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Offered: 4/15/85
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 120 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to agriculture; and providing for an
7 effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 03.05.010 is amended to read:
10 Sec. 03.05.010. POWERS AND DUTIES OF COMMISSIONER OF NATURAL
11 RESOURCES. (a) The commissioner of natural resources shall
12 (1) direct, administer, and supervise promotional and
13 experimental work, extension services, and agricultural projects for
14 the purpose of promoting and developing the agricultural industry
15 within the state including such fields as horticulture, dairying,
16 cattle raising, fur farming, grain production, vegetable production,
17 and development of other agricultural products;
18 (2) procure and preserve all information pertaining to the
19 development of the agricultural industry and disseminate that informa-
20 tion to the public;
21 (3) assist prospective settlers and others desiring to
22 engage in the agricultural industry in the state with information
23 concerning areas suitable for agriculture and other activities and
24 programs essential to the development of the agricultural industry in
25 the state;
26 (4) review the marketing, financing, and development of
27 agricultural products inside the state including transportation, with
28 special emphasis upon local production, and negotiate for the market-
29 ing of agricultural products of the state with federal and state

1 agencies operating in the state; [AND]

2 (5) regulate and control the entry into the state and the
3 transportation, sale or use inside the state of plants, seeds, vegeta-
4 bles, fruits and berries, nursery stock, shell eggs, animal feeds,
5 remedies and mineral supplements, fertilizers, and agricultural chemi-
6 cals in order to prevent the spread of pests, diseases, or toxic
7 substances injurious to the public interest, and to protect the ag-
8 ricultural industry against fraud, deception and misrepresentation; in
9 this connection the commissioner may require registration, inspection,
10 and testing, and establish procedures and fees;

11 (6) assist in the establishment of commodity marketing
12 associations, and adopt regulations to implement this paragraph.

13 (b) To carry out the requirements of this title, the com-
14 missioner of natural resources may issue orders, regulations,
15 quarantines, and embargoes relating to

16 (1) examination and inspection of premises containing
17 products, articles, and commodities carrying pests;

18 (2) establishment of quarantines for eradication of pests;

19 (3) establishment of standards and labeling requirements
20 pertaining to the sale of agricultural and vegetable seeds and pro-
21 cessed feeds;

22 (4) tests and analyses that [WHICH] may be made and hear-
23 ings that [WHICH] may be held to determine whether the commissioner
24 will issue a stop order or quarantine;

25 (5) cooperation with federal and other state agencies;

26 (6) licensing, bonding, inspection, and auditing of records
27 of public grain, grass, and legume storage or processing facilities.

28 * Sec. 2. AS 03.10.030(a) is amended to read:

29 (a) The farm development or [,] chattel [, OR IRRIGATION] loan

1 made under this chapter

2 (1) may not exceed a term of 30 years, except that a chat-
3 tel loan may not exceed a term of seven years unless the agricultural
4 revolving loan board determines that a longer term is in the best
5 interest of the state and would promote the purposes of this chapter
6 in which case, if the borrower is current in any existing agricultural
7 loan, an existing chattel loan may be combined with and amortized over
8 the same period as an existing farm development loan, or a chattel
9 loan may be extended beyond a seven-year term if the loan is secured
10 by additional real property as collateral;

11 (2) may not, when added to the outstanding balance of other
12 loans made under this chapter, exceed a total outstanding balance of
13 \$1,000,000 except that the total outstanding balance may be increased
14 up to 50 percent if the borrower is a dairy farmer, has held a loan
15 under this chapter for at least two years, and receives written
16 approval under conditions and standards established by the agricul-
17 tural revolving loan board;

18 (3) shall be secured by a real estate or chattel mortgage
19 of any priority, except that the portion of a loan that exceeds
20 \$500,000, when added to prior indebtedness that is secured by the same
21 property, must be secured by a first mortgage;

22 (4) shall bear interest

23 (A) on that portion of the loan below \$1,000,000, at a
24 rate that may not be less than eight percent or more than the
25 commercial rate, unless the commercial rate is eight percent or
26 less; in this paragraph "commercial rate" means the prevailing
27 rate of interest at private lending institutions in the state for
28 loans similar to those referred to in this subsection;

29 (B) on that portion of the loan above \$1,000,000, at a

delete words passed

1 rate that may not be less than the prime rate prevailing at the
2 time of the loan; in this paragraph, "prime rate" means the prime
3 rate of interest normally charged ^{at} private lending institutions in
4 the state on the day the contract or loan commitment was made.

