

Offered: 3/17/86  
Referred: Rules

Original sponsors: Cotten and Marrou

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 321 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to adverse claims and boundary  
7 disputes; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 09.25.050 is amended by adding new subsections to read:  
10 (b) As used in (a) of this section, "possession" means the  
11 exercise of dominion and control of the real property, including use,  
12 care, maintenance, the establishment of improvements, the payment of  
13 ad valorem property taxes, and other acts of ownership that openly and  
14 visibly indicate to the community in which the land is situated that  
15 it is in the possession and enjoyment of the claimant.  
16 (c) Except for an easement created by Public Land Order 1613,  
17 adverse possession will lie against property that is held by a person  
18 who holds equitable title from the United States under paragraphs 7  
19 and 8 of Public Land Order 1613 of the Secretary of the Interior  
20 (April 7, 1958).  
21 \* Sec. 2. AS 09.45 is amended by adding a new section to read:  
22 Sec. 09.45.015. PRESUMPTION IN CERTAIN CASES. (a) A conveyance  
23 of land after April 7, 1958, that, at the time the conveyance was  
24 made, adjoined a highway reservation listed in section 1 of Public  
25 Land Order 1613 of the Secretary of the Interior (April 7, 1958), is  
26 presumed to have conveyed land up to the center-line of the highway  
27 subject to any highway reservation created by Public Land Order 601  
28 and any highway easement created by Public Land Order 1613.  
29 (b) The burden of proof in litigation involving land adjoining a

1 highway reservation created by Public Land Order 601 or a highway  
2 easement created by Public Land Order 1613 is on the person who claims  
3 that the conveyance did not convey an interest in land up to the  
4 center-line of the highway.

5 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
6 10.070(c).