

Introduced: 2/25/74
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY ORSINI

2 *SCS CS* HOUSE BILL NO. 714 *am (CJRA)*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to agricultural land classification."

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

8 * Section 1. AS 38.05 is amended by adding a new section to read:

9 Sec. 38.05.362. AGRICULTURAL LAND CLASSIFICATION. (a) Notwith-
10 standing any other provision of law, as of the effective date of this
11 Act, parcels of land in the state in excess of 50 acres classified as
12 category II or category III land by the United States Soil Conservation
13 Service of the United States Department of Agriculture shall be per-
14 manently classified by the state, or a home rule or general law munici-
15 pality, as appropriate, for use as agricultural land subject to the
16 following:

17 (1) Not less than 80 per cent of the category II or III land
18 within a district, as established in (d) of this section, that is
19 undeveloped or under agricultural use as of the effective date of this
20 Act, whether public or private, shall be classified as agricultural.

21 (2) After reasonable public notice and the holding of a
22 public hearing in the vicinity of the land to be affected no sooner than
23 30 days from the time the determination is made, (A) in organized muni-
24 cipalities, the determination as to which land will be classified or
25 zoned for agricultural use shall be made by the local governing body;
26 and (B) in the unorganized borough, the determination as to which land
27 will be classified or zoned for agricultural use shall be made by the
28 Department of Natural Resources, after consultation with other appropri-
29 ate agencies. No sooner than 30 days before a determination is made

SCS -1- CS HB 714 am (CJRA)

1 under (A) or (B) of this paragraph, the local governing body and the
2 state shall, after reasonable public notice, hold a public hearing in
3 the vicinity of the land to be affected.

4 (b) After land is classified for agricultural use under (a)(1)
5 of this section, any request for a change in the classification shall
6 be submitted in writing to the commissioner. Within 20 days from the
7 date the request for a change is received, the commissioner shall hold
8 a hearing, affording all interested persons the right to be heard.
9 After a hearing, the determination of the commissioner is final.

10 (c) If privately owned land not used for agricultural purposes
11 on the effective date of this Act is classified after the effective
12 date of this Act for agricultural use, no compensation shall be made;
13 however, if the owner of the land on the effective date of this Act
14 sells the land or a portion of it before 1995, he shall be reimbursed
15 by the state for the difference between the projected value of the
16 land as of the date of the effective date of this Act, on the basis of
17 the use or zoning existing on the effective date of this Act, and the
18 fair appraised market value as classified for agricultural use at the
19 time of the sale, plus interest.

20 (d) The commissioner or his designee shall divide the state into
21 four or more agricultural districts for the purpose of agricultural
22 land use classification under this section.

23 (e) The department shall promulgate regulations to implement the
24 provisions of this section, including but not limited to the procedure
25 for reimbursement under (c) of this section, the manner of state classi-
26 fication under (a) of this section, and any other conditions or limita-
27 tions necessary for the protection and maintenance of land for
28 agricultural purposes.
29