

Introduced: 1/14/80  
Referred: Resources and  
Finance

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 304

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of agricultural land  
7 located in an agricultural development project."

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

9 \* Section 1. AS 44.33.450(a) is amended to read:

10 (a) There is established in the Office of the Governor [DEPARTMENT  
11 OF COMMERCE AND ECONOMIC DEVELOPMENT] the Alaska Agricultural Action  
12 Council. The council is composed of five members appointed by the  
13 governor. The chairman of the council is to be designated by the gover-  
14 nor from among the members.

15 \* Sec. 2. AS 44.33 is amended by adding new sections to read:

16 Sec. 44.33.480. SALE OF AGRICULTURAL LAND. (a) Before state land  
17 located in an agricultural development project may be sold or leased,  
18 the following procedures must be completed:

19 (1) the council shall determine the uses for agricultural  
20 land located in an agricultural development project;

21 (2) the director shall, according to instructions from the  
22 council, survey the agricultural land in an agricultural development  
23 project into parcels which are consistent with criteria developed by the  
24 council;

25 (3) the council shall adopt criteria establishing residency,  
26 skill, experience, and financial qualifications it considers necessary  
27 for purchasers or lessees of agricultural land in an agricultural  
28 development project;

29 (4) the director shall offer the agricultural land for dispo-

1 sal under the procedures prescribed in the Alaska Land Act (AS 38.05),  
2 in the manner and at the time consistent with criteria adopted by the  
3 council, and subject to review and approval by the council of the

4 (A) terms of sale,

5 (B) land values,

6 (C) farm development requirements, and

7 (D) requirements, terms, and administration of land

8 clearing contracts;

9 (5) the director shall transmit all lottery applications  
10 received for the agricultural land and a statement of the qualifications  
11 of persons who wish to bid on the land to the council for evaluation  
12 according to the residency, skill, experience, and financial qualifica-  
13 tions adopted by the council;

14 (6) the council shall advise the director which bidders or  
15 lottery applicants are qualified to purchase the agricultural land; and

16 (7) if the other requirements of AS 38.05 are satisfied, the  
17 director shall conduct the lottery or auction.

18 (b) A determination by the council that a bidder or lottery appli-  
19 cant is unqualified to purchase agricultural land is a final administra-  
20 tive order which is subject to judicial review under AS 44.62.560 and  
21 44.62.570.

22 Sec. 44.33.485. PROJECT ADMINISTRATOR. The council shall employ a  
23 project administrator who will be in charge of the detailed affairs of  
24 each agricultural development project authorized under AS 44.33.475. A  
25 project administrator serves at the direction and at the pleasure of the  
26 council. A project administrator is authorized to employ and determine  
27 the compensation of members of his staff within the limitation of the  
28 budget approved by the council. A project administrator is in the  
29 partially exempt service under AS 39.25.120.

1 \* Sec. 3. AS 44.33.500 is amended by adding a new paragraph to read:

2 (3) "director" means the director of the division of lands in  
3 the Department of Natural Resources.

4 \* Sec. 4. AS 38.05.045 is amended to read:

5 Sec. 38.05.045. GENERALLY. All lands owned in fee by the state or  
6 to which the state may become entitled, excepting tide, submerged or  
7 shorelands, and timber or grazing lands, may be sold as provided in  
8 AS 38.05.045 - 38.05.069 and AS 38.08. However, this section does not  
9 prevent the disposition of lands as provided in AS 38.05.300 - 38.05.348  
10 and AS 44.33.480.

11 \* Sec. 5. AS 38.05.057(c) is amended to read:

12 (c) The Alaska Agricultural Action Council established under  
13 AS 44.33 [COMMISSIONER] may adopt criteria [REGULATIONS UNDER THE ADMIN-  
14 ISTRATIVE PROCEDURE ACT (AS 44.62)] which specify qualifications for  
15 lottery participants different from those specified in (b) of this  
16 section if

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

19 [(2) THE SALE IS A PART OF A PROGRAM TO DEVELOP AGRICULTURAL  
20 LAND AS A RENEWABLE RESOURCE OF THE STATE; AND]

21 (3) the criteria [REGULATIONS] include residency, skill,  
22 experience, and financial requirements necessary to qualify persons who  
23 are competent [AND FINANCIALLY ABLE] to develop the land as a successful  
24 agricultural enterprise; and

25 (4) the land is located in an agricultural development pro-  
26 ject authorized under AS 44.33.475.

27 \* Sec. 6. AS 39.25.120 is amended by adding a new paragraph to read:

28 (12) an agricultural development project administrator under  
29 the direction of the Alaska Agricultural Action Council in the Office of

the Governor.

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