

Introduced: 3/24/72
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 758

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the declaration of taking."

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

8 * Section 1. AS 09.55.420 is amended to read:

9 Sec. 09.55.420. DECLARATION OF TAKING BY STATE, [OR] MUNICIPALITY
10 OR ALASKA STATE HOUSING AUTHORITY. Where a proceeding is instituted
11 under secs. 240 - 460 of this chapter by the state or by the Alaska
12 State Housing Authority, it may file a declaration of taking with the
13 complaint or at any time after the filing of the complaint, but
14 before judgment. Where a proceeding is instituted under secs. 240 -
15 460 of this chapter by a municipality in the exercise of eminent
16 domain for street or highway, off-street automobile parking facili-
17 ties, school, sewer, water, telephone, electric, other utility, and
18 slum clearance purposes or use granted to cities of the first class,
19 the governing body of the municipality may exercise the power through
20 the filing of a declaration of taking with the complaint or at any
21 time after the filing of the complaint, but before judgment. The
22 declaration of taking procedure may not be used with relation to the
23 property of rural electrification or telephone cooperatives or non-
24 profit associations receiving financial assistance from the federal
25 government under the Rural Electrification Act; provided that no
26 declaration of taking for off-street parking purposes may be used unless
27 there has been public notice by publication in a newspaper of general
28 circulation in the area for not less than once a week for four consecu-
29 tive weeks followed by a full and complete public hearing held before

the governing body of the first class city or municipality.

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