

1 IN THE SENATE

BY SENATOR POLLOCK

2 SENATE BILL NO. 190

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the procedure to be  
7 followed in the exercise of the power of  
8 eminent domain."

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

10 Section 1. Sec. 3, Ch. 134, SLA 1960, is amended to read:

11 Sec. 3. ADDITIONAL POWERS OF THE COURT TO REQUIRE  
12 SURRENDER OF POSSESSION TO PLAINTIFF. Notwithstanding the  
13 provisions of Sec. 57-7-21, ACLA 1949; Ch. 90, SLA 1953;  
14 Ch. 122, SLA 1955, or of any other law relating to the  
15 acquisition of property for a public use through the exercise  
16 of the right of eminent domain, the court may, upon motion,  
17 and after a hearing fix the time within which and the terms  
18 upon which the parties in possession shall be required to  
19 surrender possession to the plaintiff. If the court finds  
20 that urgent public necessity so requires, it may grant the  
21 plaintiff possession at any time after the action has been  
22 commenced. Notice of the hearing shall be as provided in  
23 Rule 5 of the Rules of Civil Procedure of the State of  
24 Alaska, except that, where service by publication is  
25 required, notice may be given at any time following the  
26 date of the last publication by registered mail addressed  
27 to the defendant and to parties in possession at their  
28 last known addresses, as shown on the latest tax roll of  
29 the political subdivision in which the premises are

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located or as indicated by other evidence which shall be satisfactory to the court. This section is limited in its application to the acquisition of easements for sewerage and for the transmission and distribution of electric energy, communications, water, steam, and gas.