

**HOUSE BILL NO. 337**

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

**BY REPRESENTATIVE HOLM**

**Introduced: 1/9/06**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act limiting the exercise of eminent domain."**

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

3 \* **Section 1.** AS 09.55.240(a) is amended to read:

4 (a) **Except as provided in (d) of this section, the** [THE] right of eminent  
5 domain may be exercised for the following public uses:

6 (1) all public uses authorized by the government of the United States;

7 (2) public buildings and grounds for the use of the state and all other  
8 public uses authorized by the legislature of the state;

9 (3) public buildings and grounds for the use of an organized or  
10 unorganized borough, city, town, village, school district, or other municipal division,  
11 whether incorporated or unincorporated; canals, aqueducts, flumes, ditches, or pipes  
12 conducting water, heat, or gas for the use of the inhabitants of an organized or  
13 unorganized borough, city, town, or other municipal division, whether incorporated or  
14 unincorporated; raising the banks of streams, removing obstructions from them, and  
15 widening, deepening, or straightening their channels; **and** roads, streets, and alleys,

1 and all other public uses for the benefit of an organized or unorganized borough, city,  
 2 town, or other municipal division whether incorporated or unincorporated, or its  
 3 inhabitants, which may be authorized by the legislature;

4 (4) wharves, docks, piers, chutes, booms, ferries, bridges of all kinds,  
 5 private roads, plant and turnpike roads, railroads, canals, ditches, flumes, aqueducts,  
 6 and pipes for public transportation, supplying mines and farming neighborhoods with  
 7 water, and draining and reclaiming land, and for floating logs and lumber on streams  
 8 not navigable, and sites for reservoirs necessary for collecting and storing water;

9 (5) roads, tunnels, ditches, flumes, pipes, and dumping places for  
 10 working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of  
 11 tailings or refuse matter from mines; also an occupancy in common by the owners or  
 12 possessors of different mines of any place for the flow, deposit, or conduct of tailings  
 13 or refuse matter from their several mines, and sites for reservoirs necessary for  
 14 collecting and storing water;

15 (6) private roads leading from highways to residences, mines, or farms;

16 (7) telephone lines;

17 (8) telegraph lines;

18 (9) sewerage of an organized or unorganized borough, city, town,  
 19 village, or other municipal division, whether incorporated or unincorporated, or a  
 20 subdivision of it, or of a settlement consisting of not less than 10 families, or of public  
 21 buildings belonging to the state or to a college or university;

22 (10) tramway lines;

23 (11) electric power lines;

24 (12) for the location of pipelines for gathering, transmitting,  
 25 transporting, storing, or delivering natural or artificial gas or oil or any liquid or  
 26 gaseous hydrocarbons, including, but not limited to, pumping stations, terminals,  
 27 storage tanks, or reservoirs, and related installations.

28 \* **Sec. 2.** AS 09.55.240 is amended by adding a new subsection to read:

29 (d) Notwithstanding (a) of this section, the right of eminent domain may not  
 30 be exercised to acquire land for the purpose of

31 (1) transferring the land to a private landowner;

1 (2) increasing property tax income or other revenue to the state or a  
2 municipality;

3 (3) creating jobs; or

4 (4) creating or expanding economic development.

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

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

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

15 (c) A municipality may not exercise the powers of eminent domain to acquire  
16 land for the purpose of

17 (1) transferring the land to a private landowner;

18 (2) increasing property tax income or other revenue;

19 (3) creating jobs; or

20 (4) creating or expanding economic development.