

HOUSE BILL NO. 70

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GATTO, Ramras, Guttenberg

Introduced: 1/20/09

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the farm-to-school program in the Department of Natural
2 Resources, the Alaska grown fresh fruit and vegetable grant program in the Department
3 of Education and Early Development, the farmers' market technology improvement
4 pilot program in the Department of Environmental Conservation, and the farmers to
5 food banks pilot program in the Department of Commerce, Community, and Economic
6 Development."

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

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

9 (a) The commissioner of natural resources shall

10 (1) direct, administer, and supervise promotional and experimental
11 work, extension services, and agricultural projects for the purpose of promoting and
12 developing the agricultural industry within the state including such fields as
13 horticulture, dairying, cattle raising, fur farming, grain production, vegetable

1 production, and development of other agricultural products;

2 (2) procure and preserve all information pertaining to the development
3 of the agricultural industry and disseminate that information to the public;

4 (3) assist prospective settlers and others desiring to engage in the
5 agricultural industry in the state with information concerning areas suitable for
6 agriculture and other activities and programs essential to the development of the
7 agricultural industry in the state;

8 (4) review the marketing, financing, and development of agricultural
9 products inside the state including transportation, with special emphasis upon local
10 production, and negotiate for the marketing of agricultural products of the state with
11 federal and state agencies operating in the state;

12 (5) regulate and control the entry into the state and the transportation,
13 sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries,
14 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
15 agricultural chemicals in order to prevent the spread of pests, diseases, or toxic
16 substances injurious to the public interest, and to protect the agricultural industry
17 against fraud, deception, and misrepresentation; in this connection, the commissioner
18 may require registration, inspection, and testing, and establish procedures and fees;
19 [AND]

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

23 (7) implement the farm-to-school program established in
24 AS 03.20.100.

25 * **Sec. 2.** AS 03.20 is amended by adding a new section to read:

26 **Article 2. Farm-to-school Program.**

27 **Sec. 03.20.100. Farm-to-school program established.** (a) The farm-to-school
28 program is established in the department to increase the procurement and use by
29 public schools of food grown in the state.

30 (b) The department, in consultation with the Department of Health and Social
31 Services, the Department of Education and Early Development, the Department of

1 Administration, and the University of Alaska Cooperative Extension Service, shall, in
2 order of priority,

3 (1) coordinate with school procurement officials, buying cooperatives,
4 and other appropriate organizations to develop uniform procurement policies and
5 procedures, as well as materials and practical recommendations, to facilitate the
6 procurement and use by public schools of food grown in the state; these policies,
7 procedures, materials, and recommendations shall be made available to school districts
8 to adopt at their discretion;

9 (2) assist food producers, distributors, and food brokers to market food
10 grown in the state to public schools by informing school districts of food procurement
11 opportunities, bid procedures, purchasing criteria, and other relevant requirements;

12 (3) assist public schools in connecting with local producers by
13 informing the schools of the resources and availability of food grown in the state and
14 the nutritional, environmental, and economic benefits of purchasing the food grown in
15 the state;

16 (4) identify and recommend mechanisms that will increase the
17 predictability of sales for producers and the adequacy of supply for purchasers;

18 (5) identify and make available to public schools existing curricula,
19 programs, and publications that educate students on the nutritional, environmental, and
20 economic benefits of preparing and consuming food grown in the state;

21 (6) support efforts to advance other farm-to-school activities, including
22 school gardens, school farms, and farm visits;

23 (7) as resources allow, seek additional funding to leverage state
24 expenditures for the program.

25 (c) Beginning January 25, 2010, the department, in cooperation with the
26 Department of Education and Early Development, shall collect data on the activities
27 conducted under this section and report the data biennially to the legislature. The data
28 collected must include the number of schools and farms participating in the program
29 established under (a) of this section and the increase, if any, in the procurement by the
30 public schools of food grown in the state.

31 (d) This section does not modify AS 36.15.050 and 36.15.060 regarding

1 preferences for Alaska agricultural and fisheries products.

2 (e) This section is subject to legislative appropriation of funds for the purposes
3 described in (a) - (c) of this section.

4 (f) In this section,

5 (1) "food grown in the state" includes fruits and vegetables grown in
6 the state and meat and dairy products produced in the state;

7 (2) "program" means the farm-to-school program described in this
8 section.

