

Original Sponsor: Orsini

Offered: 4/2/76
Referred: Commerce

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 14

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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, the commissioner, in consultation
11 with other appropriate agencies and entities, shall classify for use as
12 agricultural land no less than 80 per cent of the state-selected pa-
13 tented or tentatively approved land which, on the effective date of this
14 Act, has been identified as having land capability classification II or
15 III soil with agricultural potential through exploratory, reconnaissance
16 or detailed survey by the Soil Conservation Service of the United States
17 Department of Agriculture. The commissioner shall make the classifi-
18 cation required under this section within one year from the effective
19 date of this section.

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

25 (c) After land is classified for agricultural use under (a) of
26 this section, a request for a change in the classification shall be sub-
27 mitted in writing to the commissioner. Within 20 days from the date the
28 request for a change is received, the commissioner shall schedule a
29 hearing, to be held within a reasonable period of time, affording all

1 interested persons the right to be heard. After a hearing, the deter-
2 mination of the commissioner as to approval of the change is final.

3 (d) The Department of Natural Resources shall promulgate regula-
4 tions to implement the provisions of this section within its jurisdic-
5 tion, including but not limited to the manner of state classification
6 under this section, and any other conditions or limitations necessary
7 for the protection and maintenance of land for agricultural use.

8 * Sec. 2. AS 38.05.069(a) is amended to read:

9 (a) If the director determines that the highest and best use of
10 unoccupied land is for agricultural purposes, he shall grant to an
11 Alaskan resident owning and using or leasing and using land for agri-
12 cultural purposes a 60-day first option after [FROM] the date of the
13 auction [THE LAND BECOMES AVAILABLE TO THE PUBLIC OR 90 DAYS FROM THE
14 EFFECTIVE DATE OF THIS SECTION, WHICHEVER IS LATER,] to purchase or
15 lease unoccupied land situated adjacent to or in the approximate vicin-
16 ity of his presently held land for the amount of the high bid received
17 at public auction; provided the aggregate number of acres owned and ac-
18 quired under the option shall not exceed 640 acres; and further provided
19 that the land acquired under this section is used for agricultural
20 purposes as required by law [FOR AT LEAST ONE YEAR FOLLOWING PURCHASE].

21 * Sec. 3. AS 38.05.069(c) is repealed and re-enacted to read:

22 (c) Under this section

23 (1) the director may convey only an interest in the land for
24 agricultural purposes, and all other interests in the land remain in
25 the state; the sale or lease shall be at public auction;

26 (2) the remaining interests may subsequently be conveyed by
27 the director only upon the request of the grantee or lessee or his
28 assigns and the determination of the director that the conveyance is in
29 the public interest;

1 (3) the conveyance of the remaining interests shall be at
2 public auction; the original grantee or lessee or his assigns have a
3 preference right to meet the high bid within 30 days after the day of
4 the auction; if the right is exercised, the value of improvements owned
5 by the holder of the preference right as appraised by the director is
6 deducted from the purchase price;

7 (4) by requesting the conveyance of the remaining interest,
8 the grantee or lessee or his assigns consents to the sale and, if the
9 preference right provided by (3) of this subsection is not exercised, to
10 accept as payment in full for their interest in the land, including
11 improvements, the value of those improvements and the value of their
12 interest as appraised by the director;

13 (5) the remaining interests in the land may not be conveyed
14 for less than their appraised value together with improvements except
15 for the deduction allowed by (3) of this subsection.

16 * Sec. 4. AS 38.05 is amended by adding a new section to read:

17 Sec. 38.05.321. RESTRICTION ON SALE OR LEASE OR OTHER DISPOSAL OF
18 AGRICULTURAL LAND. No state land classified as agricultural land may be
19 sold, leased or otherwise disposed of without provision for, as part of
20 the terms of the sale or lease agreement, a specific conditional re-
21 striction or a specific reservation, or both, in the instrument against
22 subdivision or other uses incompatible with agricultural development,
23 including the reservation of a scenic, agricultural, or similar easement
24 as determined by the director. The restriction or easement shall state
25 that if circumstances change so that subdivision or other uses of the
26 agricultural land are later determined by the director to be in the best
27 interest of the state and the person owning, leasing, or having an
28 interest in the land, the restriction may be terminated or the easement
29 vacated upon payment of a sum equal to the difference between the amount

1 originally paid for the land and the value of the land without the
2 restriction of easement. Notice of a pending determination of the
3 director to terminate the restriction or to vacate the easement shall be
4 made as provided for the sale or other disposition of interests in state
5 land and shall include a statement of findings explaining the reason for
6 the determination. The termination or vacation may not take effect
7 until expressly approved in writing by the commissioner.

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