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ALASKA STATE LEGISLATURE



Intern:

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Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
Fax (907) 465-3805

SENATOR LYDA GREEN
SENATE DISTRICT N

Sponsor Statement CS for SB 60 (JUD) am "The Right-to-Farm Bill"

The Right-to-Farm bill would add 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 agricultural operation. This also protects the new property owners through full disclosure that should ensure they are not unpleasantly surprised by farm activities after buying property close to an agricultural facility.

The Right-to-Farm bill 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 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. 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 Right-to-Farm bill takes the innovative approach of coupling a farmer's grandfathered right to continue his agricultural activities to the filing and maintaining of a farm conservation plan with the U.S.D.A. Soil and Water Conservation Service. Expansion of operations or other changes to the conservation plan would not necessarily be grandfathered in regard to existing rights of surrounding property owners.

Alaska has the opportunity to place protections in statute now - both for the farmers and the new property buyers - so that future agricultural operations will be able to continue providing Alaskan products while protecting the agricultural way of life.

Senator_Lyda_Green@legis.state.ak.us

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SENATOR LYDA GREEN

SENATE DISTRICT N

Sectional Analysis CS for SB 60 (JUD)

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 an existing agricultural operation. This section also clarifies the time at which an agricultural operation began and thus gained protection by the section. The CS deletes a requirement that the operation has to have been going for more than three years to gain protection. Finally, this 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 not covered by 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, accompanying the transfer of real property, contain a provision that notifies transferees (buyers) of the real estate that they are responsible to determine if there is an agricultural facility or operation in the vicinity of the property they are buying.

Sec. 5 – applies the disclosure requirements of Sec. 4 to real estate contracts on property within the vicinity of an agricultural facility or operation. The CS changes “real property” to “residential or recreational property.”

Senator_Lyda_Green@legis.state.ak.us

SECTIONAL

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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF AGRICULTURE

TONY KNOWLES, GOVERNOR

CENTRAL OFFICE
1800 GLENN HIGHWAY, SUITE 12
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HCO4 BOX 7440
PALMER, ALASKA 99645-9706
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FAX: (907) 746-1568

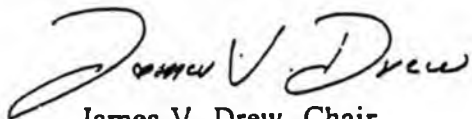
March 2, 2001

Dear Legislator:

At the Board of Agriculture and Conservation meeting on February 20, 2001, the board unanimously approved a resolution on agricultural legislation pending in the 22nd Alaska Legislature. The resolution supports, in concept, HB 82, "An Act relating to agricultural facilities and operations as private nuisances; and to disclosures in transfers of real property located within one mile of an agricultural facility or an agricultural operation;" and HB 128, "An Act relating to employment of certain minors in agriculture".

One of the principal functions of the newly created Board of Agriculture and Conservation (BAC) is to address issues affecting agriculture in Alaska. Therefore the BAC requests that the 22nd Alaska Legislature, after appropriate committee referral and review, support and approve HB 82 and HB 128. Thank you for your consideration.

Sincerely,



James V. Drew, Chair
Board of Agriculture and Conservation

B.A.C.

**Board of Agriculture & Conservation (BAC)
Resolution 2001-1**

**Resolution in Support of Agricultural Legislation Pending in the 22nd
Alaska Legislature**

Whereas one of the principal functions of the Board of Agriculture and Conservation (BAC) is to address issues affecting agriculture in Alaska; and

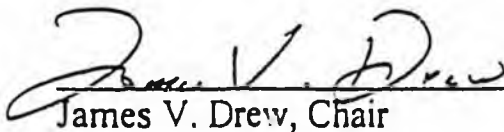
Whereas there is currently legislation pending before the 22nd Alaska Legislature which pertains to agriculture in Alaska; and

Whereas the Board of Agriculture and Conservation supports in concept HB 82 "An Act relating to agricultural facilities and operations as private nuisances; and to disclosures in transfers of real property located within one mile of an agricultural facility or an agricultural operation"; and

Whereas the Board of Agriculture and Conservation supports in concept HB 128 "An Act relating to employment of certain minors in agriculture";

Now therefore be it resolved that the Board of Agriculture and Conservation requests that the 22nd Alaska Legislature, after appropriate committee referral and review, support and approve HB 82 and HB 128.

Board of Agriculture and Conservation



James V. Drew, Chair

02-26-01
Date

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF AGRICULTURE

TONY KNOWLES, GOVERNOR

CENTRAL OFFICE
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FAX: (907) 746-1568

February 23, 2001

Mr. Pete Fellman
Legislative Assistant
Representative John Harris
State Capitol 513
Juneau, AK 99801-1182

Dear Mr. Fellman:

Per your request, the requirements for State Farm Conservation Plans are provided below.

