Introduced: 1/9/89
Referred: Resources and Finance

6-0152A

1 IN THE SENATE BY FAIKS

2 SENATE BILL NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the disposition of unclaimed real

7 property interests."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 13.16.381 is amended to read:

10 Sec. 13.16.381. DISPOSITION OF UNCLAIMED ESTATE BY PERSONAL

11 REPRESENTATIVE. When there is no taker of an intestate estate, or if

12 an heir, devisee, or claimant cannot be found and the missing person

13 has no conservator, the personal representative shall handle the

14 (1) unclaimed personal property of the estate in accordance

15 with AS 34.45.280 - 34.45.780; and

16 (2) unclaimed real property of the estate in accordance

17 with AS 38.95 [AS 38.05].

18 * Sec. 2. AS 38.05.945(a) is amended to read:

19 (a) This section establishes the requirements for notice given

20 by the department for the following actions:

21 (1) classification or reclassification of state land under

22 AS 38.05.300 and the closing of land to mineral leasing or entry under

23 AS 38.05.185;

24 (2) zoning of land under applicable law;

25 (3) a decision under AS 38.05.035(e) regarding the sale,

26 lease, or disposal of an interest in state land or resources;

27 (4) a competitive disposal of an interest in state land or

28 resources after final decision under AS 38.05.035(e);

29 (5) a public hearing under AS 38.05.856(b);

(6) a preliminary finding under AS 38.05.035(e) and 38.05.-855(c) concerning sites for aquatic farms and related hatcheries;

(7) a proposed sale of escheated real property by the department under AS 38.95.230.

* Sec. 3. AS 38.05.945(f) is repealed and reenacted to read:

(f) The provisions of this section do not apply to a lease issued under AS 38.05.205 or to a production license issued under AS 38.05.207, unless the lease or license is the subject of a sale under (a)(7) of this section.

* Sec. 4. AS 38.95.230 is repealed and reenacted to read:

Sec. 38.95.230. DISPOSAL OF ESCHEATED REAL PROPERTY BY DEPARTMENT. Within 90 days after a judgment of escheat under AS 38.95.220 and after notice has been given as required under AS 38.05.945, the department shall sell the escheated real property unless the department (1) issues a written finding that the designation of the property as an historic site under AS 41.35 would be in the best interest of the state; and (2) requests the Historic Sites Advisory Committee to determine if the property should be designated an historic site. If the committee decides not to recommend the designation or if the governor decides not to make the designation, the department shall make arrangements to sell the property as soon as possible after receiving notice of the decision.

* Sec. 5. AS 38.95.240 is repealed and reenacted to read:

Sec. 38.95.240. CLAIMS TO ESCHEATED REAL PROPERTY. (a) Within seven years after a judgment of escheat under AS 38.95.220, a person who is not a party to the escheat proceeding may bring an action in the superior court to prove the person's claim to the real property. If the plaintiff establishes the claim and that the plaintiff had no knowledge of the prior escheat proceeding, the court shall award the

1 plaintiff

2 (1) the property if the state still owns the property; or

3 (2) an amount equal to the net proceeds from the sale of

4 the real property under AS 38.95.230.

5 (b) A person who is awarded property under (a) of this section

6 is not entitled to the rents, profits, interest, or dividends that

7 accrue to the state during the state's possession of the property.

8 (c) The time limitation of seven years does not apply to a minor

9 or an incapacitated person, but the person must bring an action to

10 prove the person's claim to the real property within one year after

11 the person reaches the age of eighteen years or the incapacity ceases.

12 In this subsection, "incapacitated person" has the meaning given in

13 AS 13.26.005.

14 (d) This section does not prevent the state from transferring

15 escheated real property to a person who provides proof satisfactory to

16 the department that the person is the owner of the real property, if

17 (1) the department determines the transfer to be appropri-

18 ate; and

19 (2) the transfer occurs within seven years after the judg-

20 ment of escheat under AS 38.95.220.

21 * Sec. 6. AS 38.95.250 is repealed and reenacted to read:

22 Sec. 38.95.250. PROCEEDS OF SALE. The department shall deposit

23 the net proceeds from the sale of real property in an escheated real

24 property trust account. The department shall maintain the proceeds in

25 the account for a period of at least seven years after the date of the

26 judgment of escheat. The department may use money in the trust ac-

27 count to pay claims made under AS 38.95.240.

28 * Sec. 7. AS 38.95.270 is amended to read:

29 Sec. 38.95.270. DEFINITIONS. In AS 38.95.200 - 38.95.270[,]

1 (1) "department" means the Department of Natural Resources;

2 (2) "net proceeds" means the proceeds from a sale under

3 AS 38.95.230 after deduction of the costs of the sale, including

4 attorney fees and publication costs;

5 (3) "real property" includes an interest in real property.

6 * Sec. 8. AS 38.05.945(g) is repealed.

7 * Sec. 9. This Act applies to real property that is the subject of an

8 escheat proceeding begun on or after the effective date of this Act.