

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB808

Hearing Date: Tuesday January 23, 2018
Committee On: Agriculture
Introducer: Harr
One Liner: Change provisions relating to community gardens and seed libraries

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Albrecht, Blood, Brasch, Chambers, Halloran, Krist, Lowe, Thibodeau
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Burke Harr
Pat Anderson-Sifuentez
Elizabeth Goodman
Ben McShane-Jewell
Erin Higgins
Matthew Gregory
John Hansen
Skylar Falter
Brent Lubbert
Daniel Rogge
Tim Rinne

Representing:

Introducer
Lincoln-Lancaster County Food Policy Council
Nebraska Regional Officials Council
Community Crops
The Big Garden
Self
Nebraska Farmers Union
Self
Big Muddy Urban Farm
Self
Self

Opponents:

Brad Dunbar

Representing:

Natural Resources Commission

Neutral:

Steven Wellman
Marty Barnhart

Representing:

Nebraska Department of Agriculture
Omaha Municipal Land Bank

Summary of purpose and/or changes:

LB 808 renames sections 2-301 through 2-304 and Section 5 of the bill as the Community Food Production Act. The bill revises legislative findings and other provisions of the act to incorporate terminology referring to the broader concept of community food production which encompasses elements of community gardening and urban agriculture.

Section 2-203 is amended to revise and insert defined terms as follows:

- "Community gardens" - redefined to mean land cultivated for not-for-profit food production by one or more organizations within a community;
 - A new defined term for "urban agriculture" is inserted, defined as land cultivated for for-profit food production by one or
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more organizations within a community.

- The term "garden" is replaced by the defined term "food production" and defined to mean to the cultivation of listed food products;

- Inserts defined terms for "Department" and "Director"

Section 5 of the bill inserts a new section of the Act creating the Community Food Production Water Fund as new cash fund utilized to provide financial assistance for water-related costs associated with community gardens. Such costs are enumerated to include water hook-up and usage fees and conservation efforts. Under section 5, the Director of Agriculture is authorized to award grants from the fund in equal allocations by congressional district, except that if insufficient qualified applications are received from a congressional district, grant awards may be reallocated to other districts. Awarding of grants is subject to the entity receiving the award providing matching funding from sources other than legislatively appropriated funds. Any amounts in the fund not awarded as grants in a fiscal year may be carried over to the next fiscal year. A one-time transfer of \$100,000 from the Water Sustainability Fund to the Community Fund Production Water Fund is directed by section 6 to be made on or before July 1, 2018.

The Department of Agriculture is directed to promulgate rules and regulations to carry out the purposes of the grant program, and that such regulations at a minimum prescribe grant cycle schedules, application requirements, application evaluation guidelines, and evaluation and reporting components.

Section 7 amends sec 19-5210 of the Nebraska Municipal Land Bank Act (sections 19-5201 through 19-5218). This section directs municipal land banks to establish hierarchical priorities for ultimate use of conveyed land bank properties.

Urban agriculture, including community gardens as defined under 2-103, are among priority uses that may be designated. LB 808 incorporates by reference the definition "urban agriculture" added by the bill to sec. 2-103.

Section 8 amends %uFFFD51-201.01 which enumerates basic and nonbasic services provided by public libraries. LB 808 redefines nonbasic services to include seed libraries as defined by the referenced section of the Nebraska Commercial Seed Law.

Explanation of amendments:

The committee amendment (AM1907) strikes original sections 5 and 6 and substitutes new sections 5 &6. New section 5 amends sec. 2.-1506(1)(d) to include community garden purposes as an express element of water supply management that is among goals eligible for financial assistance through Water Sustainability Fund. New Section 6 amends sec. 2-1508(4) to add contribution to community gardening as an express element of the multiple water supply management category of scoring/ranking criteria applied to funding applications. The amendment makes harmonizing revisions throughout the bill striking unnecessary terms and references to the Department of Agriculture made obsolete by striking original sections 5 and 6

Lydia Brasch, Chairperson