

section 1 of this Act are hereby repealed to the extent of such conflict or inconsistency.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

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## 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)

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

**Section 1. Findings and Affirmation of Purpose.** The Legislature, recognizing that Alaska has vast hydroelectric and other power resources whose early development is vital to its industrialization, economic growth and general well being, and in view of the unavailability of similar undeveloped resources elsewhere in the United States to meet the ever increasing demands for electric power and energy, that such development is likewise a matter of national interest and security, hereby finds the expeditious development of such resources to be of primary state interest. The Legislature further ratifies and affirms the findings and declaration of legislative purpose set forth in Sec. 1, Ch. 122, SLA 1959.

**Sec. 2. Section of Power Development: Purposes.** There is hereby created within the Department of Commerce, a Section of Power Development hereafter referred to as the "section" for the purpose of conserving, developing, and utilizing the water and other electric power resources of Alaska, of making an abundant supply of electric power and energy available to the people of Alaska at the lowest possible rates compatible with sound business principles, and of promoting and extending the use of electric power and energy in Alaska for industrial, agricultural, commercial, residential, and other purposes.

**Sec. 3. Duties.** It shall be the duty of the section:

(1) To study Alaska's water, fossil fuel, and other power resources and to collect and disseminate information relating thereto.

(2) To compile and maintain a complete and current inventory of electric generation, transmission, and distribution facilities in Alaska insofar as such facilities are utilized to furnish central station electric service, but including all other such facilities which may, in the opinion of the section, significantly influence or affect the development of electric power resources or the use or need for existing or additional electric power facilities.

(3) To study existing and potential uses and markets for electric power and

energy and to promote and otherwise encourage such use and the development of major markets therefor.

(4) To prepare, after public hearings and reasonable consultation with government and other agencies, private companies and associations having a primary interest therein, a plan for the orderly development of Alaska's power resources, which plan shall be amended, revised and expanded as may be necessary to reflect changing conditions and requirements.

(5) To promote and otherwise foster the assimilation of accurate information concerning Alaska's power resources through expanded federal programs for stream gauging and other detailed studies.

(6) To coordinate and otherwise represent the state's interest in securing full federal participation in the development and financing of large-scale, low-cost power projects through the construction of multiple-purpose dams, fossil fuel and nuclear power plants, or otherwise, and the construction and installation of inter-tie and other transmission facilities essential to such projects.

(7) To promote and otherwise encourage rural electrification and the extension of central station electric service in Alaska.

(8) To assist communities, associations, and others to furnish or improve central station electric service by collecting and otherwise providing information concerning technical or other assistance which may be available from federal, state, or other sources for such purpose and by establishing and maintaining a clearing house of information concerning essential materials and equipment available in Alaska and elsewhere.

(9) To encourage and assist in the creation of power grids and power pools to facilitate the efficient utilization of generation facilities.

(10) To cooperate with federal, state, and local agencies and associations or private companies interested in the generation, transmission and distribution of electric power and energy, or in the use thereof, or in the economic and social development of Alaska, includ-

ing, but without limiting the generality of the foregoing, the Bureau of Reclamation, United States Army Corps of Engineers, Rural Electrification Administration, Alaska Rural Electric Co-operative Association, Alaska Chamber of Commerce, the League of Alaskan Cities, and the Alaska State Federation of Labor.

(11) To hold hearings throughout the state for the purpose of determining public need in the field of power.

In the discharge of the foregoing duties, the section shall cooperate with all federal and state agencies responsible for the conservation, propagation, and development of other natural resources of the state.

**Sec. 4. Study of Laws and Practices; Report to Governor and Legislature.** In addition to all other powers and duties conferred upon the section by this Act, the section shall make a careful study of all laws with the administration of which it is charged and of the practices of state power authorities and similar agencies elsewhere and make a special written report thereon, including recommendations for such further legislative action as it may deem necessary in the public interest. More specifically, such report shall include recommendations with respect to the state's need for a corporate arm with the authority to construct and otherwise acquire, operate, and maintain electric

generation, transmission, and distribution facilities, and to produce and otherwise acquire, transmit, distribute, furnish, and sell electric power and energy and other incidental services, commodities, and facilities, and the ways and means of financing such activities. The study and report shall further include the terms and conditions under which the section or a proposed corporate arm of the state may borrow funds from the Rural Electrification Administration for the purpose of furnishing and assisting others to furnish central station electric service to Alaska communities and other rural areas. Such report shall be delivered to the governor not less than 10 days prior to the opening of the first session of the Second Legislature and to the president of the Senate and speaker of the House of Representatives not less than five days after the opening of such session.

**Sec. 5. Proviso.** Nothing in this Act prevents the governor or the commissioner of commerce from integrating the Section of Power Development into a different organizational pattern, nor authorize duplicating engineering, research or similar activities conducted by other departments of the state.

**Sec. 6. 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 136

### AN ACT

**Relating to re-payment from the World War II Veteran's Revolving Fund to the General Fund of a loan made in 1949; amending Ch. 70, SLA 1949 as amended by Ch. 5, SLA 1955 and Ch. 97, SLA 1957.**

(H.B. 273)

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

Section 1. Section 1 of Ch. 70, SLA 1949, as amended by Ch. 5, SLA 1955 and as amended by Ch. 97, SLA 1957 is amended to read as follows:

Sec. 1. The sum of \$1,200,000.00 is hereby appropriated out of any moneys in the Territorial Treasury not otherwise appropriated, for the purpose of

implementing the Alaska World War II Veterans Revolving Fund to enable the Territorial Veterans Administration to fully carry out the purpose of the Alaska World War II Veterans Act, said sum to be turned over for deposit in said revolving fund on the following basis: \$50,000.00 on May 1, 1949, and an equal amount on the first of each and every month thereafter until the full amount of this appropriation has been