

SJR

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Introduced: 2/20/81
Referred: Resources and
Judiciary

1 IN THE SENATE

BY KERTTULA

2 SPONSOR SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 10

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Consti-
6 tution of the State of Alaska relat-
7 ing to agricultural rights in state
8 lands.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. Article VIII, sec. 9, Constitution of the State of Alaska,
11 is amended to read:

12 SECTION 9. SALES AND GRANTS. Subject to the provisions of this
13 section and Section 19 of this article, the legislature may provide for
14 the sale or grant of state lands, or interests therein, and establish
15 sales procedures. All sales or grants shall contain such reservations
16 to the State of all resources as may be required by Congress or the
17 State and shall provide for access to these resources. Reservation of
18 access shall not unnecessarily impair the owners' use, prevent the
19 control of trespass, or preclude compensation for damages.

20 * Sec. 2. Article VIII, Constitution of the State of Alaska, is amended
21 by adding a new section to read:

22 SECTION 19. AGRICULTURAL RIGHTS IN STATE LANDS. When state land
23 has been ~~classified~~ ^{AND CLASSIFIED} by the State as agricultural land, only the agricul-
24 tural rights in the land may be conveyed. All other interests in the
25 land remain with the State. Agricultural rights in state lands may not
26 be converted to other rights in state lands.

27 * Sec. 3. The amendments proposed by this resolution shall be placed
28 before the voters of the state at the next general election in conformity
29 with article XIII, section 1, Constitution of the State of Alaska and the

STATE TITLED A CITY OR TOWNSHIP OR NATIVE CORPORATION FORMED UNDER THE ALASKA NATIVE LAND CLAIMS SETTLEMENT ACT.

DNR CLASSIFIED?

1 election laws of the State.

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Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 17, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SJR 10 - Proposing amendments to the Constitution of the State of Alaska relating to disposition of agricultural rights in state lands.

SCR 19 - Proposing an amendment to the uniform rules relating to an earlier organization of the legislature.

SB 333 - "An Act authorizing earlier organization of the legislature."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:40 P.M. Committee members present were: Senators Rodey, Ray, and Parr. Senator Bennett was absent.

Chairman Rodey first brought a bill relating to compilation of the jury list before the Committee for their review and introduction as a committee bill. There was no objection.

Next Chairman Rodey brought before the Committee SJR 10. Senator Kerttula, prime sponsor of the bill, testified stating that the philosophy of the constitutional amendment, "limited amount of land", bears going before the people. He further stated that the Matanuska Valley-Tanana Valley land is in jeopardy by development.

Chairman Rodey moved that on Line 23, Page 1, insert "and conveyed" between "classified" and "by". There was no objection and the amendment was adopted.

Senator Ray expressed that he does not want municipalities restricted in land use. He also moved that on Line 24, Page 1, delete the "." and insert "and". There was no objection.

Senator Kerttula suggested that the Committee delete the entire sentence beginning on Line 25, Page 1, "Agricultural rights in state lands may not be converted to other rights in state lands." Senator Rodey made the motion and it was adopted.

Senator Ray moved that the Committee pass SJR 10 from Committee as amended. There was no objection. Senator Parr signed no recommendation, Senators Ray and Rodey signed do pass.

The next item on the agenda was SB 333 and SCR 19.

After brief discussion on SB 333 and SCR 19, Chairman Rodey stated that the language is not clear and requested that the bill be held over until staff could work out language changes. There was no objection.

Chairman Rodey adjourned the meeting at 2:25 P.M.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

JANUARY 22, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SJR 54 - Proposing amendments to the Constitution of the State of Alaska relating to the confirmation of appointments by the governor.

SSSJR 10 - Proposing amendments to the Constitution of the State of Alaska relating to agricultural rights in the state lands.

The meeting of the Senate Judiciary Committee was called to order by Vice-Chairman Bennett at 1:45 P.M. Committee members present were: Senators Bennett, Ray, and Parr. Senators Rodey and Huhman were absent.

The first legislation before the committee was SJR 54. Pete Froehle, representing the Attorney General, spoke against the resolution. It was his belief that adoption of such an amendment would alter the balance of power between the executive and legislative branches. He further stated that a commissioner could not make unpopular decisions in fear of removal by the Legislature. It was the view of the Attorney General's office that this amendment would be undesirable to the framers of the Constitution.

