

Introduced: 2/9/84
Referred: Resources and
Finance

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 440

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 protection of agricultural land;
7 and providing for an effective date."

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

9 * Section 1. STATEMENT OF LEGISLATIVE PURPOSE. It is the intent of the
10 legislature that sec. 2 of this Act have no application to disposals of
11 state land limited to agricultural purposes.

12 * Sec. 2. AS 38.07 is amended by adding a new section to read:

13 ARTICLE 2. ACQUISITION OF AGRICULTURAL RIGHTS.

14 Sec. 38.07.100. PURCHASE OF DEVELOPMENT RIGHTS TO AGRICULTURAL
15 LAND. (a) The commissioner may purchase the rights of a fee owner of
16 land to develop the land for purposes other than agriculture if the
17 municipality within which the land is located zones the land for
18 agricultural purposes.

19 (b) The commissioner may not purchase from one owner the devel-
20 opment rights to more than 320 acres or less than 20 acres of land
21 used for agriculture. The commissioner may not purchase any develop-
22 ment rights to a parcel of land used for agriculture unless all devel-
23 opment rights to the land are purchased.

24 (c) The commissioner may not pay more than \$1,000 per acre for
25 development rights under this section.

26 (d) When it becomes necessary to determine the fair market value
27 of development rights to land used for agriculture that is to be
28 acquired by the commissioner under this section the commissioner shall
29 have the development rights to the land appraised by a qualified

1 appraiser. If the owner disagrees with the appraisal of the develop-
2 ment rights to the land obtained by the commissioner, the owner may
3 appoint a qualified appraiser to make an appraisal of the development
4 rights to the land. If the two appraisers agree on the fair market
5 value of the development rights to the land, that determination is
6 binding on the commissioner and the owner. In the event the two
7 appraisers are unable to agree, they shall appoint a third qualified
8 appraiser who shall then make an appraisal of the development rights
9 to the land. When the third appraisal is completed, the two of the
10 three appraisals that are nearer to each other in their determination
11 of the fair market value of the development rights shall be averaged
12 and the resultant sum shall be the fair market value of the develop-
13 ment rights to the land and binding on the parties. All costs incur-
14 red in making the appraisals provided for in this subsection shall be
15 borne by the state and the owner equally.

16 (e) In this section,

17 (1) "land used for agriculture" includes land used for
18 farming, ranching, grazing, and the storage or control of agricultural
19 crops or livestock;

20 (2) "qualified appraiser" means a senior member of the
21 American Institute of Real Estate Appraisers, the Society of Real
22 Estate Appraisers, a person meeting the requirements for certification
23 as an appraiser II by the division of personnel, Department of Admin-
24 istration, or a person qualified according to regulations adopted by
25 the commissioner under the Administrative Procedure Act (AS 44.62).

26 * Sec. 2. This Act takes effect July 1, 1984.