

**CS FOR HOUSE BILL NO. 175(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/27/07**

**Referred: Finance**

**Sponsor(s): REPRESENTATIVES JOHNSON, Kelly, Hawker, Foster**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the prohibition of the exercise of the power of eminent domain**  
2 **against a recreational structure for the purposes of developing a recreational facility or**  
3 **project."**

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

5 **\* Section 1.** AS 09.55.240(e) is amended to read:

6 (e) The power of eminent domain may not be exercised for the purpose of  
7 developing a recreational facility or project if the property to be acquired includes an  
8 individual landowner's personal residence **or recreational structure** or that portion of  
9 an individual's property attached to and within 250 linear feet of an individual  
10 landowner's personal residence **or recreational structure** unless the landowner  
11 consents either before or after a condemnation proceeding has been filed.

12 **\* Sec. 2.** AS 09.55.240(h)(3) is amended to read:

13 (3) "personal residence" means a structure that is the dwelling place of  
14 an individual that

1 (A) must be used by the owner or beneficiary of a trust holding  
2 legal title to the structure as a dwelling unit, as opposed to a rental, storage, or  
3 other commercial space;

4 (B) must be inhabited by the owner, prior owner, or beneficiary  
5 of a trust holding legal title to the structure for at least 90 days during the 12-  
6 month period immediately before the date an action for the exercise of the  
7 power of eminent domain is filed;

8 (C) must constitute an ordinary home for general living  
9 purposes [, AS OPPOSED TO A DWELLING USED ONLY FOR  
10 SEASONAL RECREATIONAL OR TEMPORARY PURPOSES]; and

11 (D) may not have been constructed, placed, or occupied for the  
12 purpose of avoiding eminent domain proceedings;

13 \* **Sec. 3.** AS 09.55.240(h) is amended by adding a new paragraph to read:

14 (6) "recreational structure" means a permanent structure that is used by  
15 the owner of or beneficiary of a trust holding legal title to the structure as a dwelling  
16 for seasonal recreational purposes.