



# LAWS OF ALASKA

2009

**Source**  
CSHB 49(JUD) am

**Chapter No.**  
\_\_\_\_\_

## 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.

---

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to the prohibition of the exercise of the power of eminent domain against a  
2 recreational structure for the purposes of developing a recreational facility or project.

3 \_\_\_\_\_  
4 \* **Section 1.** AS 09.55.240(e) is amended to read:

5 (e) The power of eminent domain may not be exercised for the purpose of  
6 developing a recreational facility or project if the property to be acquired includes an  
7 individual landowner's personal residence **or recreational structure** or that portion of  
8 an individual's property attached to and within 250 linear feet of an individual  
9 landowner's personal residence **or recreational structure** unless the landowner  
10 consents either before or after a condemnation proceeding has been filed.

11 \* **Sec. 2.** AS 09.55.240(h)(3) is amended to read:

12 (3) "personal residence" means a structure that is the dwelling place of  
13 an individual that

1 (A) must be used by the owner or beneficiary of a trust holding  
2 legal title to the structure as a dwelling unit, as opposed to a rental, storage, or  
3 other commercial space;

4 (B) must be inhabited by the owner, prior owner, or beneficiary  
5 of a trust holding legal title to the structure for at least 90 days during the 12-  
6 month period immediately before the date an action for the exercise of the  
7 power of eminent domain is filed;

8 (C) must constitute an ordinary home for general living  
9 purposes [, AS OPPOSED TO A DWELLING USED ONLY FOR  
10 SEASONAL RECREATIONAL OR TEMPORARY PURPOSES]; and

11 (D) may not have been constructed, placed, or occupied for the  
12 purpose of avoiding eminent domain proceedings;

13 \* **Sec. 3.** AS 09.55.240(h) is amended by adding a new paragraph to read:

14 (6) "recreational structure" means a permanent structure that

15 (A) is used by the owner or beneficiary of a trust holding legal  
16 title to the structure as a dwelling for seasonal recreational purposes, as  
17 opposed to a rental, storage, or other commercial space; and

18 (B) may not have been constructed, placed, or occupied for the  
19 purpose of avoiding eminent domain proceedings.