

Original sponsor: Coghill

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 23 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST 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 AS 38.05.059 is repealed and reenacted to read:

9 Sec. 38.05.059. LIMITATIONS AND CONDITIONS ON SALE OR LEASE OF
10 AGRICULTURAL LAND. (a) In a sale of state land classified as agri-
11 cultural land, the use of the land shall be restricted as provided
12 under this section. The commissioner shall convey a fee simple condi-
13 tional title to the surface estate subject to a condition subsequent
14 that the land be used only for agricultural purposes. The commis-
15 sioner shall reserve a right of reentry after notice and an oppor-
16 tunity for a hearing if the land is used for other than agricultural
17 purposes. A reversion of title upon reentry does not affect the
18 validity of a prior lien or security interest on the land.

19 (b) As a condition to the issuance of a lease or a contract of
20 sale of state land classified as agricultural land, the commissioner
21 may require a farm development agreement and the submission of a
22 conservation plan that establish reasonable requirements based on
23 economic feasibility of development and sound agricultural principles.

24 (c) A person purchasing land from the state under (a) - (b) of
25 this section and the successor in interest of a purchaser may request
26 the commissioner to modify conditions imposed in the purchase, except
27 that the commissioner may not modify the fee simple conditional title
28 conveyed by the purchase. The commissioner may not modify a condition
29 imposed in the purchase unless the commissioner determines that the

1 modification is in the public interest and is necessary to
2 (1) rectify a mistake of fact that existed at the time the
3 contract for purchase was entered into;
4 (2) alleviate a substantial hardship not foreseeable by
5 either party at the time the contract to purchase was entered into; or
6 (3) alleviate a financial burden that is substantial, if
7 the modification requires the expenditure of an amount of money or
8 effort
9 (A) comparable to that originally required; and
10 (B) in a specific manner that will more efficiently
11 benefit agricultural development in the state.
12 (d) An application under (c) of this section to modify a condi-
13 tion imposed in the purchase must show by clear and convincing evi-
14 dence that the modification is justified under (c)(1), (2), or (3) of
15 this section. A person granted a modification under (c)(3) of this
16 section may not receive another modification under that paragraph for
17 a period of five years from the date of the modification.
18 (e) The commissioner may not convey title under (a) of this
19 section to a person who has not complied with a farm development
20 agreement or conservation plan, including a modification of an agree-
21 ment or plan, as required by the commissioner.
22 (f) 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 as well as other buildings commonly needed for agricultural purposes
26 on not more than 20 acres of the land transferred under this section.
27 * Sec. 2. AS 38.05.020(b)(7) is repealed.