

Offered: 4/30/84
Referred: Rules

Original sponsors: Bettisworth and Shultz

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 458 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to agricultural rights to land."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. AS 38.05.020(b) is amended to read:
9 (b) The commissioner may
10 (1) establish reasonable procedures and adopt reasonable
11 [RULES AND] regulations necessary to carry out this chapter and [MAY],
12 whenever necessary, issue directives or orders to the director to
13 carry out specific functions and duties; [ALL RULES AND] regulations
14 adopted by the commissioner shall be adopted under the Administrative
15 Procedure Act (AS 44.62); orders by the commissioner classifying land,
16 [LANDS] issued after January 3, 1959, are not required to be adopted
17 under the Administrative Procedure Act (AS 44.62);
18 (2) enter into agreements considered [WHICH HE CONSIDERS]
19 necessary to carry out the purposes of this chapter, including agree-
20 ments with federal and state agencies;
21 (3) review any order or action of the director;
22 (4) exercise the powers and do the acts necessary to carry
23 out the provisions and objectives of this chapter;
24 (5) notwithstanding the provisions of any other section of
25 this chapter, grant an extension of the time within which payments due
26 on any lease or sale of state land, minerals, or materials may be
27 made, including payment of rental and royalties, on a finding [IF HE
28 FINDS] that compliance with the requirements is or was prevented by
29 reason of war, riots, or acts of God; [.]

1 (6) classify tracts for agricultural uses and require the
2 prequalification, including the submission of conservation plans,
3 development plans, or other plans, schedules, or programs, of persons
4 who apply to participate in an agricultural development project under
5 AS 44.33.475;

6 (7) waive, postpone, or otherwise modify the development
7 requirements of a contract for the sale of agricultural land if

8 (A) the land is located in a remote area of the state;

9 and

10 (B) transportation, marketing, and development costs
11 render the required development uneconomic.

12 * Sec. 2. AS 38.05.059 is repealed and reenacted to read:

13 Sec. 38.05.059. LIMITATIONS AND CONDITIONS ON SALE OR LEASE OF
14 AGRICULTURAL LAND. (a) During any eight-year period, a person may
15 purchase from the state not more than one parcel of land that is part
16 of an agricultural development project under AS 44.33.475.

17 (b) In a sale or other disposal of state land classified as
18 agricultural land, the use of the land shall be restricted. The com-
19 missioner shall convey a fee simple conditional title to the surface
20 estate subject to a condition subsequent that the land be used only
21 for agricultural purposes. The commissioner shall reserve a right of
22 reentry after notice and an opportunity for a hearing if the land is
23 used for other than agricultural purposes. A reversion of title upon
24 reentry does not affect the validity of a prior lien or security
25 interest on the land.

26 (c) The lessee of state agricultural land shall receive a lease-
27 hold interest in the surface estate subject to the condition subse-
28 quent that the land leased be used only for agricultural purposes.

29 (d) As a condition to the issuance of a lease or a contract of

1 sale of state land classified as agricultural land, the commissioner
2 may require a farm development agreement and the submission of a
3 conservation plan that establish reasonable requirements based on
4 the economic feasibility of development and sound agricultural princ-
5 iples.

6 (e) The commissioner may not convey title under (b) of this
7 section to a person who

8 (1) is in arrears on the purchase or lease of agricultural
9 land; or

10 (2) has not complied with a farm development agreement or
11 conservation plan required by the commissioner.

12 (f) On the request of a person who is receiving land or an
13 interest in land under (b) or (c) of this section, the commissioner
14 shall transfer not more than 20 acres of the land without the title
15 restrictions required under (b) or (c) of this section for the con-
16 struction of a farm residence or other buildings needed for agricul-
17 tural purposes. The land transferred under this subsection may not be
18 subdivided. The authority of the commissioner to grant or lease not
19 more than 20 acres of land without title restrictions under this
20 subsection applies only to the initial transfer of the land from the
21 state.

22 (g) In this section, "agricultural purposes" includes farming,
23 ranching, grazing, and storage or control of agricultural crops or
24 livestock, and the construction of the farm residence of the grantee
25 or lessee and other buildings commonly needed for agricultural pur-
26 poses on not more than 20 acres of the land transferred under this
27 section.

28 * Sec. 3. AS 38.05.321(a) is repealed.