

1 IN THE HOUSE

BY MR. STEVENS

2 HOUSE BILL NO. 270

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the eminent domain
7 power of organized boroughs."

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

9 * Section 1. PURPOSE. The purpose of this Act is to expressly
10 confirm the power of organized boroughs to use the declaration of
11 taking in eminent domain proceedings. It is not intended in any
12 way to affect borough powers of eminent domain other than to con-
13 firm the power of an organized borough to use the declaration of
14 taking in eminent domain proceedings.

15 * Sec. 2. AS 09.55.420 is amended to read:

16 Sec. 09.55.420. DECLARATION OF TAKING BY STATE, FIRST
17 CLASS CITY, OR ORGANIZED BOROUGH [PUBLIC UTILITY DISTRICT OR
18 SCHOOL DISTRICT]. Where a proceeding is instituted under
19 secs. 240 - 460 of this chapter by the state, [PUBLIC
20 UTILITY DISTRICT, OR SCHOOL DISTRICT,] it may file a decla-
21 ration of taking with the complaint or at any time after the
22 filing of the complaint, but before judgment. Where a pro-
23 ceeding is instituted under secs. 240 - 460 of this chapter
24 by a first class city or organized borough in the exercise of
25 eminent domain for street or highway, school, sewer, water,
26 telephone, electric, other utility, and slum clearance pur-
27 poses or use granted to cities of the first class or organi-
28 zed boroughs, the governing body of the first class city or
29 organized borough may exercise the power through the filing

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of a declaration of taking with the complaint or at any time after the filing of the complaint, but before judgment. The declaration of taking procedure may not be used with relation to the property of rural electrification or telephone cooperatives or nonprofit associations receiving financial assistance from the federal government under the Rural Electrification Act.