

SENATE BILL NO. 205

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

BY SENATOR BUNDE

Introduced: 1/9/06

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting the exercise of eminent domain for the purpose of economic**
2 **development."**

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

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

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

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

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

10 (3) public buildings and grounds for the use of an organized or
11 unorganized borough, city, town, village, school district, or other municipal division,
12 whether incorporated or unincorporated; canals, aqueducts, flumes, ditches, or pipes
13 conducting water, heat, or gas for the use of the inhabitants of an organized or
14 unorganized borough, city, town, or other municipal division, whether incorporated or

1 unincorporated; raising the banks of streams, removing obstructions from them, and
 2 widening, deepening, or straightening their channels; **and** roads, streets, and alleys,
 3 and all other public uses for the benefit of an organized or unorganized borough, city,
 4 town, or other municipal division whether incorporated or unincorporated, or its
 5 inhabitants, which may be authorized by the legislature;

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

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

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

18 (7) telephone lines;

19 (8) telegraph lines;

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

24 (10) tramway lines;

25 (11) electric power lines;

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

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

31 (d) Notwithstanding (a) of this section, the right of eminent domain may not

1 be exercised for the purpose of promoting economic development or to acquire land as
2 part of an economic development project.

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

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

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

13 (c) A municipality may not exercise the powers of eminent domain to promote
14 economic development or to acquire land as part of an economic development project.