

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

section 1 of this Act are hereby repealed to the extent of such conflict or inconsistency.

Sec. 3. Additional Powers of the Court to Require Surrender of Possession to Plaintiff. Notwithstanding the provisions of Sec. 57-7-21, ACLA 1949; Ch. 90, SLA 1953; Ch. 122, SLA 1955, or of any other law relating to the acquisition of property for a public use through the exercise of the right of eminent domain, the court may, upon motion, and after a hearing fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the plaintiff. If the court finds that urgent public necessity so requires, it may grant the plaintiff possession at any time after the action has been commenced. Notice of the hearing shall be as provided in Rule 5 of the Rules of Civil Procedure of the State of Alaska, except that, where service by publication is required, notice may be given at any time following the date of the last publication by registered mail addressed to the defendant and to parties in possession at their last known addresses, as shown on the latest tax roll of the political subdivision in which the premises are located or as indicated by other evidence which shall be satisfactory to the court. This section is limited in its application to the acquisition of easements for the transmission and distribution of electric energy, communications, water, steam, and gas.

Sec. 4. Deposit Into Court of Estimated Compensation and Damages. The order requiring the parties in possession to surrender possession to the plaintiff shall require that the plaintiff deposit with the clerk of the court an amount of money determined by the court fairly to represent the estimated compensation and the estimated damages to the defendant and for the speedy occupation, including rea-

sonable relocation costs, if required. In addition, the court shall include in its order a further requirement that the plaintiff execute and file with the clerk of the court a bond, approved as to form and as to sufficiency of the sureties by the court, in an amount equal to the amount of money required to be deposited, conditioned upon payment to the defendant of any additional damages and costs found to be due to the defendant in the action. Neither the amount of the cash deposit nor the amount of the bond shall be admissible as evidence at the hearing or trial on the issue of just compensation. No costs or attorney fees shall be assessed against the defendant in any action brought under this Act.

Sec. 5. Withdrawal of Funds by Party in Interest. The money deposited in the court, or any part thereof, may be withdrawn by any party in interest in the manner provided in Sec. 3, Ch. 90, SLA 1953 (57-7-26, ACLA Cumulative Supplement) and the court shall have the power to direct the payment of delinquent taxes and special assessments out of the amount determined to be just compensation and to make such orders with respect to encumbrances, liens, rents, insurance, and other charges as shall be just and equitable.

Sec. 6. Powers Conferred to Be Additional. The powers of the court hereby conferred in respect of requiring surrender of possession of the premises sought to be condemned are additional to any other rights, powers or authority otherwise conferred by law, and shall not be construed as abrogating, limiting or modifying any such rights, powers or authority.

Sec. 7. 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 16, 1960

CHAPTER 135

AN ACT

To establish a Section of Power Development within the Department of Commerce; defining its authority and duties; and providing for an effective date.

(C.S.S.B. 203)