

HB

341

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 341

Revision Date/Time: _____ Dept Affected: Natural Resources
 Title: Farm Operations:Disclosure / Nuisances BRU: Agricultural Development
 Component: Agricultural Development
 Sponsor: Rep. Harris
 Requestor: (H) JUD Component No: 455

Expenditures/Revenues (Thousands of Dollars)
 Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: \$ none

POSITIONS

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

ANALYSIS: *(Attach a separate page if necessary)*

The Department does not anticipate any associated costs with this proposed legislation.

Prepared by: Robert Wells *[Signature]* Phone: 907-745-7200
 Division: Division of Agriculture Date: 10-Apr-00
 Approved by Commissioner: John Shively *[Signature]* Date: 10-Apr-00
 Agency: Natural Resources

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ALASKA STATE LEGISLATURE
REPRESENTATIVE JOHN HARRIS
STATE CAPITOL 110, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sponsor Statement

HB 341

The State of Alaska has invested millions of dollars in the development of its natural resources, both renewable and nonrenewable. Fishing, timber and agriculture are our basic renewable resources, and the Legislature has endeavored to enhance these for future generations. HB 341 seeks to protect and enhance Alaska's agricultural sector.

With the export of potatoes and carrots from Alaska, and the increasing local demand for fresh vegetables, hay, barley, milk, pork and beef, we can see agriculture "taking root and growing" in many diverse locations across the state. Yet, as the state's population grows and the urban areas expand, we see a corresponding need to protect our interest in agriculture.

Many farmers have already had some experience with an encroachment on their right to farm. As urbanization swallows up farming areas, oftentimes the newcomers don't like the smells of agriculture – or the chemicals – or the sounds – or the animals.

HB 341 would add some protection to existing agriculture operations and put new property buyers on notice if the property they are acquiring is within one mile of a farm or agriculture operation. This also protects the new property owners through full disclosure that should keep them from getting into a situation that will become unpleasant to them later on.

People who move to the country need to know what they are getting into. And it appears that other areas of the nation – where urban sprawl is creating a bigger problem than we have experienced yet in Alaska – are taking action to protect existing agricultural operations and avoid unnecessary lawsuits.

The "Code of the West" is a small pamphlet adopted by many counties around the Western U.S. and distributed to prospective property buyers. It basically says that if you want to move to the peaceful countryside, you must be willing to accept that cows poop,

hay balers make noise late into the night, farmers use chemicals, tractors drive slower than you do, and so forth. And that all these activities were going on before you got there, and will continue to go on after you arrive.

Alaska has the opportunity to place protections in statute now – for both the farmers and the new property buyers – so that future agricultural operations will be able to supply the foodstuffs Alaskans will need.



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Sectional Analysis
HB 341

Sec.1 amends current AS 09.45.235 [Actions Relating to Real Property] to protect agricultural facilities and agricultural operations from becoming "private nuisances" due to changing land uses in the area surrounding the existing agricultural operation. This section also clarifies the time at which an agricultural operation began and thus gained protection by the section. Finally, the section ties the protection to the fact that the operator has a valid farm conservation plan on file with the local soil and water conservation district.

Sec. 2 adds "illegal" conduct of agricultural operations to the list of acts that are exempt from the protection afforded in AS 09.45.235(a).

Sec. 3 amends the definition section of AS 09.45.235 to separate "agricultural facility" from "agricultural operation," and provide further definitions of activities that fall under each of those headings.

Sec. 4 amends AS 34.70 [Disclosures in Residential Real Property Transfers] to require that a disclosure statement accompany the transfer of real property within one mile of an agricultural facility or operation.

Sec. 5 amends AS 40.17 [Recording in Public Records] to clarify that documents recorded under the provisions of section 4 must comply with the requirements of that section.

Sec. 6 applies the disclosure requirements of sec. 4 and 5 to real estate contracts on property within one mile of an agricultural facility or operation.

Sec. 7 gives instruction to the revisor of statutes.