

# Alaska State Legislature

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**Representative Lesil McGuire**  
Chair, Judiciary Committee

## **Sponsor Statement HB 318**

"An Act limiting the exercise of eminent domain."

HB 318 calls for two very clear policy decisions. The first is whether or not it is appropriate to take a person's private property for economic development and the second is whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another. This legislation is not intended to prohibit the legitimate use of eminent domain; it merely limits its use in these two narrow policy areas.

A recent United States Supreme Court ruling that the eminent domain powers of a government could be used to seize private land for economic development purposes has struck a vital blow to private property rights in this country. Although *Kelo v. New London* is a Connecticut case, its implications are broad. HB 318 will clarify the property rights of Alaskans and prevent a repeat of what transpired in Connecticut.

It is important to note the Supreme Court recognized the right of a state to set their own guidelines for defining eminent domain. I find very little fault with that approach. While I believe the Alaska Constitution protects Alaskans from such an egregious attack on personal property. I fully intend to ensure that our state statutes afford the same protection of property.

HB 318 will prohibit the use of eminent domain for economic gain and clarify that the government be prohibited from taking all or part of a primary residence through eminent domain so that others may have a recreational opportunity. Alaska has thousands of acres of land and it is unacceptable to seize someone's home for recreational purposes.

Eminent domain has a legitimate place in land development, but its use must be controlled within a narrow definition to protect private property rights. If it becomes necessary to seize someone's property, the standards applied should be very high.