

Offered: 3/17/86
Referred: Rules

Original sponsor: Kerttula

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

CS FOR SENATE BILL NO. 409 (Resources)

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. The legislature finds that agricul-
9 ture makes an important contribution to the economy of the state and that
10 the encouragement, development, improvement, and preservation of agricul-
11 ture will result in a general benefit to the health and welfare of the
12 people of the state. The legislature further finds that conflict between
13 agricultural operations and urban and suburban land uses threatens the
14 permanent loss of agricultural land.

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

16 Sec. 09.45.235. AGRICULTURAL OPERATIONS AS PRIVATE NUISANCES.

17 (a) An agricultural operation and an operation appurtenant to an
18 agricultural operation is not and does not become a private nuisance
19 by a changed condition that exists on neighboring land if the agricul-
20 tural operation has been in operation for more than three years and if
21 the agricultural operation was not a nuisance at the time the agricul-
22 tural operation began.

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

26 (c) The provisions of (a) of this section supersede a municipal
27 ordinance or regulation to the contrary.