

Offered: 4/23/74
Referred: Rules

Original sponsor: Orsini

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR 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 land classification."

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

8 * Section 1. AS 38.05 is amended by adding new sections 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 owned land classified on the effective date of this Act as category II
12 or category III soil with agricultural potential by the Soil Conserva-
13 tion Service of the United States Department of Agriculture shall be
14 permanently 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
14 classification under (d) of this section, he shall notify the Depart-
15 ment of Revenue of the approved change. Upon notification, the
16 Department of Revenue shall notify the assessor of the municipality
17 in which the land is located, and the municipality shall assess the
18 owner of the land for the additional tax, plus interest, for the full
19 time in which it received the benefit of farm-use tax assessment
20 status under AS 29.53.035, regardless of previous ownership. The
21 Department of Revenue may promulgate regulations to implement its
22 functions under this section.

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

28 Sec. 38.05.363. UNDEVELOPED LAND. (a) A person owning a parcel
29 or tract of undeveloped land exceeding two and one-half acres in total

1 area may apply for tax assessment on the basis of the rate granted
2 under AS 29.53.035.

3 (b) Undeveloped land shall be assessed on the basis of its full
4 and true value as undeveloped land or for the purpose for which it is
5 actually being used, and shall not be assessed as if subdivided or used
6 for some other purpose. The assessor shall maintain separate assess-
7 ment records evaluating undeveloped land for other purposes, if appli-
8 cable. When the land is developed, the owner at the time it is
9 developed is liable to pay the additional tax for the preceding 10
10 years, plus interest, and the applicable portion of the current year,
11 as though the land had not been assessed under this section.

12 (c) To secure the assessment under this section, an owner of
13 undeveloped land must make application to the assessor before
14 February 1 of each year in which the assessment is desired. The
15 application shall be made upon forms prepared and supplied by the
16 assessor and shall include information which may reasonably be required
17 to determine the entitlement of the applicant.

18 (d) In this section, "undeveloped land" means land which has
19 remained substantially unchanged in character from its natural state
20 as evidenced by a lack of industrial or economic use, construction,
21 or other utilization; however, inconsequential personal uses inciden-
22 tal to the ownership of the land are not considered land development
23 under this section; use of the land for not more than one single-family
24 residence shall not be considered development for the purposes of this
25 section.
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