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MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES
Division of Technical Services

CC
State of Alaska

TO: Joe Burch, Deputy Director
Division of Technical Services
Department of Natural Resources

DATE: February 4, 1981

FILE NO:

TELEPHONE NO: 264-0595

FROM: Javan M. Beitinger *JB*
State Recorder
941 4th Avenue
Anchorage, Alaska 99501

SUBJECT: Multiple Recordings

Present Law

AS 34.15.260 Recording conveyances and conveyances as evidence. (a) A conveyance that is acknowledged, proved, or certified in the manner prescribed in 150 - 250 of this chapter (1) may be read in evidence without further proof of the conveyance, (2) may be recorded in the recording district in which the land is located, and (3) from the time it is filed with the recorder for record, it is constructive notice of the contents of the conveyance to subsequent purchasers and mortgagees of the same property or any part of it.

(b) A certified copy of a recorded conveyance may be recorded in any other recording district and when so recorded has the same force and effect, from the time it is filed for recording, as though it were the original conveyance.

(c) Where an original conveyance is recorded in a recording district in which the property is not located, a certified copy of the recorded conveyance may be recorded in the recording district where the property is located with the same force and effect, from the time it is filed for recording, as though the original conveyance had been recorded.

THIS STATUTE IS OF THE "race-notice type"

AS 34.15.280 Certificate of reception and recording of conveyance. The recorder shall certify upon each conveyance recorded by him the time when it was received and the reference to the book and page where it is recorded. A conveyance is considered as recorded when it is acknowledged, or proved or certified and filed in the recorder's office for record.

The exact time when a document is officially recorded can be very important. As it is possible that a number of documents can be put on the same minute, sometimes the consecutive serial number and/or book and page can be the determining factor. Even with modern technology, I don't know how a document recorded in Anchorage could take precedence over a document being submitted in another place of recording at the same time. There would be no way to determine whose document was presented first.

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF TECHNICAL SERVICES

State of Alaska

TO: MARK WITTOW

TO: Jim Anderson, Director
Div. of Technical Services

DATE: January 26, 1982

FILE NO:

TELEPHONE NO: 274-0142

FROM: Javan M. Beitingen
State Recorder



SUBJECT: SB 78 Revisions

I still have problems with the bill, as cost, implementation and integrity of the system are factors.

Areas of concern and suggestions:

Put in bill, where appropriate, that where record/recorded/recording is used in reference to plats on pages 1 through 6 line 15, it means when technology permits.

Page 4, Lines 5 & 6, why was shall changed to may?

Page 8, AS 40.17.030(c) - As mentioned before, I hope this will not be a problem. It seems all documents should require something.

Page 9 AS 40.17.040(c) and all areas where B type documents are mentioned. B type documents will still remain expensive to implement in each recording office, in time, programming, additional employees, equipment and space, and clutter the records with documents that do not provide constructive notice. From the P.S. in Dick Regan's memo to Kevin Bruce, dated 1-4-82, I do not believe he understood Joe Burch's proposal to have only one place within the recording system where B type documents could be recorded. This concept would cut down on the cost and problems.

Page 12, line 9, If I interpret the meaning correctly, should read A signed, acknowledged and recorded

Page 13, line 4, And should be used instead of or.

Page 15, lines 15 & 16 is covered in #53 on page 19 in a different manner.

Page 15, beginning with line 27 # (10) and continuing on page 16. Previous statute read, "An exactly conformed copy of a lease or contract or option to purchase real property when the party certifies under oath that the exactly conformed copy was received by him in the course of the transaction, that the original is not in his possession and that the instrument offered for recordation is an exact duplicate". If the law is to become so flexible as to include any class A document in this manner it should be at least as binding as the previous law. See recommended changes in draft.

Page 17, line 25 #(35), add filed and recorded when technology permits.

Page 18, line 25 #(50), I still have a problem with this, see attached memos from and to Dick Regan.

Page 2 - SB 78 Revisions

Page 21, beginning with line 11 - This will require changing the program and cost should be considered. Research and Development have problems adding abbreviations to present program, which should be a minor endeavor.

AS 09.40.050; AS 09.55.370; AS 10.30.020; AS 13.26.265; AS 23.10.047;
AS 23.20.200; AS 23.30.165; AS 27.10.020; 27.10.050; 27.10.060; 27.10.070
27.10.160; 27.10.190; AS 27.15.010; AS 32.10.010; 32.10.240; AS 34.35.065;
34.35.160; 34.35.185; 34.35.240; 34.35.250; 34.35.305; 34.35.330; 34.35.405;
34.35.440; 38.05.195; 38.05.200; 38.05.205; 38.05.210; 38.05.220; 38.05.245
are fine for changing filed to recording.

27.10.170; 27.10.210; 27.10.230; 38.05.230 should be added to above list.

AS 34.07.020; 34.07.040; 34.07.050 should remain as is or revised to add when technology permits.

AS 34.07.070; AS 34.20.080; AS 46.15.160 need no change.

AS 10.15.230 - AS 10.15.260 should be reviewed and amended to fit recording procedures for processing and fees.

AS 34.15.210 - AS 34.15.250, Why is this being repealed. It is sometimes a useful tool where there is no notary and in court cases.

AS 34.15.300 and AS 34.15.330 seem to be useful statutes.

If the bill passes in the present form which will require new programming, equipment, space, employees etc., I cannot see how it would be possible to be ready for enactment by January 1, 1983.

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF TECHNICAL SERVICES

State of Alaska

TO: David Rogers
Special Assistant
Dept. of Natural Resources

DATE: April 4, 1981

FILE NO: 1150 (1981 Fiscal Notes)

TELEPHONE NO: 263-2213

FROM: Joseph C. Burch *JCB*
Deputy Director
Division of Technical Services

SUBJECT: SB 78 Fiscal Analysis

1) Fiscal impact with no change in existing technology:

<u>10-48-8-808</u>	<u>Recorder's Office</u>
\$20.0	Contractual funds to rewrite and publish amended and new recording procedures.
\$10.0	RSA funds to Department of Law to resolve change over problems.
\$20.0	Adveritizing funds to inform the general public through newspapers and electronic media.

\$50.0	TOTAL

2) Fiscal impact with no change in exiting technology:

Assumption:

- a) Replace Court System assistance in Glennallen, Valdez, Kodiak, Sitka and Seward with district recording office employees.
- b) # 1 costs above are appropriate.

<u>10-48-8-808</u>	<u>Recorder's Office</u>
\$ 50.0	# 1 above
108.3	5 positions - Recording Clerk 1, range 8
5.0	travel
37.5	space, telephones, copier, etc.
60.0	general office supplies
9.0	equipment

\$269.8	TOTAL

MEMORANDUM

State of Alaska

TO: Kevin Bruce, Committee Aid
Senate Judiciary Committee
Alaska State Legislature

DATE: 2/18/81

FILE NO: 1150

TELEPHONE NO: 263-2213

FROM: Joseph C. Burch, Deputy Director
Division of Technical Services
Department of Natural Resources

SUBJECT: Bill Analysis of SB 78

The comments you requested clarification on I have responded to by utilizing the same numbers as accompanied Dickerson Regan's memo dated January 29, 1981. They are as follows:

- 1) As noted in your letter I will refrain from making any comments at this time.
- 2) I don't know how to make the point much clearer but there is a definite distinction between recorded documents which are returned to the originator and filed documents which are retained by the Recording Office. This Division which deals with platting strongly feels that plats should be filed and retained by the Recording Office in the original form. Some of my personal concern comes from a court case I was involved with where I was unable to prove alterations of a plat that had taken place by my client between the time it was submitted for Borough approval and the time it was ultimately recorded in the Recording Office. Because of this I have a strong objection to plats being recorded in a Recording Office and returned to an originator. The question of who the originator is, is questionable since the client paid for it but it is a surveyor's seal on there purporting that the information as portrayed is true and correct. Mylars can be erased and corrected without the knowledge of other people involved. The Municipality of Anchorage presently has a system for analyzing corrections to be made to plats and determining whether or not they are technical corrections or legal professional corrections. Technical corrections are allowed to be corrected on a plat with a note of revision and an affidavit filed, explaining the technical correction. The plat is then refiled so it is still a part of the public record with one document showing both times of filing. A legal or professional error is not allowed to be refiled. A new plat must be filed for this. The Municipalities attempt is to protect the public which they have a responsibility for. Therefore, I strongly urge that plats continue to be filed in the Recording Offices.
- 3) No comment.
- 4) No comment.
- 5) The majority of documents listed as class A to be recorded in the Recording Office of SB 78 are presently recordable documents in the Recorder's Office. The two items which are not recorded, but are filed, are plats and tax liens.
- 6) If the recorded document is to stand alone, it should be so written and not require supporting documentation for recording. "Dead" has nothing to do with recording requirements today - I don't see how it fits as an analogy by Mr. Regan. With today's

facsimile copying capabilities, leaving "accompanied by" opens a Pandora's box.

- 7) The concern was allowing a document as admissible evidence of conveyance with no acknowledgement.
- 8) In my rush to analyze the bill, I think that this was a mistake on my part. I was thinking of the Uniform Commercial Code, and the Centralized Index that is separate from the Recording Office. However, this deals with real property and I believe is proper and correct.
- 9) My objection to #9 is that we seem to be abrogating the system as presently established to address concerns that I believe are presently taken care of under the existing system. If the Uniform Commercial Code for centralized filings does not cover this item satisfactorily, then I would suggest that this remain. However, I do feel that the present Centralized Uniform Commercial Code does cover this satisfactorily and I question the duplication of effort by this statement.
- 10) We presently have on file complaints, including the Ombudsman's Office, of the public dealing with the court system employees for performing services in connection with Recording. The Department over the past year has tried to come up with some approach in which the Department could administratively be responsible for the Recording. We have gone to the extent of working up a profile of making DNR offices in these small outlying areas to help the Recording Office, rather than using the court system employees. We strongly object to this, and hope to include in the fiscal note, five new employees to handle recording in the offices that are presently served by the court system in Glenallen, Valdez, Kodiak, Sitka, and Seward. We feel that the public will be better served by doing this.
- 11) No comment.
- 12) The comments that I will make here tie into #10 of Mr. Regan's comments. This Division and Department is excited about the capabilities that this bill brings forth by addressing modern technology for handling paper documents. However, realistically, I am not sure if all of this could be implemented presently in Alaska, and would be cost justified to serve the public. Additionally, technology may exist in other states and countries where maintenance and service is of a high caliber. Our personal experience in this Division is that some products of vendors are excellent, but the maintenance and servicing are problems when it is located at some distance from their service centers. A possible profile of what I am attempting to say would help clarify my meaning and as noted previously by Mr. Regan the mechanics of implementation could be left to the Legislature and the Department of Natural Resources management and budgeting processes through regulations as technology becomes available. The recommended section to be rewritten would be Section 40.17.010.

PLACE OF RECORDING AND ACCESS TO RECORDS. (a) The Department of Natural Resources shall provide at each public office designated by the Department the documents and indices or an alternative document retrieval system of the Recording District or Districts served by that public office.

(b) The Recorder shall provide reasonable public access during business hours to recorded documents, indices, and fa-

cilities.

- 13) An example of why I expressed concern in the draft bill is better illustrated I believe by sharing a problem this Division presently faces today with an original conveyance that was recorded. This problem is in Ketchikan and deals with a National Forest Service Selection patent received by the State, and further disposed of in part to third party interests, i.e. the public. U.S.S. 813 appeared to have a good clean chain of title, even though it at one time had passed through the hands of the public and then was returned to the Forest Service. Somewhere along the line an original document conveying title was recorded after the State had received title to the property. The State was unaware of this and passed title to third party interests. The third parties could not obtain financing from lending institutions to make improvements on their property in order to live there peaceably. The Department through the Attorney General's Office is now pursuing a quiet title action in the court, and has spent an exorbitant number of hours to date researching and documenting the case for the Attorney General's Office; so that the action for quiet title hopefully will move along quickly and easily for the benefit of the State's citizens. In addition to this, future dollars will be expended processing this case and ultimately doing all of the backup documentation and correction of documents originally given to the third parties presently occupying the land.

The concern on our part is that copies of the original documents may have affidavits attached to them purporting something and in fact, may create more problems with title than is presently the case today. There are other avenues available to the public and agencies to resolve title issues other than filing pieces of paper in the Recording Office which do nothing in my estimation except confuse the general public. An oversimplification and sarcastic comment on my part would be to allow rubber stamps of signatures to be utilized on documents for original signatures.

Sorry about the delay in responding to you on your request, however, I have been working on two other requests that came out of the Senate Hearing in which I attended, dealing with dual filing and addressing the question of whether or not technology exists today that could be utilized in Alaska to better serve the public with obtaining recorded information. I asked Javan Beitinger to comment on the possibility of doing dual filings in the State. The response from Javan was neither negative nor positive but only gave me information on our present system. Our present system is the "Race Notice Type". Because of this I have great concerns of proposing a multiple dual filing system that would abrogate the system we presently operate under. Instead I believe that as technology becomes available and the cost benefit is appropriate then the Recording Office can be centralized to one location with multi-telecommunications systems available that, at that moment in time, dual filing is a real possibility. Programs can be written on computer terminals creating boundary files in which automatically information could be updated and indexed instantaneously for the public. Until this technology was implemented and available in every Recording Office in Alaska I hesitate to propose something of this magnitude.

Attached for your information is a copy of the analysis that this Division performed on establishing a distribution system for information in the Recording Offices under SB 78. This proposal is tied into a CIP Budget request of this Division for automated drafting and microfilming.

As mentioned to you on the phone last week I met with a private Systems Consultant from Teknekron Controls Inc. The discussion was very brief and general in nature, and it is possible (from the information they furnished me) to institute a telecommunications network at reasonably the same cost as we might be proposing through an aperture card computerized reproduction and distribution system. However, their time frame to be able to answer this is approximately 2 to 4 months just for the systems design and analysis. The cost would be around \$100,000. I am not sure whether time is available and definitely the money is not available in our budget to perform this now. Ultimately they felt that if the system was feasible after their systems analysis (which they were highly positive of) there would be an additional 6 to 8 months prior to implementation and operation. I am just sharing this as food for thought for yourself and have attached a brochure that they gave me along with the card for the Vice-President for Project Operations. This system we generally discussed would be a centralized system that could have substations in other areas and possibly could address and meet some of the problems that have generally been discussed previously on dual filings and instantaneous information in all areas of the State Recording Office system.

If you have any further questions concerning this please contact David Rogers or myself directly. I would be happy to help. The fiscal note you had indicated has gone to David Rogers for review, and I have requested that he transmit this to you as soon as possible. Thank you.

JCB:kl

ALASKA CODE REVISION COMMISSION



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ALASKA STATE LEGISLATURE
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(907) 465-4878

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Kevin Bruce, Committee Aide
Senate Judiciary Committee
Alaska State Legislature

FROM: Dickerson Regan, Consultant *Dick Regan*
Alaska Code Revision Commission

DATE: January 4, 1982

RE: SB 78--Recording and Recordable Documents

Since Legal Services in the Legislative Affairs Agency puts draft committee substitute bills behind all new pre-file bills in priority for staff time, I was informed the marked up SB 78 would not be typed until perhaps the first week of the session. However, Linn Asper, the legal staff person assigned to the bill, tells me he is in good shape now and should be getting to it. Attached is the way the bill went to him. Legislative Affairs has the mag cards for the bill so the retyping will be relatively uncomplicated.

I have made two changes from my notes at our meeting of November 23, 1981, in Anchorage. (1) In proposed AS 40.17.020(b) I struck out ", or in the state division of forest, land and water management," and did not substitute ", in the Department of Natural Resources,". The reason for this change is that I thought in our recent meeting I was the voice against the simple deletion and I now conclude deletion is the better choice. For one thing, proposed AS 40.17.110(c) takes care of the matter adequately. (2) On page 3 I used "accompanied by or include" in proposed AS 40.17.030(a)(4), (a)(5), (a)(6) and (b) and added a (d) which provides that if the information required by (a)(4), (a)(6) or (b) is not included in the document it must be recorded with the document. I think that will meet Javan's objection. As I see it, the information will be marked on, or otherwise included in, the document in almost every instance. The terminology just adds some flexibility that the commission believed would be needed if (1) documents in forms other than paper are recorded, and (2) complete tract indexing is to be required in one or more recording districts by regulation, a possibility the commission wised to provide for.

Kevin Bruce, Committee Aide
January 4, 1982
Page 2

Since I do not know how you wish to handle communication at this point, I did not send copies of this memorandum to anybody in Natural Resources, leaving it to you whether you wished to continue dialogue at this point.

DR:chw

Enclosure: Marked up SB 78, as provided to
Legislative Affairs

P.S. At our meeting in November, Joe Burch mentioned a concept just then occurring to him of meshing class B documents with the system of Uniform Commercial Code filings. The concept was neither accepted nor rejected, to the best of my recollection. I believe it was thought that it might be something to handle internally in Natural Resources and, in any case, that it would be left for Natural Resources to pursue should it seem practical and desirable when studied. The marked-up draft does not treat the concept. I believe it would require a major change in the UCC, so it probably will not be followed up.

MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF TECHNICAL SERVICES

State of Alaska

TO: Jim Anderson, Director
Division of Technical Services
Dept. of Natural Resources

DATE: October 12, 1981

FILE NO: 1290/1150

TELEPHONE NO: 274-0142

FROM: Javan M. Beitinger
State Recorder

SUBJECT: SB 78

1. Effects of Bill: SB 78 incorporates some new concepts that make recording laws simpler for the public. However, the overall impact will require a higher degree of judgement call on the part of the recording office, will require re-writing the data entry program at considerable cost, will require additional employees and equipment, and lower the integrity of the system.
2. Comments: With no acknowledgement required on documents and affidavits attached to copies, the potential for fraud is increased over today's present system. The system is now in line with court cases and present court administrative rules that were developed for the recording office in past years. By recording plats, instead of filing, would place a land title document in the hands of private individuals and would not provide the public with adequate information so vital to the land records system. Tax Liens could be recorded, but would require some changes in 40.19.040(b). Recording Class B documents would be a great expense to the state in time, programming, additional employees, equipment and space, and would clutter the records with documents that do not provide constructive notice for any purpose. This concept would only cause public indignation.
3. Proposed amendments: On page 2, Section 40.17.020(b) delete "in the state division of forest, land and water management" and insert "Department of Natural Resources" (this does not include plats). Page 3, Section 40.17.030(a)(4) delete the words "accompanied by or". Page 3, Section 40.17.030(a)(6) delete "accompanied by" and insert "include"; delete "grant or". Page 3, Section 40.17.030(c) delete the entire statement. (Some type of signature, acknowledgement or verification should be on each document). Page 6, Section 40.17.090(a) insert "and acknowledged" after signed. Page 6, Section 40.17.090(b) insert "and acknowledged" after signed. Page 8, Section 40.17.090(10)(d) delete first "or" and insert "and". Page 9, Section 40.17.110(a) insert "and acknowledged" after signed. Page 10, Section 40.17.110(b)(10) delete in its entirety(see present statute). Page 11, Section 40.17.110(b)(18) needs clarification. Page 12, Section 40.17.110(b)(35) delete in its entirety, (this should be a document that is filed in the recording office). Page 13, Section 40.17.110(b)(47) delete in its entirety. (As there is no state tax and reference documents should be filed in present system). Page 13, Section 40.17.110(b)(48) could be recorded, but Section 40.19.040(b) would need to be revised. Page 13, Section 40.17.110(b)(50) delete in its entirety, (this is covered under the Uniform Commercial Code filings and should not be a recording document under the recording office in this bill). Page 17, Section 40.19.040(b) add "which must be noted in the contents of the document".

Page 17, Section 3 amending AS 34.15.010(a), delete in its entirety.
Page 18, Section 5 amending AS 34.15.150, delete in its entirety.
Page 19, Section 6 amending AS 44.37.025(c), consideration should be given to the Division of Technical Services assuming the responsibilities now assumed by the courts. All the ramifications should be addressed prior to making changes. Besides Glennallen, Valdez, Seward, Kodiak and Sitka where recording is done by the court, records are kept and made available to the public in Haines, Skagway, Petersburg, Wrangell, Cold Bay, Aniak, Nenana, Cordova, Dillingham and Naknek.

*

Alternative to SB 78 is to contract with someone to revise present statutes and write regulations.

I have no idea what the fiscal impact would be but enclosed herewith is an analysis prepared by Joe Burch April 4, 1981.

*

Page 19, Section 7, the following statutes should be deleted from the proposed changes.

34.07.020, 34.07.030, 34.07.040, 34.07.050 (these reference the survey maps and floor plans under the Horizontal Property Regimes Act. These documents should be filed as plats as they have been in the past).

40.15.010, 40.15.020, 40.15.040, 40.15.050, 40.15.070 (these reference subdivision plats which should be filed).

34.07.070 and 34.20.080 appear to be correct as written.

Page 19, Section 8, if acknowledgements are required 34.15.210 - 34.15.350 should not be repealed. 43.10.090 - 43.10.150 (Federal Tax Liens should be reviewed before repealing these statutes).

Page 19, Section 9, If bill is passed in its present form effective date should be extended at least until 1983.

July 1

SENATE JUDICIARY COMMITTEE

Bill Number SB 78 Original Sponsor(s) RULES FOR LEGISLATIVE

Title RELATIVE TO RECORDING AND RECORDABLE DOCUMENTS AND COUNCIL
PROVIDING AN EFFECTIVE DATE.

Originally Received From KERTOLLA

Contact JOHN ABBOTT / KATIE WALSH Date 1-14-81

Committee Recommendation (MAJORITY) _____

Report Attached yes no) Supporters _____

MINORITY _____

Report Attached yes no) Supporters _____

Object of Bill _____

Committee Amendments _____

Fiscal Impact _____

LAA Legal/Research Contact _____

Research/Information _____

ON FILE

Concerned Parties:	
Supporting	Opposing

CODE REVISION COMMISSION
JOHN ABBOTT / KATIE WALSH

COMMISSIONER KURTZ WILL
PRESENT AT HEARINGS

DEPT NR -> PORTLAND

Supporting

Opposing

Additional Remarks:

- (2400) ← NOTE
- (UNCONTACTED) JEFF HAINES 1-21-81 RE: FISCHER NOTE AND DEPARTMENT COMMENTS. (DANE RODGERS)
- 1-21-81 CONTACTED ROBERT BERRY, EXEC. OFFICER, ALASKA ASS. OF REACTORS 272-8016 WILL RETURN CALL
- 1-22-81 WROTE PETER LEKISCH (BIL COMMITTEE ON REAL ESTATE) FOR COMMENTS
- 1-25-81 (UNCONTACTED) JOHN (REDA'S) SEC. RE: POSSIBLE INTEREST IN BILL (AT SECURITY TITLE)
- 2-3-81 CONTACTED ~~BOB WAIN~~ GLEN PRINCE TITLE INSURANCE AGENCY 586-6443 RE: POSSIBLE TESTIFYING
- 2-3-81 (UNCONTACTED) ROBERT WHISMANED H. TITLE GUARANTY COMPANY RE: POSSIBLE TESTIFYING 277-8501
- 2-17-81 JOE BURCH (263-2200) RE memo 2213

CODE REVISION COMMISSION



COMMISSIONERS

JOHN W. ABBOTT - CHAIRMAN

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L. S. KURTZ, JR.

W. M. GRANT CALLOW

ALASKA STATE LEGISLATURE

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EXECUTIVE SECRETARY

BILLY G. BARRIER

James Bartholomew

January 19, 1981

The Honorable Patrick M. Rodey
Chairman, Judiciary Committee
Alaska State Senate
Pouch V, State Capitol
Juneau, Alaska 99811

Re: SB 78--Recording and recordable documents

Dear Chairman Rodey:

The Alaska Code Revision Commission has submitted SB 78 regarding recording and recordable documents. The commission is extremely interested in securing passage of the bill during this legislative session, if possible. Further, a member of the commission will be available to present testimony on behalf of the bill upon notification.

In an effort to be of assistance, I am enclosing a copy of the commission's transmittal memorandum which briefly sets out the need for this revision along with a copy of the commentary outlining the differences between existing law and proposed changes.

Commission secretary, Catherine Walsh, can be contacted at extension 4878 in order to coordinate testimony in the event hearings are scheduled in the near future.

We appreciate your attention to this matter and any assistance you can provide in securing SB 78's passage.

Very truly yours,

John W. Abbott *by chw*

John W. Abbott, Chairman
Alaska Code Revision Commission

JWA:chw

Enclosures

ALASKA STATE LEGISLATURE
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BOUCH Y. STATE CAPITOL
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EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Chairman, Alaska Legislative Council

FROM: John W. Abbott, Chairman *John W. Abbott*
Alaska Code Revision Commission

DATE: January 9, 1981

RE: Bill on recording and recorded documents

Pursuant to authority granted in AS 24.20.075(c), the Alaska Code Revision Commission has prepared the attached bill on recording and recorded documents and asks that it be introduced in the legislature.

The bill was transmitted previously near the end of the 1980 session. Although the review process was completed in the Legislative Affairs Agency, the bill was not introduced. Apparently it was not practical to introduce it in the last legislature, since there was not enough time remaining for committee work and passage. It is offered now for submission to the new legislature.

Although many provisions in the bill come from, or are based upon, the Uniform Simplification of Land Transfers Act, that Act has not been adopted in any state and is not suitable for adoption as a whole.

As noted in the attached commentary, the bill gathers together and clarifies provisions on recording that are scattered throughout Alaska Statutes, and lays a suitable framework for future use of technological advances in a centralized recording system.

The state recorder, title companies, banks and bar association representatives have participated in meetings with the commission while the bill was being drafted. Many of the suggestions of these participants have been incorporated in the draft bill.

JWA/cz/chw

Enclosures

cc: Hon. Jay S. Hammond, Governor
Hon. Jay A. Rabinowitz, Chief Justice
Myrton R. Channey, Executive Director
Legislative Affairs Agency

Recording/
Recordable
Documents

SENATE BILL NO. 78, by the Rules Committee by request of the Legislative Council (For the Code Revision Commission). Makes substantial revisions of the law with regard to the recording of documents. Adds chapter to AS 40 entitled "Recording in Public Records." Sections include: Place of Recording and Access to Records; Recording Conveyances; Formal Requisites for Recording; Indexing; Incorporation of Master Form; Documents Executed under Former Law; Duties of Recorder; Effect of Recording on Title and Rights; Conveyances and Recorded Documents as Evidence; Recording a Reconveyance; Classes of Documents Eligible for Recording; Recording Memorandum of Lease; Actions Against Recorder and State; Definitions.

Adds another new chapter to AS 40 entitled "Recording of Federal Liens." Sections include: Scope; Place of Recording; Execution of Notices and Certificates; Duties of Recorder; Uniformity of Application and Construction.

Amends AS 34.15.010(a) (manner of executing conveyances), 34.15-.150 (Acknowledgment and Proof--Execution of Conveyance) and AS 44.37.025 (duties of Dept. of Natural Resources with respect to recording). Adds new section to AS 34.15 (Property) regarding use of recorded master form. States: "If reference is made in a document to a recorded master form, a copy of the form, or so much of it as is incorporated by reference, must be provided to each party to the transaction by the party that furnished the document." Repeals: AS 34.15, Art. 3 (Recording of Conveyances) and AS 43.10.090-150 (Uniform Federal Tax Lien Registration Act). Provides Act effective January 1, 1982.

Introduced Jan. 14 and referred to State Affairs and Judiciary. Jan. 16, State Affairs referral waived. To Judiciary.

AMENDMENTS REQUIRING THAT SUBDIVISION
PLATS BE BOTH FILED AND RECORDED

Page 1, line 9:

Following the enacting clause insert the following sections and renumber the sections accordingly.

* Section 1. AS 19.10.260(2) is amended to read:

(2) file and record in the local recording district, after completion of highway construction, an accurate right-of-way map that will contain sufficient engineering and survey information designating where the resulting boundary lines are located on private or municipal property along the highway.

* Sec. 2. AS 29.33.160(b) is amended to read:

(b) The platting board shall file and record [SUBMIT] an approved plat [TO THE DISTRICT RECORDER] in compliance with AS 40.15.010--40.15.020.

* Sec. 3. AS 29.33.170 is amended to read:

Sec. 29.33.170. WAIVER IN CERTAIN CASES. (a) The platting authority shall, in individual cases, waive the preparation, submission for approval, and filing and recording of a plat upon satisfactory evidence that

(1) each tract or parcel of land will have adequate access to a public highway or street;

(2) each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;

(3) the conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;

(4) no dedication of a street, alley, thoroughfare or other public area is involved or required.

(b) In other cases the platting authority may waive the preparation, submission for approval, and filing and recording of a plat, if the transaction involved does not fall within the general intent of AS 29.33.150--29.33.240 of this chapter and AS 40.15 if it is not made for the purpose of, or in connection with, a present or projected subdivision development and no dedication of a street, alley, thoroughfare, park or other public area is involved or required.

* Sec. 4. AS 29.33.190 is amended to read:

Sec. 29.33.190. PENALTIES. (a) The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, filed, and recorded, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500 for each lot or parcel transferred, sold, or included in a contract to be sold. The platting board may enjoin a transfer, sale, or contract to sell, and may recover the penalty by appropriate legal action.

(b) A [NO] person may not file or record a plat or seek to have a plat filed or recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than \$500.

* Sec. 5. AS 29.33.200 is amended to read:

Sec. 29.33.200. ALTERATION OF REPLAT PETITION. No filed or recorded plat may be altered or replatted except upon petition of the owners of a majority of the land affected by the alteration or

replat or by the platting board. No platted street may be vacated, except upon petition of the municipality or owners of the majority of the front feet of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting board. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

* Sec. 5. AS 29.33.230 is amended to read:

Sec. 29.33.230. RECORDING. If the alteration or replat is approved, the revised plat must be filed and recorded by the platting board and is thereafter the lawful plat.

* Sec. 6. AS 34.07.030 is amended to read:

Sec. 34.07.030. FILING AND RECORDING OF SURVEY MAP AND FLOOR PLANS WITH VERIFIED STATEMENT. There shall be filed and recorded simultaneously with the recording of the declaration in the recording district in which the property is located

(1) a survey map of the surface of the land submitted to the provisions of this chapter showing the location of the building on it;

(2) a set of the floor plans of the building showing the layout, apartment numbers and dimensions of the apartments in sufficient detail to identify and locate each apartment with certainty, stating the name of the building or that it has no name, and bearing the verified statement of a registered architect or registered professional engineer certifying that it is an accurate copy of portions of the plans of the building as filed with and approved by the governmental entity having jurisdiction over the approval or

issuance of permits for the construction of the building, or a statement that no approval or permit is required.

* Sec. 7. AS 40.15.010 is amended to read:

Sec. 40.15.010. APPROVAL AND RECORDING OF SUBDIVISIONS.

Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction, as prescribed in this chapter. The regular approval of the authority shall be shown on it or attached to it and the subdivision or dedication shall be filed and recorded [FOR RECORD] in the office of the recorder. The recorder shall not accept a subdivision or dedication for filing and recording unless it shows this approval. If no platting authority exists as provided in secs. 70--130 of this chapter, lands may be sold without approval.

* Sec. 8. AS 40.15.020 is amended to read:

Sec. 40.15.020. PLATS TO BE ACKNOWLEDGED AND CONTAIN CERTIFICATE THAT TAXES AND ASSESSMENTS ARE PAID. Every plat shall be acknowledged before an officer authorized to take acknowledgment of deeds. A certificate of acknowledgment shall be endorsed on or annexed to the plat and recorded with it. A person filing and recording a plat, map, subdivision, or replat of property, or vacating the whole or any portion of an existing plat, map, subdivision, or replat shall [AT THE TIME OF FILING IT FOR RECORD OR FILING THE PETITION TO VACATE,] file and record with it a certificate from the tax-collecting official or officials of the area in which the land is located that all taxes levied against the property at that date are paid.

* Sec. 9. AS 45.15.030 is amended to read:

Sec. 40.15.030. DEDICATION OF STREETS, ALLEYS AND THOROUGHFARES. When an area is subdivided and a plat of the subdivision is approved, filed and recorded, all streets, alleys, thoroughfares, parks and other public areas shown on the plat are considered [DEEMED TO HAVE BEEN] dedicated to public use.

* Sec. 10. AS 45.15.040 is amended to read:

Sec. 40.15.040. CERTIFIED COPY OF PLAT AS [IS] EVIDENCE. A copy of a plat certified by the recorder of the recording district in which it is filed or recorded as a true and complete copy of the original on file or recorded in his office is admissible in evidence in all courts in the state with the same effect as the original.

* Sec. 11. AS 40.15.050 is amended to read:

Sec. 40.15.050. PLATS [RECORDED PLATS] LEGALIZED. All plats filed with the recorder [RECORDED] before March 30, 1953, whether executed and acknowledged in accordance with this chapter or not, are validated and all streets, alleys or public thoroughfares shown on these plats are considered [AS HAVING BEEN] dedicated to public use. [THIS SECTION DOES NOT PROHIBIT THE ABANDONMENT OF A PLAT RECORDED BEFORE MARCH 30, 1953, IF A SUBSEQUENT PLAT IS FILED INDICATING ABANDONMENT.] The last plat of the area on file with the recorder [OF RECORD] on March 30, 1953, is the official plat of the area as of that date, and the streets, alleys, or thoroughfares shown on it are considered [DEEMED TO BE THE STREETS, ALLEYS OR THOROUGHFARES] dedicated to public use. The streets, alleys or

thoroughfares shown on an earlier plat of the same area or any part of it which is in conflict with those shown on the official plat are considered [IS DEEMED TO HAVE BEEN] abandoned and vacated.

* Sec. 12. AS 40.15.060 is amended to read:

Sec. 40.15.060. MISSING PLATS. When a filed or recorded plat is missing and no present record is available except by reference to the missing plat, a counter part copy, approved by the platting authority, may be filed and recorded as of the original date of the missing plat and after filing and recordation has the same legal effect and notice as the original missing plat.