Senator Parr explained the purpose behind the amendment and gave a brief history of his experiences with executive appointments.

Senator Ray moved that on Page 1, Line 16, and on Line 26, the word "a" be struck and the word "another" inserted in its place. There was no objection to the amendment and it was adopted. Senator Ray further moved that on Page 1, Line 13, and Line 22, the words "two-thirds" be deleted and the words "three-fourths" substituted. Senator Parr objected the amendment. On a roll call vote, Senator Ray voted yes, Senators Parr and Bennett voted no and the amendment was not adopted.

Senator Parr moved that the resolution pass from committee as amended with individual recommendations. Senator Ray requested that the chair hold it over for one meeting and it was so ordered. Senator Bennett requested that the staff bring this resolution before the committee at the next meeting.

The committee next took up SSSJR 10. Bob Palmer, Office of the Governor, testified in favor of the resolution. He indicated that this amendment would end speculation in agricultural land and should keep the price where farmers could afford to acquire and work parcels. Nick Carney, Department of Natural Resources, also supported the legislation and responded to questions by the committee. Marcia Vandercook, of Senator Kerttula's office, also spoke in favor of the resolution.

The committee was concerned that land claimed by Native Corporations or local governments that had previously been classified as agricultural land could not use the land for other purposes. Mr. Carney replied that this was correct, but that land selectors could have the land re-classified before it was conveyed. The committee took no action on the legislation.

The meeting was adjourned at 2:30 P.M.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
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Senate

Committee on Resources

April 8, 1981
1:40 p.m.

Beltz Room
Room 211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Sturgulewski
Senator Mulcahy
Senator Gilman

Hearing:

- SSSJR 10 Proposing amendments to the Constitution of the State of Alaska relating to agricultural rights in state lands.
- SCR 17 Relating to the development of a wood products industry in the state.
- SB 245 An Act amending the agricultural loan program to authorize loans for the harvesting, storage, and delivery of peat.

Bob Palmer, Coordinator, Special Projects for the Governor, stated that, nationwide annually, 3-5 million acres of are taken out of agricultural production. A number of states have recognized the negative impact of this and have been purchasing agricultural rights from private land owners. He indicated that SSSJR 10 would alleviate several potential problems: first, the sale of only agriculture rights could be repealed by a future legislature. And, second, with the approval from the adjacent city and the Division of Lands, the owner of agricultural lands can obtain full title. He indicated that there has been an increase in the number of people speculating in agriculture lands in hopes they can someday sub-divide the land and sell it. SSSJR 10 will eliminate this speculation.

Senator Fischer put forth the motion to move SSSJR 10 with individual recommendations.

Senator Colletta, stated that SCR 17 sets up a procedure to utilize one of the state resources. With the current emphasis on agricultural development, it is necessary to utilize the timber that is on the land. SCR 17 directs the various agencies to work together jointly to utilize all of the resources

Senator Sturgulewski offered language for amendments. The Chairman suggested since SCR 17 would be next in the Finance Committee that the amendments could take place there.

Bob Palmer, Coordinator, Special Projects for the Governor, stated that he supports the concept of SCR 17. He explained that the language "highest and best use" is not always the the most obvious use of the resource.

Senator Mulcahy put forth the motion to move SCR 17 with individual recommendations.

Bob Palmer, Coordinator, Special Projects for the Governor, stated he supports SB 245. He indicated that during a recent market trip to Japan he found that they import large amounts of peat from West Germany which contains 60% moisture. The Japanese use peat for cattle feed, oil spill clean up and potting soil. Peat offers a prime opportunity for a new industry in Alaska. One of the difficulties with the development of a peat industry is a large portion of it is located in wet lands which fall under the jurisdiction of the Army Corps of Engineers. He suggested that due to the limited funds in the Agricultural Loan Program that AIDA or ARRC might be more appropriate bodies to handle loans for peat.

The Committee was adjourned at 2:25 p.m.



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

M E M O R A N D U M

RECEIVED

APR 16 1981

TO: Senator Rodey, Chairman
Judiciary Committee

FROM: Senator Vic Fischer *VP*

DATE: April 14, 1981

RE: SJR 10, Agricultural Rights in State Lands

I believe the constitutional amendment is significant enough to justify Legislative approval.

However, I believe section 2 of SSSJR 10, providing for a new section 19, is all the amendment required. I don't think we have to revise existing section 9, as proposed in section 1 of the resolution.

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