

HB

175

ALASKA STATE LEGISLATURE

Interim:

716 West 4th Avenue, Suite 640
Anchorage, Alaska 99501
Phone (907) 269-0200
Fax (907) 269-0204
Rep_Craig_Johnson@legis.state.ak.us



Session:

State Capitol Building, Room 126
Juneau, Alaska 99801-1182
Phone (907) 465-4993
Fax (907) 465-3872
Toll-free (866) 465-4993

REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

MEMORANDUM

TO: Senator Hollis French, Chair
Senate Judiciary Committee

FROM: Representative Craig Johnson *CJ*

DATE: May 7, 2007

SUBJECT: Hearing Request for CSHB 175 (JUD) am

I respectfully request that you schedule a hearing for HB 175, a bill that strengthens the private property rights of Alaskans by protecting privately owned recreational structures from the exercise of eminent domain by the government for recreational purposes.

Attached is a copy of the most current version of the bill as passed on the House floor; and the sponsor statement, zero fiscal note and letters of support as moved out of House Judiciary.

If you have any questions or need additional information, feel free to contact me or my aide, Debra Higgins, at extension 3715.

Thank you for your consideration.

ALASKA STATE LEGISLATURE

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REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

SPONSOR STATEMENT

Committee Substitute for House Bill 175 (JUD)

"An Act further limiting the exercise of eminent domain"

HB 175 strengthens the individual's property rights by protecting privately owned recreational structures from the exercise of eminent domain for recreational purposes.

Eminent domain is an important right of the government. However, it should only be used for the most judicious of purposes, and every effort should be made to minimize its impact to the right of the individual to own private property.

AS 09.55.240 limits the government's authority to exercise eminent domain and seize personal residences by clearly outlining its legitimate use (namely the construction and/or expansion of roads, schools, and public buildings) and by prohibiting its exercise for the purpose of economic development or to generate increased government revenues.

HB 175 affords privately owned recreational structures the same protection from government seizure already granted to personal residences in AS 09.55.240.

The right to own private property is one of the most important rights of Alaskans. By prohibiting government seizure of privately owned recreational structures for recreational purposes, HB 175 strengthens that right and ensures the continued use of land in the greatest of ways – that of private ownership.



ALASKA ASSOCIATION OF REALTORS, INC.
4205 Minnesota Drive Anchorage, Alaska 99503
Telephone (907) 563-7133 Fax (907) 561-1779
www.alaskarealtors.com

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

The Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,

A handwritten signature in cursive script that reads 'Judy Cloud'.

Judy Cloud
AAR President





**First American
Title Insurance Company**

March 12, 2007

**The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801**

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

First American Title currently has offices in 10 communities' through-out the State of Alaska. Our offices assist in the facilitation of, in excess of 10,000, real estate transactions, involving Alaskan property owners, each year. Many of those transactions include, what could be considered, recreational properties.

Last session, I supported HB 318, which addressed the issue of 'taking' a property owner's private property for economic development and whether it is appropriate to take all or part of one's primary residence to enhance the recreational opportunities of another.

I favor this consumer protection, legislation because it correctly identifies primary residences to include recreational structures and second homes.

I support the passage of House Bill 175.

Sincerely,


**Terry E. Bryan
Alaska Division - President**

**3035 C Street, Anchorage, AK 99503
OFFICE 907.561.1844 • FAX 907.561.1948
www.firatam.com**



**ANCHORAGE BOARD
OF REALTORS® INC.**

The Voice for Real Estate™ in Anchorage

1000 W. 33rd Avenue
Suite 4000
Anchorage, Alaska 99503
(907) 561-2328
(907) 563-0476 Fax

March 13, 2007

**The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801**

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

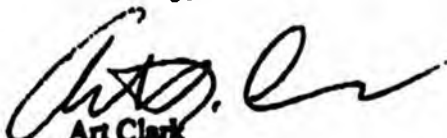
The Anchorage Board of REALTORS® with over 900 members supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Anchorage Board encourages the passage of House Bill 175.

Sincerely,



**Art Clark
ABR President**



March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

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The Association encourages the passage of House Bill 175.