* Sec. 13. AS 40.15.070 is amended to read:

Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or dedicated is situated within a first or second class borough the proposed subdivision or dedication shall be submitted to the borough planning commission for approval. If the land is situated within a city in the unorganized borough or the third class borough the proposed subdivision or dedication shall be submitted to the city planning commission for approval. The borough planning commission is the platting authority for the first or second class borough, the city planning commission is the platting authority for the city, and the division of lands is the platting authority in the remaining areas of the state and third class borough for the change or vacation of existing plats or a portion of such plats, as provided in AS 40.15.075 [SEC. 75 OF THIS CHAPTER]. If the borough or the city does not have a planning commission, the borough assembly or the city governing body, respectively, is the

platting authority and the proposed subdivision or dedication shall be submitted to it. No subdivision may be filed and recorded [FOR RECORD] until it is approved by the platting authority.

Page 19, line 19:

Delete "34.07.030."

Page 19, lines 22 and 23:

Delete "AS 40.15.010, 45.15.020, 40.15.040, 40.15.050, 40.15.070;".



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99511

MEMORANDUM

TO: Betty L. Michael
Notary Commissions Clerk

FROM: Kevin K. Bruce
Committee Aide

SUBJECT: S.B. 78: An Act relating to recording and recordable documents; and providing for an effective date.

DATE: February 13, 1981

Enclosed please find a copy of the above-referenced Bill, and one copy of the Alaska Code Revision Commission's "Supplement to Commission Transmittal Statement and Draft on Revising Alaska's Law on Recording and Recorded Documents."

As we discussed recently, I would appreciate any information you have on complaints received against notaries. Any additional information you deem helpful would be very much appreciated.

KKB/ods
Enclosures

MEMORANDUM

State of Alaska

TO: The Hon. Terry Miller
Lieutenant Governor

DATE: September 16, 1980

ATTN: Betty L. Michael *3509*
Notary Commissions Clerk

FILE NO: J-66-537-80

TELEPHONE NO: 465-3666

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Complaint by Paul R. Troeh
over notaries public
(Maier and Pettitt)

By: Rodger W. Pegues *RWP*
Assistant Attorney General

Mr. Troeh recites conduct which, if true, constitutes technical misconduct on the part of the notaries public, i.e., one witnessed the signature while the other notarized the document. However, under AS 44.50.010 - 190, notaries public are not subject to the supervision or control of the Lieutenant Governor. They are responsible to the persons whom they serve, and they can be held liable should someone be damaged financially as a result of their misconduct or negligence. AS 44.50.160.

You might, if you wish, send the miscreants a note to the effect that a complaint was received and that they really should notarize only those signatures made in their presence. Otherwise, you can let it go.

RWP/lfm

S.F. AND S.B. 78
AND
COPY OF
COMMENTS RE U
CODE REVISION

ALASKA CODE REVISION COMMISSION




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ALASKA STATE LEGISLATURE
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-4878

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Kevin Bruce, Committee Aide
Senate Judiciary Committee
Alaska State Legislature

FROM: Dickerson Regan, Consultant 
Alaska Code Revision Commission

DATE: February 13, 1981

RE: SB 78--Recording and Recordable Documents

Glen Prince has provided me a copy of two letters he left with the Senate Judiciary Committee when he testified concerning SB 78. Since one of the letters (John S. Williamson's February 8, 1980) was addressed to me, the committee may also wish to have a copy of my reply dated March 4, 1980. It is attached.

The first part of Mr. Williamson's letter is about requiring an acknowledgment on "instruments or conveyances" before they can be recorded. Your committee discussed this.

You asked if I could supply statistics to back up the assertion on page 17 of the commentary on SB 78 that "an acknowledgment is no longer reliable proof that a document was executed by the person named in it" I have been unable to find statistics on the subject. I think there is general agreement that acknowledgments are not as reliable as they should be. (See, for example, the next-to-last paragraph on the second page of Williamson's letter.) Perhaps the title industry has some statistics, but I could find none in the sources here.

The latter part of the Williamson letter deals with a different question. Mr. Williamson is urging that by making a change in the draft bill the commission endorse the overruling, by legislation, of the Alaska Supreme Court's decision in Hahn v. Alaska Title Guaranty Company, 557 P.2d 143 (Alaska 1976). In fact, the commission considered the proposal sympathetically but finally concluded the commission's draft bill should not contain the language that would overrule Hahn. The reasons are set out in my attached reply to Mr. Williamson.

Kevin Bruce, Committee Aide
February 13, 1981
Page 2

An attempt to overrule Hahn is the subject of SB 251 of last legislature, a copy of which is attached. An attempt to get the state supreme court to reverse the Hahn holding in another case is now before the supreme court in a consolidated case, State v Alaska Land Title Ass'n, et al. & Theodore M. Pease & Claire V. Pease, File No. 5407 and Transamerica Title Ins. Co., et al. v. Pease, File No. 5408. The impassioned last paragraph of Mr. Williamson's letter is a last effort to get into the commission's draft bill language which would negate the effect of U.S. Public Land Orders (section line easements for future roads, etc.) except when the person taking title had actual notice of the land order (as opposed to constructive notice by publication in the Federal Register).

The question is not a simple one. If the committee wants to get into it, surely the Attorney General should be heard from and briefs in the supreme court should be studied. The bill as drafted permits the recording of U.S. Public Land Orders in the recorder's office, but that does not meet Mr. Williamson's suggestion that Hahn be overruled.

The second letter Mr. Prince provided the committee was not addressed to me. I will be glad to respond to it if you or the committee wish. The only generalized response is that the commission was grateful for critiques by the title industry but put together its bill based on its understanding of the public interest as seen through the eyes of the various commission members.

DR:chw

Attachments

March 4, 1980

John S. Williamson
Vice President and Senior
Title Counsel
Pioneer National Title Insurance
719 Second Avenue
Seattle, Washington 98104

Dear Mr. Williamson:

The thorough analysis in your letter dated February 8, 1980 was much appreciated. The letter, with those of other title people expressing similar views, occupied the Code Revision Commission for most of a morning in its recent meeting.

The commission was provided various alternative forms in which the suggestion in your first paragraph could appear in the bill, including the form you offered in the Seattle meeting. However, although the commission is sympathetic to the problems left from the Hahn decision, it chose not to include in the draft an attempted negation of that decision by legislating the recording office to be the exclusive place for constructive notice documents. Mainly the feeling was that a public land order affecting public land in Alaska will have the same effect on land titles whether or not state law declares that it affords constructive notice under the state's recording law. In other words, it was felt that the Federal Register will create a cloud on title even if state law declares that recording with the state recorder is the exclusive way to give constructive notice.

Perhaps more important is that the Hahn decision is being dealt with in what the commission believes to be the appropriate forums, that is, the court in the ALTA v. State case, and the legislature in SB 251, the special purpose bill now in the legislature. Briefing and argument in the court, and the public hearing process in the legislature, can focus on the isolated problem. So although your suggestion was not lightly passed over, neither was it adopted.

John W. Williamson
Page Two
March 4, 1980

Also, although your views on acknowledgment were carefully considered, your suggestion on acknowledgment in the conveyance form was not adopted. Commission members had individually considered the various responses regarding deletion of the acknowledgment requirement for conveyances. In the meeting they expressed their continued opinion that an acknowledgment is an anachronism with little continuing meaning. The view was expressed that public policy should be against reliance on forms that have little meaning, and that eliminating the need for an acknowledgment would eliminate a part of the conveyance that now is a source for errors that invalidate many documents otherwise in proper form.

Title people have uniformly supported retention of the acknowledgment requirement. If the commission's bill is introduced, I would expect that the legislative committees to which the bill is referred will hold hearings and will seek opinions from the title industry. So this difference of opinion between the title industry and the commission will be pointed out.

Again, thanks for your response and your continued help.

Very truly yours,

Dickerson Regan, Consultant
Code Revision Commission

DR/jmsr

cc: Robert Whisman

To Kevin Bruce

Re SB 80 - Oaths & acknowledgments

After the Code Revision Commission submitted its bill somebody editorialized changes in proposed AS 09.63.50⁽⁴⁾ and (5), changing "any other" to "a".

It reads awkwardly. Pat Rodey might wish to be aware of it. But if any change is made I certainly think it should be over in the House.

Dick Regan

1 (2) a justice, judge, magistrate, clerk, or deputy clerk of
2 a court of record in the place in which the notarial act is performed;

3 (3) an officer of the foreign service of the United States,
4 a consular agent, or a person authorized by regulation of the United
5 States Department of State to perform notarial acts in the place in
6 which the act is performed;

7 (4) a commissioned officer in active service with the armed
8 forces of the United States or a person authorized by regulation of the
9 armed forces to perform notarial acts if the notarial act is performed
10 for a merchant seaman of the United States, a member of the armed
11 forces of the United States, ~~any other~~ [a] person serving with or accompanying the
12 armed forces of the United States, or his dependents; or

13 (5) ~~any other~~ [a] person authorized to perform notarial acts in the
14 place in which the act is performed.

15 Sec. 09.63.060. AUTHENTICATION OF AUTHORITY OF OFFICER. (a)
16 If the notarial act is performed by a person described in AS 09.63.-
17 050(1) - (4) other than a person authorized to perform notarial acts
18 by the laws or regulations of a foreign country, the signature, rank or
19 title and, if appropriate, the serial number of the person are suffi-
20 cient proof of the authority of a person to perform the act.

21 (b) If the notarial act is performed by a person authorized by
22 the laws or regulations of a foreign country to perform the act, there
23 is sufficient proof of the authority of that person to act if

24 (1) either a foreign service officer of the United States
25 resident in the country in which the act is performed or a diplomatic
26 or consular officer of the foreign country resident in the United
27 States certifies that a person holding that office is authorized to
28 perform the act;

29 (2) the official seal of the person performing the notarial

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

March 31, 1981

Honorable Bill Ray
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: SB 78 (recording and
recordable documents)

Dear Senator Ray:

Some time ago, you requested that the Department of Law prepare a position paper on the above-captioned bill. With sincere apologies for the delay, here it is.

We have not found any provisions of the bill which are unconstitutional or present other direct legal problems. However, in discussions with the Division of Technical Services in the Department of Natural Resources, we have discovered one area of some concern which we would like to bring to your attention. Joe Burch of the Division of Technical Services already has spoken with Kevin Bruce, Administrative Assistant to the Senate Judiciary Committee, about this matter. Mr. Burch is in a much better position to explain the details of the problem. However, we will attempt to summarize it.

The concern relates to Section 7 of the bill, which (according to the commentary prepared by the Alaska Code Revision Commission) abolishes the distinction between "filing" and "recording," and the effect that abolition would have on the filing and recording of subdivision plats. Current practice in most of the state (as well as the rest of the country) is that a proposed subdivision plat is submitted to the municipality for approval. The municipality either approves or disapproves the plat as submitted. If approved, the municipality conveys the original to the state recorder for recording. After recording, the recorder returns the original to the municipality for permanent filing. Under this system, the original of the subdivision plat is retained by the municipality and is always available for public inspection. If the filing requirement is eliminated,

and all that remains is the requirement for recording, the original will never be retained in public hands. While a copy will be available at the recorder's office, Mr. Burch indicates that, as a technical matter, copies do not always possess the detail that the original does. Moreover, because originals frequently are done on mylar, the opportunity always exists for unauthorized changes to be made to the plat after it has been submitted, approved, and recorded. This possibility is precluded if the original is permanently filed with a public agency such as a municipality. A question also would arise regarding disposition of original plats currently on file. Finally, a procedure exist by which technical errors can be corrected under the current system without replatting; under the system which would result if the distinction between filing and recording is abolished, either the errors would not be corrected or replatting would be required at significant cost to the individual.

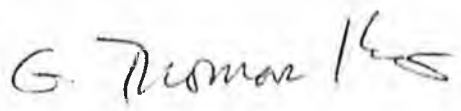
Again, there are technical and practical considerations with which we are not intimately familiar. However, legal problems certainly could arise if unauthorized alterations could be made to an original plat after submission, approval and recording because the original plat was not permanently filed with a public agency.

If we can be of further assistance, do not hesitate to contact us at your convenience.

Sincerely,

WILSON L. CONDON
ATTORNEY GENERAL

By:


G. Thomas Koester
Assistant Attorney General

GTK:d1m

cc: John W. Abbott, Chairman
Alaska Code Revision Commission

Dickerson Reagan
Keith Specking
Arthur H. Peterson
Joe Burch

AMENDMENT TO RETAIN THE EXISTING LAW
REQUIREMENT THAT CONVEYANCES BE ACKNOWLEDGED

TO: SB 78--Recording and Recorded Documents

Page 6, line 25:

Delete "signed and recorded as a class A document" and insert "acknowledged, proven or certified in the manner provided in AS 34.15.150--34.15.250" in its place.

Page 6, line 27:

Delete "A recorded signed" and substitute "An acknowledged and recorded".

Page 9, line 16:

Insert after (first) "conveyance", "acknowledged or proven as required by AS 34.15.150--34.15.250 or validated by AS 40.17.060". Delete "a" before (second) "conveyance" and insert "the" in its place.

Page 9, line 18:

Delete "a" and insert "an acknowledged or proven" in its place.

Page 9, line 21:

Delete "signed" and insert "acknowledged or proven" in its place.

Page 9, line 23:

Delete "signed" and insert "acknowledged" in its place.

Page 17, line 24 and page 18, line 1:

Delete Sec. 3 in its entirety and renumber the remaining sections as appropriate.

Page 18, lines 8 - 27:

Delete (old) Sec. 5 in its entirety and renumber the remaining sections as appropriate.

Page 19, line 24:

Delete "AS 34.15.210--34.15.350" and insert "AS 34.15.-
260--34.15.350" in its place.

ALASKA CODE REVISION COMMISSION



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EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Kevin Bruce, Committee Aide
Senate Judiciary Committee
Alaska State Legislature

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission

DATE: May 6, 1981

RE: SB 78--Recording and Recordable Documents

Dickerson

When SB 78 was reviewed in the Senate Judiciary Committee and when it was reviewed by you, Joe Burch and David Rogers of the Department of Natural Resources and me after written exchange of comment on the bill, certain things seemed to become clear:

1. The committee was not going to accept the Alaska Code Revision Commission's proposal that an acknowledgment be required on conveyances;

2. The DNR's strong feeling that subdivision plats should be permanently filed could readily be accommodated by amendments consistent with the general intent of the bill;

3. The balance of DNR's questions about the bill seemed to have been either answered or accommodated; and

4. The DNR fiscal note as originally submitted on the bill is in need of drastic revision, perhaps to reflect zero fiscal impact.

The bill is written to accommodate continuation of the existing system and a phased move into centralized recording. The terminology on page 1, line 21 is intended to create this needed flexibility. Although the technology for the central recording system exists, DNR needs a chance to try alternative equipment and procedures to meet different conditions in different recording districts. In order to state ultimate legislative intent but also to include the concept that DNR should seek appropriations in any fiscal year for only the money it needs for orderly development, the following amendment is suggested:

P. 1, l. 21: Delete "when available money and technology permit" and insert in its place "to the extent appropriations are made for the purpose."

The amendments I believe are needed to make the change referred to in 1 above are attached as Appendix A to this memorandum. They were also sent with my memorandum to you dated February 6, 1981.

The amendments I believe are needed to make the change referred to in 2 above are attached as Appendix B to this memorandum. The idea of the amendments is that a plat of subdivision be kept on file as at present, but that it also be copied into the record ("recorded") like other land documents so it will be accessible in the final system of remote terminals. I think this meets all the DNR problems that had to do with return of the original plat to the one who filed it. The plat would not be returned. Please note that Appendix B is the change the Attorney General appears to be proposing by the memorandum of March 31, 1981, from Tom Koester to Senator Ray. But even if the Judiciary Committee chooses some other treatment of plats, it would not be of major importance to the rest of the bill.

The second sentence in AS 40.15.050 is deleted in Appendix B because it is both unnecessary and misleading: If a subdivision with streets or other dedications has been filed, it requires more than filing of a new plat to vacate the dedications. Reference, for instance, AS 29.33.200, et seq.

All of the amendments in Appendix B are simple and straightforward when one notes that existing law uses the terms "file" and "record" interchangeably when it deals with subdivision plats. In practice, plats have been filed and not recorded.

I missed seeing Joe Burch when he was in Juneau recently so did not review with him the specific amendments I am proposing regarding subdivision plats. Because of timing problems I am passing these suggestions on to you now. However, I will discuss the specifics of the amendments with Mr. Burch by telephone and let you know if he sees problems.

In a committee hearing, a suggestion was made by Senators Parr and Bennett that DNR look into treatment of recordings where the property described spans the borderline between two recording districts. I am not suggesting drafting on the subject, since the matter was addressed to DNR and any adjustment of the recording fees involved is within its regulatory authority under AS 44.37.025(b).

Memorandum
May 6, 1981
Page 3

To me it seems very desirable that the bill be moved during this session. I offer to look over with you any problems you see.

