

CS FOR SENATE BILL NO. 93(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/2/03

Referred: Judiciary

Sponsor(s): SENATOR WAGONER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to limitations on actions to quiet title to, eject a person from, or recover**
2 **real property or the possession of it; relating to adverse possession; and providing for an**
3 **effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 09.10.030 is amended to read:

6 **Sec. 09.10.030. Actions to recover real property [IN 10 YEARS].** **(a)**
7 **Except as provided in (b) of this section, a** [A] person may not bring an action for
8 the recovery of real property [,] or for the recovery of the possession of it unless the
9 action is commenced within 10 years.

10 **(b) An action may be brought at any time by a person whose ownership**
11 **interest in real property is recorded under AS 40.17 to**

12 **(1) quiet title to that real property; or**

13 **(2) eject a person from that real property.**

14 **(c)** An action may not be maintained **under this section** [FOR THE

1 RECOVERY] unless it appears that the plaintiff, an ancestor, a predecessor, or the
2 grantor of the plaintiff was seized or possessed of the premises in question **at some**
3 **time** [WITHIN 10 YEARS] before the commencement of the action.

4 * **Sec. 2.** AS 09.45.052 is amended by adding a new subsection to read:

5 (c) Notwithstanding AS 09.10.030, the uninterrupted adverse notorious
6 possession by the state or a political subdivision of the state of a public transportation
7 or public access right-of-way for a period of 10 or more years is conclusively
8 presumed to give title to the right-of-way to the state or the political subdivision, as
9 appropriate, except as against the United States.

10 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 APPLICABILITY. AS 09.10.030, as amended in sec. 1 of this Act, applies to actions
13 that have not been barred before the effective date of this Act by AS 09.10.030 as it read
14 before the effective date of this Act.

15 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).