

SJR

3

Sup. Ct. Op. No. 1462 (File Nos. 2561, 2671), 566 P.2d 1320 (1977).

While strict or absolute necessity is not required, something more than mere convenience must be shown before an occu-

pant of tidelands is entitled to an easement under subsection (b)(6) of this section.

Talbot's, Inc. v. Cessnun Enterprises, Inc., Sup. Ct. Op. No. 1462 (File Nos. 2561, 2671), 566 P.2d 1320 (1977).

Sec. 38.05.321. Restriction on sale, lease or other disposal of agricultural land.

(a) The sale, lease or other disposal of state land classified as agricultural land transfers only rights for agricultural purposes, and all other interests in the land remain with the state unless otherwise required by law.

(b) State land classified as agricultural land which has been selected by a municipality under AS 29.18.190 — 29.18.200 or 29.18.205(e) may be approved by the director for patent under AS 29.18.205(f); however, only rights in the land for agricultural purposes may be transferred and all other interests in the land will remain with the state. Agricultural land approved for patent to a municipality under AS 29.18.205(f) shall be credited, acre for acre, toward fulfillment of that municipality's entitlement under AS 29.18.201 — 29.18.203. If the director later determines it to be in the best interests of the state to transfer some or all of the additional rights in that approved or patented agricultural land, those rights shall pass without consideration to the municipality in which the land is located. The notice and review provisions of AS 38.05.305 and 38.05.345 are applicable to conveyance of rights under this section.

(c) The provisions of this section do not apply to state land classified as agricultural land which has been selected by a municipality under the provisions of AS 29.18.190 — 29.18.200 if the selection is an approved selection before April 1, 1978 and is otherwise valid under AS 29.18.205(b). (§ 3 ch 71 SLA 1976; am § 3 ch 180 SLA 1978)

Effect of amendments. — The 1978 amendment rewrote this section.

Editor's notes. — Sections 29.18.190 and 29.18.200, referred to in subsections (b) and (c), were repealed by § 5, ch. 180, SLA 1978.

AS 38.05.305, referred to in subsection (b), was repealed by § 45, ch. 113, SLA 1981.

Sec. 38.05.325. Homestead entry.

Repealed by § 45 ch 85 SLA 1979.

Editor's notes. — The repealed section derived from § 6, art. III, ch. 169, SLA 1959; § 1, ch. 72, SLA 1966.

Sec. 38.05.330. Permits. (a) The director, without the prior approval of the commissioner, may issue permits, rights-of-way or easements on state land for roads, trails, ditches, field gathering lines or transmission and distribution pipelines not subject to AS 38.35.010

— 38.35.260, telephone log storage, oil well purposes of recovery and other similar use of timber or materials director, shall establish for these uses, subject to the provisions specified in this section, upon revocation of a permit preference to that benefit to the state preference shall be of tideland, or tid seaward of the up needed by the uple may be granted.

(b) The fee charge section shall be wa a transmission or c tive association or purpose of supplyi to its members, and in the best interest ch 61 SLA 1960; am § 13 ch 257 SL

Effect of amendments. — The amendment added the word "ignation, and in that tuted "telephone or el and distribution lines"

Sec. 38.05.335. seeking the sale, l oil and gas or mix mated cost of an deposited fund's r lands are sold or le the party award appraising and su of advertising, an cant.

(b) Except as p lease of state lan sealed bid, the di money deposit wi director may req

SJR 3: BACKGROUND

The purpose of this amendment is to embody in the Alaska State Constitution, the philosophy expressed in the existing statute, AS 38.05.321, relating to preservation of the rights of agricultural land for the purposes of agriculture only and to ensure that that philosophy will not be undermined by future legislation.

The amendment proposes that those state lands which are classified as agricultural and are disposed of either by sale, or long-term lease, must remain forever agricultural in nature. These lands can be abandoned to reforestation, but they cannot be subdivided or used for purposes incompatible with future agricultural use. This affects approximately 1 million acres.

Under this amendment, farmers will own the right to farm but will not have unlimited or fee simple title to the property, which would remain with the State. This is in keeping with the present statute and the philosophy of the Homestead Act of the 1920's.

This amendment has been introduced in response to the destruction of valuable lands suitable for agriculture by using them for commercial or residential purposes. This is a widespread national problem which has become intensified in some areas of Alaska and there is only a limited amount of farming land available in the State.

Unfortunately, valuable agricultural lands on the Kenai and in the Tanana and Matanuska Valleys has been lost to other than agricultural development and it is apparent that the Susitna, Nenana and Copper River Valleys may be next.

It is imperative that we learn from the lessons of the past and of other states and preserve these lands while we still have the opportunity to do so.

