

Introduced: 3/14/69
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 297

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for relocation assistance and
7 authorizing payments to persons displaced by highway
8 activities."

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

10 * Section 1. AS 19 is amended by adding new chapters to read:

11 CHAPTER 29. RELOCATION ASSISTANCE

12 Sec. 19.29.010. DEPARTMENT TO ESTABLISH PROGRAM. The department
13 shall establish and provide the means for implementing a program
14 providing fair and reasonable relocation and other payments for persons
15 displaced from their property as a result of highway activities under-
16 taken by the department and to carry out relocation assistance pro-
17 grams for persons displaced.

18 Sec. 19.29.020. ADMINISTRATION OF PROGRAM. (a) In order to
19 prevent unnecessary expenses and duplication of functions, the depart-
20 ment may make relocation payments or provide relocation assistance or
21 otherwise carry out the functions required under this chapter by
22 utilizing the facilities, personnel, and services of federal, state,
23 or local governmental agencies having an established organization for
24 conducting relocation programs.

25 (b) In giving relocation assistance, the department may establish
26 a local relocation advisory assistance office to assist in obtaining
27 replacement facilities for persons, families and businesses which must
28 relocate because of the acquisition of right-of-way for a project on
29 the state highway system or federal-aid system.

1 Sec. 19.29.030. RELOCATION PAYMENTS. (a) Upon application ap-
2 proved by the department, a person displaced by a highway may elect to
3 receive actual reasonable expenses in moving himself, his family, his
4 business, or his farm operation, including personal property, a
5 reasonable distance, not to exceed 50 miles.

6 (b) A displaced person who moves from a dwelling and who elects
7 not to accept the payments authorized by (a) of this section may receive

8 (1) a moving expense allowance, determined according to a
9 schedule established by the department not to exceed \$200; and

10 (2) a dislocation allowance of \$100.

11 (c) A displaced person who moves or discontinues his business
12 or farm operation who elects not to accept the payment authorized by
13 (a) of this section, may receive a fixed relocation payment in an
14 amount equal to the average annual net earnings of the business or
15 farm operation, or \$5,000, whichever is less. In the case of a
16 business, no payment may be made under this subsection unless the
17 department is satisfied that the business

18 (1) cannot be relocated without a substantial loss of its
19 existing patronage, and

20 (2) is not part of a commercial enterprise having at least
21 one other establishment, not being acquired by the state or by the
22 United States, which is engaged in the same or similar business.

23 For purposes of this subsection, the term "average annual net earnings"
24 means one-half of the net earnings of the business or farm operation,
25 before federal and state income taxes, during the two taxable years
26 immediately preceding the taxable year in which the business or farm
27 operation moves from the real property acquired for the project, and
28 includes compensation paid by the business or farm operation to the
29 owner, his spouse, or his dependents during the two-year period.

1 Sec. 19.29.040. REPLACEMENT HOUSING. (a) In addition to the
2 payments authorized by sec. 30 of this chapter, the department shall
3 make a payment to the owner of real property acquired for a highway
4 project which is improved with a single, two or three family dwelling,
5 owned and occupied by the owner for not less than one year prior to
6 the initiation of negotiations for the acquisition of the property.
7 The payment, which may not exceed \$5,000, is the amount, if any, which
8 when added to the acquisition payment, equals the average price re-
9 quired for a comparable dwelling determined, in accordance with
10 standards established by the department, to be a decent, safe, and
11 sanitary dwelling adequate to accommodate the displaced owner, reason-
12 ably accessible to public services and places of employment and
13 available on the market. The payment shall be made only to a dis-
14 placed owner, who purchases and occupies a dwelling that meets
15 standards established by the department, within one year after the
16 date on which he is required to move from the dwelling acquired for
17 the project.

18 (b) In addition to the payment authorized by sec. 30 of this
19 chapter, as a part of the cost of construction, the department shall
20 make a payment to an individual or family displaced from a dwelling
21 not eligible to receive a payment under subsection (a) of this section
22 which dwelling was actually and lawfully occupied by the individual
23 or family for not less than 90 days before the initiation of negoti-
24 ations for acquisition of the property. The payment, which may not
25 exceed \$1,500, is the amount which is necessary to enable the person
26 to lease or rent for a period not to exceed two years, or to make the
27 down payment on the purchase of a decent, safe, and sanitary dwelling
28 of standards adequate to accommodate such individual or family in
29 areas not generally less desirable in regard to public utilities and

1 public and commercial facilities.