DR:chw

Attachments

cc: Joe Burch
David Rogers

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF TECHNICAL SERVICES

State of Alaska

TO: David Rogers
Special Assistant
Dept. of Natural Resources

DATE: April 4, 1981

FILE NO: 1150 (1981 Fiscal Notes)

TELEPHONE NO: 263-2213

FROM: Joseph C. Burch *JCB*
Deputy Director
Division of Technical Services

SUBJECT: SB 78 Fiscal Analysis

1) Fiscal impact with no change in existing technology:

<u>10-48-8-808</u>	<u>Recorder's Office</u>
\$20.0	Contractual funds to rewrite and publish amended and new recording procedures.
\$10.0	RSA funds to Department of Law to resolve charge over problems.
\$20.0	Adveritizing funds to inform the general public through newspapers and electronic media.

\$50.0	TOTAL

2) Fiscal impact with no change in exiting technology:

Assumption:

- a) Replace Court System assistance in Glennallen, Valdez, Kodiak, Sitka and Seward with district recording office employees.
- b) # 1 costs above are appropriate.

<u>10-48-8-808</u>	<u>Recorder's Office</u>
\$ 50.0	# 1 above
108.3	5 positions - Recording Clerk 1, range 8
5.0	travel
37.5	space, telephones, copier, etc.
60.0	general office supplies
9.0	equipment

\$269.8	TOTAL

FISCAL ANALYSIS

DEPARTMENT	SPONSOR (PRINCIPAL RULES COMMITTEE (FOR CODE REVISION COMMISSION))	BILL NO. SB 78								
DIVISION POSITION	CO-SPONSORS OR COMMITTEE SPONSORS	DATE LAST AMENDED								
DIVISION DIRECTOR Claud M. Hoffman <i>JMB</i>	DATE 2/18/81	COMMISSIONER Robert E. LeResche								
FISCAL EFFECTS OF BILL										
(1) CHANGES IN PERSONNEL										
<ul style="list-style-type: none"> 1 Programmer III for ALARS 5 positions to replace Court System offices 3 positions to maintain Centralized information centers 										
(2) CHANGES IN GOVERNOR'S BUDGET										
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">increase 10-48-8-800 Oper. request</td> <td style="width: 40%; text-align: right;">\$412,513</td> </tr> <tr> <td>*increase 10-48-8-613 Oper. request</td> <td style="text-align: right;">\$936,900</td> </tr> <tr> <td>*onetime expenditure for equipment</td> <td style="text-align: right;">\$1,451,250</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">\$2,800,663 TOTAL</td> </tr> </table> <p style="margin-left: 100px;"><i>See employees.</i></p>			increase 10-48-8-800 Oper. request	\$412,513	*increase 10-48-8-613 Oper. request	\$936,900	*onetime expenditure for equipment	\$1,451,250		\$2,800,663 TOTAL
increase 10-48-8-800 Oper. request	\$412,513									
*increase 10-48-8-613 Oper. request	\$936,900									
*onetime expenditure for equipment	\$1,451,250									
	\$2,800,663 TOTAL									
(3) CAN COSTS BE ABSORBED										
no										
(4) REVENUE/EXPENDITURE CLASSIFICATION AND FUND — SOURCE (GENERAL FUND/BUDGET, FEDERAL FUNDS, BONDS, SPECIAL APPROPRIATIONS)										
General Fund										

COMMENTS:

*10-48-8-613: If ALARS CIP is app'd then \$300,000 could be deleted.
 equipment: If Automated Drafting/Microfilm Distribution System CIP is app'd then 980,000 could be deleted.

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF TECHNICAL SERVICES

State of Alaska

TO: Geoffrey Haynes
Deputy Commissioner

DATE: February 11, 1981

All Directors
(See Below)

FILE NO:

TELEPHONE NO: 263-2200

FROM: Claud M. Hoffman, Director
Division of Technical Services

SUBJECT: Executive Summary Capital
Project Microfilm/Automated
Drafting System

The Capital Project for Microfilming/Automated Drafting System interfaced with the ALARS Record System will provide for reference indexing of graphic and textual resource materials to supply the public and land managers with an electronic filing system for the manipulation of data and elimination of the gathering of data more than one time. The Department of Natural Resource's District and area offices along with some State Recorder District Offices will be included in the automated retrieval system thus providing the public with even better service in outlying areas of the State. The district recording offices would act as additional information centers for the Department of Natural Resource's ongoing projects dealing with land disposals and acquisition of title.

Legislative mandates impacting the Department of Natural Resources over the past three years have placed great stress upon the existing manual system. This means nothing less than an enormous increase in case files for each individual action of the Department of Natural Resources which subsequently generates additional paperwork necessary to properly affect successful disposal and managing of State lands. This project will provide increased production of land record information, with easier access, storage and retrieval for the public and the land manager in a usable form.

The interest of the public in easier and more rapid access to land record graphic and textual information, plus the expressed requirements for sophisticated state of the art electronic transmission of recording data as outlined in the proposed Senate Bill No. 78, requires the Department of Natural Resources to modify its proposed Capital Project for Microfilming/Automated Drafting Systems to include a total Land Information/Distribution System, providing land record graphic and textual information to the general public and all other users in the most cost effective and timely manner possible. The initial one year \$1,265,000 project has been expanded to a three year outreach project at a total cost of \$2,814,750.

The following is a suggested cost and schedule for implementing the new Capital Project production, distribution, and reproduction system.

Phase I. Install in the Division of Technical Services in 1981 at a total cost of \$1,220,000: A.) Computer Aided Drafting System with six work stations; B.) an Automated Aperture Card System; C.) a high speed printer, and an Automated Aperture Card Retrieval and Filing System, (See Figure 1).

Phase II. Install in 1982 at a total cost of \$994,000; A.) an Automated Aperture Card Retrieval and Filing System including a high speed printer in the Anchorage, Fairbanks and Juneau District Offices; B.) expand aperture card file capacity in the Division of Technical Services production center, (See Figure 2).

Geoffrey Haynes
February 11, 1981
Page #2

Phase III. Install in 1983 at a total cost of \$600,750 in six Department of Natural Resources area offices and seven State Recorder's Offices: A.) a manual aperture card filing system; B.) a reader/printer for aperture card copies; and C.) an information clerk for each office, (See Figure 3).

Since forecasts indicate that the maximum impact on workload will start in January 1984, this schedule provides for the Department a system that will meet the projected DTS production, distribution and reproduction requirements. The system would also be the vehicle for distributing other DNR land related information for which the requirements will certainly increase.

Senate Bill No. 78 if implemented in parallel with the Capital Project for Microfilming/Automated Drafting System would increase the overall implementation cost by \$471,250 for a total Land Information/Distribution Centers cost of \$3,286,000. This would include establishing the State Recorder district offices as extensions of the Land Information/Distribution Centers and replace all the DNR area offices, except Haines, Alaska. The recording district offices would provide reproduction and recording services to the local users (see Figure 4). Each recording office would include; 16mm microfilming; automated recording; aperture card; and 16mm reproduction; and ALARS Master Indexing systems. All recording offices would be interconnected to the Division of Technical Services (DTS) via ALARS Computer terminals for the transmission of Recording Data and the display of ALARS Master Record Index file. The Division of Technical Services would have the capability to process the 16mm microfilm store recording data, merge recording data and microfilm, duplicate and distribute the 16mm film, keyed to the master record index, back to the recording district offices, (See Figure 5).

Should the Legislature pass Senate Bill No. 78 without the Capital Project for Microfilming/Automated Drafting System included, the total fiscal effect of the Bill will be \$1,451,250. Without the Capital Project, the State Recorder Offices would have equipment and capability of displaying textual record data only.

The combination of Senate Bill No. 78 and the Capital Project provides a data management and distribution system within the State for recording and disseminating land record information. Integrating the statewide Orthophoto Mapping and Resource inventory, Capital Projects with the Land Records Projects provides the framework for a land information system to improve land conveyance procedures, furnish a basis for equitable taxation and provide much needed information for resource and environmental management.

DISTRIBUTION-DIRECTORS

Tom Bergstrom, Div. of Admin. & Mgt	Nick Carney, Div. of Agriculture
Glenn Harrison, Div. of Min. & Engery Mgt	Chip Dennerlein, Div. of Parks
Charles Behlke, Div. of Pipeline Surveillance	Reed Stoops, Div. of Res. & Develop
Theodore Smith, Div. of Forest, Land & Water Mgt	
Ross Schaff Div. of Geological & Geophysical Surveys	

LAND INFORMATION REPRODUCTION AND DISTRIBUTION CENTER
DIVISION OF TECHNICAL SERVICES
REPRODUCTION DISTRIBUTION CENTER
DISTRICT OFFICES

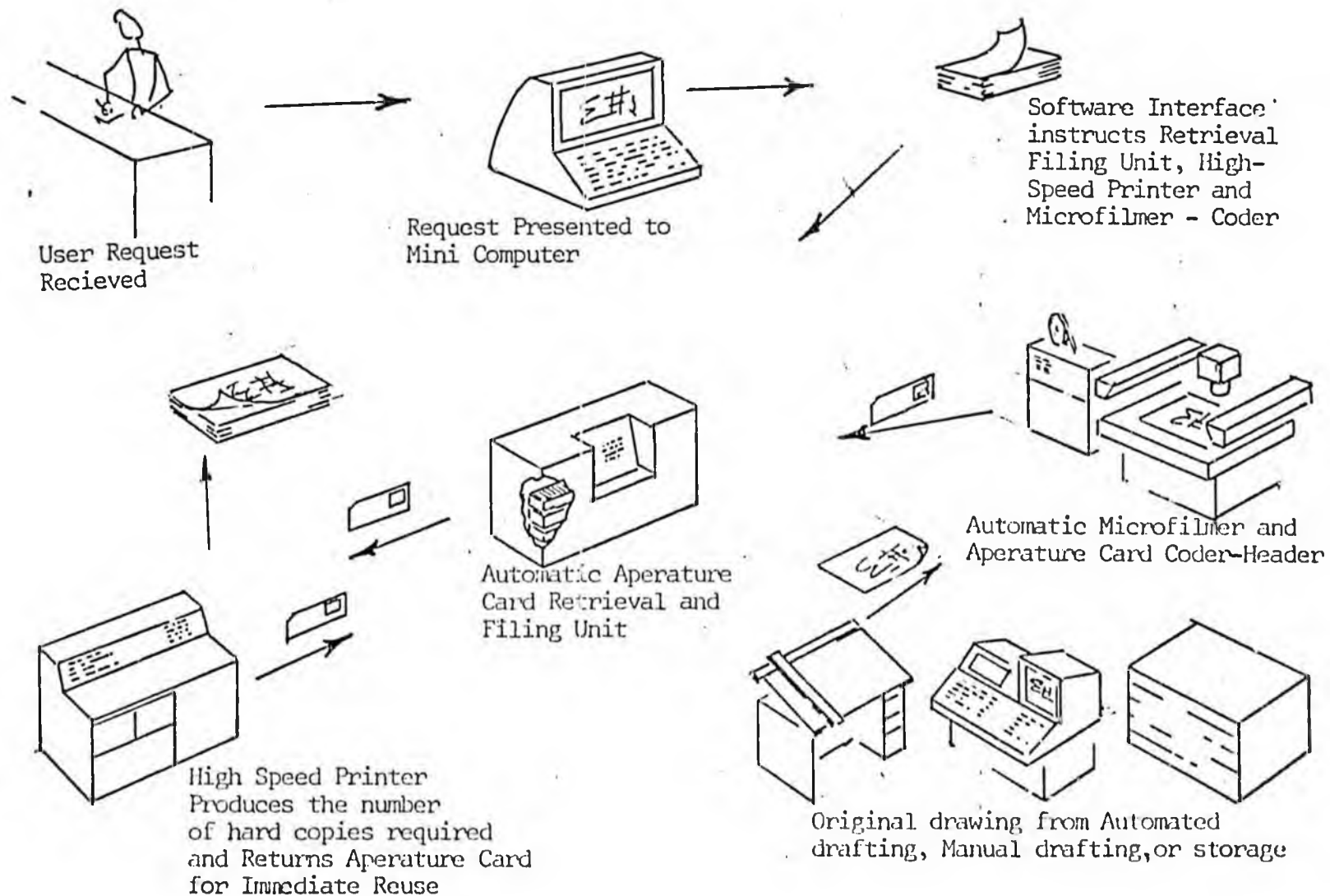
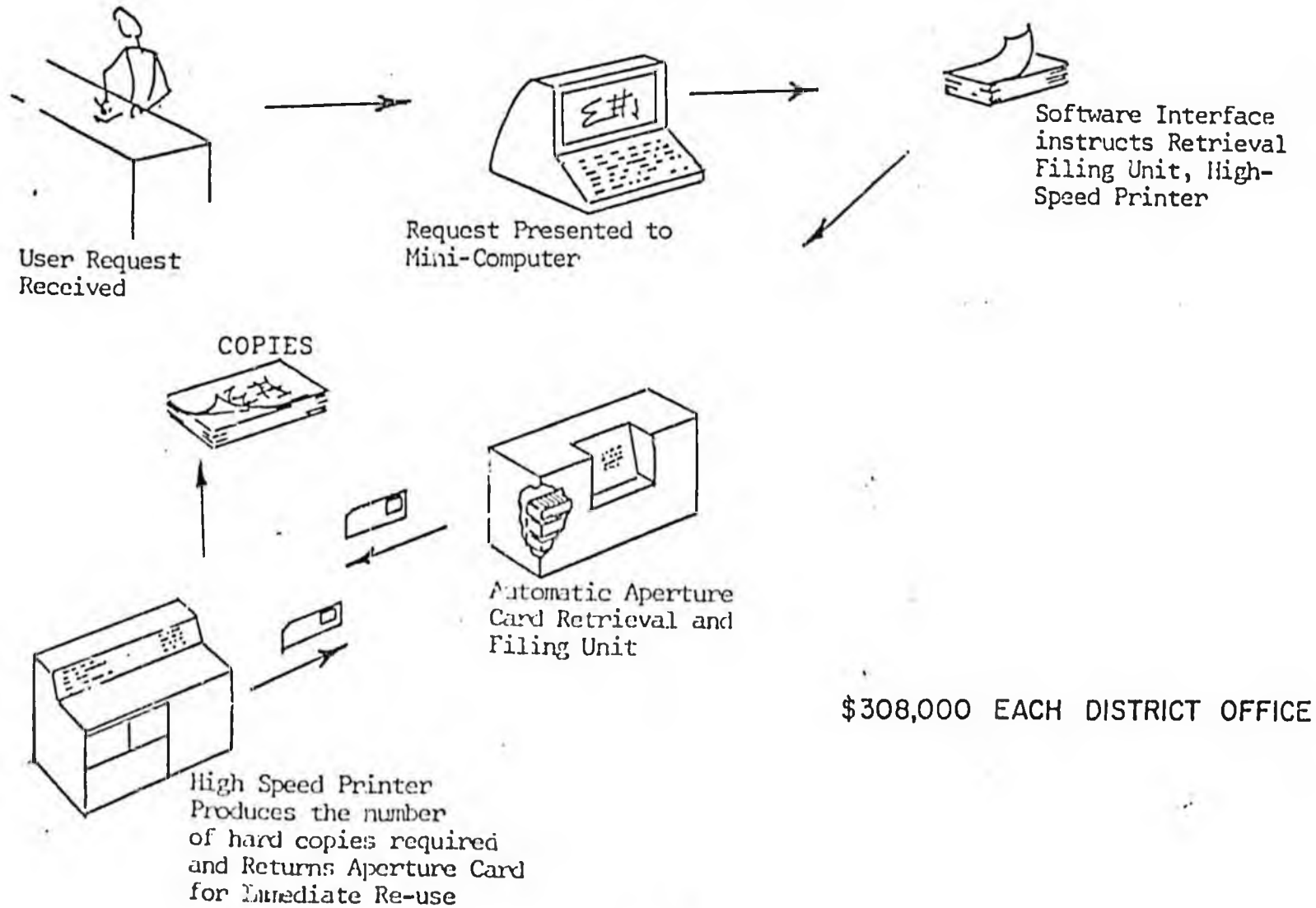


