



LAWS OF ALASKA

1974

Source

CSHB 559 am S

Chapter No.

123

AN ACT

Relating to compensation for the taking of rights-of-way across state leases.

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

* Section 1. AS 38.05 is amended by adding a new section to read:

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

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

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

(d) This section shall not apply to leases or permits issued under the Alaska Right-of-Way Leasing Act (AS 38.35.-010 - 38.35.260).