2 Sec. 19.29.050. EXPENSES INCIDENTAL TO TRANSFER OF PROPERTY.

3 In addition to amounts otherwise authorized by this chapter, the
4 department may reimburse the owner of real property acquired for a
5 project for reasonable and necessary expenses incurred for

6 (1) recording fees, transfer taxes, and other expenses
7 incidental to conveying the property;

8 (2) penalty costs for prepayment of a mortgage entered
9 into in good faith encumbering the real property if the mortgage is
10 on record by the department of the location of the project; and

11 (3) the pro rata portion of real property taxes paid which
12 are allocable to the period after the date of vesting of title in
13 the department, or the effective date of the possession of the real
14 property by the department, whichever is earlier.

15 Sec. 19.29.060. RELOCATION SERVICES. The department shall
16 provide a relocation advisory assistance program which shall include
17 the measures, facilities, or services that may be necessary or appro-
18 priate in order

19 (1) to determine the needs, if any, of displaced families,
20 individuals, business concerns, and farm operators for relocation
21 assistance;

22 (2) to assure that, within a reasonable period of time,
23 before displacement there will be available, to the extent that can
24 reasonably be accomplished, in areas not generally less desirable in
25 regard to public utilities and public and commercial facilities and
26 at rents or prices within the financial means of the families and
27 individuals displaced, housing meeting the standards established by
28 the department for decent, safe, and sanitary dwellings, equal in
29 number to the number of, and available to, the displaced families and

1 individuals and reasonably accessible to their places of employment;

2 (3) to assist owners of displaced businesses and dis-
3 placed farm operators in obtaining and becoming established in
4 suitable locations; and

5 (4) to supply information concerning the Federal Housing
6 Administration home acquisition program under section 221(d)(2) of
7 the National Housing Act, the small business disaster loan program
8 under section 7(b)(3) of the Small Business Act, and other state or
9 federal programs offering assistance to displaced persons.

10 Sec. 19.29.070. AUTHORITY OF THE DEPARTMENT. The department
11 is authorized to adopt regulations to implement this chapter. These
12 regulations shall include provisions relating to

13 (1) a moving expense allowance for a displaced person who
14 moves from a dwelling, determined according to a schedule, not to
15 exceed \$200;

16 (2) procedure for an aggrieved displaced person to have
17 his determination of eligibility or amount of payment reviewed by
18 the department;

19 (3) eligibility of a displaced person for relocation
20 assistance payments, the procedure for displaced persons to claim
21 the payments and the amounts thereof; and

22 (4) other regulations relating to highway relocation
23 assistance as may be necessary or desirable.

24 Sec. 19.29.080. NON TAXATION OF PAYMENTS. No payment received
25 by a displaced person under this chapter may be considered as income
26 for the purposes of the income tax law or corporation tax law, nor
27 shall the payments be considered as income or resources to a recipient
28 of public assistance and the payments shall not be deducted from the
29 amount of aid to which the recipient would otherwise be entitled.

1 Sec. 19.29.090. EMINENT DOMAIN. Nothing contained in this
2 statute may be construed as creating in a condemnation proceeding
3 brought under the power of eminent domain, an element of damages not
4 in existence on the date of enactment of this statute.

5 Sec. 19.29.100. DEFINITIONS. As used in this chapter:

6 (1) "person" means:

7 (A) Any individual, partnership, corporation, or
8 association which is the owner of a business;

9 (B) any owner, part owner, tenant, or sharecropper
10 who operates a farm;

11 (C) an individual who is the head of a family; or

12 (D) an individual not a member of a family.

13 (2) "family" means two or more individuals living together
14 in the same dwelling unit who are related to each other by blood,
15 marriage, adoption, or legal guardianship.

16 (3) "displaced person" means a person who moves from real
17 property on or after the effective date of this chapter as a result
18 of the acquisition or reasonable expectation of acquisition of the
19 real property, which is subsequently acquired, in whole or in part,
20 for a highway, or as the result of the acquisition for a highway,
21 or as the result of the acquisition for a highway of other real
22 property on which the person conducts a business or farm operation.

23 (4) "business" means a lawful activity conducted primarily

24 (A) for the purchase and resale, manufacture, pro-
25 cessing, or marketing of products, commodities, or other
26 personal property;

27 (B) for the sale of services to the public; or

28 (C) by a nonprofit organization.

29 (5) "farm operation" means an activity conducted solely or

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primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing those products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

* Sec. 2. AS 19.05.045 is hereby repealed.