

1 IN THE SENATE

BY COGHILL

2

SENATE BILL NO. 63

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH 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 AS 38.05.059 is repealed and reenacted to read: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 title
13 to the surface estate subject to a covenant that the land be used only
14 for agricultural purposes.

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

20 (c) A person purchasing land from the state under (a) - (b) of
21 this section and the successor in interest of a purchaser may request
22 the commissioner to modify conditions imposed in the purchase, except
23 that the commissioner may not modify the agricultural covenant. The
24 commissioner may not modify a condition imposed in the purchase unless
25 the commissioner determines that the modification is in the public
26 interest and is necessary to

27 (1) rectify a mistake of fact that existed at the time the
28 contract for purchase was entered into;

29 (2) alleviate a substantial hardship not foreseeable by

1 either party at the time the contract to purchase was entered into; or
2 (3) alleviate a financial burden that is substantial, if
3 the modification requires the expenditure of an amount of money or
4 effort

5 (A) comparable to that originally required; and

6 (B) in a specific manner that will more efficiently
7 benefit agricultural development in the state.

8 (d) An application under (c) of this section to modify a condi-
9 tion imposed in the purchase must show by clear and convincing evi-
10 dence that the modification is justified under (c) of this section. A
11 person granted a modification under (c)(3) of this section may not
12 receive another modification under that paragraph for a period of five
13 years from the date of the modification.

14 (e) The commissioner may not convey title under (a) of this
15 section to a person who has not complied with a farm development
16 agreement or conservation plan, including a modification of an agree-
17 ment or plan, as required by the commissioner.

18 (f) In this section, "agricultural purposes" includes farming,
19 ranching, grazing, and storage or control of agricultural crops or
20 livestock, and the construction on not more than 20 acres of the land
21 transferred under this section of the farm residence of the grantee as
22 well as other buildings commonly needed for agricultural purposes.

23 * Sec. 2. AS 38.05.020(b)(7) is repealed.