

SB 23

2/2/88 H Rec

STATE OF ALASKA
1988 LEGISLATIVE SESSION

CSSB 23 (Resources)

BILL VERSION: _____

PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 2/1/88
Title: Agricultural Rights to Land
Sponsor: Senator Coghill
Requestor: House Resources Committee

Agency Affected: Natural Resources
BRU: Agriculture
Land & Water Public Use
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Applications for contract changes will be processed as existing staff is available. The burden of gathering information to provide clear and convincing evidence that a contract modification is justified will primarily fall to the applicant. Parcel inspections and other field work will be performed as staff and travel funds are available.

Prepared by: Carol Wilson
Division: Commissioner's Office

Phone: 465-2400
Date: 2/1/88

Approved by Commissioner: [Signature]
Agency: Natural Resources

Date: 2/2/88

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

FEB 3 1988

SENATE COMMITTEE REPORT

FURTHER:

5/8/87

DATE TURNED INTO OFFICE

5/15/87

Mr. President:

FINANCE

Committee considered

SB 23

agricultural rights to land.

and recommended:

[] replace with

CS FOR

) [x] same title

[x] or adopt

CS FOR

SB 23 (RIS)

) [] new title

[] attached amendment(s) and

[] do pass

[] do not pass

[] no recommendation

[x] individual recommendations

[] further referral to

[] letter of intent adopted

Committee [x] attached or [] adopted fiscal note(s)

[x] new

[] updated or

[] previous

[x] zero

[] fiscal impact

MEMBERS SIGNING DO PASS

[Handwritten signature]

OTHER RECOMMENDATIONS

[Handwritten signatures: Card of Hank (Note), James (Note), Rich (Note), Willie (Note)]

Chairman signature and recommendation

[Handwritten signature: AB] No Rec.

[] Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST:

Bill Version : CSSB 23 (Resources)
Publish Date : _____

Revision Date: 5/14/87
Title: Agricultural Rights to Land
Sponsor: Senator Coghill
Requestor: Senate Finance

Agency Affected: Natural Resources
BRU: Agriculture
Land & Water Public Use
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Applications for contract changes will be processed as existing staff is available. The burden of gathering information to provide clear and convincing evidence that a contract modification is justified will primarily fall to the applicant. Parcel inspections and other field work will be performed as staff and travel funds are available.

Prepared by: Carol Wilson
Division: Commissioner's Office

Phone: 465-2400
Date: 5/14/87

Approved by Commissioner: *Jennie Gosnell*
Agency: Natural Resources

Date: 5-14-87

Distribution (by preparer):

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

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.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 23
Publish Date: _____

REQUEST: _____
Revision Date: April 1, 1987
Title: Agricultural Rights to Land
Sponsor: Senator Coghill
Requestor: Senate Resources

Agency Affected: Natural Resources
BRU: Land and Water Public Use
Agriculture
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		97.1	97.1	97.1		
TRAVEL		16.0	16.0	16.0		
CONTRACTUAL		18.0	18.0	18.0		
SUPPLIES		5.0	5.0	5.0		
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		136.1	136.1	136.1		

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		136.1	136.1	136.1		
FEDERAL FUNDS						
OTHER						
TOTAL		136.1	136.1	136.1		

POSITIONS:

FULL-TIME		2	2	2		
PART-TIME		1	1	1		
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

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by new
of DNE F/W*

Prepared by: Carol J. Wilson Phone: -2400
Division: Commissioner's Office Date: 4/1/87

Approved by Commissioner: Lennie Boston Gorsuch Date: 4/2/87
Agency: Natural Resources

- Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

RECEIVED
APR 03 1987

CONTINUATION OF FISCAL NOTE ANALYSIS

FOR BILL/RESOLUTION NO. SB 23

- 100 - 1 Natural Resource Manager I, Range 18A, \$49.9 per year for 3 years. (Division of Agriculture, Palmer)
- 1 Clerk Typist II, Range 7A, \$13.1 per 6 months for 3 years. (Division of Agriculture, Palmer)
- 1 Natural Resource Technician II, Range 12A, \$34.1 per year for 3 years. (Division of Land and Water Management)
- 200 - Field travel by Division of Agriculture staff to inspect parcels throughout the state (from Fairbanks to Gustavus).
- 300 - Aerial photography, field measuring, soil surveys and appraisals.
- 400 - Mapping supplies, field equipment and office supplies.

Of the approximately 400 parcels that are currently covered by agricultural contracts, an estimated 300 parcel owners may request contract modifications. The Division of Land and Water Management position would be responsible for accepting contract change requests and would prepare and process necessary forms and papers. The Division of Agriculture positions would evaluate contract change requests and perform field inspections and surveys, as necessary, to determine the acceptability of proposed changes.

1 IN THE SENATE

BY COGHILL

2

SENATE BILL NO. 23

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) During any eight-year period, a person may
11 purchase from the state not more than one parcel of land that is part
12 of an agricultural development project under former AS 4.33.475.

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

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

27 (d) A person purchasing land from the state under (a) - (c) of
28 this section may request the commissioner to modify or remove condi-
29 tions imposed in the purchase. A condition may be modified or removed

1 only on agreement between the grantee or the successor in interest of
2 the grantee and the commissioner.

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

6 (f) The commissioner may not convey title under (b) of this
7 section to a person who has not complied with a farm development
8 agreement or conservation plan required by the commissioner.

9 (g) In this section, "agricultural purposes" includes farming,
10 ranching, grazing, and storage or control of agricultural crops or
11 livestock, and the construction of the farm residence of the grantee
12 or lessee as well as other buildings commonly needed for agricultural
13 purposes on not more than 20 acres of the land transferred under this
14 section.

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

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/19/87

DATE TURNED INTO OFFICE 5/8/75

Mr. President:

RESOURCES

Committee considered SB 23

relating to agricultural rights to land.

and recommended:

[x] replace with CS SB 23 (Res) [x] same title
[] attached amendment(s) and [] new title

[x] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted and attached

** Committee [x] attached or [] adopted fiscal note(s)
[] zero [x] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

[Handwritten signature]
Chairman signature and recommendation

[] Committee Backup Attached