9 * **Sec. 3.** AS 14.07.020(a) is amended to read:

10 (a) The department shall

11 (1) exercise general supervision over the public schools of the state
12 except the University of Alaska;

13 (2) study the conditions and needs of the public schools of the state,
14 adopt or recommend plans, administer and evaluate grants to improve school
15 performance awarded under AS 14.03.125, and adopt regulations for the improvement
16 of the public schools;

17 (3) provide advisory and consultative services to all public school
18 governing bodies and personnel;

19 (4) prescribe by regulation a minimum course of study for the public
20 schools; the regulations must provide that, if a course in American Sign Language is
21 given, the course shall be given credit as a course in a foreign language;

22 (5) establish, in coordination with the Department of Health and Social
23 Services, a program for the continuing education of children who are held in detention
24 facilities in the state during the period of detention;

25 (6) accredit those public schools that meet accreditation standards
26 prescribed by regulation by the department; these regulations shall be adopted by the
27 department and presented to the legislature during the first 10 days of any regular
28 session, and become effective 45 days after presentation or at the end of the session,
29 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
30 the members of each house;

31 (7) prescribe by regulation, after consultation with the state fire

1 marshal and the state sanitarian, standards that will assure healthful and safe
2 conditions in the public and private schools of the state, including a requirement of
3 physical examinations and immunizations in pre-elementary schools; the standards for
4 private schools may not be more stringent than those for public schools;

5 (8) exercise general supervision over pre-elementary schools that
6 receive direct state or federal funding;

7 (9) exercise general supervision over elementary and secondary
8 correspondence study programs offered by municipal school districts or regional
9 educational attendance areas; the department may also offer and make available to any
10 Alaskan through a centralized office a correspondence study program;

11 (10) accredit private schools that request accreditation and that meet
12 accreditation standards prescribed by regulation by the department; nothing in this
13 paragraph authorizes the department to require religious or other private schools to be
14 licensed;

15 (11) review plans for construction of new public elementary and
16 secondary schools and for additions to and major rehabilitation of existing public
17 elementary and secondary schools and, in accordance with regulations adopted by the
18 department, determine and approve the extent of eligibility for state aid of a school
19 construction or major maintenance project; for the purposes of this paragraph, "plans"
20 include educational specifications, schematic designs, and final contract documents;

21 (12) provide educational opportunities in the areas of vocational
22 education and training, and basic education to individuals over 16 years of age who
23 are no longer attending school;

24 (13) administer the grants awarded under AS 14.11;

25 (14) establish, in coordination with the Department of Public Safety, a
26 school bus driver training course;

27 (15) require the reporting of information relating to school disciplinary
28 and safety programs under AS 14.33.120 and of incidents of disruptive or violent
29 behavior;

30 (16) establish by regulation criteria, based on low student performance,
31 under which the department may intervene in a school district to improve instructional

1 practices, as described in AS 14.07.030(14) or (15); the regulations must include

2 (A) a notice provision that alerts the district to the deficiencies
3 and the instructional practice changes proposed by the department;

4 (B) an end date for departmental intervention, as described in
5 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
6 consecutive years of improvement consisting of not less than two percent
7 increases in student proficiency on standards-based assessments in math,
8 reading, and writing as provided in AS 14.03.123(f)(2)(A); and

9 (C) a process for districts to petition the department for
10 continuing or discontinuing the department's intervention;

11 (17) notify the legislative committees having jurisdiction over
12 education before intervening in a school district under AS 14.07.030(14) or redirecting
13 public school funding under AS 14.07.030(15);

14 **(18) assist the Department of Natural Resources in developing and**
15 **implementing the farm-to-school program established under AS 03.20.100.**

16 * **Sec. 4.** AS 14.17 is amended by adding a new section to read:

17 **Sec. 14.17.485. Alaska grown fresh fruit and vegetable grant program.** (a)

18 The Alaska grown fresh fruit and vegetable grant program is established in the
19 department to improve student health and expand the market for locally grown fresh
20 produce by facilitating consumption in public schools of Alaska grown nutritious
21 snacks.

22 (b) The program established under (a) of this section must

23 (1) be designed to increase the number of children attending public
24 schools who have access to Alaska grown fresh fruits and vegetables;

25 (2) be modeled after the United States Department of Agriculture's
26 fresh fruit and vegetable program, as described in 42 U.S.C. 1769(g);

27 (3) provide for semiannual funding, subject to appropriation by the
28 legislature;

29 (4) meet other standards established by the department through
30 regulation.

31 (c) A school district may apply directly to the department for a grant under

1 this section on a form approved by the department. The school district is eligible for a
2 grant under this section if the school district

3 (1) is not eligible for a federal grant for the same purpose;

4 (2) provides a detailed plan approved by the department for

5 (A) incorporating nutrition, agricultural stewardship education,
6 and environmental education into the snack program;

7 (B) providing Alaska grown fruits and vegetables throughout
8 the school day for all students free of charge;

9 (C) establishing partnerships with state, local, and private
10 entities to further the program's objectives by, for example, helping the school
11 district to acquire, handle, store, and distribute Alaska grown fruits and
12 vegetables;

13 (3) meets other criteria established by the department in regulation.