5 * Sec. 3. AS 03.10.030(c) is amended to read:

6 (c) A short term loan, to be amortized within one year, not to
7 exceed \$350,000 to any one borrower may be made for operating pur-
8 poses, except that a loan made under this subsection may not exceed
9 \$200,000 unless the loan is made to a borrower in a farm disaster area
10 declared under AS 03.10.058. The short-term loan limits may be in-
11 creased up to 50 percent if the borrower has held a loan under this
12 chapter for at least two years and receives written approval under
13 conditions and standards established by the agricultural revolving
14 loan board. An applicant for a short term loan may be required to
15 purchase insurance through the Federal Crop Insurance Act (7 U.S.C.
16 1501 - 1520) as a condition of the loan. The term of a loan made
17 under this subsection may be extended for up to three years by the
18 agricultural revolving loan fund board, in the discretion of the
19 board, upon application by the borrower. An existing short-term loan
20 may be combined with and amortized over the same time period as an
21 existing farm development loan if the agricultural revolving loan fund
22 board determines that the combination is in the best interest of the
23 state and promotes the purposes of this chapter.

24 * Sec. 4. AS 03.10.040 is amended to read:

25 Sec. 03.10.040. CREATION OF FUND. There is an agricultural
26 revolving loan fund, which may [SHALL] not exceed \$100,000,000,
27 [\$75,000,000] to carry out the purpose of this chapter.

28 * Sec. 5. AS 03.10.050(b) is amended to read:

29 (b) The board is composed of seven [FIVE] members appointed by

1 the governor and confirmed by the legislature in joint session. Three
2 members must [SHALL] be persons with background and experience in
3 Alaska agriculture and one additional member must be a person with
4 background and experience in Alaska horticulture. Members of the
5 board serve for overlapping three-year terms. Members of the board
6 are not entitled to receive compensation for their services, but are
7 entitled to [SHALL] receive the same travel pay and per diem as
8 provided by law for boards and commissions.

Section 4 of original
* Sec. 6. AS 03.57.020 is amended to read:

10 Sec. 03.57.020. BOND REQUIRED. Each dealer is required to
11 obtain and file with the director of the division of agriculture of
12 the Department of Natural Resources a bond in the amount of \$25,000
13 [\$5,000]. The bond shall be conditioned on the faithful performance
14 of the legal duties of the dealer as set out in this chapter and the
15 payment for vegetables purchased by the dealer. The bond is payable
16 to the person injured to the extent of the damages. The aggregate
17 liability of the surety for all breaches of the conditions of the bond
18 may not [SHALL, IN NO EVENT,] exceed the amount of the bond. The
19 surety may cancel the bond upon giving 30 days' notice in writing to
20 the director, and after that is [THEREAFTER SHALL BE] relieved of any
21 liability for a breach of condition occurring after the effective date
22 of cancellation.

23 * Sec. 7. AS 38.09.050(a) is amended to read:

24 (a) The commissioner shall issue a patent to homestead entry
25 land if the permit holder

26 (1) resides and lives on the homestead entry land for not
27 less than 25 months within five years after the issuance of the home-
28 stead entry permit;

29 (2) completes an approved survey of the land within two

1 years after the issuance of the permit or under AS 38.09.040(b);

2 (3) erects a habitable, permanent dwelling on the homestead
3 within three years after the issuance of the homestead entry permit;

4 (4) brushes the boundaries of the land within 90 days after
5 the issuance of the permit;

6 (5) clears and either puts into production or prepares for
7 cultivation either 25 percent of the land classified for agricultural
8 use or 50 percent of the suitable agricultural land, consisting of
9 [HAVING] class II, or III soils, whichever is more [LESS], within five
10 years after issuance of the permit.

11 * Sec. 8. Sections 1 - 4 of this Act take effect July 1, 1985.