Figure 1

REPRODUCTION DISTRIBUTION CENTER

3 DISTRICT OFFICES

TOTAL COST = \$924,000



\$308,000 EACH DISTRICT OFFICE

Figure 2

DISTRIBUTION CENTERS

AREA OFFICES & DISTRICT RECORDERS OFFICES

TOTAL COST (13 OFFICES) = \$600,750

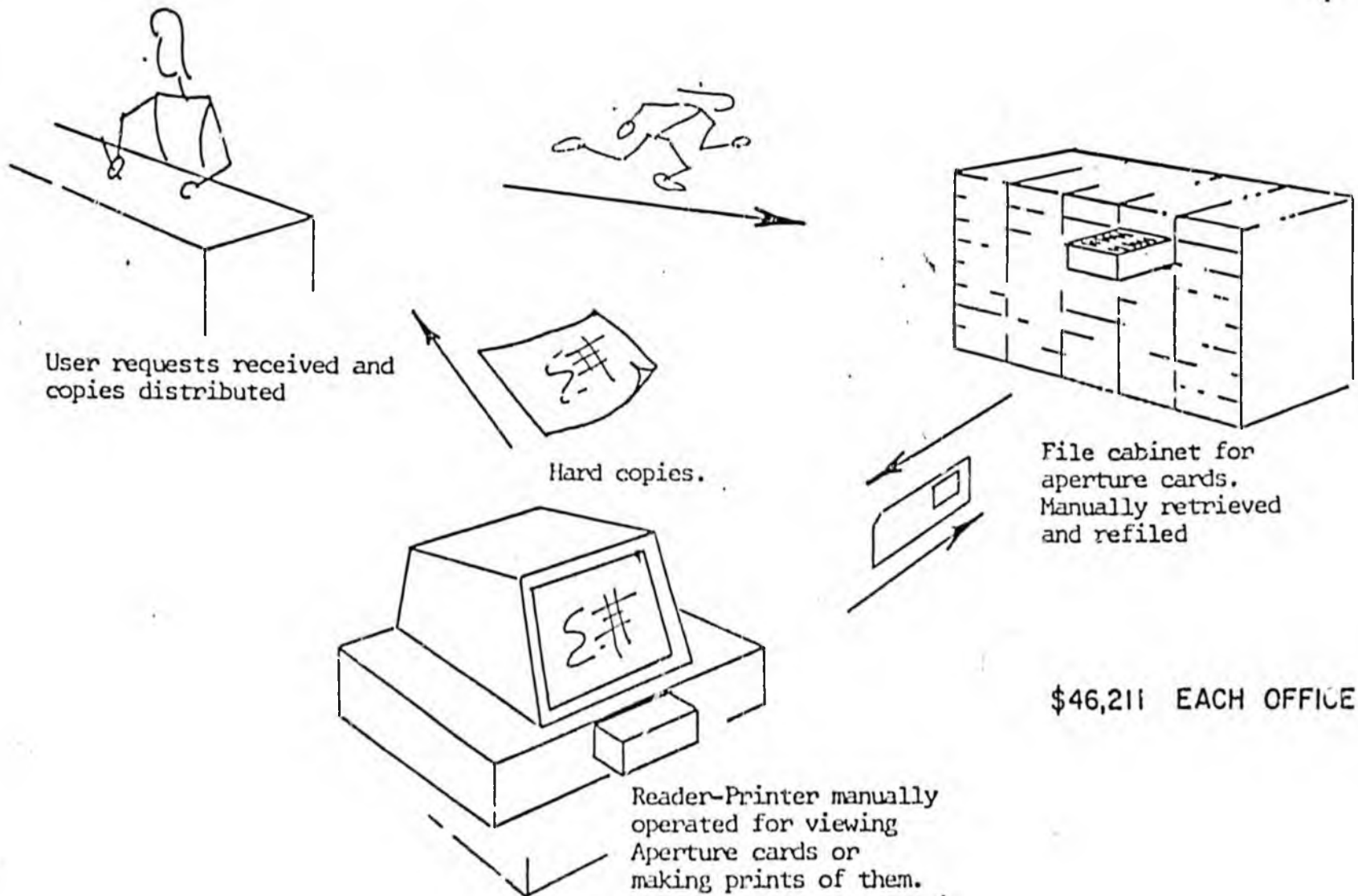


Figure 3

STATE RECORDING OFFICES RECORDING & USER'S REQUESTS

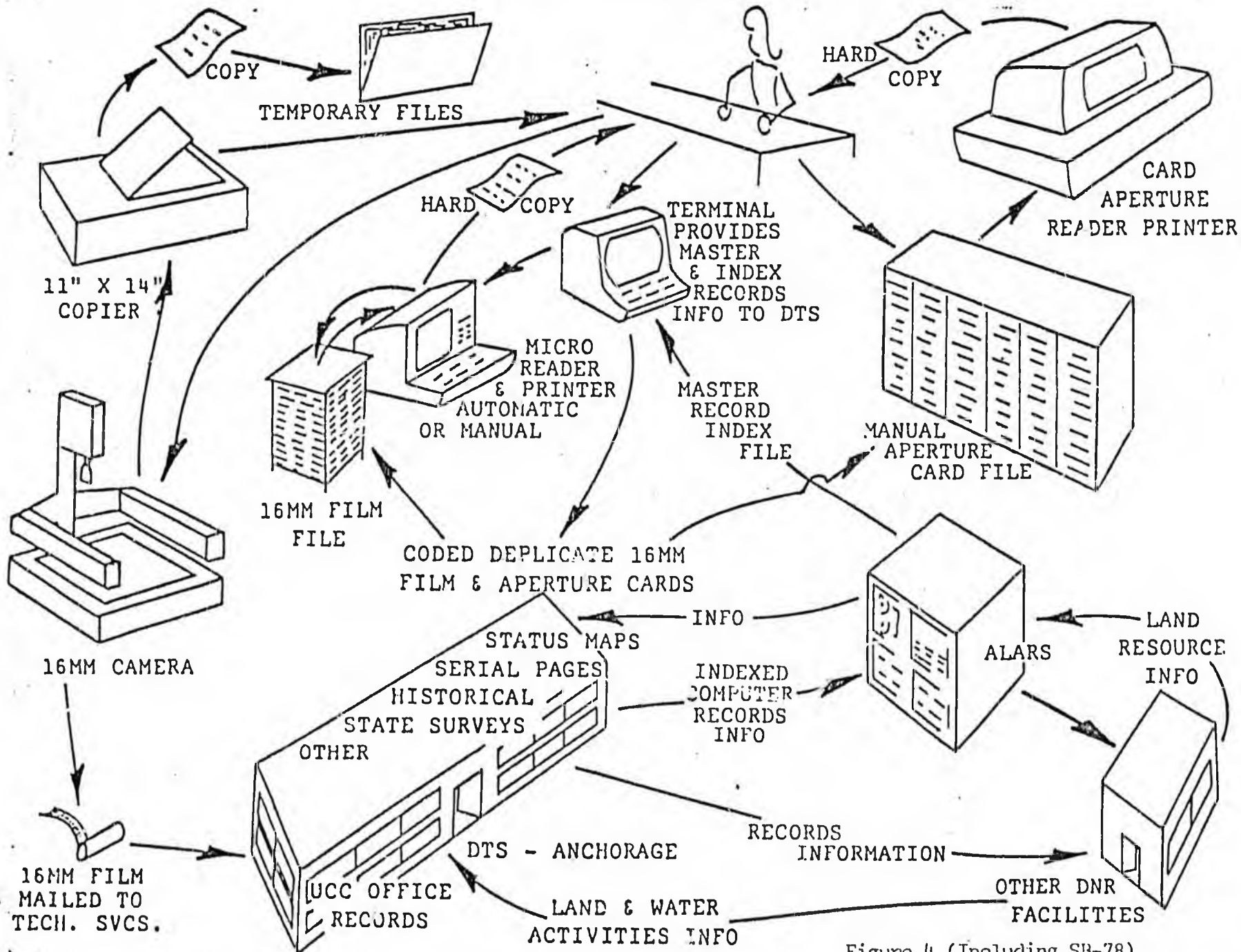


Figure 4 (Including SB-78)

LAND INFORMATION REPRODUCTION AND DISTRIBUTION CENTER
 DIVISION OF TECHNICAL SERVICES
 REPRODUCTION DISTRIBUTION CENTER
 DISTRICT OFFICES

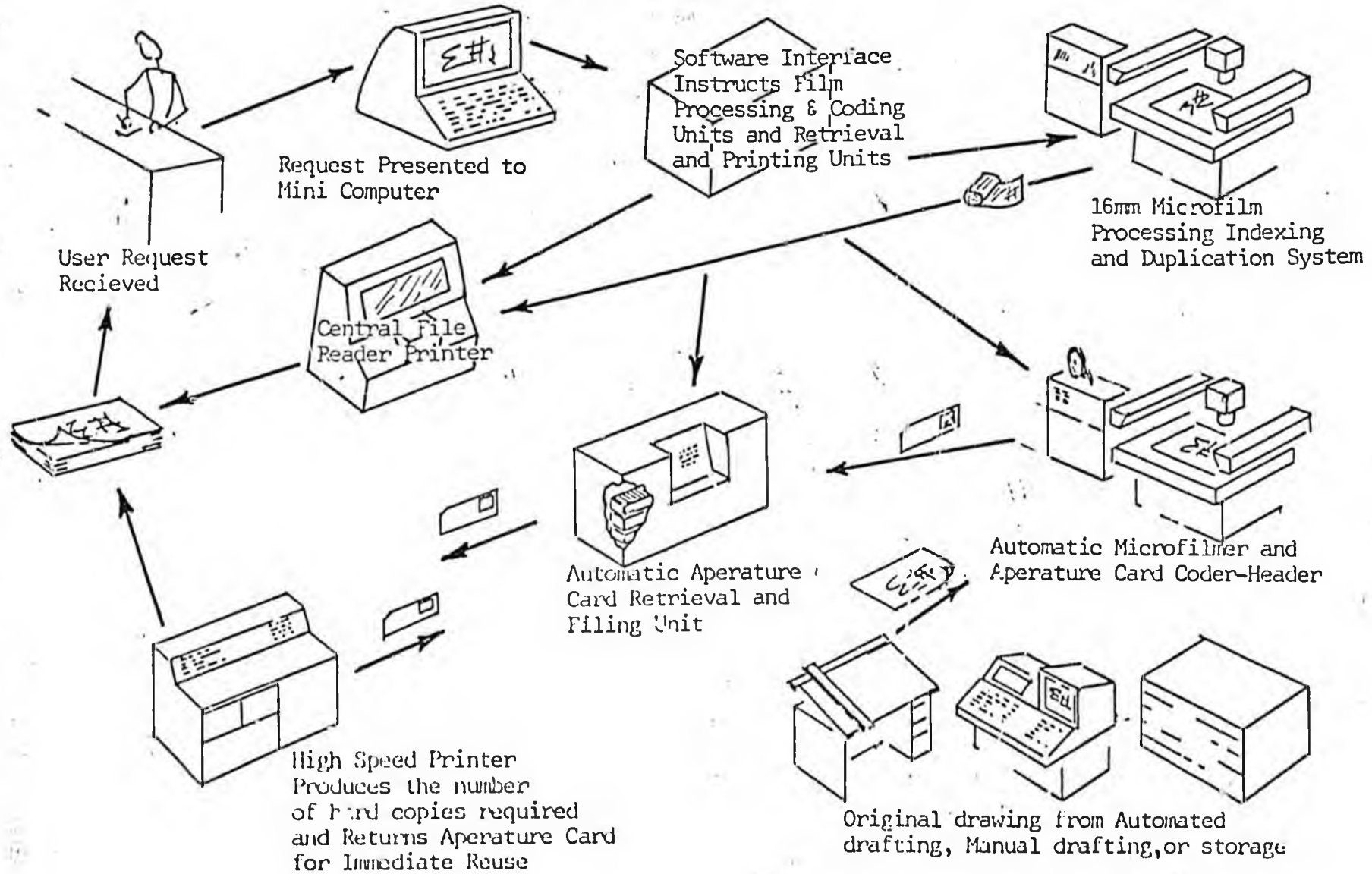


Figure 5 (Including SB-78)

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RESEARCH AND DEVELOPMENT

State of Alaska

TO: REED STOOPS
Director

DATE: February 6, 1981

FILE NO: 2100.A

TELEPHONE NO: 279-5577

FROM: DOUG MUTTER *DM*
Chief

SUBJECT: Fiscal Note and
Comments on SB 78

Attached is a brief analysis and fiscal note for sections of SB 78 relevant to ALARS. Implementation of this fiscal note will hasten the development of our statewide effort to provide an LAS network and will provide programming money specifically for the recorders office (this \$300,000 in the fiscal note duplicates the \$300,000 in the ALARS CIP, so one or the other could be dropped as the other is approved).

Some of the language in SB 78 is unnecessary legislative directive for actions that are the sole prerogative of the Executive Branch. For example, Sec. 40.17.010(a)(3) says, in part, each recorders office will have a copier??

As you know, we are already designing systems for bringing the Records Office into the Land Administration System, so have a head start. DTS is already working on a microfilm system, as well.

cc: Joe Burch

RECEIVED

FEB 13 1981

DIV. OF TECHNICAL
SERVICES

Analysis of SB 78

Section 1 of SB 78 (1/14/81), specifically creating AS. 40.17.010 has implications for DNR's ALARS data processing development project. Sec. 40.17.010(a) requires DNR to provide an access, storage and retrieval system in support of the Recorders Office. During FY 82, the ALARS CIP if approved, will address computer programming needs for the Recorders Office. It does not address complete network development and support on an operating basis as mandated here. Therefore, the costs for providing computer terminals, printers and telecommunications for 14 offices are included here. Program development and full time staff support are also identified here (in addition to support that will be provided for ALARS in general and not included in this fiscal note). Tying all offices together via a network is an ambitious task and should be addressed also by the Division of Data Processing, who provides major computer/network support for DNR. Provision of other records/microfilm should be addressed by DNR's Division of Technical Services.

Concerning the language of SB 78, 40.17.010(a)(2) - (4), (b), and (c) are not required in the legislation. These items are management perogatives that should be implemented or substituted as DNR's needs require. The law should state legislative intent as 40.17.010(a)(1) and (d) do, and leave the mechanics of implementation to DNR management and budgeting processes. Therefore, it is recommended that sec. 40.17.010 be rewritten to read:

Sec. 40.17.010 PLACE OF RECORDING AND ACCESS TO RECORDS. (a)
The Department of Natural Resource shall provide at each public office designated by the department the documents and indice or alternative document retrieval system of the recording district or districts served by that public office.

(b) The recorder shall provide reasonable public access during business hours to recorded documents, indices and facilities.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. Senate Bill 78
 Title Recording and REcordable Documents
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Dept. of Natural Resources
 Program Category Affected _____
 Budget Request Unit(s) Affected Division of Research & Development -- ALARS project

EXPENDITURES (Thousands of Dollars)

	XXXX	XXXX	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES			56.0	64.0	74.0	85.0
200 TRAVEL			13.0	7.0	8.0	9.0
300 CONTRACTUAL			860.0	600.0	625.0	650.0
400 COMMODITIES			7.0	8.0	9.0	10.0
500 EQUIPMENT			.9	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			936.9	679.0	716.0	754.0

FY 82 Budget Detail for SB 78 Fiscal Note

<u>Code</u>	<u>Description</u>	<u>Amount</u>
100:	Programmer III full time to support statewide terminal network and new software.	\$56,000
200:	Travel (2 trips each) to 13 recording offices @ \$500.00 average per trip (1 person)	13,000
300:	Terminal, line, modem, printer leases and connect charges @ \$10./mi./mo. from Anc.	400.00
	computer time, data entry	160,000
	contract program development	300,000
400:	computer paper, printer ribbon, misc. office supplies @ \$500/office	7,000
500:	Desk, chair, etc. for 1 staff -- all other equipment leased.	900
	TOTAL	<u>936,900</u>

CODE REVISION COMMISSION



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ALASKA STATE LEGISLATURE
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-4878

EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Kevin Bruce, Committee Aide
Senate Judiciary Committee
Alaska State Legislature

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission *Dick Regan*

DATE: January 29, 1981

RE: Notes on DNR's Bill Analysis of SB 78 on
Recording and Recordable Documents

Following are the comments you requested on the Department of Natural Resources "Bill Analysis" for SB 78 on Recording and Recordable Documents. The numbers used in the comments tie to the numbers penciled on the DNR Bill Analysis and on a copy of the bill marked with the DNR proposed changes.

1. The main arguments for and against requiring acknowledgments are in the Alaska Code Revision Commission's (ACRC) comment on the bill at pages 17 and 18. See also on page 15 the Commissioners on Uniform State Laws' statement on the office of notary. For ready reference these sections of the comment are attached.

The ACRC took its position after a great deal of deliberation. However, realizing it would be controversial it also attached amendments to its draft bill that would remove the provision from the bill. If the legislature chooses not to follow the ACRC recommendation on acknowledgments in SB 77, it could refer to the form of amendments attached at the end of the ACRC commentary on the bill. They cover the same ground as the DNR's objections regarding pages 17-18 of SB 77.

2. Whenever the system begins to use electronic transmission of recorded documents, the person at a remote terminal should have access to the recorded official plat. If it is recorded, he will have that access even if a large plat is recorded in several smaller parts. Perhaps DNR's concern that the original plat should be retained as a public

document could be easily accommodated by an amendment to the bill requiring that plats be both filed (as at present) and recorded.

3. Retaining the paper document (filing) is no more necessary for tax liens than for other important documents (deeds, deeds of trust). The Alaska Department of Revenue and the IRS agreed when the bill was drafted, and I believe the state recorder and the then responsible department (Commerce and Economic Development) also agreed.

4. I believe DNR's concern has been addressed and that the comment refers to an earlier draft of the bill or to the Uniform Federal Lien Registration Act before changes in this bill.

5. It is my understanding that the main impetus for ACRC drafting a recording bill was to seek to clarify what documents are recordable. Much effort of the ACRC was directed to this purpose. At present (leaving aside the question of acknowledgment) the recorder records the documents referred to in the bill as "Class A" documents, and must make the same judgment calls as the bill would require. "Class B" includes all other documents. They are not recordable at present, but will be recordable for safekeeping under the bill. The unschooled person bringing a document for recording should not be required to know whether his document is recordable in Class A, any more than he is now required to know whether his document is recordable at all.

