

Introduced: 2/13/86
Referred: Resources

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 409

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to a right to farm."

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

8 * Section 1. LEGISLATIVE FINDINGS. (a) The legislature finds that

9 (1) agriculture makes an important contribution to the economy
10 of the state;

11 (2) agricultural land constitutes a unique and irreplaceable
12 resource of statewide significance;

13 (3) the continuation of farming preserves the landscape and the
14 environmental resources of the state;

15 (4) agricultural land contributes to tourism;

16 (5) agricultural land furthers the economic self-sufficiency of
17 the people of the state; and

18 (6) the encouragement, development, improvement, and preserva-
19 tion of agriculture will result in a general benefit to the health and
20 welfare of the people of the state.

21 (b) The legislature further finds that conflicts between agricultural
22 operations and the urban and suburban land uses threaten to force the
23 abandonment of agricultural operations and the conversion of agricultural
24 land to nonagricultural uses and the permanent loss of the agricultural
25 land to the economy and to the human and environments of the state.

26 * Sec. 2. AS 09.45 is amended by adding a new section to read:

27 Sec. 09.45.235. AGRICULTURAL OPERATIONS AS PRIVATE NUISANCES.

28 (a) An agricultural operation and an operation appurtenant to an
29 agricultural operation is not and does not become a private nuisance

1 by a changed condition that exists on neighboring land if the agricul-
2 tural operation has been in operation for more than one year and if
3 the agricultural operation was not a nuisance at the time the agricul-
4 tural operation began.

5 (b) The provisions of (a) of this section do not apply to a
6 nuisance resulting from improper or negligent conduct of agricultural
7 operations or operations appurtenant to an agricultural operation.

8 (c) The provisions of (a) of this section prevail over a municipi-
9 pal ordinance or regulation to the contrary.