

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: **HB136**  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): **HB136-DNR-SSD-02-23-09** Dept. Affected: **Natural Resources**  
Title: **Public records exceptions** RDU: **Resource Development**  
Component: **Recorders/UCC Section**  
Sponsor: **House Judiciary Committee**  
Requester: **H STA** Component Number: **802**

## Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	***		***	***	***	***	***

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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## FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	***		***	***	***	***	***

Estimate of any current year (FY2009) cost: \_\_\_\_\_

## POSITIONS

Full-time							
Part-time							
Temporary							

## ANALYSIS: (Attach a separate page if necessary)

\*\*\* Indeterminate.

The Recorders Office is presently unable to predict implementation cost with any certainty. HB 136 does not wholly define the types of information to be blocked from the public record (physical address or "other identifying characteristic") and appears to contradict AS 40.17 which directs the Recorders Office to accept, preserve, and make available to the public, the permanent public record of the state of Alaska.

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Division: **Support Services, Recorders/UCC Section** Date/Time: **February 23, 2009**  
Approved by: **Tom Irwin, Commissioner** Date: **February 23, 2009**  
**Natural Resources**

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### ANALYSIS CONTINUATION

AS 40.17.035 states the recorder may not consider the contents of a document when determining recordability. Recording is a free and voluntary act by the public to place real estate and other miscellaneous instruments in to the public record.

If the Recorders Office were required to implement this legislation, a list of qualifying individuals who have applied for and received approval for confidentiality would have to be established, monitored on a statewide basis, and computerized to ensure appropriate documents were located. We would require ALL possible name variations of the qualified individuals and the specific information required to be withheld; a computer program would have to be written that would flag any name entered into the Recorder's data base of qualifying exempt individuals. The Recorder would then have to review the documents' content to ensure no prohibited information was included (in documents prepared by someone else). Finally, if prohibited information was found on the document it would have to be redacted in order to withhold it from public viewing. (When redaction software purchasing was considered for HB 65 - Breach of Security Involving Personal Information - which passed during the 25th Legislature, the initial estimate to implement was over \$1.6 million)

Additional disc storage space, perhaps up to 1 - 2 terabytes, would be required for dual systems in order to preserve the public record intact.