6. The proposal for amendment of the bill should be clarified. Indexing of Class A documents is left for regulation by the DNR. If information for complete tract indexing is to be required in some recording districts (as the ACRC supposed it would be) the phrase "accompanied by" would prevent some important problems. An example: Complete tract indexing would require that the complete tract description be in a document or it would be rejected for recording and could not provide constructive notice. Such documents now form important links in the chain of title. The phrase "accompanied by" would permit the document to be recorded even if the grantor were dead or could not be reached to sign a corrected document with a full "legal description" of the property.

7. The proposal for amendment of the bill should be clarified. It is not clear whether the objection is to two classes of documents, to admissibility in evidence of unacknowledged documents or whether the objection has to do with admissibility in evidence in a broader sense.

8. As to (9), since some liens, even now, are recorded, it is necessary that a release be recordable.

As to (10), the reason for the objection should be clarified.

9. Bar Association review brought the need for this subsection to the ACRC. Fixture filing is provided for in SB 77, a bill which would adopt 1972 uniform amendments to the UCC. Fixtures are part of real property and one searching title to real property should find a lien on fixtures when he searches the real property records. The permission to record will do no harm and will be necessary if the pertinent part of SB 77 is passed here as it has been in 32 other states. Reference, in SB 77 proposed sec. 45.09.313(a)(2):

(1) goods are "fixtures" when they become so related to particular real estate that an interest in them arises under real estate law;

(2) a "fixture filing" is the filing, in the office where a mortgage on the real estate would be filed or recorded of a financing statement covering goods which are or are to become fixtures and conforming to the requirements of AS 45.09.402;

10. The section is necessary in connection with section one and other parts of the bill that lay the statutory framework for future "recording" by electronic communication with one central "place of recording." It also is broad enough to be consistent with present practice.

I notice that I missed a couple of the DNR proposed changes. I've marked them 11 and 12 on the Bill Analysis.

11. At the time the bill was drafted, the records on state public lands were in a different department from state recording offices. Perhaps no problems are being experienced now with getting documents from state public land records into the recording system. Title companies may or may not see a continuing need for language similar to the questioned phrase. They may comment when they review the bill.

12. The term "accompanied by" is part of what makes this bill compatible with foreseeable technological advances in

Memorandum

January 29, 1981

Page 4

recording. A "document" is defined in proposed AS 40.17.040(5) to include not only a paper document but an electronic signal or tape that can be converted to a paper document by the recorder's machine or device. The bill is designed to be workable now and in the future. I believe the recorder needs the information this section calls for and should be asked to clarify why the section should be removed from the bill.

13. I believe this section was favored by all those who reviewed drafts of the bill. The request to remove it should be clarified.

DR:chw

Attachments

Section 5. SOURCE: AS 34.15.150.

COMMENT: This section and Section 3 have the same general purpose to remove the requirement of an acknowledgment in the execution and recording of a conveyance. This is also the philosophy of the Uniform Simplification of Land Transfers Act. The comment of the Commissioners on Uniform State Laws concerning that Act includes: "Whatever the office of notary public once was, other methods, in particular civil liability for slander of title and possible criminal sanctions now appear to provide more effective and less burdensome methods of discouraging fraudulent behavior."

This section also would validate conveyances previously executed but not acknowledged.

Attachment re ①

earlier or later date.

COMMENT ON A DIFFERENCE OF OPINION WITH
TITLE COMPANIES OVER WHETHER TO REQUIRE AN
ACKNOWLEDGMENT ON CONVEYANCES

There is a difference of opinion between title companies and the commission over that part of the recording bill which removes from existing law a requirement that a conveyance of real property be acknowledged. The title companies' position is that an acknowledgment should be required because

- (1) the requirement makes it more difficult to procure a signature by fraud or coercion, especially where a person is sick, old, under the influence of alcohol, or mentally incompetent, and
- (2) the requirement reduces the risk of forgery.

The commission's position is that

- (1) an acknowledgment is no longer reliable proof that a document was executed by the person named in it because notaries frequently take acknowledgments without knowing, or getting proof of identity of, the person acknowledging;
- (2) the public should not be encouraged to believe that a document is reliable simply because it bears the signature and seal of a notary public;
- (3) the requirement adds a needless complexity to conveying that is the cause for errors and invalidation of documents otherwise in proper form, and

Attachment re ①

(4) there is a trend toward doing away with acknowledgment in commercial transactions which frequently are of greater magnitude and importance than real property transactions.

The provisions deleting the acknowledgment requirement from existing law are not central to the purpose of the draft bill on recording. Because the commission realizes there is a legitimate difference of opinion on the question, it has drafted the following form of amendments to the bill which would retain, rather than do away with, the acknowledgment requirement. The drafting is made available should a committee believe the changes are warranted, although the commission's recommends against it.

BILL ANALYSIS

Bill Number : SB 78

Sponser: Rules Committee
(for the Code Revision Commission)

Assigned to: Division of Technical
Services

Summary

1. Program effects of bill: The Division of Technical Services thinks that the bill simplifies some present recording requirements and incorporates some new concepts that make recording laws simpler for the public. However, this Division thinks that the overall impact will require a higher degree of judgement call on the part of the recording office that necessitates more employees and a higher class of employees in order to make the judgement calls required by this bill. Technically, we think that both filing and recording should remain two conditions within the recorders office. Technically, this Division believes filing of subdivision plats and surveys plats should remain as filed documents. (This should not be recorded and subject to fraud.)
2. Comments: With no acknowledgement required on recording documents and affidavits attached to copies this Division thinks the potential for fraud is increased over today's present system. Some form of acknowledgement and only original signature documents should be recorded as Class A documents. This is in line with court cases and present court administrative rules that were developed for the recording office in years past. Recording plats would place a land title document that belongs (in our estimation) to the general public back in the hands of private individuals and should remain in the hands of the public by being filed and not recorded. We believe filing also is applicable to state and federal tax liens. The language in the bill seems to purport that the recording offices would be required to perform searches of information rather than making information available to the public and other users as is presently the practice. We believe the bill should emphasis information availability only in order to decrease the liability to the state; rather than have the recording offices make the judgement calls on types of documents to be recorded and to which category (Class A or B) they are to be recorded in. The bill should be written to reflect that the individual filing the document should state the class or type it is to be recorded under and the recording office simply make a review that it does in fact meet the requirements under 47.17.030 and is a category described in 40.17.110.
3. Proposed amendments: On page 2, Section 40.17.020(b) delete "in the state division of Forest, Land and Water Management"; the Department of Natural Resources presently follows the requirements of any private citizen for recording or filing of plats. Page 3, Section 40.17.030(a)(4) delete the words "accompanied by". Section 40.17.030(a)(5) delete the entire statement. Page 3, Section 40.17.030(c) delete the entire statement. (We believe some type of acknowledgement should be attached to a document.) Page 6, Section 40.17.090(a) delete the entire statement. Page 10,

7

1

12

8 13

② Section 40.17.110(b)(9), (10) delete in its entirety. Page 12, Section
 40.17.110(b)(35) delete in its entirety, (this we believe should be a
 document that is filed in the recording office). Page 13, Section
 ③+④ 40.17.110(b)(47),(48) delete in its entirety. Page 13, Section
 ⑨ 40.17.110(b)(50) delete in its entirety, (this is covered under the
 Uniform Commercial Code filings and should not be a recording document
 under the recording office in this bill). Page 15, Chapter 19, Recording
 ⑤+④ → Federal Liens. Delete in its entirety. Page 17, Section 3 amending AS
 ① 34.15.010(a), delete in its entirety. Page 18, Section 5 amending AS
 ① 34.15.150, delete in its entirety. Page 19, Section 6 amending AS
 ⑩ 44.37.025(c) delete in its entirety, (the Division of Technical Services
 presently is constrained utilizing judicial employees of the court system
 to perform services for recording). The Division of Technical Services is
 presently attempting to establish recording positions in the court served
 areas to resolve problems utilizing court employees who are not under the
 direct division control and to give full support to the recording
 functions in these offices.

4. Fiscal Impact

Fiscal Note Attached

5. Other Departments Effected: N/A

6. Related Legislation: The Department of Natural Resources has submitted a
 FY 82 CIP budget request to upgrade the Departments land information and
 distribution system. A review of this proposed SB 78 legislation and
 relationship to the submitted FY 82 CIP will be forthcoming within two
 weeks.

Prepared by: Joseph C. Burch

Director Approval _____

Commissioner's Approval _____

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 78

Title An act relating to recording and recordable documents.

Requested by Rules Committee (for Code Revision Commission) Date May 11, 1981

II. FISCAL DETAIL

Agency Affected Department of Natural Resources

Program Category Affected Department of Natural Resources Management and Administration

BRU, Program, or Subprogram(s) Affected Management & Administration; Information/Records Mgmt.

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	50.0	0				
400 COMMODITIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS, ETC.	0	0				
TOTAL	50.0	0				

FUNDING (Thousands of Dollars)

GENERAL FUND	50.0	0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The contractual funds request are to rewrite and publish amended procedures and new recording regulations for Class A and B documents. This includes funds for the Department of Law to resolve change over problems and review of new regulations to be promulgated.

Additionally are funds for advertising costs associated with adopting regulations, informing the public of new laws for recording, and publishing a handout summary of new recording procedures and requirements.

IV. DATE May 11, 1981

PREPARED BY *[Signature]*

AGENCY Division of Technical Services

PHONE 263-2200

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 78
 Title An act relating to recording and recordable documents
 Requested by Rules Committee (for Code Revision Commission) Date 5-11-81

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
 Program Category Affected Department of Natural Resources Management and Administration
 BRU, Program, or Subprogram(s) Affected Management & Administration; Information/Records Mgmt.
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	50.0	0				
400 COMMODITIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS, ETC.	0	0				
TOTAL	50.0	0				

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	50.0	0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	0	0				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The contractual funds request are to rewrite and publish amended procedures and new recording regulations for Class A and B documents. This includes funds for the Department of Law to resolve change over problems and review of new regulations to be promulgated.

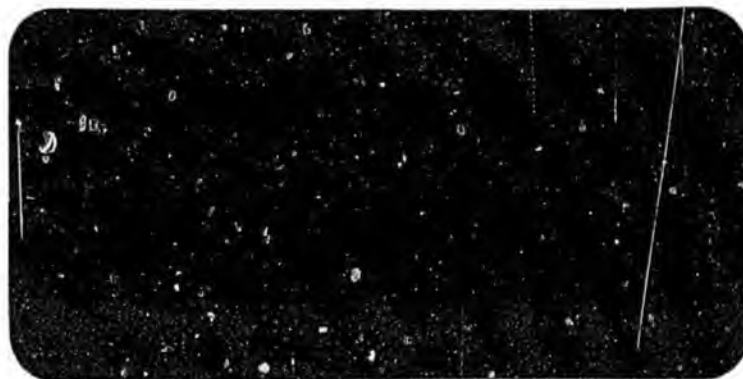
Additionally are funds for advertising costs associated with adopting regulations, informing the public of new laws for recording, and publishing a handout summary of new recording procedures and requirements.

IV. DATE 5-11-81 PREPARED BY Claud M. Hoffman
 AGENCY DNR, Division of Technical Services
 Original: Legislative Finance PHONE 263-2200
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Crispin S. Kraft
Vice President
Project Operations

TEKNEKRON CONTROLS INCORPORATED

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TEKNEKRON CONTROLS INCORPORATED

DRAWING CONTROL
AND
DISTRIBUTION SYSTEM

TEKNEKRON CONTROLS, Incorporated
2121 Allston Way
Berkeley, California 94704

February 1981

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I.0 EVOLUTION OF THE DRAWING CONTROL AND DISTRIBUTION SYSTEM

Drawings and their associated change notices, standards, procedures and specifications are the most valuable documents created and used by engineering and technological organizations. These engineering records represent the result of many thousands of hours of effort, and are a precise means of communication to users of the drawings for further engineering, construction, manufacturing and maintenance activities. Technical organizations have historically incurred substantial direct and indirect costs to index, maintain, and distribute drawings and other engineering records.

Teknekron Controls Incorporated (TCI) has experience with many of the basic difficulties of handling drawings. TCI has been providing its clients with automated systems for the storage and retrieval of documents for over five years. Accordingly, efforts were begun at TCI to provide automated storage, retrieval and remote access capability for drawings, and the first system was delivered to the Lawrence Livermore Laboratories of the University of California.

The essential features of the Drawing Control and Distribution System (DCDS) offered by TCI are:

- **Immediate and Remote User Access**

A user may obtain a video image of the drawing, through a high resolution video terminal within seconds. A video zoom feature permits examination of detail on the screen, and a hardcopy can be printed at any size suitable for the use intended. The user is routinely provided with the latest revision and associated change notices, and preceding revisions are available if desired.

- **Single Central File**

All drawings and related documents are stored centrally. This eliminates duplicate files and assures a single point of control for keeping all records current. Distribution of prints to individuals is markedly reduced and they no longer need to depend upon local satellite or personal files which may not be current.

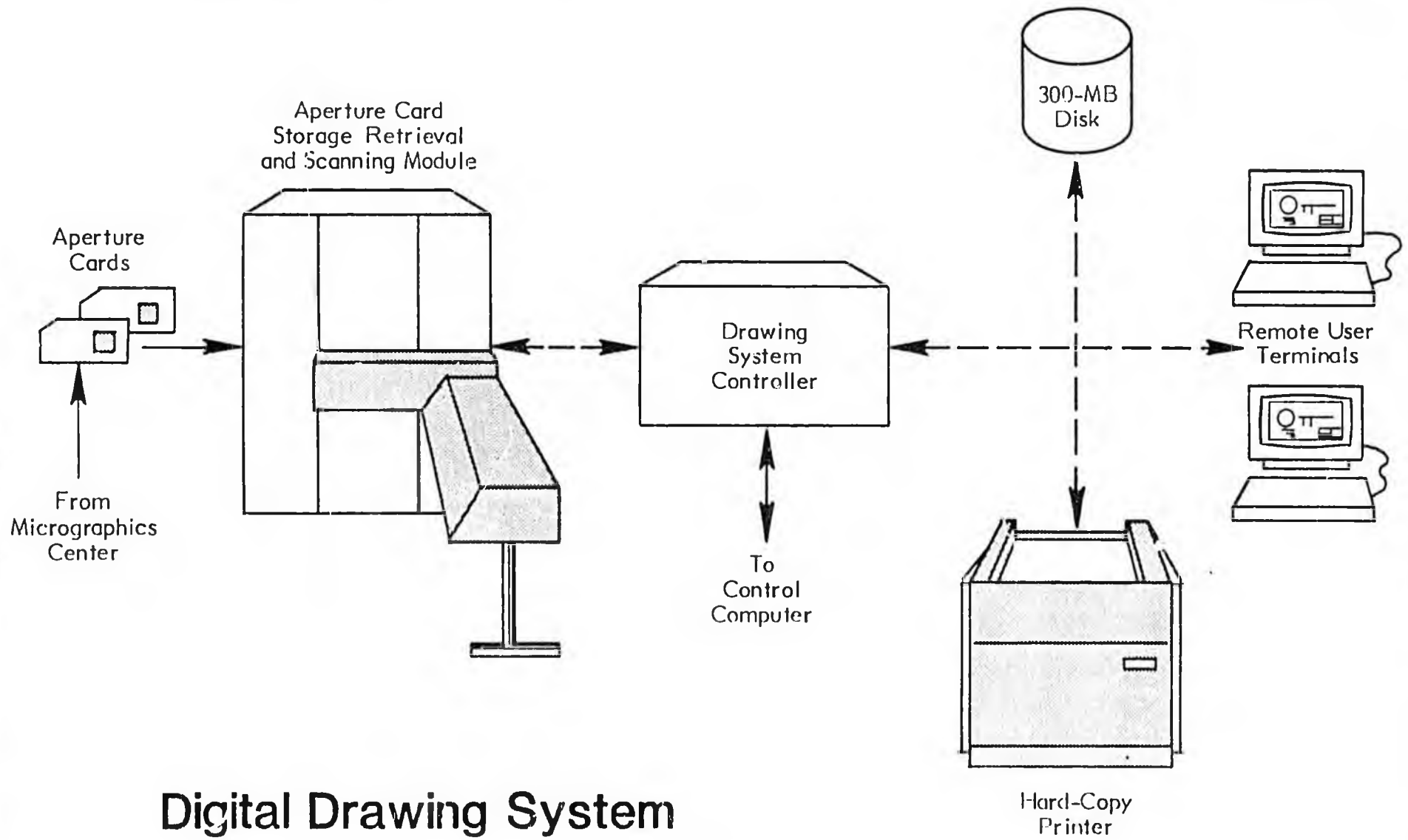
- **Round-the-Clock Availability**

Since the DCDS is fully automated, overtime or shift workers have full access to the drawings necessary to perform the work. Should unusual situations arise, they do not need to rely on the Drawing Control Center. This feature avoids some portion of incorrect or delayed work, thereby reducing wastage and rework.

The installation of a DCDS will beneficially affect overhead operating costs by permitting a higher level of individual and organizational productivity through the timely access to and use of specific information required by knowledge workers. The capital invested in the DCDS should be viewed in the same manner as the automation of any administrative routine.

