

**HOUSE BILL NO. 319**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES CROFT, Elkins**

**Introduced: 1/9/06**

**Referred: House Special Committee on Oil and Gas, Resources, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act authorizing the exercise of the power of eminent domain for the purpose of**  
2 **developing the state's oil and gas resources; and prohibiting the exercise of eminent**  
3 **domain to acquire property for transfer to a private person for a purpose other than oil**  
4 **and gas development."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 09.55.240 is amended by adding new subsections to read:

7 (d) The right of eminent domain may be exercised for the purpose of  
8 developing the state's oil and gas resources. The taking of property with just  
9 compensation for the development of oil and gas resources owned by the state is a  
10 taking for public use and for the benefit of the citizens of the state.

11 (e) Except as provided in AS 18.55.480 - 18.55.960 and (d) of this section, the  
12 right of eminent domain may not be exercised for the purpose of taking property to be  
13 transferred to a private person.

14 \* **Sec. 2.** AS 09.55.250 is amended to read:

1                   **Sec. 09.55.250. Classification of estates and land subject to be taken.** The  
 2 following is a classification of the estates and rights in land subject to be taken for  
 3 public use:

4                   (1) a fee simple, when taken for public buildings or grounds, or for  
 5 permanent buildings, for reservoirs and dams and permanent flooding occasioned by  
 6 them, or for an outlet for a flow, or a place for the deposit of debris or tailings of a  
 7 mine, or when, in the judgment of the Department of Natural Resources, or the  
 8 Department of Transportation and Public Facilities, a fee simple is necessary for any  
 9 of the purposes for which the department, on behalf of the state, is authorized by law  
 10 to acquire real property by condemnation;

11                   (2) an easement when taken for any other use;

12                   (3) the right of entry upon an occupation of land, and the right to take  
 13 from the land earth, gas, gravel, oil, stones, trees, and timber as may be necessary for a  
 14 public use; **in this paragraph, "gas" and "oil" have the meanings given in**  
 15 **AS 43.55.900.**

16 \* **Sec. 3.** AS 29.35.030(a) is amended to read:

17                   (a) **Except as provided in (c) of this section, a** [A] municipality may, only  
 18 within its boundaries, exercise the powers of eminent domain and declaration of taking  
 19 in the performance of a power or function of the municipality under the procedures set  
 20 out in AS 09.55.250 - 09.55.460. In the case of a second class city, the exercise of the  
 21 power of eminent domain or declaration of taking must be by ordinance that is  
 22 submitted to the voters at the next general election or at a special election called for  
 23 that purpose. A majority of the votes on the question is required for approval of the  
 24 ordinance.

25 \* **Sec. 4.** AS 29.35.030 is amended by adding a new subsection to read:

26                   (c) Except as provided in AS 18.55.480 - 18.55.960, a municipality may not  
 27 exercise the powers of eminent domain for the purpose of taking property to be  
 28 transferred to a private person.