Sincerely,


Janice Strong

Alaska Association of Realtors
Secretary for the Board of Directors

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

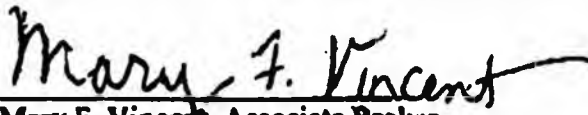
Dear Representative Johnson,

I have been selling real estate in the Mat-Su Borough for 27 years, and myself, along with the Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates to eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

Our primary focus as Realtors, is to PROTECT THE RIGHTS OF THE PUBLIC. Therefore, we favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are extremely common throughout Alaska. Private property rights must be protected in this country - we are NOT a socialistic nation.

The Association encourages the passage of House Bill 175.

Sincerely, 
Mary F. Vincent, Associate Broker
Prudential JW/Vista RE
907-352-1863 VM

Judy Cloud

Stacy Risner
PO Box 75188
Fairbanks, AK 99701

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

I am writing to you in support of House Bill 175, which relates eminent domain and recreational structures.

I wholeheartedly supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development. HB 175 will protect our citizens by including recreational structures and second homes in this protection. One of the great aspects of this state is the ability to get out and enjoy the beauty of our land and the wildlife that live there. Many people own recreational property to do just that, and it is simply unfair for anyone to be able to take this away for the gain of another.

Thank you for your time and consideration on this subject. I sincerely appreciate your support of House Bill 175.

Sincerely,


Stacy Risner

March


The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

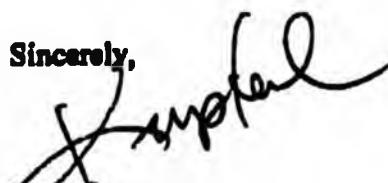
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We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,


Krystal Rogers
Associate Broker
RE/MAX of Wasilla

Krystal Rogers
Associate Broker

RE/MAX of Wasilla

3181 E. Palmer Wasilla Hwy. • Wasilla, AK 99654
Cell: (907) 388-8488 • Direct: (907) 362-8348 • Fax: (907) 373-8882

E-mail: krystal@mlscentral.net

Each Office Independently Owned and Operated

March 13, 2007

**The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801**

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

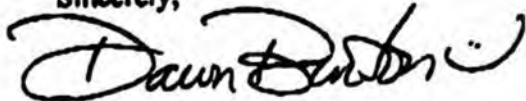
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I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,

A handwritten signature in cursive script that reads "Dawn Burton" with a small smiley face at the end.

**Dawn Burton ☺
Realtor**

ASSOCIATED ISLAND BROKERS

March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, AK 99801

RE: House Bill 175, Relating to the exercise of Eminent Domain and recreational structures

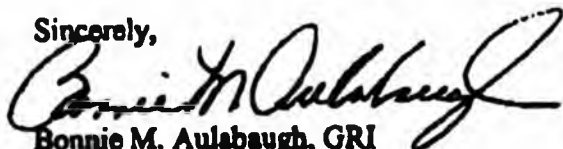
Dear Rep. Johnson:

I would like to express my support for House Bill 175. Since HB 318 passed during the last legislative session and defined whether or not it is appropriate to take a person's private property for economic development and also whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another, it seems that HB 175 is simply a "house-keeping" step to include recreational structures and second homes in the definition of primary residence.

I favor HB 175 since I believe it is something that is needed for consumer protection and would simply change the definition of primary residences in Alaska to include recreational structures and second homes, which as you know, are very common throughout our State.

I encourage the passage of House Bill 175. Thank you for your kind consideration.

Sincerely,



Bonnie M. Aulabaugh, GRI
Associate Broker



202 Center Avenue, Suite 101

Kodiak, Alaska 99615



Office: (907) 486-2000

E-Mail: aihi@ptialaska.net

Fax: (907) 486-4016

March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

The Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

So I encourage the passage of House Bill 175.

Sincerely,



Carl F. Brent
#16675

March 12, 2007

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Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

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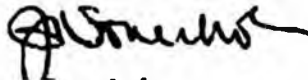
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We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,



**Jo Sonerholm
Associate Broker
Prudential Jack White Vista**

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

As a member of Alaska Association of REALTORS® with over 1,600 members statewide, I support House Bill 175, which relates eminent domain and recreational structures.