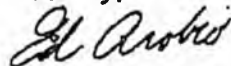
AS 38.05.321 (d)(1) is the statutory authority that allows the State to require Farm Conservation Plans for agricultural land that it sells. The State has used this authority in every State agricultural land sale and has required a Farm Conservation Plan for every parcel sold.

The information that is required in a State Farm Conservation Plan is outlined in 11 AAC 67.180. The Plan must include:

1. A map of the farm indicating:
 - a. The planned location of clearing and breaking of ground.
 - b. Planned location of windbreaks, farm pond and similar conservation measures and improvements.
2. Planned soil conservation measures.
3. A plan for burning any clearing debris, including any vegetation that has previously been chained-down.
4. All real property improvements must be depicted and described in the Plan.

If you need additional information, please feel free to contact this office.

Sincerely,



Ed Arobio
Regional Manager

AROBIO

Adopted: 02/20/01

**MATANUSKA-SUSITNA BOROUGH ASSEMBLY
RESOLUTION NO. 01-007**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY IN SUPPORT OF HOUSE BILL 82, AN ACT RELATING TO AGRICULTURAL FACILITIES AND OPERATIONS, AND TO DISCLOSURES IN TRANSFERS OF REAL PROPERTY LOCATED WITHIN ONE MILE OF AN AGRICULTURAL FACILITY OR AN AGRICULTURAL OPERATION.

WHEREAS, the legislature is considering House Bill 82 relating to agricultural facilities and operations, and to disclosures in transfers of real property located within one mile of an agricultural facility or an agricultural operation; and

WHEREAS, the Matanuska-Susitna Borough has a long history of agricultural operations; and

WHEREAS, the majority of agricultural activities in the state take place in the Matanuska-Susitna Borough; and

WHEREAS, in 1999 over 57 percent of the value of agricultural production in the state came from the Matanuska-Susitna Borough; and

WHEREAS, the Matanuska-Susitna Borough is the fastest growing community in the state; and

WHEREAS, the majority of that growth is residential; and

WHEREAS, House Bill 82 proposes that prior to real property being transferred, notification will be provided indicating the property is within one mile of a defined agricultural facility or operation, and that the purchaser should be prepared to accept that the by-products and activities of agricultural facilities and

RESOLUTION

operations are a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

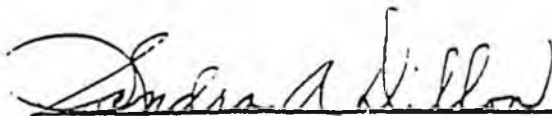
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly supports the adoption of House Bill 82.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of February, 2001.



TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:



SANDRA A. DILLON, Borough Clerk

(SEAL)

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB60 (JUD)
 () Publish Date: _____
 Dept. Affected: Natural Resources
 BRU: Information/Data Mgmt.
 Component: Recorder's Office/UCC
 Component Number: 802

Revision Date/Time (Note if correction): _____
 Title: "An Act relating to agricultural facilities and operations as private nuisances...."
 Sponsor: Sen. Green
 Requester: (S) JUD

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2001) cost: none

Check this box (X) if funding for this bill is included in the Governor's FY2002 budget proposal:

POSITIONS

Full-time						
Part-time	.0	0	0	0	0	0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The CS removes the requirement to record a disclosure at the Recorder's Office.

Prepared by: Sharon Young
 Division: Support Services Division
 Approved by: Pat Pourchot
 Agency: Natural Resources

Phone: 907-269-8882
 Date/Time: 29-Mar-01
 Date: 29-Mar-01

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 60 (JUD)
 () Publish Date: _____
 Dept. Affected: Natural Resources
 BRU: Minerals, Land & Water Dev.
 Component: Land Sales & Muni Ent
 Component Number: 2456

Revision Date/Time (Note if correction): _____
 Title: Agricultural Facilities and Operations
 Sponsor: Sen. GREEN
 Requester: S JUD

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
1153 Land Disposal Income Fund	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: None

Check this box if funding for this bill is included in the Governor's FY2002 budget proposal: []

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The CS removes the requirement to disclose agriculture facilities when selling State land.

Prepared by: Bob Loeffler Phone 269-8600
 Division: Mining, Land and Water Date/Time 28-Mar-01
 Approved by: Pat Pourchot Date 29-Mar-01
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

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SENATOR LYDA GREEN
SENATE DISTRICT N

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The Right-to-Farm bill would add 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 agricultural operation. This also protects the new property owners through full disclosure that should ensure they are not unpleasantly surprised by farm activities after buying property close to an agricultural facility.

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SENATOR LYDA GREEN
SENATE DISTRICT N

Sectional Analysis CS for SB 60 (JUD)

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 an existing agricultural operation. This section also clarifies the time at which an agricultural operation began and thus gained protection by the section. The CS deletes a requirement that the operation has to have been going for more than three years to gain protection. Finally, this 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.

