

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

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HOUSE BILL NO. 416

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIRST LEGISLATURE - SECOND SESSION

5

A BILL

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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 Article I,
13 Title IV, Ch. 152, SLA 1957, by adding a new
14 section; and providing for an effective date."

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

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Section 1. Subsec. (9) of Sec. 3, Article I, Title I,

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Ch. 152, SLA 1957 as amended by Ch. 124, SLA 1959, is amended to
18 read as follows:

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

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Sec. 2. Sec. 3, Article I, Title I, Ch. 152, SLA 1957, is

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amended by the addition of a new subsection to read as follows:

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

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Alaska in excess of land required for a highway or other

HB #416 as amended
by the Senate

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

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

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

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

27 T (3) Whenever the commissioner shall formally declare
28 E it to be in the best public interest of the State of Alaska,
29 R the department, on behalf of Alaska, may acquire by

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purchase or otherwise any privately or publicly owned
lands or interests therein for the purpose of exchanging
the same for any privately or publicly owned lands which
the department is by law authorized to acquire.

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