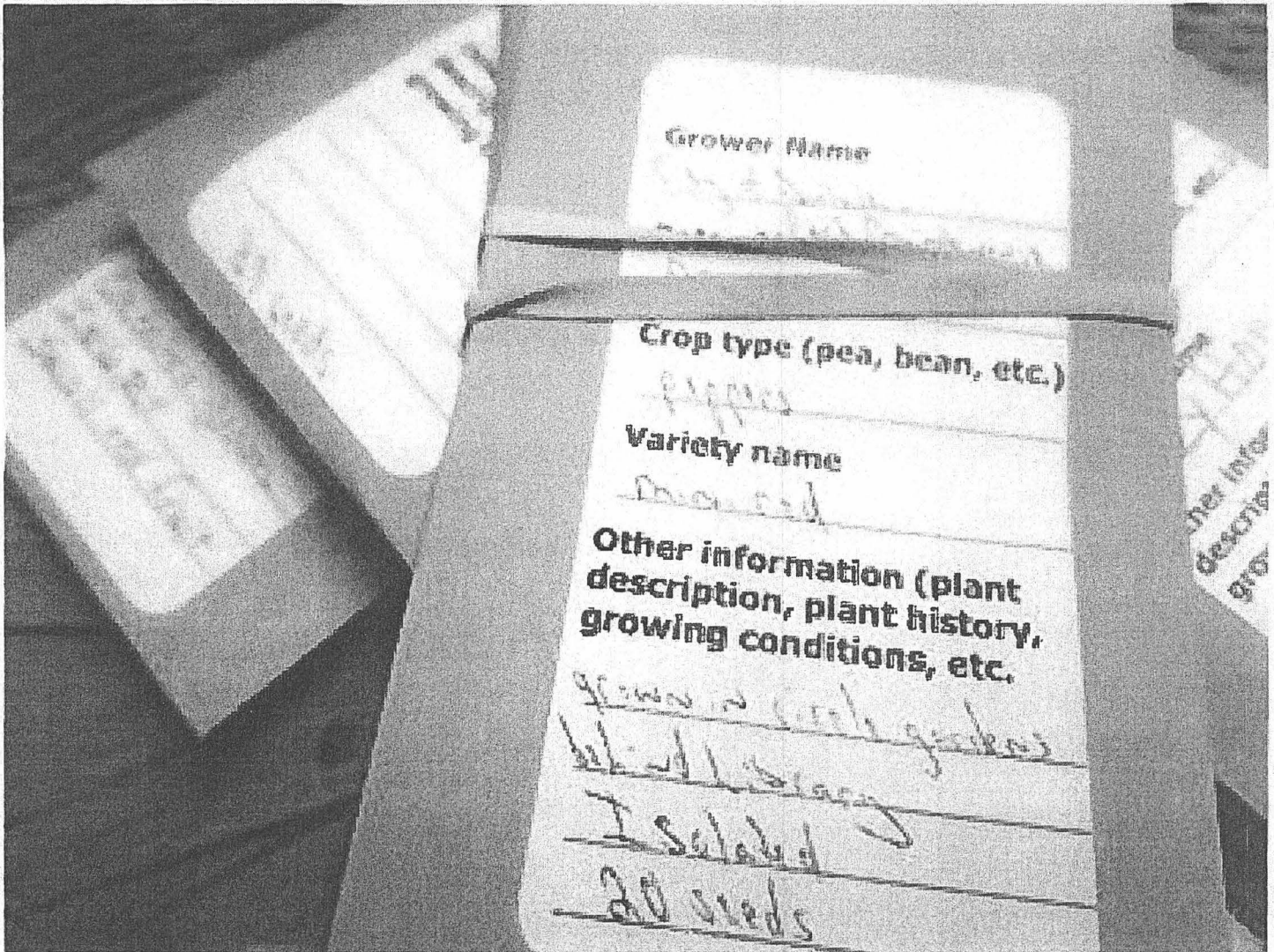
Jan Flora
Homer, Alaska

"Civilization exists because of six inches of topsoil and the fact that it rains."
- author unknown

Duluth council calls for free seed exchanges

Dan Kraker · Duluth, Minn. · Dec 16, 2014

Politics



Seed packet at the library Dan Kraker / MPR News, file

The Duluth City Council has passed a resolution asking the Legislature to change Minnesota's "seed law" to allow for the free exchange of seeds.

This fall, the state Department of Agriculture told the Duluth Public Library its seed sharing program violates the law, which requires seeds to be tested and labeled before they are sold or given away.

When the Legislature convenes in January, State Sen. Roger Reinert, DFL-Duluth, plans to propose an amendment to the law that would exempt seed libraries and seed sharing from its requirements for testing and labeling if there is no exchange of money.

"When money changes hands," Reinert said, "then the seed law will apply in full force."

• **Previous: [Library's seed sharing program hits a hurdle](#)**

(<http://www.mprnews.org/story/2014/11/30/duluth-librarys-seed-sharing-program-hits-a-hurdle>)

The library allows members to borrow vegetable seeds in the spring and later return seeds they collect from their gardens. One of about 300 seed libraries nationwide. It attracted 200 members who borrowed 800 packets of seeds in its first year.

Duluth biology teacher Michael Gabler told the City Council that sharing seeds is especially important in Duluth's climate.

"You keep the ones that produce really well, and you end up with plants that are hardy to our region," Gabler said. "This is just what people have been doing for thousands and thousands of years."

The council unanimously passed the resolution, co-sponsored by council members Joel Sipress, Emily Larson and Sharla Gardner.

"I don't think anybody ever could have imagined that this law was written in such a way to treat the voluntary exchange of seeds with your neighbor, just like you're a big agribusiness concern selling seeds commercially to farmers," Sipress said.

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Broadcast dates

MPR News Update

2:58 PM · Dec 16, 2014

About the author



Dan Kraker • Reporter

dkraker@mpr.org • [@dankraker](#)

Dan Kraker is based in Duluth, Minn.



ALASKA FARM BUREAU, INC.

Bryce Wrigley, President
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Amy Seitz, Executive Director
amy.seitz@gmail.com

April 9, 2018

Representative Johnston
State Capitol, room 430
Juneau, AK 99801

Re: support for HB 197 COMMUNITY SEED LIBRARIES

Dear Representative Johnston:


Food security in Alaska is a topic of discussion receiving increased interest. Importing roughly 95% of the food we eat, Alaska is vulnerable to any interruptions in the supply chain.

Increasing agriculture production in the state is a key part of building food security, as is increasing how much a person can provide for themselves and their families. Along with growth in agriculture businesses, we're seeing a growth in personal and community gardens that help families provide for themselves.

Through growers saving the earliest and best seeds, there are efforts to keep production of plants that are more acclimated to Alaska's climate. Allowing exchange of these non-patented seeds for non-commercial use will help Alaskan's be more food secure.

The Alaska Farm Bureau thanks you for your efforts with HB 197 to ease restrictions for seed exchanges and allow Community Seed Libraries in the state.

Respectfully,



Amy Seitz, Executive Director
Alaska Farm Bureau, Inc.