14 (d) If insufficient funds are available to fund all eligible school programs, the
15 department shall, in order of priority and to the extent funds are available, fund
16 programs

17 (1) that serve students in grades kindergarten through eight;

18 (2) at schools that participate in the federal school lunch program
19 under 42 U.S.C. 1751 - 1769i and at which at least 50 percent of the school's enrolled
20 students are eligible for a free or reduced lunch under the federal school lunch
21 program.

22 (e) If the program has remaining funds after awarding grants under (d) of this
23 section, the department may award grants to otherwise eligible applicant school
24 districts for schools that do not qualify under (d)(1) and (2) of this section.

25 (f) The department, in consultation with the Department of Natural Resources,
26 shall establish measures for the outcome of the program, including the number of
27 students served, the dollar value of Alaska grown fruits and vegetables purchased
28 under the program, and the resulting partnerships with state, local, and private entities
29 under the program.

30 (g) This section does not modify AS 36.15.050 and 36.15.060 regarding
31 preferences for Alaska agricultural and fisheries products.

1 (h) This section is subject to legislative appropriation of funds for the purposes
2 described in (a) - (f) of this section.

3 (i) In this section,

4 (1) "Alaska grown" means that the fruit or vegetable was grown in the
5 state and packed or processed in the state;

6 (2) "fruit and vegetable" means perishable produce that is unprocessed,
7 minimally processed, frozen, dried, or otherwise prepared, stored, and handled to
8 maintain freshness while providing convenience to the user;

9 (3) "minimally processed" means that the produce is cleaned, washed,
10 cut, or portioned;

11 (4) "program" means the Alaska grown fresh fruit and vegetable grant
12 program described in this section.

13 * **Sec. 5.** AS 14.30 is amended by adding a new section to article 7 to read:

14 **Sec. 14.30.375. School gardens and farms.** (a) A school district may
15 authorize or operate a school garden or farm. The garden or farm must be used for
16 educational purposes and for growing fruits and vegetables for consumption by the
17 students through the school district's meal and snack program.

18 (b) If a school district operates a school garden or farm, the district shall give
19 students representing student organizations, including vocational programs, the
20 opportunity to be involved in the operation of the school garden or farm.

21 (c) When a school garden or farm is used for educating students about
22 agricultural practices, students shall be afforded the opportunity to learn about both
23 organic and conventional growing methods.

24 * **Sec. 6.** AS 17.20 is amended by adding a new section to read:

25 **Sec. 17.20.015. Farmers' market technology improvement pilot program.**

26 (a) The farmers' market technology improvement pilot program is established in the
27 department to increase access to fresh fruits and vegetables and quality meat and dairy
28 products for all Alaska residents, and to increase the number of food stamp recipients
29 using food stamp benefits through electronic benefits transfer at farmers' markets.

30 (b) The department shall assist farmers' markets in both rural and urban areas
31 in developing the capability to accept wireless electronic payment cards, including

1 electronic benefits transfers, for food purchases.

2 (c) The department shall submit a report to the legislature by January 25,
3 2010, and every two years thereafter that provides data collected on electronic funds
4 transfers at farmers' markets, including transfers of public assistance benefits, under
5 the program.

6 (d) This section is subject to legislative appropriation of funds for the purposes
7 described in (a) of this section.

8 * **Sec. 7.** AS 44.33 is amended by adding a new section to read:

9 **Sec. 44.33.063. Farmers to food banks pilot program.** (a) The farmers to
10 food banks pilot program is established in the department. A nonprofit entity under 26
11 U.S.C. 501(c)(3) (Internal Revenue Code) that is in the business of delivering social
12 services may submit a proposal under this section. The department shall select at least
13 two and not more than five proposals, as follows:

14 (1) at least one pilot program shall be located in a community with a
15 population of not more than 1,500 or a community with a population of not more than
16 5,000 that is not connected by road or rail to Anchorage or Fairbanks;

17 (2) at least one pilot program shall be located in a community with a
18 population greater than 5,000 and not more than 10,000.

19 (b) A pilot program may use money received under this section to contract
20 with local farmers to provide fruits, vegetables, dairy products, and meat products for
21 distribution to low-income persons at local designated food banks.

22 (c) The department shall collect data on the activities conducted under this
23 section and report biennially to the appropriate committees of the legislature beginning
24 January 25, 2010. Data collected may include information regarding the demand for
25 services under the program and the number of persons served.

26 (d) This section is subject to legislative appropriation of funds for the purposes
27 described in (a) and (b) of this section.

28 * **Sec. 8.** AS 03.05.010(a)(7); AS 03.20.100; AS 14.07.020(a)(18); AS 14.17.485;
29 AS 14.30.375; AS 17.20.015; and AS 44.33.063 are repealed July 1, 2013.