

SB

60

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

Sponsor Statement

CS for SB 60 ()

"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.

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Sectional Analysis Proposed CS for SB 60 (version "C")

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 one mile of an agricultural facility or operation. The CS changes “real property” to “residential or recreational property.”

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