

CS FOR SENATE BILL NO. 93(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Amended: 5/9/03

Offered: 5/7/03

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]. Except**
7 **as provided in (b) of this section, a [A] person may not bring an action for the**
8 **recovery of real property [,] or for the recovery of the possession of it unless the action**
9 **is commenced within 10 years. An action may not be maintained under this**
10 **subsection for the recovery unless it appears that the plaintiff, an ancestor, a**
11 **predecessor, or the grantor of the plaintiff was seized or possessed of the premises in**
12 **question within 10 years before the commencement of the action.**

13 * **Sec. 2.** AS 09.10.030 is amended by adding a new subsection to read:

14 (b) An action may be brought at any time by a person who was seized or

1 possessed of the real property in question at some time before the commencement of
 2 the action or whose grantor or predecessor was seized or possessed of the real property
 3 in question at some time before commencement of the action, and whose ownership
 4 interest in the real property is recorded under AS 40.17, in order to

5 (1) quiet title to that real property; or

6 (2) eject a person from that real property.

7 * **Sec. 3.** AS 09.45.052(a) is amended to read:

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

16 * **Sec. 4.** AS 09.45.052 is amended by adding new subsections to read:

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

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

26 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 27 read:

28 APPLICABILITY. AS 09.10.030, as amended in secs. 1 and 2 of this Act, applies to
 29 actions that have not been barred before the effective date of this Act by AS 09.10.030 as it
 30 read before the effective date of this Act.

31 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).