

Introduced: 2/4/81
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 61

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST 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 09.55.410 is amended to read:

9 Sec. 09.55.410. WITHDRAWAL OF FUNDS BY PARTY IN INTEREST. The
10 money deposited in the court or a part of it may be withdrawn by a
11 party in interest in the manner provided in AS 09.55.440, and the
12 court shall have the power to direct the payment of delinquent taxes
13 and special assessments out of the amount determined to be just
14 compensation and to make orders with respect to encumbrances, liens,
15 rents, insurance, and other charges as are just and equitable. The
16 withdrawal of any part of the deposit by a party in interest is a
17 waiver of all issues concerning the taking of the property except the
18 amount of just compensation.

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

20 (a) Upon the filing of the declaration of taking and the deposit
21 of the estimated compensation, the court may, upon motion, fix the
22 time during which and the terms upon which the parties in possession
23 are required to surrender possession to the petitioner. However, the
24 right of entry shall not be granted the plaintiff until after the
25 running of the time for the defendant to file an objection to the
26 declaration of taking or until after the hearing on any objection to
27 the declaration of taking if the objection is made in the time allowed
28 by law. If an objection to the declaration of taking is filed, a
29 hearing must be held within 30 days or as soon thereafter as possible

1 to establish the validity of any objections. If no objection to the
2 declaration of taking is filed, the plaintiff has a right of entry
3 onto the property without further action by the court. Where the party
4 in possession withdraws any part of the award and remains in possession,
5 the court may fix a reasonable rental for the premises to be paid by
6 that party to the plaintiff during such possession.

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