

Original Sponsor: Fink

Offered: 4/15/74
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 559

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 is amended by adding a new section to read:

10 Sec. 38.05.076. COMPENSATION RELATING TO EASEMENTS OR RIGHTS-
11 OF-WAY ACROSS STATE LEASES. (a) Provisions in state land leases to
12 the contrary notwithstanding, where the state as lessor has expressly
13 reserved the right to grant easements or rights-of-way across the state
14 leased land if it is determined by the division of lands to be in the
15 best interests of the state to grant such easements or exercise rights-
16 of-way, the lessee shall be entitled to compensation for the value of
17 the easement granted or right-of-way exercised and for the reduction in
18 value of the leasehold resulting from the granting of the easement or
19 exercise of the right-of-way. This section applies only if the value of
20 easement or right-of-way exceeds 10 per cent of the value of leasehold.

21 (b) Values shall be determined as provided by applicable eminent
22 domain statutes.

23 (c) No payment shall be made under this section for an easement or
24 right-of-way, the location of which is determined at the time of the
25 issuance of the lease.

26 (d) This section shall not apply to leases or permits issued pur-
27 suant to the Alaska Right of Way Leasing Act, Sec. 38.35.010 - AS 38.35.
28 260.

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