The government should not be able to confiscate private property!

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes, which are very common throughout Alaska.

Please support the passage of House Bill 175.

Sincerely,

*Kickie Hartley
Remax of Juneau*

March 12, 2007

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Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

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Please support the passage of House Bill 175.

Sincerely,

Holly Cera
RE/MAX of Juneau

March 12, 2007

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Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

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Sincerely,



Rena of Juneau

March 12, 2007

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Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

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Please support the passage of House Bill 175.

Sincerely,

Maureen Stinchfield
Associate Broker
RE/MAX of Juneau

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

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I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes, which are very common throughout Alaska.

Please support the passage of House Bill 175.

Sincerely,



Debbie White
REMAX of Juneau
8800 Glacier Hwy #219
Juneau, AK 99801

STATE OF ALASKA

FRANK MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

Division of Sport Fish

333 Raspberry Road
Anchorage, AK 99518-1500
PHONE: (907) 267-8326
FAX: (907) 267-2464

Date January 27, 2006

To: Robin Willis

From : Jason Graham

Re: Access for Anchor, Montana, and Salcha Creeks

Anchor River

Accessible: 16723 feet

Non-Accessible: 4542 feet

Montana Creek

Accessible: 29063 feet

Non-Accessible: 17468 feet

Salcha Creek

Accessible: 16181 feet

Non-Accessible: 16134 feet





KENAI RIVER SPORTFISHING
— ASSOCIATION —

Representative Les Gara
State Capitol
Juneau, AK 99801

January 9, 2007

Re: HB40

Dear Representative Gara:

The Kenai River Sportfishing Association (KRSA) supports the legislative objective of House Bill 40, an act relating to voluntary land trades and purchases to enhance public access to fishing streams.

Alaska is home to some of the best sportfishing, personal use and subsistence opportunities in the world, and HB40 is an important piece of legislation that provides ADF&G and ADNR a mechanism to ensure broad public access to these important public resources. HB40 places into statute a process that mandates the Commissioner of ADF&G list land along fishing waterways where access is impeded by private land ownership and the Commissioner of ADNR responsible for proceeding to acquire public access across those lands.

KRSA is a non-profit 501 (c) 3 conservation organization dedicated to ensuring the sustainability of the greatest sportfishing river in the world – the Kenai. Our goals are to conserve and rehabilitate fisheries habitat, promote predictable and meaningful sportfishing opportunity, encourage and foster fisheries research and provide public aquatic education. Over the past ten years we have raised and invested over \$5 million towards these goals.

While on the Kenai River (the primary focus of our organization) there is broad public access to its fishery resources, KRSA has been concerned with the privatization of public lands along other waterways in our state which reduces or eliminates public access to some of our prized sport fishing rivers and streams. On the Kenai Peninsula, we have public access concerns on the neighboring rivers of the Kenai, specifically the Anchor, Deep Creek and Kasilof. If public access is denied or severely restricted on these neighboring rivers, it will only serve to place more pressures on the Kenai itself, which is already the state's most popular sport and personal use fishery.

KRSA supports the public access mechanisms in place in the bill, such as using public easements and land trades as well as outright purchases of the land with voluntary private land owners, and we are also very encouraged that the right of eminent domain may not be exercised to acquire land or interest in land. The initial

Ron Rainey
Board Vice President

UNLIMITED

Alaska Program
419 Sixth Suite 200
Juneau, AK 99801
907-321-3291

January 31, 2007

Re: HB 40

Dear Representative Gara:

I'm pleased to write to you in support of H.B.40. Trout Unlimited's 165,000 members are dedicated to conserving, protecting and restoring North America's trout and salmon fisheries and their watersheds; your legislation helps achieve these goals.

Trout Unlimited is encouraged by the process to be established in H.B. 40 whereby the state will work to not only preserve but expand public access to our fishery resources through the acquisition of private lands. Alaska is blessed with a wealth of public land, providing residents and visitors alike with unequalled access to rivers, lakes and streams. This bill will make a good situation better through the use of land trades, access easements and outright purchase of key land parcels.

