

1 IN THE HOUSE

BY JUDICIARY COMMITTEE

2 COMMITTEE SUBSTITUTE FOR 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 eminent domain; including
7 in the definition of 'condemning agency' all
8 public utilities; amending Section 1 of
9 H.B. No.125."

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

11 Section 1. Sec. 1 of Ch. 90, SLA 1953, as amended by Sec. 1
12 of Ch. 138, SLA 1955, as further amended by H.B. No. 125 is hereby
13 amended to read as follows:

14 Sec. 1. DECLARATION OF TAKING: AUTHORITY TO FILE. In
15 any proceeding instituted by and in the name of the State of
16 Alaska, any public utility district, or school district, any
17 person, firm, municipal corporation, association or corpora-
18 tion authorized to transact business in the state for the
19 purpose of constructing, maintaining, or operating electric
20 light and power plants, water plants, sewer systems, telephone
21 or other public utilities, hereinafter referred to as a
22 "condemning agency", involving the acquisition of any real
23 property or any interest therein, for any purpose for which
24 the condemning agency is authorized the power of eminent
25 domain, the petitioner may file the cause, with the petition
26 or at any time before judgment, a declaration of taking
27 signed by the state or other authority empowered by law to
28 acquire the real property or any interests therein or any
29 easement described in the petition, declaring that said real

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property or any interest therein or any easement is thereby
taken for the use of the condemning agency /STATE, PUBLIC
UTILITY DISTRICT, OR SCHOOL DISTRICT/. The declaration of
taking procedure may not be used with relation to the property
of cities of the first class.