

CS FOR SENATE BILL NO. 93(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/7/03

Referred: Today's Calendar

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(a) is amended to read:

5 (a) The uninterrupted adverse notorious possession of real property under
 6 color and claim of title for seven years or more, **or the uninterrupted adverse**
 7 **notorious possession of real property for 10 years or more because of a good faith**
 8 **but mistaken belief that the real property lies within the boundaries of adjacent**
 9 **real property owned by the adverse claimant,** is conclusively presumed to give title
 10 to the property except as against the state or the United States. For the purpose of this
 11 section, land that is in the trust established by the Alaska Mental Health Enabling Act
 12 of 1956, P.L. 84-830, 70 Stat. 709, is land owned by the state.

13 * **Sec. 3.** AS 09.45.052 is amended by adding new subsections to read:

14 (c) Notwithstanding AS 09.10.030, the uninterrupted adverse notorious use of
 15 real property by a public utility for utility purposes for a period of 10 years or more
 16 vests in that utility an easement in that property for that purpose.

17 (d) Notwithstanding AS 09.10.030, the uninterrupted adverse notorious use,
 18 including construction, management, operation, or maintenance, of private land for
 19 public transportation or public access purposes, including highways, streets, roads, or
 20 trails, by the public, the state, or a political subdivision of the state, for a period of 10
 21 years or more, vests an appropriate interest in that land in the state or a political
 22 subdivision of the state.

23 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 24 read:

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

28 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).