

CHAPTER 110

AN ACT

[S. B. 66]

Declaring a policy of cooperation with the Federal Government in flood control and river and harbor improvement projects and defining the liability of the Territory thereunder enlarging the powers of incorporated municipalities regarding the exercise of eminent domain; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That the public policy of this Territory is declared to be one of cooperation with the Federal Government in protecting the lives and property of the residents of this Territory by means of such flood control and river and harbor improvements as may be undertaken by any agency of the Federal Government. It is further declared to be the policy of this Territory to hold and save the Federal Government free from liability for damages to any individual, firm or corporation in the Territory arising from the construction of any flood control or river or harbor improvement. Policy.

Section 2. That the Territory shall assume liability for damages arising out of the construction by the Federal Government of any flood control, river, channel or harbor project; Provided, that the liability of a private person shall be the measure of liability of the Territory for such damages. Provided further, that the submission to any rejection by the Territorial Board of Administration of any claim shall be a condition precedent to the maintenance of suit against the Territory for the recovery of such damages. Territory assumes liability.

Section 3. That the Territorial Board of Administration is hereby empowered to hear and determine claims for damages arising under this Act and to award fair and just compensation therefor, and to that end may Determination of claims.

adopt any appropriate procedure not inconsistent with existing law.

Payment.

Section 4. That the payment of awards or judgments made and rendered under the provisions of this Act shall be made from an appropriation for that purpose.

Municipal eminent domain.

Section 5. Incorporated municipalities of the Territory, through their councils, shall have and exercise the right of eminent domain for the purposes of flood control, channel and river and harbor improvements. Such municipalities may exercise such right of eminent domain within a distance of fifty miles from their corporate bounds for the following: the acquisition of lands and rights of way for flood control and river and harbor improvements and widening, deepening, straightening, changing alignment of, or diverting flow from streams, sloughs or other natural water courses which may aid in such flood control or river and harbor improvement; and incorporated municipalities are hereby authorized to enter into agreements with the Federal Government to hold and save the Federal Government free from liability to any individual firm or corporation arising from the construction of any flood control or river or harbor improvement where the Federal Government is participating within such 50-mile limit in furthering any such project of interest to such city and related to any utility or other service carried on by the city.

Savings clause.

Section 6. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

Emergency clause.

Section 7. An emergency is hereby declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Approved March 25, 1949.