Thank you Representative Gara for your foresight, stewardship and steadfast support of Alaska sportfishing.

Sincerely,

Tim Bristol/Director
Trout Unlimited Alaska Program Director
907-321-3291
Tbristol@tu.org

January 31, 2007

Representative Les Gara
Alaska State Capitol
Juneau, Alaska 99801

Dear Representative Gara,

Thank you for championing HB 40, to further public access to important fishing waterways in Alaska. I believe this is a vital step in ensuring access to present and future generations of Alaskans and visitors to Alaska. We have superb fishing opportunities, and must work as a state to maintain access, or these opportunities will continue to erode away. I have already seen opportunity to fish disappear from many of my favorite reaches of MatSu valley streams, as more and more land around these streams becomes private and developed.

I do not encourage paved facilities and developed campsites along currently wild or difficult to access sections of rivers, as I have a wealth of first hand experience fishing the mouths of Willow, Montana and Sheep Creeks during king and silver salmon seasons, both before and after development of the public accesses there. A balance must be maintained between having no public access and too much public access, but that balance can be easily attained: keep the access open, be it a wilderness trail or current dirt or paved road to a stream, and leave it at that.

I am a member of the Matanuska Valley Advisory Committee to the ADF&G, long time Alaskan, tackle store employee, registered fishing guide, and life time fisherman. I have lived in the MatSu Valley for 20 years, and I fully support this bill, and encourage the House to support it.

Thank you,

Steve Runyan



Alaska Conservation Alliance

Uniting for Alaska's Future

February 14, 2007

The Honorable Les Gara
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Gara,

On behalf of the 40 conservation groups and the 38,000 Alaskans that are represented by the Alaska Conservation Alliance, I am pleased to acknowledge our support for HB 40 and the companion legislation SB 71, both of which aim to increase public access to fishing stream through voluntary measures. We would like to commend you for advancing this important, pro-active measure to protect public access to fishing resources throughout the state.

This legislation builds on the broad public support that exists for voluntary land conservation measures. In a recent statewide poll (July 2006), 68% of Alaskan voters stated that they would support measures to use voluntary agreements with landowners to protect land, water and wildlife in Alaska. Furthermore, this legislation focuses on key fishing areas where access is likely to become hampered as private lands transition from being undeveloped to developed properties.

Alaska Conservation Alliance applauds the foresight of HB 40, which seeks to secure public access before increased development would preclude a reasonable agreement with landowners. For many high-use areas on the Kenai Peninsula and in the Mat-Su Valley, the window of opportunity is now. In this regard, we urge prompt passage of HB 40.

The Alaska Conservation Alliance would like to thank you again for your work to advance this important piece of legislation.

Sincerely,

Frank H. Markowski, Governor

**Cooper Landing Fish & Game
Advisory Committee**

Bill Stockwell, Chair
PO Box 721
Cooper Landing, AK 99572-0721
Phone: 595-1540

December 12, 2005

Senator Gary Stevens
112 Mills Bay Road
Kodlak, AK 99615

SUBJECT: HB 37 State Land Trades/Purchases With Willing
Landowners To Regain Fishing Stream Access

Senator Stevens,

At our November 9, 2005 Meeting, the Cooper Landing Fish and Game Advisory Committee voted to support House Bill 37 which has passed the House and request you support HB 37 when it comes before the Senate.

As a fish and game advisory committee, we support ample access to all our fish and wildlife resources. Any loss of access is a loss of public recreational opportunity, an economy loss to tourism, and an unnecessary loss of use of our common use resources. Loss of bank access along fishing streams such as the Anchor River and the Cooper River Dip Net fishery have already become a problem and access to the Mat Valley streams may soon be the next issue.

Thank you very much for considering this issue. Please support this issue. When access is lost, it is gone forever.

Sincerely,

Bill Stockwell, Chair

cc: Representative Paul Sauter
Representative Lee Cook
Representative...

STATE OF ALASKA

FRANK MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

Division of Sport Fish

333 Raspberry Road
Anchorage, AK 99518-1520
PHONE: (907) 267-2326
FAX: (907) 267-2464

Date January 27, 2006

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