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SECTIONAL

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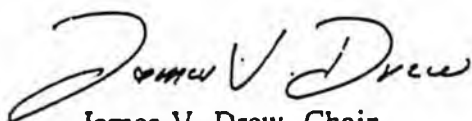
March 2, 2001

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Sincerely,



James V. Drew, Chair
Board of Agriculture and Conservation

B.A.C.

**Board of Agriculture & Conservation (BAC)
Resolution 2001-1**

**Resolution in Support of Agricultural Legislation Pending in the 22nd
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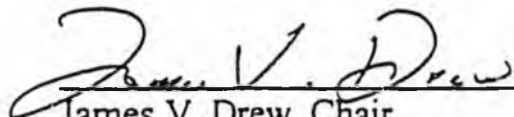
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Board of Agriculture and Conservation



James V. Drew, Chair

02 - 28 - 01
Date

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

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February 23, 2001

Mr. Pete Fellman
Legislative Assistant
Representative John Harris
State Capitol 513
Juneau, AK 99801-1182

Dear Mr. Fellman:

Per your request, the requirements for State Farm Conservation Plans are provided below.

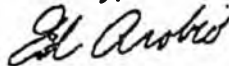
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1. A map of the farm indicating:
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2. Planned soil conservation measures.
3. A plan for burning any clearing debris, including any vegetation that has previously been chained-down.
4. All real property improvements must be depicted and described in the Plan.

If you need additional information, please feel free to contact this office.

Sincerely,



Ed Arobio
Regional Manager

AROBIO

Adopted: 02/20/01

**MATANUSKA-SUSITNA BOROUGH ASSEMBLY
RESOLUTION NO. 01-007**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY IN SUPPORT OF HOUSE BILL 82, AN ACT RELATING TO AGRICULTURAL FACILITIES AND OPERATIONS, AND TO DISCLOSURES IN TRANSFERS OF REAL PROPERTY LOCATED WITHIN ONE MILE OF AN AGRICULTURAL FACILITY OR AN AGRICULTURAL OPERATION.

WHEREAS, the legislature is considering House Bill 82 relating to agricultural facilities and operations, and to disclosures in transfers of real property located within one mile of an agricultural facility or an agricultural operation; and

WHEREAS, the Matanuska-Susitna Borough has a long history of agricultural operations; and

WHEREAS, the majority of agricultural activities in the state take place in the Matanuska-Susitna Borough; and

WHEREAS, in 1999 over 57 percent of the value of agricultural production in the state came from the Matanuska-Susitna Borough; and

WHEREAS, the Matanuska-Susitna Borough is the fastest growing community in the state; and

WHEREAS, the majority of that growth is residential; and

WHEREAS, House Bill 82 proposes that prior to real property being transferred, notification will be provided indicating the property is within one mile of a defined agricultural facility or operation, and that the purchaser should be prepared to accept that the by-products and activities of agricultural facilities and

RESOLUTION

operations are a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

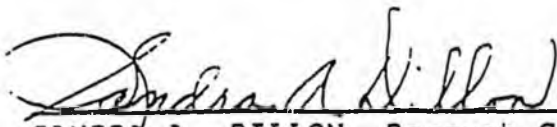
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly supports the adoption of House Bill 82.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of February, 2001.



TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:



SANDRA A. DILLON, Borough Clerk

(SEAL)

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB60 (JUD)
 () Publish Date: _____
 Dept. Affected: Natural Resources
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Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY2001) cost: none

Check this box (X) if funding for this bill is included in the Governor's FY2002 budget proposal:

POSITIONS

Full-time						
Part-time	0	0	0	0	0	0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The CS removes the requirement to record a disclosure at the Recorder's Office.

Prepared by: Sharon Young
 Division: Support Services Division
 Approved by: Pat Pourchot
 Agency: Natural Resources

Phone 907-269-8882
 Date/Time 29-Mar-01
 Date 29-Mar-01

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 60 (JUD)
 () Publish Date: _____
 Dept. Affected: Natural Resources
 BRU: Minerals, Land & Water Dev.
 Component: Land Sales & Muni Ent
 Component Number: 2456

Revision Date/Time (Note if correction): _____
 Title: Agricultural Facilities and Operations
 Sponsor: Sen. GREEN
 Requester: S JUD

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
1153 Land Disposal Income Fund	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: None

Check this box if funding for this bill is included in the Governor's FY2002 budget proposal: []

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The CS removes the requirement to disclose agriculture facilities when selling State land.

Prepared by: Bob Loeffler Phone 269-8600
 Division: Mining, Land and Water Date/Time 28-Mar-01
 Approved by: Pat Pourchot Date 29-Mar-01
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office