

c. All rights, franchises and property interests of the merged or consolidating mutual bank or banks shall be transferred to and vested in the surviving or consolidated mutual bank by virtue of the merger or consolidation without the requirement under this Act of any deed or other instrument of transfer; and the surviving or consolidated mutual bank shall be entitled to exercise all rights and privileges of the merged or consolidating mutual bank or banks in accordance with the terms of the merger or consolidation agreement.

d. The surviving or consolidated mutual bank shall be responsible for all debts and obligations of the merged or consolidating mutual bank or banks in accordance with the terms of the merger or consolidation agreement.

Sec. 15. **General Powers.** a. For the purpose of carrying out its functions under this Act, a mutual bank

(1) shall have indefinite succession;  
 (2) may adopt and use a seal;  
 (3) may sue and be sued;  
 (4) may adopt, amend and repeal rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(5) may make and carry out such contracts and agreements, provide such

benefits to its personnel and take such other action, as it may deem necessary or desirable in the conduct of its business;

(6) may appoint and fix the compensation of such officers, attorneys, and employees as may be desirable for the conduct of its business, define their authority and duties, delegate to them such powers as the trustees may determine, require bonds of such of them as the trustees may designate and fix the penalties and pay the premiums on such bonds; and

(7) acquire by purchase or lease such real property or interest therein as the trustees may deem necessary or desirable for the conduct of its business, and sell, lease or otherwise dispose of such real property or interest therein.

b. The foregoing enumeration of powers shall not be deemed to exclude other powers appropriate for the achievement of the objects and purposes of a mutual bank under the provisions of this Act, and a mutual bank may provide for the exercise of such other powers in its by-laws, rules or regulations, with the approval of the department.

Sec. 16. **Authorization of Appropriations.** There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of this Act.

Approved April 15, 1960

## CHAPTER 133

### AN ACT

**Providing for detention, confinement and transportation of persons held under authority of law; and providing for an effective date.**

(C.S.H.B. 321)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. **Definitions.** As used in this Act, unless the context otherwise requires:

a. "Commissioner" means the Commissioner of the Department of Health and Welfare of the State of Alaska or his designee.

b. "Court" means the supreme court, the superior court, or any judge thereof,

the district magistrate courts, or judges thereof.

c. "Prisoner" means any person detained or confined for any period of time in a prison facility, whether by arrest, conviction, order of court, or held as a witness, or otherwise.

d. "Prison facility" means any building, camp, farm, place or area established for detention or confinement of persons

accused or convicted of crime, or held under authority of law. A "state" prison facility" includes a prison facility owned by or leased, loaned or granted, to the state by the United States or any political subdivision of this state.

e. "Temporary commitment" means any detention of a person under authority of law, but does not include confinement upon conviction and judgment of a court of this state.

f. "Political subdivision" means any borough, city, town, village, or other area of local government within the state permitted by law to establish prison facilities.

**Sec. 2. Control and Management of State Prison Facilities.** The control and management of state prison facilities shall be vested in the Commissioner.

The Commissioner shall establish prison facilities and classify the prisoners thereof; and provide for their safety, subsistence, proper government, discipline, and establish programs for their treatment, care, rehabilitation and reformation. He shall promulgate all necessary rules and regulations to effectuate and carry out the purposes of this Act.

It shall be the duty of the Commissioner to provide suitable prison facilities for the safekeeping, housing, care and subsistence of all persons charged or convicted of offenses against the state, or held as witnesses, or otherwise, under authority of the law of the state.

**Sec. 3. Medical Relief; Expenses.** The Commissioner shall detail physicians, nurses and psychiatrists, or their aides, and laboratory technicians, employed by the Department of Health and Welfare to any prison facility where state prisoners are detained or confined, for the purpose of furnishing necessary medical services to such state prisoners. However, if such services cannot be furnished by physicians, nurses, psychiatrists, or their aides, and laboratory technicians, regularly employed by the Department of Health and Welfare, the Commissioner may contract with private practitioners located in the area of a prison facility housing state prisoners for the furnishing of such services. The cost of such contracted services shall be paid out of

appropriations made to the Department of Health and Welfare.