A simple sketch of the basic system components indicating information flows appears on the following page. The succeeding sections of this description of the DCDS discuss various features applicable to most, but not all, organizations and presents an overview of the system and its components.

1-3



Digital Drawing System

2.0 DCDS APPLICATION FEATURES

A fully automated drawing storage, retrieval and display system offers the use of the most advanced techniques in drawing retrieval and image processing in the handling of drawings. With the DCDS drawings can be recalled from totally secure storage and displayed at local or remote locations on high resolution video screens. These video terminals offer a zoom capability, along with the ability to initiate the production of a hard-copy printout at local or remote locations.

The DCDS benefits that follow are but a few which developed out of solving many of the common problems addressed by TCI in the design of drawing control systems.

- o **Control Large Drawing Inventories / Eliminate Multiple File Locations**
 - A single automatic central file assures greater quality control of drawings and aperture cards
 - A single automatic central file reduces administrative costs by eliminating file searches and refiles
 - A single central file reduces overhead costs by eliminating space requirements at satellite locations
 - A single central file reduces the cost of producing duplicate aperture cards for remote locations
 - A single automatic central file eliminates misfiles and "out-of-file" conditions

- o **Simplify Drawing Identification and Minimize Retrieval Delays**
 - A unique coding is applied to each individual aperture card to simplify retrieval
 - Drawings are filed randomly by module eliminating misfiles

- Drawings are retrieved from storage in 8-20 seconds
- Drawings are displayed at remote terminals in 20-45 seconds
- Users desiring drawings are assisted by simplified computer aided search procedures
- **Simplify File Updates / Minimize Problems from the Use of Out - Of - Date Drawings**
 - When a drawing revision has been completed the aperture cards from the previous revisions are automatically pulled from the file for updating
 - New aperture cards are checked by the control computer and the coding is verified before entry into the system
 - Maintaining a single, central, up-to-date file ensures that users are always referencing current information
 - Out-of-date drawings can be stored off-line for reference or discarded as desired
- **Maximize Drawing Availability**
 - Drawings are accessible 24 hours a day
 - Overtime or "flex-time" operations can be supported with a minimum of administrative personnel
 - 2nd and 3rd shift operations have full drawing access capability with a minimum of administrative support
 - Hardcopy requests can be printed out at remote locations
- **Minimize Drawing Reproductions and Reduce Costs**
 - The requester is able to quickly call up any drawing within the system and view it on the video screen eliminating the need for many hard copies
 - Traditional drawing request forms and the time and material spent filling each request with a hard copy print are eliminated
 - When a hard copy is necessary it can be produced automatically by the local user without clerical assistance

- **Reduce Direct and Overhead Costs**

- Productive work time is saved by eliminating trips to and from the drawing room or central files and the time spent waiting for print productions
- Overhead costs are reduced by eliminating print requests and the time spent logging and filling each request
- Overhead costs are reduced by minimizing or eliminating support personnel necessary during scheduled or unscheduled overtime periods.
- Savings are realized in consumption of less print paper and aperture card duplication

- **Accurately Track Drawing Status and Maintain Configuration Control**

- The system automatically provides the operator with the current status of every drawing whether it is stored on-line or off-line
- Current revision always indicated
- Next scheduled update provided
- ECN's or ECO's outstanding or in process are available

3.0 DRAWING CONTROL AND DISTRIBUTION SYSTEM

The Drawing Control and Distribution System (DCDS) provides immediate access to every drawing image in its data base. This feature results in a significant reduction of the time spent by professionals retrieving drawings. The DCDS also results in space savings by eliminating remote files and storage areas and reducing staff requirements for document handling.

The user views the DCDS through a CRT terminal which combines a video display screen and keyboard, through which all transactions take place. If the user knows the number or title for a particular drawing, he can access it directly. If not, he enters a request for a discipline of drawings at the terminal's keyboard. The computer then displays an index of all drawings falling into the specified discipline.

The software is designed to work with the user, whether he is familiar with computer operations or not. The English-language, formatted "menus" are designed to prompt and assist in an interactive search with the user to identify the drawing he wants.

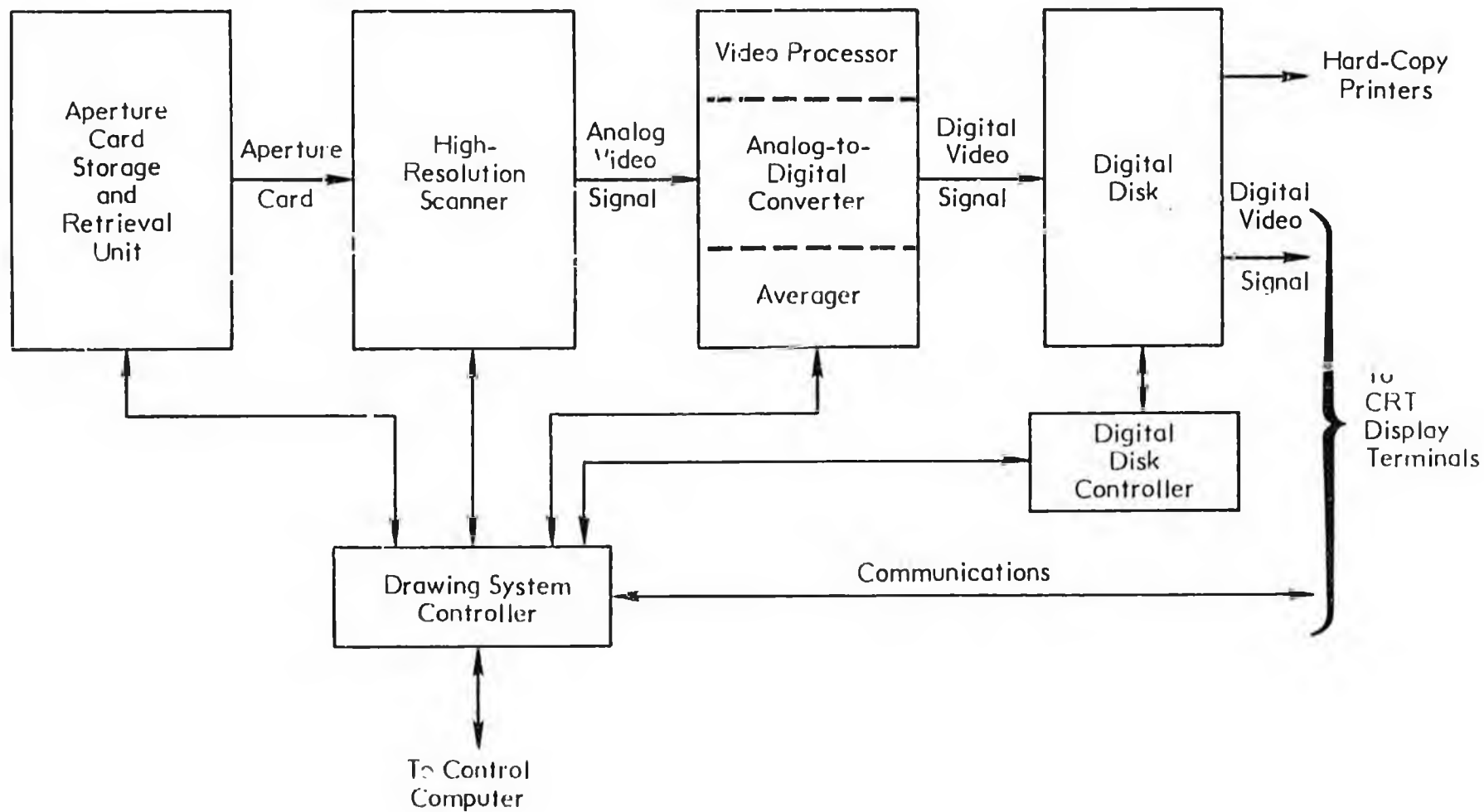
A block diagram of the DCDS is shown in Figure 3-1. The heart of the DCDS is a solid-state, high-resolution camera that scans the aperture cards. Once a request is made the computer identifies the location of the requested drawing and through the Drawing System Controller commands the storage and retrieval module to access the desired aperture card and place it in position for scanning.

After the drawing is scanned the video signal is sent to the video processor which will compensate for variations in film contrast and enhance the image obtained from poor quality aperture cards. The analog video signal is then routed to an analog-to-digital converter that generates video images suitable for storage on a conventional digital disk medium.

Figure 3-1

Functional Block Diagram
Drawing Control and Distribution System

3-2



The averager allows the user at a terminal to view the transmitted image at two different magnifications. One magnification reduces the dimensions of the drawing as required to permit the entire drawing to be displayed on the video terminal. A second magnification, or high resolution, permits the display of a portion of the drawing with no reduction in actual drawing dimensions. This magnification or blow-up, which maps data points 1:1 to display points, is accomplished by positioning a joystick at the region of interest on the entire image display, and entering appropriate commands at the terminal.

The digital disk (300 MB) that is provided stores the digital signal that represents the image of the scanned aperture card. This allows up to 60 drawings to be simultaneously "on line" with access to any portion of these drawings within seconds. New drawings can be retrieved, scanned, stored, and displayed within 20-45 seconds of an initial request.

The display terminals provided with the DCDS use a 20" diagonal viewing screen. This large terminal markedly increases the ability to view drawings.

Reproduction of drawings from the central file at remote sites is accomplished by directing the digital bit stream produced by the DCDS to a printer plotter. This device is capable of accepting information from the digital disk and quickly producing a reproduction. Timing for the reproduction will vary based on the size of the drawing requested.

The following sections describe various DCDS components. These can be combined with the client's existing computer system or TCI can provide a control computer for interface with the drawing system.

3.1 High-Resolution Video Display Terminal

General

The high-resolution Video Display Terminal (VDT) consists of two functional modules: the high resolution monitor and the video frame buffer. The high-resolution monitor is a CRT display that is packaged in an attractive housing mounted on an adjustable tilt base for user viewing convenience. The video frame buffer includes the solid state memory, the memory control, the video sync generator, and the coaxial cable driver, which allows operation remote from the DSC.

CRT Display

The CRT display consists of a high-resolution 20" monitor and keyboard packaged together in an attractive cabinet. Through the use of this unit the operator can call for specific drawings stored within the system, call for and view enlarged sections, and order hard-copy printouts at local or remote locations. The VDT display can be located up to 500 feet from the solid state frame buffer.

Video Frame Buffer

The video frame buffer stores the video information currently being used to refresh the high-resolution display. The frame buffer holds one complete frame of video consisting of 1,152 x 1,728 x 1 array of picture elements. The frame buffer is a high-speed dual-port memory with one port dedicated to refreshing the CRT display and the other port dedicated to the video transfer bus.

3.2 Drawing System Controller

The Drawing System Controller (DSC) consists of the controller processor, a video crosspoint switch, a compatible communications protocol converter, and racks and cabinets for housing the above components and interface/controllers for various peripheral video devices. The control processor receives high-level commands from the index computer and translates them into low-level commands for each of the video devices. The DSC is responsible for all of the real-time aspects of the video system, including monitoring the status of each of the video devices, scheduling of the video devices, and handling transactions between devices.

The VSC contains the following subsystems:

1. Control processor
2. Communications link to/from the index computer for commands and status information
3. Communications link to/from each video device for commands and status information
4. Real-time clock for schedule
5. Multi-input, multi-output digital video crosspoint switch for transferring video between video devices
6. Mainframe interface
7. Cabinet, racks, power, and interconnection capability for interfaces to peripheral video devices

3.3 Aperture Card Storage and Retrieval Unit

The Aperture Card Storage Unit (ACU) is designed using the ACCESS System M as a base. The unit is modified to provide an automatic "hands off" drawing retrieval system. The ACU receives a command through the DSC from the control computer based on an inquiry from a local or remote terminal. The file is searched automatically and the correct card is retrieved and automatically positioned for scanning. After the drawing has been scanned the

card is automatically placed in the ACU buffer where it is available for request.

When a new or revised drawing is created, the appropriate film copy is mounted on a blank aperture card. A retrieval code is then assigned by the control computer and the card is punched and coded for storage. If the new card contains a revised drawing, the card with the previous revision is retrieved and replaced with the new card. Normal verification procedures assure that all new cards entering the system have been coded correctly and are placed in the proper cartridge for storage.

3.4 High-Resolution Scanner

After the aperture card is retrieved, a platen is closed to hold the film securely in proper viewing position with respect to the camera. The camera consists of a 1,536-element CCD linear solid state detector array mounted on a precision X-Y stage. The camera scans the film in three sweeps to compose an image of 4,608 lines (this corresponds to approximately 100 lines per inch resolution relative to an E-sized original drawing). The scanner provides approximately 10 percent overscan area in order to accommodate cards with poor registration.

The scanning operation requires 5 seconds per sweep for a total scan time of 15 seconds. When the scan is complete, the platen is opened and the aperture card is removed.

3.5 Image Processor

The image processor receives the analog video signal from the high resolution scanner and converts it to a high-resolution, full-contrast, binary image of the drawing. The image processor employs two-dimensional convolutional filtering in order to enhance the drawing image while suppressing the background. This results in high-quality images even from relatively poor quality source documents.

3.6 Averager

The averager receives the binary video signal from the video processor and computes three reductions of the image. The reductions are accomplished by producing a single output bit for representative input bits of the input image. Special processing is performed to prevent the dropping out of thin lines and also to reduce display flicker. Buffer memories are provided to allow interleaved transfers to the disk.

3.7 300-MB Disk and Controller

The image storage disk drive is a fixed media, random access, rotating memory storage device incorporating a closed loop, track following servo system. Data are recorded on the disk surfaces using modified frequency modulation. The disk controller interface to the drawing system controller performs image data format conversion to and from the disk under control of high-level index commands from the indexing computer. The disk has sufficient capacity to store 60 drawings at a time for interactive access from the drawing display terminals and for printing on the printer/plotter.

3.8 Drawing Printer

The size of the drawing printer selected will depend on the application. A full range of printers is available to accommodate A through E size drawings. Under command from the Drawing System Controller, the drawing printer will accept an image from the 300-MB image disk and print a permanent hard copy. The drawing printer operates at a fixed 14X magnification ratio from the aperture card which will produce a nearly full-sized printing of A, B, C, D, or E sized drawings depending on the size of the selected printer.

3.9 Control Computer

The control computer supplies all system memory and provides operational commands through the DSC. The DCDS can be tied into a client's mainframe computer or a control computer can be supplied by TCI. The software developed by TCI provides for complete drawing tracking and configuration control. The system maintains a complete drawing record and accurately tracks the status of all drawings. This information is designed to provide the user with immediate and up-to-date information on all levels of drawing activity. The output available includes the status of each drawing including ECN's, ECO's, changes in progress, and revision status. In addition the software is configured to automatically track system use for accounting and cost control.

Introduced: 1/14/81
Referred: State Affairs and
Judiciary

Markup for proposed committee substitute
(S. Jud.) per meeting Nov. 23, 1981

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (For the Code Rev-
sion Commission)

1 IN THE SENATE

2 SENATE BILL NO. 78

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to recording and recordable documents;
7 and providing for an effective date."

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

9 ^{* Sec. 14.}
10 ~~Section 13~~ AS 40 is amended by adding a new chapter to read:

11 CHAPTER 17. RECORDING IN PUBLIC RECORDS.

12 Sec. 40 17.010. PLACE OF RECORDING AND ACCESS TO RECORDS. (a)

13 The Department of Natural Resources shall provide at each public office
14 designated by the department

15 (1) the documents and indices or alternative document re-
16 trieval system of the recording district or districts served by that
17 public office;

18 (2) a machine, device or system with which to retrieve
19 stored documents;

20 (3) a means for making copies of recorded documents and a
21 person authorized by the recorder to certify the copies;

22 (4) ^{to the extent appropriations are available for the purpose,}
~~when available money and technology permit,~~ a machine,
23 device, or system capable of rapidly transmitting a document eligible
24 for recording to a recorder at one place of recording in the state, and
25 a person to operate the machine, device, or system; if the department
26 determines that it is not feasible to provide a machine, device, or
27 system in an office serving a recording district, it shall provide for
28 transmitting documents from the office by other expeditious means.

29 (b) The department shall provide the staff and equipment to re-
ceive and record documents and to store them permanently.

Insert
Sections
1-13
⊗
for Appendix B
to memo to
Kevin Brown
May 4, 1981

1 (c) When rapid recording and retrieval and secure storage of
2 documents can be provided for all recording districts with only one
3 place of recording in the state, the recorder shall record only at one
4 place designated by the department.

5 (d) The recorder shall provide reasonable public access during
6 business hours to recorded documents, indices and facilities provided
7 for in this section.

8 Sec. 40.17.020. RECORDING CONVEYANCES. (a) A conveyance which is
9 eligible for recording as a class A document under AS 40.17.030 and
10 40.17.110 may be recorded only as a class A document, and only in the
11 records of the recording district in which land affected by the convey-
12 ance is located. If land affected by the conveyance is located in more
13 than one recording district, an original conveyance may be recorded in
14 the records of any district in which part of the land is located and an
15 original or a certified copy may be recorded in the records of each
16 other district in which part of the land is located. A certified copy
17 so recorded has the same effect from the time it is recorded as though
18 it were the original conveyance.