12 * Sec. 9. Section 5 of this Act takes effect immediately in accordance
13 with AS 01.10.070(c).

Introduced: 1/14/85
Referred: Resources and
Finance

1 IN THE HOUSE

BY SHULTZ

2

HOUSE BILL NO. 33

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH 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) A person may purchase from the state not more
11 than one parcel of land that is part of an agricultural development
12 project under AS 44.33.475 during any eight-year period.

13 (b) In a sale or other disposal of state land classified as
14 agricultural land the use of the land shall be restricted. The com-
15 missioner shall convey a fee simple conditional title to the surface
16 estate subject to a condition subsequent that the land be used only
17 for agricultural purposes. The commissioner shall reserve a right of
18 reentry after notice and an opportunity for a hearing if the land is
19 used for other than agricultural purposes. A reversion of title upon
20 reentry does not affect the validity of a prior lien or security
21 interest on the land.

22 (c) The lessee of state agricultural land shall receive a lease-
23 hold interest in the surface estate subject to the condition subse-
24 quent that the land leased be used only for agricultural purposes.

25 (d) As a condition to the issuance of a lease or a contract of
26 sale of state land classified as agricultural land, the commissioner
27 may require a farm development agreement and the submission of a
28 conservation plan that establish reasonable requirements based on
29 economic feasibility of development and sound agricultural principles.

1 (e) The commissioner may not convey title under (b) of this
2 section to a person who has not complied with a farm development
3 agreement or conservation plan required by the commissioner.

4 (f) In this section, "agricultural purposes" includes farming,
5 ranching, grazing, and storage or control of agricultural crops or
6 livestock, and the construction of the farm residence of the grantee
7 or lessee as well as other buildings commonly needed for agricultural
8 purposes on not more than 20 acres of the land transferred under this
9 section.

10 * Sec. 2. AS 38.05.321(a) is repealed.

Dick Bradley

1 the Department of Natural Resources a bond in the amount of \$25,000
2 [\$5,000]. The bond must [SHALL] be conditioned on the faithful per-
3 formance of the legal duties of the dealer as set out in this chapter
4 and the payment for vegetables purchased by the dealer. The bond is
5 payable to the person injured to the extent of the damages. The
6 aggregate liability of the surety for all breaches of the conditions
7 of the bond may not [SHALL, IN NO EVENT,] exceed the amount of the
8 bond. The surety may cancel the bond upon giving 30 days' notice in
9 writing to the director, and after that is [THEREAFTER SHALL BE]
10 relieved of any liability for a breach of condition occurring after
11 the effective date of cancellation.

12 * Sec. 5. AS 36 is amended by adding a new chapter to read:

13 CHAPTER 16. PREFERENTIAL USE OF ALASKA AGRICULTURAL PRODUCTS.

14 Sec. 36.16.010. USE OF LOCAL AGRICULTURAL PRODUCTS REQUIRED IN
15 PURCHASES WITH STATE MONEY. In the purchase of agricultural products
16 financed by state money, only agricultural products originating in
17 this state may be used whenever competitively priced, available, and
18 of like quality compared with agricultural products originating out-
19 side the state.

20 Sec. 36.16.020. INSERTION OF CLAUSE IN CALLS FOR BIDS AND IN
21 CONTRACTS. A clause containing the substance of AS 36.16.010 must be
22 inserted in all calls for bids and in all contracts awarded that
23 involve agricultural products.

24 Sec. 36.16.030. INSPECTION CERTIFICATE. Before purchase by the
25 state, an agricultural product originating in this state must receive
26 an inspection certificate from the commissioner of natural resources
27 under AS 03.05.010 or the commissioner of environmental conservation
28 under AS 03.05.011.

