

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; and amending Sec. 3,
9 Ch. 134, SLA 1960."

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

the political subdivision in which the premises are 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.

Passed by the Senate January 25, 1962

President of the Senate

ATTEST:

Secretary of the Senate

Passed by the House _____, 1962

Speaker of the House

ATTEST:

Chief Clerk of the House