4-11-83
from Kerttola's office

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



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Senate Committee on Resources

MINUTES

April 15, 1983
3:10 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair	Senator V. Fischer
Senator Ziegler, Vice Chair	Senator Mulcahy
Senator Eliason	Senator Sturgulewski

CALENDAR

SJR 3 · Relating to agricultural rights on state lands.
SB 11 Special appropriation to Alaska Power Authority
for power projects.
SB 168 Relating to the Alaska Power Authority.

SJR 3

Senator Kerttula testified in support of SJR 3 to retain state agricultural lands.

Bob Arnold, Deputy Commissioner of the Department of Natural Resources, testified that Alaska statutes provide for only the conveyance of agricultural rights on state agricultural lands. In answer to a question, the right of homesteading could be established on designated agricultural lands, but the lands cannot be removed from that designation.

Senator Mulcahy moved that SJR 3 be reported out of committee with individual recommendations. There was no objection.

SB 168

Eric Yould, Executive Director for the Alaska Power Authority, covered the provisions of SB 168. Section 22 repeals the "blackmail clause" which required \$5-billion be funded for

hydroelectric projects or a 10% equity payback was required on all projects.

Tony Dean, of John Nuveen & Co., testified in support of SB 168 and answered questions related to bonding procedures, financing by bonding and the surety of the bond funds.

Laura Davis, Department of Law, testified on legal aspects of the bill.

Vince O'Reilly, Deputy Commissioner of Department of Commerce, offered testimony previously submitted in support of the bill.

Senator Fahrenkamp held SB 168 in committee for consideration of several amendments.

SB 11

Eric Yould, of Alaska Power Authority, reviewed the cuts already made in the administration's proposed budget.

Vince O'Reilly, Department of Commerce, covered the priority process which resulted in \$17.5-million minimum appropriation.

Lonnie Anderson, Mayor of Kake, requested consideration of an appropriation for Kake's inclusion in the Tyee-Petersburg intertie.

Senator Eliason moved for adoption of an amendment for \$535,000 for the design planning for Kake. There was no objection.

David Hutchens, Alaska Rural Electrification Cooperatives Association, testified in support of the intertie, the Black Bear Project, and five other hydropower projects across the state.

Ron Garzini, Manager of the City of Seward, requested consideration of an appropriation for a transmission line for Seward.

Bill Chabot, representing Tlingit-Haida Regional Authorities, testified in support of the Kake intertie and the Black Bear project.

Marvin Kadake, City of Kake Councilman, testified in support of the Kake intertie.

Senator Fahrenkamp held SB 11 for further consideration.

The meeting adjourned at 4:28 p.m.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
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Senate

Committee on Resources

TO: Senate Resources Committee Members
FROM: Senate Resources Committee Staff
RE: Hearing, 4/15/83
DATE: April 14, 1983

The following bills will be before the Committee Friday, April 14.

SB 11 MAKING SPECIAL APPROPRIATIONS TO THE ALASKA POWER AUTHORITY.

Please note that a draft Committee Substitute has been prepared for this bill, which would appropriate funds for specific projects. We are expecting testimony on these projects from the APA at our hearing.

SB 168 RELATING TO THE ALASKA POWER AUTHORITY.

Attached are the Governor's transmittal letter and an analysis prepared by the Senate Advisory Council. SB 168 would permit meetings of the APA by electronic media, make it permissive rather than mandatory that the authority issue bonds for the energy program, ensure that a feasibility study of a proposed project include an independent cost estimate, require APA to enter into power sales contracts for energy transmission as well production, and repeal the "Susitna blackmail clause" (the portion of the wholesale power rate provision which makes future rates contingent on the appropriation of \$5,000,000,000 to the power development fund before July 1, 1986).

SJR 3 PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ALASKA RELATING TO AGRICULTURAL RIGHTS IN STATE LANDS.

The amendment proposes when State lands which are classified as agricultural and are disposed of either by sale or long term

lease, only agricultural rights to the lands can be conveyed. The amendment is designed to place in the Constitution the requirements of existing law to ensure that agricultural lands are never converted to other uses.

The hearing is scheduled for Friday, April 14th at 3:00 p.m. in the Beltz Room.



Official Business

Alaska State Legislature

Senate

Office of the President

APR 11 1983

Pouch V
State Capitol
Juneau, Alaska 99811

April 8, 1983

TO: Senator Bettye Fahrenkamp
Chairperson
Senate Resources Committee

FROM: Senator Jay Kerttula
Senate President

Please schedule Senate Joint Resolution 3 for hearing by the Resources Committee. This measure, which proposes an amendment to the State Constitution, would insure that land suitable for agricultural use would be used for only that purpose.

Thank you for early consideration of this request.