

HOUSE BILL NO. 197

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOHNSTON

Introduced: 3/24/17

Referred:

A BILL

FOR AN ACT ENTITLED

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

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

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

5 (a) The commissioner of natural resources shall

6 (1) direct, administer, and supervise promotional and experimental
7 work, extension services, and agricultural projects for the purpose of promoting and
8 developing commercial and noncommercial [THE] agricultural industry and
9 production in [WITHIN] the state, including community seed libraries under
10 AS 03.20.110 and [SUCH FIELDS AS] horticulture, dairying, cattle raising, fur
11 farming, grain production, vegetable production, and [DEVELOPMENT OF OTHER]
12 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]
5 activities and programs essential to **developing** the [DEVELOPMENT OF THE]
6 agricultural industry **and areas** in the state **that are suitable for agriculture**;

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

11 (5) **adopt regulations, including requirements, procedures, and**
12 **fees for registering, inspecting, and testing** [REGULATE AND CONTROL THE
13 ENTRY INTO THE STATE AND THE TRANSPORTATION, SALE, OR USE
14 INSIDE THE STATE OF] plants, seeds, vegetables, shell eggs, fruits and berries,
15 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
16 agricultural chemicals, **and for regulating and controlling the entry into the state**
17 **and the transportation, sale, or use in the state of plants, seeds, vegetables, shell**
18 **eggs, fruits and berries, nursery stock, animal feeds, remedies and mineral**
19 **supplements, fertilizers, and agricultural chemicals**, [IN ORDER] to prevent the
20 spread of pests, diseases, or toxic substances injurious to the public interest [,] and
21 [TO] protect the agricultural industry against fraud, deception, and misrepresentation;
22 [IN THIS CONNECTION THE COMMISSIONER MAY REQUIRE
23 REGISTRATION, INSPECTION, AND TESTING, AND ESTABLISH
24 PROCEDURES AND FEES;]

25 (6) regulate the farming of elk in a manner similar to the manner in
26 which the commissioner regulates domestic animals and livestock, to the extent that is
27 appropriate;

28 (7) **subject to AS 03.20.110, regulate community seed libraries**
29 [REPEALED].

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

31 **Sec. 03.05.030. Rules for grading and classification of agricultural**

1 **products. Subject to (b) of this section, the** [THE] commissioner may adopt rules,
 2 regulations, and procedures requiring the classification, grading, and inspection of
 3 agricultural products **before they are** sold or offered for sale for general consumption
 4 [BEFORE THEY ARE SOLD], and requiring the marking or labeling of **a** [ANY]
 5 sack, box, carton, or other container of **an** agricultural **product** [PRODUCTS] to show
 6 the kind, grade, or other prescribed classification of the **container's** contents.

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

8 (b) A rule, regulation, or procedure adopted under (a) of this section does not
 9 apply to giving or exchanging seed through a community seed library under
 10 AS 03.20.110(a), unless the seed

11 (1) does not comply with the requirements of AS 03.20.110;

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

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

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

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

20 **Article 1A. Community Seed Libraries.**

21 **Sec. 03.20.110. Community seed libraries.** (a) A person may establish a
 22 community seed library for individual giving or exchange of seed that is harvested
 23 from a plant grown in the state and is untreated with a substance toxic to humans,
 24 animals, or pollinating insects, for home, educational, charitable, or personal
 25 noncommercial use in the state.

26 (b) A person in the state may give or exchange seed under (a) of this section to
 27 another person in the state through a community seed library in a quantity that, for
 28 each person who receives the seed, may not exceed 100 grams of one variety in a
 29 period of 12 consecutive months.

30 (c) Seed given, exchanged, or offered for giving or exchange under (b) of this
 31 section must be packaged for sale and labeled with

- 1 (1) the seed's species and variety;
- 2 (2) the seller's name and address;
- 3 (3) the year the seed was packaged for sale;
- 4 (4) the weight of the packaged contents; and
- 5 (5) the statement "Not authorized for commercial use and not
- 6 classified, graded, or inspected by the State of Alaska."

7 (d) Nothing in this section authorizes a person to

- 8 (1) violate 7 U.S.C. 57 (Plant Variety Protection Act of 1970);
- 9 (2) exchange, distribute, or receive a seed patented under 35 U.S.C. 15
- 10 (Plant Patent Act of 1930).

11 (e) In this section, "exchange" means buy, sell, or barter.

12 **Sec. 03.20.120. Online notice of seed available for noncommercial sharing.**

13 A person involved in noncommercial sharing of seed may register online with the
 14 department under AS 44.37.030(7) and submit to the department information,
 15 including the person's name, telephone number, and electronic mail address, and the
 16 location where the person shares seed, for publication on the department's Internet
 17 website.

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

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

- 22 (1) assemble, evaluate, select, and increase plant materials needed in
- 23 soil and water conservation, agriculture, and industry, and maintain genetic purity of
- 24 these materials;
- 25 (2) increase promising plant materials for field scale testing;
- 26 (3) test the promising materials in field plantings on sites that represent
- 27 soil and climatic conditions not found at the center;
- 28 (4) maintain and provide for increase of basic seed stocks of plant
- 29 materials for agricultural and conservation interests;
- 30 (5) make seed and plant materials available, for a fee if necessary, in
- 31 such a manner as to avoid monopolistic control of basic stocks of these materials and

1 encourage the development of a seed industry **and community seed libraries under**
 2 **AS 03.20.110**;

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

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

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

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

10 (1) **obtain and publish** [GET AND DISTRIBUTE] information
 11 **electronically and in print** on subjects connected with agriculture, **including**
 12 **community seed libraries under AS 03.20.110**;

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

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

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

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

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

22 (b) The Department of Natural Resources may

23 (1) advise persons who establish or operate a community seed library
 24 under AS 03.20.110; and

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

27 (A) information about noncommercial sharing of seed,
 28 including information about community seed libraries under AS 03.20.110,
 29 seed library locations, seed library facilitators, and best practices for
 30 noncommercial sharing of seed;

31 (B) an online registration form for a person involved in

1 noncommercial sharing of seed to submit to the department for publication,
2 without a fee, information under AS 03.20.120;
3 (C) information provided for publication under (B) of this
4 paragraph.