

Introduced: 1/15/79  
Referred: Resources and  
State Affairs

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 14

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL.

6 For an Act entitled: "An Act relating to agricultural development; and pro-  
7 viding 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 Agricultural Development Authority. The authority is a public corpora-  
13 tion of the state within the Department of Natural Resources, but with  
14 separate and independent legal existence.

15 Sec. 38.09.020. MEMBERSHIP. (a) The authority is composed of the  
16 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 each of farming experience in  
26 the 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 from other federal agencies to participate in the deliberations of the  
5 authority 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 term of a member of the authority from the private sector  
9 selected under (a)(4) or (5) of this section is 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 AS 38.09.020(a)(4) and (5) receive \$75 per day  
16 and they are entitled to per diem and travel expenses provided for  
17 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 power to

29 (1) 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;  
4 (4) maintain an office at any place or places in the state;  
5 (5) adopt regulations establishing requirements for the  
6 eligibility of persons applying to purchase or lease the agricultural  
7 development rights for state land.

8 (b) The authority has the duty to

- 9 (1) hold public hearings in areas of the state considered for  
10 agricultural development;  
11 (2) evaluate the need for farm conservation plans for land  
12 under agricultural production in the state;  
13 (3) serve as coordinator for gathering information and data  
14 relating to agriculture;  
15 (4) recommend appropriate activities for the promotion of  
16 agriculture in the state;  
17 (5) investigate and recommend additional forms of economic  
18 aid for farmers and farm projects;  
19 (6) provide advice and assistance concerning agricultural  
20 development to interested state and federal agencies;  
21 (7) assess the comparative suitability of state and private  
22 land for the systematic development of the agricultural potential of  
23 that land;  
24 (8) prepare cadastral and detailed soil surveys of areas of  
25 the state under consideration for agricultural development;  
26 (9) provide technical information and make recommendations to  
27 the commissioner regarding the classification of state land having a  
28 potential for agricultural use;  
29 (10) when necessary for the protection of agricultural land,

1 develop a plan and procedures for the acquisition of non-agricultural  
2 development rights from owners of privately owned agricultural land;

3 (11) request the attorney general to take necessary action to  
4 protect the state's interest in land classified for agricultural use;  
5 and

6 (12) recommend legislation to the governor to improve the  
7 process of agricultural development in the state.

8 Sec. 38.09.070. REGIONAL AGRICULTURAL DEVELOPMENT PLAN. The  
9 authority shall designate regions of the state for the purpose of agri-  
10 cultural development and coordinate the development of a comprehensive  
11 agricultural development plan for each region, including provisions for  
12 the development of state and privately owned land having the potential  
13 for agricultural production. Regional planning teams consisting of  
14 department and authority personnel and representatives of the appropri-  
15 ate qualified regional agricultural associations formed under AS 38.09.-  
16 080 shall develop and amend as necessary the comprehensive agricultural  
17 development plans.

18 Sec. 38.09.080. REGIONAL AGRICULTURAL ASSOCIATIONS. (a) The  
19 authority shall assist in and encourage the formation of qualified  
20 regional agricultural associations for the purpose of stimulating agri-  
21 cultural development in the state. A regional agricultural association  
22 is qualified if the authority determines that

23 (1) it is comprised of associations representative of farmers  
24 in the region;

25 (2) it includes representatives of other user groups in-  
26 terested in land use in the region who wish to belong; and

27 (3) it has a board of directors which includes no less than  
28 one representative of each user group that belongs to the association.

29 (b) In this section "user group" includes, but is not limited to,

1 subsistence farmers, commercial farmers, consumer groups, representa-  
2 tives of local financial institutions, and representatives of local  
3 communities.

4 Sec. 38.09.090. SALE OF AGRICULTURAL LAND. (a) Before state land  
5 classified for agricultural use which exceeds 640 acres in total area  
6 may be sold or leased,

7 (1) the comprehensive agricultural plan for the region in  
8 which the land is located must be completed by the regional planning  
9 team and reviewed and approved by the commissioner;

10 (2) a selection board shall be convened by the authority  
11 consisting of an appointed member of the authority selected by the  
12 authority, the director of the division of agriculture in the Department  
13 of Natural Resources or his designee, and a member of the board of  
14 directors of the appropriate regional agricultural association selected  
15 by the board of directors of the association;

16 (3) the selection board shall hold a public hearing in the  
17 vicinity of the land to be sold or leased to solicit suggestions for the  
18 type of qualifications necessary for potential purchasers or lessees to  
19 possess so that the land may be farmed as a successful business enter-  
20 prise;

21 (4) the selection board shall submit its findings and recom-  
22 mendations to the authority for its review; and

23 (5) the authority shall adopt regulations under the Adminis-  
24 trative Procedure Act (AS 44.62) establishing residency, skill, ex-  
25 perience, and financial qualifications it considers necessary and appro-  
26 priate for potential purchasers or lessees of the land.

27 (b) After adoption of the regulations required by (a)(5) of this  
28 section, the selection board convened as required by (a)(2) of this  
29 section shall evaluate the applications of potential purchasers or

1 lessees of the land to be offered. The applicants shall be evaluated  
2 according to the qualifications established in the regulations adopted  
3 by the authority. Applicants who are determined by the selection board  
4 to be ineligible to participate in the sale or lease of agricultural  
5 land shall be advised in writing of the reason for their disqualifica-  
6 tion and may, within 10 days after receipt of the notice of disqualifi-  
7 cation, appeal to the commissioner for a review of the action taken by  
8 the selection board.

9 (c) When not in conflict with this section, the provisions of AS  
10 38.05 and AS 38.07 apply to the sale or lease of state land classified  
11 for agricultural use.

12 Sec. 38.09.100. DEFINITIONS. In this chapter,

13 (1) "authority" means the Agricultural Development Authority;

14 (2) "commissioner" means the commissioner of the Department  
15 of Natural Resources.

16 \* Sec. 2. AS 38.05.057(c) is amended to read:

17 (c) The Agricultural Development Authority established under  
18 AS 38.09.010 [COMMISSIONER] may adopt regulations under the Adminis-  
19 trative Procedure Act (AS 44.62) which specify qualifications for poten-  
20 tial purchasers different from those specified in (b) of this section if

21 (1) an interest in land limited to agricultural purposes is  
22 to be sold under (a) of this section;

23 (2) the sale is a part of a program to develop agricultural  
24 land as a renewable resource of the state; and

25 (3) the regulations include residency, skill, experience, and  
26 financial requirements necessary to qualify persons who are competent  
27 and financially able to develop the land as a successful agricultural  
28 enterprise.

29 \* Sec. 3. Notwithstanding the terms of office specified for members of

1 the Agricultural Development Authority in AS 38.09.020(d), enacted in sec. 1  
2 of this Act, the terms of the first appointees shall be one member serving a  
3 term ending June 30, 1980, one member serving a term ending June 30, 1981,  
4 one member serving a term ending June 30, 1982, and one member serving a term  
5 ending June 30, 1983.

6 \* Sec. 4. This Act takes effect July 1, 1979.  
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