29 * Sec. 6. AS 38.09.050(a) is amended to read:

SB 120

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 120 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to agriculture; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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13 experimental work, extension services, and agricultural projects for
14 the purpose of promoting and developing the agricultural industry
15 within the state including such fields as horticulture, dairying,
16 cattle raising, fur farming, grain production, vegetable production,
17 and development of other agricultural products;

18 (2) procure and preserve all information pertaining to the
19 development of the agricultural industry and disseminate that informa-
20 tion to the public;

21 (3) assist prospective settlers and others desiring to
22 engage in the agricultural industry in the state with information
23 concerning areas suitable for agriculture and other activities and
24 programs essential to the development of the agricultural industry in
25 the state;

26 (4) review the marketing, financing, and development of
27 agricultural products inside the state including transportation, with
28 special emphasis upon local production, and negotiate for the market-
29 ing of agricultural products of the state with federal and state

1 agencies operating in the state; [AND]

2 (5) regulate and control the entry into the state and the
3 transportation, sale or use inside the state of plants, seeds, vegeta-
4 bles, fruits and berries, nursery stock, shell eggs, animal feeds,
5 medicines and mineral supplements, fertilizers, and agricultural chemi-
6 cals in order to prevent the spread of pests, diseases, or toxic
7 substances injurious to the public interest, and to protect the ag-
8 ricultural industry against fraud, deception and misrepresentation; in
9 this connection the commissioner may require registration, inspection,
10 and testing, and establish procedures and fees;

11 (6) assist in the establishment of commodity marketing
12 associations, and adopt regulations to implement this paragraph.

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14 sioner of natural resources may issue orders, regulations, quaran-
15 tines, and embargoes relating to

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19 (3) establishment of standards and labeling requirements
20 pertaining to the sale of agricultural and vegetable seeds and pro-
21 cessed feeds;

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24 will issue a stop order or quarantine;

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10 by additional real property as collateral;

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12 loans made under this chapter, exceed a total outstanding balance of
13 \$1,000,000 except that the total outstanding balance may be increased
14 up to 50 percent if the borrower has held a loan under this chapter
15 for at least two years and receives written approval under conditions
16 and standards established by the agricultural revolving loan board;

17 (3) shall be secured by a real estate or chattel mortgage
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19 \$500,000, when added to prior indebtedness that is secured by the same
20 property, must be secured by a first mortgage;

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23 rate that may not be less than eight percent or more than the
24 commercial rate, unless the commercial rate is eight percent or
25 less; in this paragraph "commercial rate" means the prevailing
26 rate of interest at private lending institutions in the state for
27 loans similar to those referred to in this subsection;

28 (B) on that portion of the loan above \$1,000,000, at a
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(c) A short term loan, to be amortized within one year, not to exceed \$350,000 to any one borrower may be made for operating purposes, except that a loan made under this subsection may not exceed \$200,000 unless the loan is made to a borrower in a farm disaster area declared under AS 03.10.058. The short-term loan limits may be increased up to 50 percent if the borrower has held a loan under this chapter for at least two years and receives written approval under conditions and standards established by the agricultural revolving loan board. An applicant for a short term loan may be required to purchase insurance through the Federal Crop Insurance Act (7 U.S.C. 1501 - 1520) as a condition of the loan. The term of a loan made under this subsection may be extended for up to three years by the agricultural revolving loan fund board, in the discretion of the board, upon application by the borrower. An existing short-term loan may be combined with and amortized over the same time period as an existing farm development loan if the agricultural revolving loan fund board determines that the combination is in the best interest of the state and promotes the purposes of this chapter.

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13 of the legal duties of the dealer as set out in this chapter and the
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16 liability of the surety for all breaches of the conditions of the bond
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16 (2) completes an approved survey of the land within two
17 years after the issuance of the permit or under AS 38.09.040(b);

18 (3) erects a habitable, permanent dwelling on the homestead
19 within three years after the issuance of the homestead entry permit;

20 (4) brushes the boundaries of the land within 90 days after
21 the issuance of the permit;

22 (5) clears and either puts into production or prepares for
23 cultivation either 25 percent of the land classified for agricultural
24 use or 50 percent of the suitable agricultural land, consisting of
25 [HAVING] class II, or III soils, whichever is more [LESS], within five
26 years after issuance of the permit.

27 * Sec. 9. Sections 1 - 4 and 7 of this Act take effect July 1, 1985.

28 * Sec. 10. Section 5 of this Act takes effect immediately in accordance
29 with AS 01.10.070(c).

