

Original sponsor: Orsini

Offered: 4/15/74
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 714

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, no less than 80 per cent of state
11 land classified on the effective date of this Act as category II or
12 category III soil with agricultural potential by the Soil Conservation
13 Service of the United States Department of Agriculture shall be per-
14 manently classified by the commissioner, in consultation with other
15 appropriate agencies and entities, for use as agricultural land. The
16 commissioner shall make the classification required under this section
17 within one year from the effective date of this Act.

18 (b) After reasonable public notice and no sooner than 30 days
19 before classification under this section, the commissioner or his
20 designee shall hold a public hearing in a central location in the
21 vicinity of the land to be classified, affording all interested persons
22 an opportunity to be heard.

23 (c) Parcels of land in the state in excess of 100 acres under
24 private ownership, classified as category II or category III soil with
25 agricultural potential by the Soil Conservation Service of the United
26 States Department of Agriculture and not used for purposes inconsistent
27 with present or future agricultural use of the land, at the owner's
28 option may be classified as agricultural land.

29 (d) After land is classified for agricultural use under (a) or

1 (c) of this section, a request for a change in the classification shall
2 be submitted in writing to the commissioner. Within 20 days from the
3 date the request for a change is received, the commissioner shall hold
4 a hearing, affording all interested persons the right to be heard.
5 After a hearing, the determination of the commissioner as to approval
6 of the change is final.

7 (e) Private land classified as agricultural land under (c) of
8 this section shall be considered farm use land for purposes of tax
9 assessment under AS 29.53.035 and assessed at a value not to exceed
10 assessment under AS 29.53.035, even though the owner neither actively
11 engages in farming the land nor receives income from the land. If
12 privately-owned land is classified as agricultural land under (c) of
13 this section and the owner receives approval for a change in the classi-
14 fication under (d) of this section, he shall notify the Department of
15 Revenue of the approved change. Upon notification, the Department of
16 Revenue shall notify the assessor of the municipality in which the land
17 is located, and the municipality shall assess the owner of the land
18 for the additional tax, plus interest, for the full time in which it
19 received the benefit of farm-use tax assessment status under AS 29.53.-
20 035, regardless of previous ownership. The Department of Revenue may
21 promulgate regulations to implement its functions under this section.

22 (f) The Department of Natural Resources shall promulgate regula-
23 tions to implement the provisions of this section within its juris-
24 diction, including but not limited to the manner of state classification
25 under this section, and any other conditions or limitations necessary
26 for the protection and maintenance of land for agricultural purposes.
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