**Sec. 4. Commitment to Commissioner; Designation of Prison Facility Transfer.** All persons convicted of an offense against the state shall be committed for such terms of imprisonment as the court may direct to the custody of the Commissioner or his authorized representative, who shall designate the prison facility where the sentence shall be served.

The Commissioner may designate any available, suitable and appropriate prison facility, whether maintained by the state or otherwise, whether within or without the judicial district where the prisoner was convicted, or whether within another state, territory or possession of the United States, for the service of sentence by a prisoner.

The Commissioner may designate in advance any state prison facilities or any prison facilities made available to the state by virtue of agreement or contract, to which all persons sentenced to serve a term of one year or less, or detained on temporary commitment, shall be committed subsequent to such designation. In such case, the court may make commitment for such term as it may direct, or order of temporary commitment, to the custody of the keeper or person in charge of such designated prison facilities.

Upon entry by a prisoner into any prison facility, the Commissioner may order such prisoner transferred from one prison facility to another.

**Sec. 5. Duties of the Commissioner of Public Safety in Regard to Safekeeping and Conveying of Persons Held; Right to Reimbursement.** The Commissioner of the Department of Public Safety shall provide for the subsistence, care and safekeeping in suitable quarters of any person arrested or held under the authority of any law of this state pending arraignment or commitment by a court to the custody of the Commissioner of the Department of Health and Welfare or to the custody of the keeper or person in charge of a prison facility designated in advance by the Commissioner of the Department of Health and Welfare.

The Commissioner of the Department of Public Safety shall have the responsi-

bility for the conveying of any prisoner to and from any court having jurisdiction over such person. He shall have the responsibility of delivering a prisoner to any prison facility upon any commitment by a court or upon transfer of a prisoner from one prison facility to another whether within or without the state of Alaska.

**Sec. 6. Place of Service of Sentence by Prisoner.** Persons convicted of offenses against the state and sentenced to terms of imprisonment of more than one year may be confined in a penitentiary or reformatory or other prison facility, to be designated by the Commissioner or his authorized representative.

A sentence for an offense punishable by imprisonment of one year or less shall not be served in a penitentiary without the consent of the prisoner.

**Sec. 7. Visitation Privileges.** Honor prisoners with good behavior serving sentences of one year or more may be permitted as a privilege and not as a right to visit with their families at a place other than their place of confinement and at their own expense for periods not exceeding one week nor more frequently than once each six months under rules and regulations promulgated by the said Commissioner and in his sole discretion.

**Sec. 8. Transportation of Prisoners.** Costs of transportation or transfer of prisoners, either within or without the state, after temporary or final commitment shall be paid from the appropriation to the Department of Public Safety.

The Commissioner shall adopt regulations governing the furnishing of transportation, discharge payments, and clothing to prisoners upon release at any stage of criminal proceedings.

**Sec. 9. Expenses of Prisoners to Be Paid by the Department of Health and Welfare.** Expenses attendant upon the detention or confinement under the laws of this state of any prisoners in prison facilities shall be paid out of the appropriations provided for the Department of Health and Welfare.

**Sec. 10. Authority of Commissioner to Contract for Services.** The Commissioner shall determine the availability of state prison facilities suitable for the

detention and confinement of all persons held under authority of the law of this state. In the event the Commissioner shall determine that suitable state prison facilities are not available, he may enter into an agreement with the proper authorities of the United States, any state, or any political subdivision of this state for the purposes of providing prison facilities for the safekeeping, care, subsistence, proper government, discipline and for the purpose of providing programs for the reformation and rehabilitation and treatment of prisoners. Such prison facilities as may be made available to the Commissioner by such agreement may be within this state, or in any other state, territory or possession of the United States. The Commissioner shall not enter into such agreement with any authorities who are unable to provide the degree or kind of safekeeping, care and subsistence required by the statutes of this state and by the rules and regulations promulgated by the Commissioner.