Analysis for CSSB 120 (Finance)

The CS for SB 120 allows the Department of Natural Resources to take a number of actions that will help solve some of the current problems related to agriculture in Alaska. Some of the changes are necessary to clarify the functions of the department and the Division of Agriculture, others provide the department with additional flexibility to help farmers help themselves. The following analysis briefly describes the effects of each section.

Section 1(a)

(5) (Page 2, line 4) adds shell eggs to the list of items regulated by the department. The Division of Agriculture currently performs inspections on shell eggs but is not specifically authorized to do so.

(6) (Page 2, line 11) allows the establishment of commodity marketing associations, composed of producers of specific products, that will assist farmers in developing markets for their products.

Section 1(b)

(3) (Page 2, lines 20-21) adds processed feeds to the items for which the department may establish standards and labeling requirements.

(6) (Page 2, lines 26-27) allows the department to develop regulations for bonding or inspecting grain, grass or legume warehouses.

Section 2(a)

(Page 2, line 29) removes irrigation from the list of loans funded by the Agricultural Revolving Loan Fund.

(1) (Page 3, lines 3-10) provides the Agricultural Revolving Loan Fund (ARLF) with the flexibility to rewrite chattel loans if the borrower is current on existing loans.

(2) (Page 3, lines 13-17) allows the loan total for a dairy farm borrower to exceed the one million dollar limit by up to fifty percent if the borrower has held an agricultural loan for at least two years and meets board conditions and standards.

(4) (Page 3, line 23) and (5) (Page 3-4, line 29, lines 1-4) requires interest on loan amounts over one million to be at least equal to the prime rate charged by private lending institutions.

Section 3 (c)

(c) (Page 4, lines 10-14 and lines 19-23) allows short term loan limits to increase by up to fifty percent if the borrower has held an agricultural loan for at least two years and meets conditions set by the loan board, and allows the short term loan to be combined with other farm loans and amortized over a longer time period.

Section 4

(Page 4, line 26) raises the ceiling for the ARLF to \$100 million from \$75 million. The fund is currently capitalized at \$68 million and interest accruals and additional appropriations could cause the ceiling to be exceeded.

Section 5(b)

(b) (Page 4, line 29) increases the membership of the ARLF board to seven from five members. Three of the members must have an agricultural background and one must have an horticultural background.

Section 6

(Page 5, line 12) raises the required bond amount for vegetable dealers to \$25,000 from \$5,000 to protect the producer from losses.

Section 7(a)

(5) (Page 6, lines 8-9) amends the section on land clearing requirements for agricultural homesteads.

ARLF Summary Sheet

- Current capitalization \$67.5 M
- 8% minimum interest
- \$1 M maximum total to any farm unit
- Development and irrigation loans
 - up to 30 year term
 - ARLF Board seldom approves over 25 years
- Chattel loans
 - up to 7 year term
 - or life of chattel
- Operating loans
 - one year term - up to 3 years extension
 - \$200,000 maximum
- Processing loans
 - up to 30 year term
 - \$250,000 maximum
- Clearing loans
 - up to 20 year term
 - \$250,000 maximum

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST Bill/Resolution No.: CSSB 120(Fin) FISCAL DETAIL Agency Affected: Natural Resources
 Title: Agriculture Omnibus Program Category Affected: NRMEC
 Sponsor: Senate Finance BRU, Program or Subprogram(s) Affected:
 Requestor: Senator Finance Committee
 Date of Request: _____ Agriculture

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING	0	0				
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 SUPPLIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS	0	0				
800 MISCELLANEOUS	0	0				
TOTAL OPERATING	0	0				
CAPITAL	0	0				
REVENUE	0	0				

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0				
FEDERAL FUNDS	0	0				
OTHER	0	0				
TOTAL	0	0				

POSITIONS:

FULL-TIME	0	0				
PART-TIME	0	0				
TEMPORARY	0	0				

ANALYSIS: Attach a separate page if necessary

Prepared By: _____ Phone: 465-4523
 Division: Jan Faiks, Co-chairman Date: 4/15/85
Senate Finance Committee
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Supersedes F.Y. of 3/20/85
7/1/84