

Introduced: 2/5/74  
Referred: Judiciary and  
Finance

1 IN THE HOUSE

BY FINK

2 CS HOUSE BILL NO. 559 *ams*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation for the taking of  
7 rights-of-way across state leases."

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

9 \* Section 1. AS 38.05.130 is amended to read:

10 Sec. 38.05.130. DAMAGES AND POSTING OF BOND. No rights shall be  
11 exercised by the state, its lessees, successors or assigns under the  
12 reservation as set out in sec. 125 of this chapter or a reservation in  
13 a lease of a right to grant easements or rights-of-way across leased  
14 land until the state, its lessee, successors, or assigns make provisions  
15 to pay to the owner of the land full payment for all damages sustained  
16 by the owner, by reason of entering upon the land, including reduction  
17 in the value of the lease resulting from the exercise of the right to  
18 grant an easement or right-of-way. If the owner for any cause refuses  
19 or neglects to settle the damages, the state, its lessees, successors,  
20 assigns, or an applicant for a lease or contract from the state for the  
21 purpose of prospecting for valuable minerals, or option contract or  
22 lease for mining coal or lease for extracting petroleum or natural  
23 gas, may enter upon the land in the exercise of the reserved rights  
24 after posting a surety bond determined by the director, after notice  
25 and an opportunity to be heard, to be sufficient as to form, amount,  
26 and security to secure to the owner payment for damages, and may insti-  
27 tute legal proceedings in a court where the land is located, as may be  
28 necessary to determine the damages which the owner may suffer.  
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