

EXECUTIVE ORDER NO. 40

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2 Under the authority of Article III, Section 23 of the Constitu-
3 tion of the State of Alaska, and in accordance with AS 24.30.130(b), I
4 order the following:

5 * Section 1. Findings. As governor, I find that it would be in the
6 best interests of efficient administration to transfer the recording function
7 and the Uniform Commercial Code filing function from the Department of
8 Administration to the Department of Commerce and Economic Development.

9 * Sec. 2. AS 44.33.020 is amended by adding a new paragraph to read:

10 (22) administer and maintain a recording system established
11 under the laws of this state.

12 * Sec. 3. AS 44.33 is amended by adding a new section to read:

13 Sec. 44.33.025. RECORDING. (a) The Department of Commerce and
14 Economic Development shall adopt regulations establishing, modifying,
15 or discontinuing recording districts or precincts and prescribing the
16 records to be maintained and the instruments to be recorded.

17 (b) The department shall engage and compensate recorders and
18 deputy recorders, prescribe and account for recording fees, and do all
19 other things necessary to maintain the recording system established
20 under the laws of this state.

21 (c) The department, with the concurrence of the administrative
22 director of courts, may appoint judicial employees to record documents
23 in locations where the department has no employees available to serve
24 as recorders.

25 * Sec. 4. AS 45.05.734(e) is amended to read:

26 (e) The requirements of secs. 768(a)(1) and (2), 772(b), (c),
27 and (e) and 780 of this chapter do not apply to a security interest in
28 personal property of any description created by a deed of trust or
29 mortgage made by a corporation primarily engaged in the business of a

1 common carrier by rail, the furnishing of telephone or telegraph
2 service, the transmission of oil, gas or petroleum products by pipe-
3 line, or the production, transmission or distribution of electricity,
4 steam, gas, or water, but this security interest may be perfected
5 under secs. 690 - 794 of this chapter by filing the deed of trust or
6 mortgage in the office of the commissioner of the Department of
7 Commerce and Economic Development [ADMINISTRATION]. When filed, the
8 instrument remains effective until terminated, without the need for
9 filing a continuation statement. Assignments and releases of the
10 instrument may also be filed in the office of the commissioner of the
11 Department of Commerce and Economic Development [ADMINISTRATION].
12 This commissioner is a filing officer for the foregoing purposes, and
13 the uniform fee for filing, indexing and furnishing filing data under
14 this subsection is \$10.

15 * Sec. 5. AS 45.05.768(a)(3) is amended to read:

16 (3) in all other cases, in the office of the Department of
17 Commerce and Economic Development [ADMINISTRATION].

18 * Sec. 6. AS 44.21.020(12) and 44.21.060 are repealed.

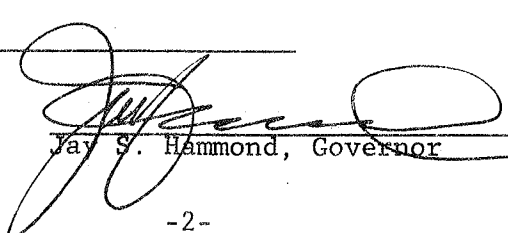
19 * Sec. 7. Sec. 3, ch. 118 SLA 1976 is amended to read:

20 Sec. 3. The recording districts established by the supreme court
21 in effect on January 1, 1977 shall remain in effect until regulations
22 establishing, modifying, or discontinuing recording districts or
23 precincts have been adopted by the Department of Commerce and Economic
24 Development [ADMINISTRATION].

25 * Sec. 8. This Order takes effect July 1, 1979.

26 DATED:

27 1/15/79
Juneau, Alaska

28 
29 Jay S. Hammond, Governor