

Introduced: 3/15/79
Referred: Resources and
Judiciary

BY THE JUDICIARY
COMMITTEE BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 251

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relinquishing certain easements in land created
7 by federal law; and providing for an effective date."

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

9 * Section 1. INTENT. It is the intent of the legislature to alleviate
10 the economic hardship and physical and mental distress caused by the taking
11 of privately owned land by the state, for which no compensation is paid to
12 the person holding title to the land. Many residents of the state own title
13 to land which is encumbered by a reservation of an easement for certain
14 future public uses. The easements were authorized by federal law. Except
15 for the reservation of these easements, the state would be required under the
16 provisions of the state and federal constitutions to pay just compensation
17 for any land taken for the easement. It is the intent of the legislature to
18 relinquish these easements obtained under federal law so that just compensa-
19 tion will be paid to citizens whose property is taken for a public purpose.

20 * Sec. 2. AS 38.05 is amended by adding a new section to read:

21 Sec. 38.05.346. RELINQUISHMENT OF CERTAIN EASEMENTS CREATED BY
22 FEDERAL LAW. (a) The state relinquishes any right or claim for a
23 right-of-way for roads, roadways, highways, tramways, trails, bridges
24 and appurtenant structures reserved to the state under the Act of
25 June 30, 1932, ch. 320, sec. 5, as added July 24, 1947, ch. 313, 61
26 Stat. 418 if the right-of-way was used for a public purpose before
27 April 1, 1966.

28 (b) The state relinquishes any easement, right-of-way, right-of-
29 entry or similar encumbrance for highway purposes which was created by

1 the Secretary of the United States Department of the Interior under the
2 Act of June 25, 1910, 36 Stat. 847, and the Act of August 1, 1956, 70
3 Stat. 898 or Public Land Order 610 of August 10, 1949 as amended by
4 Public Land Order 757 of October 16, 1951, Public Land Order 1613 of
5 April 7, 1958 and United States Department of the Interior Order 2665 of
6 October 16, 1951, if that easement, right-of-way, right-of-entry or
7 similar encumbrance has not been used for a public purpose before the
8 effective date of this section.

9 * Sec. 3. Chapter 92, SLA 1966 is repealed.

10 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-

11 070(c).