

1 IN THE HOUSE

BY MRS. FISCHER AND MR. RADER

2 HOUSE BILL NO. 126

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the making of a declara-
7 tion of taking by persons, firms or corpora-
8 tions furnishing public services; establish-
9 ing a procedure therefor; and providing an
10 effective date."

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

12 Section 1. APPLICABILITY OF DECLARATION OF TAKING. Except
13 as hereinafter provided, the provisions of Ch. 90, SLA 1953 as
14 amended by Ch. 138, SLA 1955, and as hereafter amended, are hereby
15 made applicable to any person, firm or corporation authorized to
16 transact business in the State of Alaska, constructing, maintaining
17 or operating electric light and power plants, water plants, sewer
18 systems, telephone or other public utilities within the State of
19 Alaska.

20 Sec. 2. APPOINTMENT OF APPRAISERS: COSTS. The declaration
21 of taking shall be filed with the clerk of the court in which the
22 proceeding is pending. Within 15 days thereof, the court shall
23 appoint three qualified appraisers and direct them to prepare
24 separate appraisal reports. The cost of obtaining the appraisal
25 reports shall be borne by the party filing the declaration of
26 taking and the sum shall be deposited into court within five days
27 from the date the declaration of taking is filed.

28 Sec. 3. APPRAISAL REPORTS: FILING. Within 15 days after
29 their appointment, those appointed as appraisers shall file their

1 individual appraisals with the court.

2 Sec. 4. SETTING AMOUNT OF DEPOSIT. The court shall there-
3 upon take an average of the three appraisals and issue an order
4 directing the filing party to deposit two times said sum with the
5 clerk of the court.

6 Sec. 5. WITHDRAWAL OF ONE-HALF OF DEPOSIT. Not more than
7 one-half of the sum deposited may be withdrawn upon court order
8 in accordance with the provisions of Sec. 3, Ch. 90, SLA 1953.

9 Sec. 6. VESTING OF TITLE. Providing the condemnor shall have
10 made the deposit provided in Sec. 4, then, upon the expiration of
11 30 days from the date of filing the declaration of taking, title
12 to the real property in fee simple absolute, or such lesser estate
13 or interest therein as is specified in the said declaration, shall
14 vest in the condemnor and such real property or interests therein
15 or easement shall be deemed to be condemned and taken for the use
16 of the condemnor and the right to just compensation for the same
17 shall vest in the persons entitled thereto. The compensation
18 shall be ascertained and awarded in the proceeding and established
19 by judgment therein, and the judgment shall include, as part of
20 the just compensation awarded, interest at the rate of eight (8)
21 per centum per annum on the amount finally awarded as the value
22 of the property as of the date title vests in the condemnor to
23 the date of payment; but interest shall not be allowed on so much
24 thereof as shall have been withdrawn pursuant to Sec. 5 hereof.

25 Sec. 7. Subsequent to the entry of judgment, the court shall
26 order that the same be paid from funds on deposit with the clerk
27 of court if said judgment exceeds that amount previously withdrawn
28 pursuant to Sec. 5. hereof, provided, however, the judge may enter
29 such deficiency judgment as may be necessary in the event the final

1 judgment exceeds the total deposit of the condemnor. After the
2 termination of the action and the satisfaction of this judgment,
3 the clerk shall return to the condemnor any funds deposited by
4 condemnor remaining in the court registry.

5 Sec. 8. EFFECTIVE DATE. This Act shall take effect immedi-
6 ately upon its passage and approval or upon its becoming law with-
7 out such approval.

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