

Introduced: 2/14/66
Referred: Finance

ALASKA
STATE
LEGISLATURE

BY GUESS, BOARDMAN, CARR,
HILLSTRAND, JACKSON, JOSEPHSON,
KENDALL, KERTTULA, METCALF,
MORAN, RADER, SASSARA, STEVENS,
STRANDBERG, TILLION AND GRAVEL

1 IN THE HOUSE

2 HOUSE BILL NO. 415

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disposition of
7 certain legal interests in land by the state
8 of Alaska; and providing for an effective
9 date."

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

11 * Section 1. PURPOSE. This Act is intended to alleviate the
12 economic hardship and physical and mental distress occasioned by
13 the taking of land, by the State of Alaska, for which no compen-
14 sation is paid to the persons holding title to the land. This
15 practice has resulted in financial difficulties and the deprivation
16 of peace of mind regarding the security of one's possessions to
17 many citizens of the State of Alaska, and which, if not curtailed
18 by law, will continue to adversely affect citizens of this state.
19 Those persons who hold title to land under a deed or patent which
20 contains a reservation to the state by virtue of the Act of
21 June 30, 1932, ch. 320, Sec. 5, as added July 24, 1947, ch. 313,
22 61 Stat. 418, are subject to the hazard of having the State of
23 Alaska take their property without compensation because all
24 patents or deeds containing the reservation required by that
25 Federal Act reserve to the United States, or the state created
26 out of the Territory of Alaska, a right-of-way for roads, road-
27 ways, tramways, trails, bridges, and appurtenant structures
28 either constructed or to be constructed. Except for this reser-
29 vation the State of Alaska, under the Alaska Constitution and

HB 415 am

1 the Constitution of the United States, would be required to pay
2 just compensation for any land taken for a right-of-way. It is
3 declared to be the purpose of this Act to place persons with
4 land so encumbered on a basis of equality with all other property
5 holders in the State of Alaska, thereby preventing the taking of
6 property without payment of just compensation as provided by law,
7 and in the manner provided by law.

8 * Sec. 2. TAKING OF PROPERTY UNDER RESERVATION VOID. After
9 the effective date of this Act, no agency of the state may take
10 privately-owned property by the election or exercise of a reser-
11 vation to the state acquired under the Act of June 30, 1932,
12 ch. 320, Sec. 5, as added July 24, 1947, ch. 313, 61 Stat. 418,
13 and taking of property after the effective date of this Act by
14 the election or exercise of a reservation to the state under that
15 Federal Act is void.

16 * Sec. 3. PROSPECTIVE APPLICATION. This Act shall not be
17 construed to divest the state of, or to require compensation by
18 the state for, any right-of-way or other interest in real property
19 which was taken by the state, before the effective date of this
20 Act, by the election or exercise of its right to take property
21 through a reservation acquired under the Act of June 30, 1932,
22 ch. 320, Sec. 5, as added July 24, 1947, ch. 313, 61 Stat. 418.

23 * Sec. 4. SHORT TITLE. This Act may be cited as the Right-
24 of-Way Act of 1966.

25 * Sec. 5. EFFECTIVE DATE. This Act takes effect on the day
26 after its passage and approval or on the day it becomes law
27 without such approval.
28
29