

Original sponsor: Ulmer

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 266 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND 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; and

18 (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 recorder

24 (1) may not consider whether the contents of the document  
25 are legally sufficient to achieve the purposes of the document;

26 (2) may not reject a document because the document

27 (A) does not satisfy the current requirements for  
28 recording, if the document satisfied the requirements for record-  
29 ing that existed at the time the document was executed;

- 1 (B) serves more than one purpose;
- 2 (C) does not state the name of the recording district,  
3 if the name is given to the recorder at the time the document is  
4 offered for recording, or if the name is contained in a cover  
5 letter accompanying the document;
- 6 (D) references an attached exhibit that is not la-  
7 belled;
- 8 (E) is a certified copy of an official document that  
9 creates an interest in real property and that is from a govern-  
10 mental office in this or another state; or

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

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

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