

1 IN THE HOUSE

BY THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 416

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to highway rights-of-way,  
7 excess lands and exchange lands; amending  
8 Subsec. (9), of Sec. 3, Article I,  
9 Title I, Ch. 152, SLA 1957 as amended by  
10 Ch. 124, SLA 1959; amending Sec. 3,  
11 Article I, Title I, Ch. 152, SLA 1957, by  
12 adding a new subsection; amending Sec. 1,  
13 Article I, Title IV, Ch. 152, SLA 1957, by  
14 adding a new section; and providing for an  
15 effective date."

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

17 Section 1. Subsec. (9) of Sec. 3, Article I, Title I,  
18 Ch. 152, SLA 1957 as amended by Ch. 124, SLA 1959, is amended to  
19 read as follows:

20 (9) "Highway" means all highways (whether included  
21 in primary or secondary systems), roads, streets, trails,  
22 walks, bridges, tunnels, drainage structures and other  
23 similar or related structures or facilities, and rights-of-  
24 way thereof, and further includes ferry systems, whether  
25 operated solely within Alaska or to connect with Canadian  
26 highways, and all such related facilities.

27 Sec. 2. Sec. 3, Article I, Title I, Ch. 152, SLA 1957, is  
28 amended by the addition of a new subsection to read as follows:

29 (14) "Excess lands" means all lands acquired

1 for Alaska in excess of land required for a highway or other  
2 public work, when the remaining portion of a parcel of land  
3 so acquired is left in such shape or condition as to be of  
4 little or no value to its owner, or to give rise to claims  
5 or litigation concerning severance or other damage.

6 Sec. 3. Sec. 1, Article I, Title IV, Ch. 152, SLA 1957, is  
7 amended by the addition of a new section to read as follows:

8 N Sec. 2. ACQUISITION OF EXCESS LANDS OR RIGHTS-OF-WAY:  
9 E CONDEMNATION FOR EXCHANGE. (1) The department, on behalf  
10 W of Alaska, whenever a part of a parcel of land is to be  
11 taken for any of the purposes set forth in this Act and the  
12 remainder is to be left in such shape or condition as to be  
13 of little value to its owner, or to give rise to claims or  
14 litigation concerning severance or other damage, may acquire  
15 the whole parcel and may sell the remainder or may exchange  
16 the same for other property needed for state highway rights-  
17 of-way or purpose or for public works

18 (2) The department may, on behalf of Alaska, whenever  
19 property which is devoted to or held for some other public  
20 use for which the power of eminent domain might be exercised  
21 is to be taken for the purposes set forth in this Act, with  
22 the consent of the person or agency in charge of such other  
23 public use, condemn, in the name of the State of Alaska,  
24 M real property to be exchanged with such person or agency  
25 A for the real property so to be taken. This section shall  
26 T not limit the authorization of the Department to acquire,  
27 T other than by condemnation, property for such purposes.

28 E (3) Whenever the commissioner shall formally declare  
29 R it to be in the best public interest of the State of Alaska,

1       the department, on behalf of Alaska, may acquire by  
2       purchase or otherwise any privately or publicly owned  
3       lands or interests therein for the purpose of exchanging  
4       the same for any privately or publicly owned lands which  
5       the department is by law authorized to acquire.

6       Sec. 4. This Act takes effect on the day after its passage  
7 and approval or on the day it becomes law without such approval.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29