

Referred: Judiciary

Original sponsor: Ulmer

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2

CS FOR HOUSE BILL NO. 266 (Resources)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the recording of documents."

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

8 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that the

9 (1) recording of legal documents of the kind customarily re-
10 corded throughout the United States is an essential state function;11 (2) time and place of the recording of a document can be more
12 important than the underlying legal sufficiency of the document;13 (3) recording offices exist primarily for the benefit and conve-
14 nience of the general public;15 (4) business community, commercial institutions including banks,
16 and private individuals cannot function effectively without the public
17 notice protection afforded by recording their documents; and18 (5) policy of the state is to maintain a convenient means of
19 regularly recording legal documents relating to property and obtaining
20 information concerning existing recorded documents.

21 * Sec. 2. AS 34.15 is amended by adding a new section to read:

22 Sec. 34.15.343. RECORDING CRITERIA. When determining whether a
23 document may be recorded, the recorder24 (1) may not consider whether the contents of the document
25 are legally sufficient to achieve the purposes of the document;26 (2) shall resolve reasonable doubts about whether the
27 document is eligible for recording in favor of recording the document;

28 (3) may not reject a document because the document

29 (A) does not satisfy the current requirements for

1 recording, if the document satisfied the requirements for record-
2 ing that existed at the time the document was executed;

3 (B) serves more than one purpose;

4 (C) does not state the name of the recording district,
5 if the name is given to the recorder at the time the document is
6 offered for recording, or if the name is contained in a cover
7 letter accompanying the document;

8 (D) references an attached exhibit that is not la-
9 belled;

10 (E) is a certified copy of an official document from a
11 governmental office in this or another state; or

12 (4) may not require that a document that serves more than
13 one purpose be recorded separately for each of the purposes; this
14 paragraph does not prevent the multiple recording of the document if
15 the person offering the document requests that the document be re-
16 corded for more than one of its purposes.

17 * Sec. 3. AS 44.37.025(a) is amended to read:

18 (a) The Department of Natural Resources shall adopt regulations
19 [,] establishing, modifying, or discontinuing recording districts or
20 precincts and prescribing the records to be maintained and the instru-
21 ments to be recorded. A regulation may not impose a restriction on
22 document recording unless the restriction is required by statute or
23 further a legitimate administrative need of the recorder; a "legiti-
24 mate administrative need" includes ensuring the legibility of the
25 documents and identifying the parties, the capacity of each party, and
26 the affected property.