

HB

49

ALASKA STATE LEGISLATURE

Interim:
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Rep_Craig_Johnson@legis.state.ak.us



Session:
State Capitol Building, Room 126
Juneau, Alaska 99801-1182
Phone (907) 465-4993
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REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

SPONSOR STATEMENT

CS for House Bill 49(JUD) am

"An Act further limiting the exercise of eminent domain"

HB 49 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 49 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 49 strengthens that right and ensures the continued use of land in the greatest of ways – that of private ownership.



Alaska Association of REALTORS
The Voice of Real Estate in Alaska
4205 Minnesota Drive
Anchorage, Alaska 99503
(907) 563-7133

February 4, 2009

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

RE: House Bill 49 - "An Act relating to the prohibition of the exercise of the power of eminent domain against a recreational structure for the purposes of developing a recreational facility or project."

Dear Representative Johnson,

The Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 49, which relates to eminent domain and recreational structures.

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 49.

Sincerely,

Art Clark
AAR President

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REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

MEMORANDUM

TO: Senator Hollis French, Chair
Senate Judiciary Committee

FROM: Representative Craig Johnson *g*

DATE: March 10, 2009

RE: Hearing Request for HB 49, Limitation of Eminent Domain

I respectfully request a hearing in the Senate Judiciary Committee for House Bill 49, "An Act relating to the prohibition of the exercise of the power of eminent domain against a recreational structure for the purposes of developing a recreational facility or project."

House Bill 49, as amended, passed the House without a single dissenting vote.

Attached is a copy of the sponsor statement, a copy of the current version of the bill, CS for HB 49(JUD) am, the changes made to the previous version 26-LS0269\R, zero fiscal note, and letter of support.

If you have any questions or need additional information, feel free to contact me or my aide, Debra Higgins, at 465-4993.

Thank you for your consideration.