

Offered: 3/24/82  
Referred: Rules

Original sponsor: Rules Committee  
by request

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 473 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal powers; and providing  
7 for an effective date."

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

9 \* Section 1. AS 09.55.240(a) is amended by adding a new paragraph to  
10 read:

11 (13) the performance by a home rule, general law, or unified  
12 municipality of an authorized power or function in accordance with  
13 AS 29.73.020.

14 \* Sec. 2. AS 09.55.420(a) is amended to read:

15 (a) If [WHERE] a proceeding is instituted under AS 09.55.240 -  
16 09.55.460 by the state or a home rule, general law, or unified municipi-  
17 pality, [IT MAY FILE] a declaration of taking may be filed with the  
18 complaint or at any time after the filing of the complaint, but before  
19 judgment. [WHERE A PROCEEDING IS INSTITUTED UNDER AS 09.55.240 -  
20 09.55.460 BY A MUNICIPALITY IN THE EXERCISE OF EMINENT DOMAIN FOR  
21 STREET OR HIGHWAY, OFF-STREET AUTOMOBILE PARKING FACILITIES, SCHOOL,  
22 SEWER, WATER, TELEPHONE, ELECTRIC, OTHER UTILITY, AND SLUM CLEARANCE  
23 PURPOSES OR USE GRANTED TO CITIES OF THE FIRST CLASS, THE GOVERNING  
24 BODY OF THE MUNICIPALITY MAY EXERCISE THE POWER THROUGH THE FILING OF A  
25 DECLARATION OF TAKING WITH THE COMPLAINT OR AT ANY TIME AFTER THE  
26 FILING OF THE COMPLAINT, BUT BEFORE JUDGMENT.] The declaration of  
27 taking procedure may not be used with relation to the property of rural  
28 electrification or telephone cooperatives or nonprofit associations  
29 receiving financial assistance from the federal government under the

1 Rural Electrification Act. A municipality may not use the [;PROVIDED  
2 THAT NO] declaration of taking procedure for off-street parking purposes  
3 [MAY BE USED] unless there has been public notice by publication in a  
4 newspaper of general circulation in the area for not less than once a  
5 week for four consecutive weeks followed by a [FULL AND COMPLETE] public  
6 hearing held before the governing body of the [FIRST CLASS CITY OR]  
7 municipality.

8 \* Sec. 3. AS 18.55.920 is amended by adding a new subsection to read:

9 (b) AS 18.55.480 - 18.55.960 may not be construed to limit the  
10 authority of a municipality to undertake or participate in other urban  
11 renewal and urban development projects.

12 \* Sec. 4. AS 09.55.240(a) is amended by adding a new paragraph to read:

13 (13) the performance by a municipality of a power or function  
14 in accordance with AS 29.35.030.

15 \* Sec. 5. AS 09.55.240(a)(13) as added by sec. 1 of this Act is repealed.

16 \* Sec. 6. Sections 4 and 5 of this Act take effect on the effective date  
17 of a version of House Bill No. 170 or Senate Bill No. 180 revising AS 29.

18 \* Sec. 7. Sections 1 - 3 of this Act take effect immediately in accor-  
19 dance with AS 01.10.070(c).  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29