

Introduced: 1/19/76
Referred: Resources

1 IN THE SENATE

BY CROFT

HCS

SENATE BILL NO. 546

2
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

8 * Section 1. AS 09.55.430 is amended by adding a new paragraph to read:

9 (7) a statement that the property is taken by necessity
10 for a project located in a manner which is most compatible with the
11 greatest public good and the least private injury.

12 * Sec. 2. AS 09.55.450(a) is amended to read:

13 (a) Upon the filing of the declaration of taking and the deposit
14 of the estimated compensation, the court may, upon motion, fix the
15 time during which and the terms upon which the parties in possession
16 are required to surrender possession to the petitioner. However, the
17 right of entry shall not be granted the plaintiff until after the
18 hearing of any objection to the declaration of taking made by the
19 defendant, or the running of the time for the defendant to file an ob-
20 jection to the declaration of taking. Where the party in possession
21 withdraws any part of the award and remains in possession, the court
22 may fix a reasonable rental for the premises to be paid by that party
23 to the plaintiff during such possession.

24 * Sec. 3. AS 09.55.460(b) is amended to read:

25 (b) The plaintiff may not be divested of a title acquired except
26 where the court finds that the property was not taken by necessity for a
27 public use or purpose in a manner compatible with the greatest public
28 good and the least private injury. In the event of that finding, the
29 court shall enter the judgment necessary to (1) compensate the persons

1 entitled to it for the period during which the property was in the
2 possession of the plaintiff, [AND] (2) recover for the plaintiff any
3 award paid to any person, and (3) order the plaintiff to restore the
4 property to the condition in which it existed at the time of the filing
5 of the declaration of taking unless such restoration is impossible, in
6 which case the court shall award damages to the proper persons as com-
7 pen-sation for any diminution in the value of the property caused by the
8 plaintiff's wrongful possession.