Any authority, whether that of another state, the United States, or a political subdivision of this state, receiving physical custody for the purposes of incarceration of a person sentenced by a court under the terms of any agreement made as herein provided, shall be deemed to be acting solely as agent of this state. This state retains jurisdiction over any person incarcerated in an institution of another state, the United States, or a political subdivision of this state.

It shall be the duty of the Attorney General of this state to enforce in a civil suit in any court which has jurisdiction any and all terms of an agreement executed in pursuance of this Act. The Attorney General shall be authorized to institute such a suit in any court of any other state or in a court of the United States.

The Commissioner may contract with the proper authorities of the United States or any political subdivision of this state to provide the services of state prison facilities for the safekeeping, care and subsistence of persons held under the authority of the law of their respective jurisdictions.

The Commissioner may agree to and permit any political subdivision of this state to lease, or to use and operate, for

the joint benefit of the political subdivision and the state any state prison facility; provided that the Commissioner shall first determine that operation of a state prison facility by a political subdivision would be in the best interests of the state. Any such agreement executed by the Commissioner shall provide the following:

a. That the state have the right to detain or confine therein persons held under authority of state law;

b. That the keeper of such prison facility be amenable to any order concerning a prisoner of any court of this state having jurisdiction over that prisoner;

c. That the keeper observe all statutes and rules and regulations promulgated by the Commissioner relating to the government of persons confined or detained therein; and

d. That the Commissioner or his authorized representative be permitted at all reasonable times to inspect the premises for the purpose of determining the conditions under which persons held under authority of state law are housed.

The Commissioner may also prescribe

such other conditions as he deems necessary to secure protection for the public at large and to secure to persons held or detained therein the quarters, care, subsistence, treatment and the programs for reformation and rehabilitation required by this Act and any rules and regulations promulgated hereunder.

**Sec. 11. Oaths and Acknowledgments.** The keeper of any prison facility or his assistants, may administer oaths to and take acknowledgments from any prisoner but shall not demand or accept fee or compensation therefor.

**Sec. 12. Copy of Commitment.** Whenever a prisoner is committed to the custody of the Commissioner, or to the keeper or person in charge of a designated prison facility by virtue of a writ, warrant, or other form of commitment, a copy thereof shall be delivered to such officer as his authority to hold the prisoner, and the original shall be returned to the proper court or officer, with the officer's return endorsed thereon.

**Sec. 13. Effective Date.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 15, 1960

## CHAPTER 134

### AN ACT

**Relating to the procedure to be followed in the exercise of the power of eminent domain; repealing conflicting laws; providing for possession of the premises by the plaintiff; securing payment of damages to the parties in possession and the withdrawal of funds by parties in interest; and providing for an effective date.**

(C.S.S.B. 195)

**Be it enacted by the Legislature of the State of Alaska:**

**Section 1. Procedure to Be Followed.** The procedure for the exercise of the right of eminent domain, in condemning property for a public use or uses, shall be governed by the provisions of Rule 71A, Federal Rules of Civil Procedure, which Rule 71A is hereby incorporated by reference as though set forth in full herein, to the extent that the procedure prescribed in that rule can be made applicable to Alaska substantive law gov-

erning eminent domain, until such time as the Supreme Court of Alaska shall promulgate rules pertaining to eminent domain. The procedures set forth above for appointment of, and hearing by, commissioners with the right to appeal the award, with jury trial, unless jury trial is waived by both parties, shall continue in effect, as provided for in Secs. 57-7-12 through 57-7-16, ACLA 1949.

**Sec. 2. Conflicting Statutes Repealed.** All procedural statutes of Alaska which are in conflict with or inconsistent with