

Offered: 4/30/86  
Referred: Rules

Original sponsor: Kerttula

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 409 (Judiciary) am H

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 is not and does not become a private  
18 nuisance by a changed condition that exists on neighboring land if the  
19 agricultural operation has been in operation for more than three years  
20 and if the agricultural operation was not a nuisance at the time the  
21 agricultural operation began.

22 (b) The provisions of (a) of this section do not apply to

23 (1) liability resulting from improper or negligent conduct  
24 of agricultural operations; or

25 (2) flooding caused by the agricultural operation.

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

28 (d) In this section, "agricultural operation" means

29 (1) any agricultural and farming activity such as

- 1 (A) the cultivation, conserving, and tillage of the  
2 soil;
- 3 (B) dairying;
- 4 (C) the operation of greenhouses;
- 5 (D) the production, cultivation growing, and harvest-  
6 ing of an agricultural, floricultural, or horticultural com-  
7 modity;
- 8 (E) the raising of livestock, bees, fur-bearing ani-  
9 mals, or poultry;
- 10 (F) forestry or timber harvesting operations;
- 11 (2) any practice conducted on the agricultural operation as  
12 an incident to or in conjunction with activities described in (1) of  
13 this subsection.