

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 SENATE BILL NO. 633

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska Agricultural Develop-
7 ment Authority; and providing for an effective date."

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

9 * Section 1. AS 38 is amended by adding a new chapter to read:

10 CHAPTER 09. AGRICULTURAL LAND.

11 Sec. 38.09.010. CREATION OF AUTHORITY. There is created the
12 Alaska Agricultural Development Authority. The authority is a public
13 corporation of the state within the Department of Natural Resources, but
14 with separate and independent legal existence.

15 Sec. 38.09.020. MEMBERSHIP. (a) The authority shall be composed
16 of the following members:

17 (1) the commissioners of commerce and economic development
18 and natural resources;

19 (2) the director of the division of agriculture of the De-
20 partment of Natural Resources;

21 (3) the director of the agricultural experiment station of
22 the University of Alaska and one university staff person selected by
23 that director;

24 (4) two persons selected by the governor engaged in agricul-
25 tural production with at least 10 years of farming experience in the
26 state; and

27 (5) not more than two additional persons from the private
28 sector selected by the governor for their interest in and knowledge of
29 agricultural development and affairs, including one person experienced

1 in agricultural financing.

2 (b) The authority may invite representatives from the United
3 States Soil Conservation Service, the United States Forest Service, or
4 other federal agencies to participate in the deliberations of the autho-
5 rity in an advisory capacity.

6 (c) The members shall elect one of their number as chairman. The
7 chairman may be the chief executive officer of the authority.

8 (d) The terms of members of the authority from the private sector
9 selected under (a)(4) and (5) of this section are four years. Members
10 other than those from the private sector serve at the pleasure of the
11 governor. Vacancies are filled in the manner of original appointments,
12 but a member appointed to fill a vacancy serves for the unexpired term
13 of the member he succeeds.

14 Sec. 38.09.030. COMPENSATION OF MEMBERS. (a) Members of the
15 authority selected under sec. 20(a)(4) and (5) of this chapter receive
16 \$75 per day and they are entitled to per diem and travel expenses pro-
17 vided for boards and commissions under AS 39.20.

18 (b) State officers or employees designated as members of the
19 authority serve without compensation but are entitled to receive per
20 diem and travel expenses from authority funds.

21 Sec. 38.09.040. MEETINGS. The authority shall schedule regular
22 meetings during the year, and may hold special meetings upon the call of
23 the chairman or four members of the authority.

24 Sec. 38.09.050. QUORUM. Five members of the authority constitute
25 a quorum. An affirmative vote of at least five members is necessary to
26 approve any action of the authority.

27 Sec. 38.09.060. POWERS AND DUTIES OF THE AUTHORITY. (a) The
28 authority has the following powers:

29 (1) to sue and be sued;

- 1 (2) adopt an official seal and alter it at pleasure;
- 2 (3) adopt and amend bylaws for the management and regulation
3 of its affairs and make, alter and enforce rules and regulations for the
4 conduct of its business and for use of its services and facilities;
- 5 (4) maintain an office at any place in the state;
- 6 (5) acquire, hold, use, invest and dispose of its income,
7 revenue, funds and money;
- 8 (6) prepare cadastral and detailed soil surveys for potential
9 agricultural development projects;
- 10 (7) recommend to the governor that certain areas of the state
11 be designated as an agricultural development project for the systematic
12 development of agricultural potential of both state and private land
13 located within the areas designated;
- 14 (8) act as a farmer selection board to determine the eligi-
15 bility of individuals applying for the purchase of agricultural develop-
16 ment rights for state land located within an agricultural development
17 project;
- 18 (9) construct facilities to process, store or prepare for
19 transport agricultural products produced within an agricultural develop-
20 ment project;
- 21 (10) contract for the construction of necessary electrical
22 distribution or transmission facilities and access roads;
- 23 (11) operate, lease, sell or contract for the operation of
24 facilities constructed under (9) or (10) of this subsection;
- 25 (12) take necessary action to protect the state's interest in
26 land located within an agricultural development project;
- 27 (13) adopt regulations establishing requirements for the eli-
28 gibility of persons applying to participate in a project; the require-
29 ments may include length of residency, domicile, age and experience.

1 (b) The authority has the following duties:

2 (1) hold public hearings;

3 (2) evaluate the need for farm conservation plans for land
4 located in an agricultural development project;

5 (3) serve as coordinator for gathering information and data
6 relating to an agricultural development project;

7 (4) provide advice and assistance concerning development of
8 agricultural development projects to interested state and federal
9 agencies; and

10 (5) administer contracts for the clearing, draining and
11 breaking of state land under AS 38.07.010 located within an agricultural
12 development project and any other contracts awarded in connection with
13 the development of an agricultural development project.

14 Sec. 38.09.070. DESIGNATION OF PROJECTS. After receiving a recom-
15 mendation from the authority under sec. 60(a)(7) of this chapter, the
16 governor may, by executive order, designate an area of the state as an
17 agricultural development project. The order shall

18 (1) describe the boundaries of the project;

19 (2) direct the division of lands, Department of Natural
20 Resources, to complete the notice and review procedures required under
21 AS 38.05.305;

22 (3) direct the authority to appoint members to a farmer
23 selection board with duties as specified in sec. 80 of this chapter; and

24 (4) direct the division of lands to convey an interest in
25 state land located within a project, limited to agricultural uses, to
26 persons certified to the division by the authority and selected under
27 sec. 80 of this chapter.

28 Sec. 38.09.080. SELECTION OF QUALIFIED INDIVIDUALS. (a) The
29 authority shall publicly solicit applications from individuals desiring

1 to participate in an agricultural development project designated under
2 sec. 70 of this chapter.

3 (b) The authority shall review the application of each applicant
4 and determine the eligibility of that individual according to regula-
5 tions adopted by the authority under sec. 60(a)(13) of this chapter.

6 (c) The authority shall select the initial participants in the
7 project by lottery. Only those individuals determined to be eligible
8 under (b) of this section are entitled to participate in the lottery.

9 (d) The authority shall publish a list of the selected individuals
10 in a newspaper of general circulation in the vicinity of a project. Not
11 earlier than 30 days after the publication of the list, the authority
12 shall vote on the question of certification of the list. After a vote
13 approving the list of selected individuals, the authority shall certify
14 that the list contains the names of individuals who are qualified to
15 farm land located within an agricultural development project and that
16 all procedures required under this section have been complied with. The
17 list as certified shall be transmitted to the commissioner and the
18 director.

19 Sec. 38.09.090. DEFINITIONS. In this chapter,

20 (1) "authority" means the Alaska Agricultural Development
21 Authority;

22 (2) "commissioner" means the commissioner of the Department
23 of Natural Resources;

24 (3) "division" means the division of lands, Department of
25 Natural Resources.

26 * Sec. 2. Notwithstanding the terms of office specified for members of
27 the Alaska Agricultural Development Authority in AS 38.09.020(d), enacted in
28 sec. 1 of this Act, the terms of the first appointees shall be as specified
29 in this section with one member serving a term ending June 30, 1979, one

1 member serving a term ending June 30, 1980, one member serving a term ending
2 June 30, 1981, and one member serving a term ending June 30, 1982.

3 * Sec. 3. This Act takes effect July 1, 1978.
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