19 (b) A certified copy of a conveyance which is eligible for record-
20 ing as a class A document under AS 40.17.030 and 40.17.110 and which has
21 been recorded or filed in a public recorder's office in another state
22 ~~in the state division of forest, land and water management,~~ or in the
23 United States Bureau of Land Management may be recorded only as a
24 class A document, and only in the records of a recording district where
25 land affected by the conveyance is located. When so recorded, it has
26 the same effect from the time it is recorded as though it were the
27 original conveyance.

28 Sec. 40.17.030. FORMAL REQUISITES FOR RECORDING. (a) To be
29 eligible for recording, a document must be

1 (1) legible or capable of being converted into legible form
2 by a machine or device used in the recording office;

3 (2) capable of being copied by the method used in the record-
4 ing office;

5 (3) accompanied by the proper fee for recording and include
6 or be accompanied by information, stamps, certificates, taxes, or fees
7 that under other laws are necessary to qualify the document for record-
8 ing;

9 (4) accompanied by or include the information needed to index
10 a class A document under regulations of the department, or the names
11 needed to index a class B document under AS 40.17.040(c);

12 (5) accompanied by ^{or include} the name and address of the person to whom
13 the document is to be returned after recording; and

14 (6) accompanied by ^{or include} the mailing addresses of all persons named
15 in the document who grant ^{or} acquire an interest under the document if
16 it is a conveyance; this paragraph does not apply to a release of a
17 security interest.

18 (b) A class B document may not be recorded unless, in addition to
19 the name required in (a)(5) of this section, it ^{is accompanied by or includes} contains the name of the
20 person in whose behalf the document is recorded. ~~This name must be~~
21 ~~marked on the document so it will appear on it in its recorded form.~~

22 (c) A signature, acknowledgment, seal, or witness is not required
23 for a document to be eligible for recording except when required for
24 specific documents by this chapter or by other law.

25 Sec. 40.17.040. INDEXING. (a) A document must be indexed based
26 on its classification under AS 40.17.110.

27 (b) For class A recorded documents, the recorder shall maintain an
28 index system in the manner prescribed by regulations adopted by the
29 department. The system must be designed so the public may find class A

(d) The names, information and addresses required in (a)(4) and (a)(6) and (b) of this section must either be in the document or recorded with the document.

1 documents by names of grantors and grantees, and the system may include
2 other means for locating the documents.

3 (c) For class B documents, the recorder may make no index entries
4 except the name or names chosen for indexing by the person who presents
5 the document for recording, the date of recording, and the serial number
6 or identifying code of the document.

7 Sec. 40.17.050. INCORPORATION OF MASTER FORM. A recorded master
8 form, or a numbered paragraph of it, may be incorporated by reference in
9 a recorded document by referring to the form by its recording informa-
10 tion and the number of the paragraph to be incorporated. The reference
11 has the same effect as if the master form or the numbered paragraph were
12 reproduced in full in the record at the place where the reference to the
13 form or paragraph is made.

14 Sec. 40.17.060. DOCUMENTS EXECUTED UNDER FORMER LAW. If a docu-
15 ment included under AS 40.17.110(b) or (c) was executed in accordance
16 with the law in effect at the time the document was executed, the docu-
17 ment remains recordable as a class A document regardless of later amend-
18 ments to the law changing the manner in which that document is to be
19 executed.

20 Sec. 40.17.070. DUTIES OF RECORDER. (a) The recorder shall
21 promptly record all documents presented which are recordable in ac-
22 cordance with AS 40.17.020, 40.17.030 and 40.17.110.

23 (b) The recorder shall indicate on or attach to each document as
24 it is recorded the date, hour, and minute of recording, enter that
25 information in a daily log, and note an identifying code on the docu-
26 ment.

27 (c) The recorder shall maintain a daily log in which the consecu-
28 tive serial number and the date, hour, and minute of recording of each
29 recordable document shall be entered without delay in the order in which

1 the documents are received. The recorder shall mark each document to
2 show in which class it is recorded. If a document presented for record-
3 ing as a class A document is reviewed and rejected for recording as a
4 class A document, the recorder shall indicate on or attach to the docu-
5 ment the date, hour, and minute of rejection and a citation of the
6 statute requiring rejection. If the document is later determined to be
7 recordable as a class A document in the form in which it was earlier
8 presented to the recorder, later recording does not relate back to the
9 time and date of rejection. Recording is effective when the document is
10 accepted for recording, regardless of the cause of the rejection.

11 (d) The recorder shall promptly copy recorded documents and place
12 them in permanent records and shall note the recording information at
13 the entry of each document in the daily log.

14 (e) Promptly after recording a document, the recorder shall make
15 the index entries required in this chapter and in the regulations of the
16 department.

17 (f) After recording, the recorder shall return the document to the
18 person who presented it or a person designated by him.

19 (g) The recorder shall certify copies and provide a certified copy
20 of a recorded document to a person who tenders the proper fee.

21 (h) The recorder need not record part of a document if the part is
22 identified and preceded by the words "From Previously Recorded Master
23 Form--Do Not Record" and the recorded part contains a reference to the
24 master form's recording information.

25 Sec. 40.17.080. EFFECT OF RECORDING ON TITLE AND RIGHTS: CON-
26 STRUCTIVE NOTICE. (a) Subject to (c) and (d) of this section, from the
27 time a class A document is recorded in the records of the recording
28 district in which land affected by it is located, the recorded document
29 is constructive notice of the contents of the document to subsequent

1 purchasers and holders of a security interest in the same property or a
2 part of the property. Recording of a class B document does not provide
3 constructive notice for any purpose. The class of a document is deter-
4 mined under AS 40.17.110.

5 (b) A conveyance of real property in the state (other than a lease
6 for a term of less than one year) is void as against a subsequent inno-
7 cent purchaser in good faith for valuable consideration of the property
8 or a part of the property whose conveyance is first recorded as a
9 class A document. An unrecorded conveyance is valid as between the
10 parties to it and as against one who has actual notice of it. In this
11 subsection, "purchaser" includes a holder of a consensual interest in
12 real property which secures payment or performance of an obligation.

13 (c) The recording of an assignment of a security interest is not
14 in itself notice to the debtor. The debtor may pay the assignor unless
15 he has actual notice of the assignment.

16 (d) A recorded option or agreement to enter into a contract in the
17 future ceases to be constructive notice for any purpose

18 (1) when six months have elapsed after the date of recording
19 of the option or agreement, if the recorded option or agreement contains
20 no expiration date;

21 (2) when 30 days have elapsed after the expiration date of
22 the option or agreement, if the recorded option or agreement contains an
23 expiration date.

24 Sec. 40.17.090. CONVEYANCES AND RECORDED DOCUMENTS AS EVIDENCE.

25 (a) A conveyance that is ^{acknowledged, proven or certified in the manner provided in} ~~signed and recorded as a class A document~~ is
26 admissible as evidence of the conveyance without further proof.

27 (b) ^{An unacknowledged and recorded} ~~A recorded signed~~ class A document relating to title to real
28 property creates presumptions with respect to title that

29 (1) the document is genuine and was executed as the voluntary

AS 34.15.150.
34.15.25

1 act of the person purporting to execute it;

2 (2) the person executing the document and the person on whose
3 behalf it is executed are the persons they are purported to be and the
4 person executing it was neither incompetent nor a minor at any relevant
5 time;

6 (3) delivery of the document occurred notwithstanding a lapse
7 of time between dates on the document and the date of recording;

8 (4) any necessary consideration was given;

9 (5) the grantee, transferee, or beneficiary of an interest
10 created or claimed by the document acted in good faith at all relevant
11 times up to and including the time of the recording;

12 (6) a person purporting to act as an agent, attorney in fact
13 under a recorded power of attorney or authority, officer of an organiza-
14 tion, or in a fiduciary or official capacity, held the position he
15 purported to hold, acted within the scope of his authority, and in the
16 case of an organization, the authorization satisfied all requirements of
17 law; and in the case of an agent, acted for a principal who was neither
18 incompetent nor a minor at any relevant time and who had not revoked the
19 agency;

20 (7) if the document purports to be executed in accordance
21 with or to be a final determination in a judicial or administrative
22 proceeding, or to be executed under a power of eminent domain, the
23 court, official body, or condemnor acted within its jurisdiction and all
24 steps required for the execution of the title document were taken;

25 (8) the recitals and other statements of fact in a conveyance
26 are true if the matter stated is relevant to the purpose of the docu-
27 ment;

28 (9) the persons named in, signing, or acknowledging the
29 document and persons named in, signing, or acknowledging another related

1 document in a chain of title are identical, if the persons appear in
2 those documents under identical names, or under variants of the names,
3 including inclusion, exclusion, or use of

4 (A) commonly recognized abbreviations, contractions,
5 initials, or colloquial or other equivalents;

6 (B) first or middle names or initials;

7 (C) simple transpositions that produce substantially
8 similar pronunciations;

9 (D) articles or prepositions in names or titles;

10 (E) descriptions of entities as corporations, companies,
11 or abbreviations or contractions of either; or

12 (F) name suffixes, such as "Senior" or "Junior", unless
13 other information appears of record indicating that they are dif-
14 ferent persons; and

15 (10) all other requirements for the execution, delivery and
16 validity of the document have been satisfied.

17 (c) The presumptions stated in (b) of this section arise even if
18 the document purports only to release a claim or convey an interest of
19 the person executing it or of the person on whose behalf it is executed.

20 (d) Facts stated in a recorded certificate of a public official in
21 affidavit form or under the seal of his office and derived from informa-
22 tion or documents obtained or kept by him as part of his official duties
23 are presumed to be true.

24 (e) If presumptions created by this section are inconsistent, the
25 presumption applies that is founded upon weightier consideration of
26 policy and logic. If these considerations are of equal weight, neither
27 presumption applies.

28 Sec. 40.17.100. RECORDING A RECONVEYANCE. When the parties to a
29 recorded conveyance absolute in its terms intend it to serve only as

1 security for repayment of a debt, the conveyance is absolute as to all
2 persons who rely upon it in good faith and for value before a reconvey-
3 ance is recorded.

4 Sec. 40.17.110. CLASSES OF DOCUMENTS ELIGIBLE FOR RECORDING. (a)
5 A ~~signed~~ document listed in (b) of this section or included under (c) of
6 this section that meets the requisites for recording under AS 40.17.030
7 may be recorded as a class A document. The recorder may not record as a
8 class B document a document which would be a class A document except for
9 a technical defect in the document. A document that meets the requi-
10 sites for recording under AS 40.17.030 and which is not a conveyance or
11 a defective class A document, is a class B document the recording of
12 which is permitted for the safekeeping of a record copy of the document.
13 The effect on title and rights of recording class A and class B docu-
14 ments is set out in AS 40.17.080.

15 (b) The recorder may record as a class A document only

- 16 (1) ^{acknowledged or proven as required by AS 34.15.150 - 34.15.250} a conveyance ^{or} a certified copy of ^{the} a conveyance if
17 recording the copy is permitted by AS 40.17.020;
- 18 (2) ^{an acknowledged or proven} a power of attorney for other instrument granting or
19 revoking a power to act as agent or attorney for another person;
- 20 (3) ^{stet. acknowledged or proven} a contract for the sale or purchase of real property,
21 when ^{acknowledged or proven} signed by all parties to the contract;
- 22 (4) an option for the purchase of real property when it is
23 ^{acknowledged} signed by the person granting the option;
- 24 (5) a certificate of public official or an affidavit of any
25 person which may affect the title to or a / interest in real property in
26 the state that is described in the certificate or affidavit, stating
27 facts relating to age, sex, birth, death, capacity, relationship, family
28 history, heirship, names, identity of parties, marital status, posses-
29 sion or adverse possession, adverse use, residence, service in the armed

1 forces, conflicts and ambiguities in description of land in recorded
2 instruments, and the happening of any condition or event which may
3 terminate an estate or interest; a certificate or affidavit recorded
4 under this section must contain the recording information of a recorded
5 document referred to in it;

6 (6) an instrument by which a real property security agreement
7 is subordinated or waived as to priority;

8 (7) a document creating a condition, covenant, restriction,
9 or reservation relating to rights in real property;

10 (8) an assignment of all or part of a security interest in
11 real property;

12 (9) a release of lien or security interest in real property;

13 (10) a conformed copy of a document that is otherwise record-
14 able as a class A document under this section, when the person offering
15 the document attaches to it an affidavit that

16 (A) the conformed copy was received by him in the course
17 of the transaction;

18 (B) the original is not in his possession; and

19 (C) the instrument offered for recordation is a con-
20 formed copy;

21 (11) a conveyance from the United States of an interest in
22 real property in the state;

23 (12) a certified copy of a petition in bankruptcy;

24 (13) a notice of an action previously filed and pending in a
25 court of the state or the United States affecting title to real property
26 in the state, if the notice contains the case number assigned by the
27 court and a description of the property affected in the recording dis-
28 trict;

29 (14) notice of an action for divorce, separate maintenance,

1 annulment or dissolution of marriage previously filed and pending in a
2 court of any state or the United States affecting title to real property
3 in this state, if the notice contains the case number assigned by the
4 court;

5 (15) notice of a pending judicial proceeding to compel record-
6 ing or indexing, if the notice contains the case number assigned by the
7 court;

8 (16) a judgment decree or order of a court of a state in an
9 action for divorce, separate maintenance, annulment or dissolution of
10 marriage requiring the execution of a conveyance of real property in
11 this state;

12 (17) a list of real property granted by a governmental entity
13 to the state, a municipality or a corporation;

14 (18) a conveyance executed by an officer of the state by
15 authority of law in the state;

16 (19) a notice limiting future advances under a recorded secur-
17 ity agreement;

18 (20) a certified copy of a judgment or decree of a court of
19 the state or of a court of record of the United States or a certified
20 copy of a satisfaction of judgment or decree;

21 (21) a certificate of attachment or an order or proceeding of
22 record discharging attachment;

23 (22) a condemnation order;

24 (23) a declaration of taking;

25 (24) a copy of the record of the meeting of a cemetery associa-
26 tion;

27 (25) a cooperative contract;

28 (26) a list of persons whose cooperative contracts have been
29 terminated;

- 1 (27) a letter of conservatorship;
- 2 (28) an employee's lien for failure to make payments to a
3 benefit fund;
- 4 (29) an employment security contributions lien;
- 5 (30) a verified workmen's compensation lien;
- 6 (31) a mining claim, location or lease;
- 7 (32) a grubstake contract;
- 8 (33) a mining assessment work affidavit;
- 9 (34) a notice to contribute or forfeit an interest in a mining
10 claim;
- 11 (35) a subdivision plat;
- 12 (36) a signed and sworn-to certificate of limited partnership
13 and a signed and sworn-to amendment to a certificate of limited partner-
14 ship.
- 15 (37) a condominium declaration, amendments to it, an instru-
16 ment by which property may be removed from the provisions of AS 34.07
17 and an instrument affecting the property or apartment controlled by
18 AS 34.07;
- 19 (38) a substitution of trustee under a deed of trust, or other
20 person having a power of sale under a real property security agreement,
21 when executed and acknowledged by all the beneficiaries;
- 22 (39) notice and affidavits required in default and sale under
23 a deed of trust;
- 24 (40) a notice of right to mechanics' or materialmen's lien;
- 25 (41) an attested or notarized copy of a notice of nonresponsi-
26 bility for construction, alteration, or repair;
- 27 (42) an acknowledgment of right to mechanics' or materialmen's
28 lien;
- 29 (43) a verified claim of any of the liens provided by AS 34.-

1 35;

2 (44) a verified notice of completion of a building or improve-
3 ment;

4 (45) a bond guaranteeing payment of the sum recovered on a
5 mechanics' or materialmen's lien;

6 (46) a notice extending a mechanics' or materialmen's lien;

7 (47) a state tax lien;

8 (48) a federal tax lien;

9 (49) an instrument transferring a water appropriation or a
10 certified copy of it;

11 (50) a financing statement covering goods which are or are to
12 become fixtures to real property described in the financing statement;
13 if the debtor does not have an interest of record in the real property,
14 the financing statement must show the name of the record owner of the
15 real property;

16 (51) an assignment of rents;

17 (52) a memorandum of lease as defined in AS 40.17.120(b);

18 (53) a document amending or correcting a recorded document
19 listed in this section if the amending or correcting document is exe-
20 cuted by the same parties who executed the original document; and

21 (54) a master form that can be incorporated by reference in
22 documents later recorded.

23 (c) A document specifically permitted or required to be recorded
24 by another law of the state or made recordable as a class A document by
25 regulation of the department may be recorded as a class A document.

26 Sec. 40.17.120. RECORDING MEMORANDUM OF LEASE. (a) Recording a
27 memorandum of lease substantially complying with (b) of this section has
28 the same effect as recording the lease.

29 (b) A memorandum of lease is a document signed by the lessor and

1 lessee and containing a reference to an unrecorded lease, sublease, or
2 agreement to lease or sublease, and supplying at least the following
3 information:

- 4 (1) the names of the parties;
- 5 (2) any addresses of the parties set out in the lease;
- 6 (3) the date of the lease;
- 7 (4) a description of the real property leased or subleased;
- 8 (5) the commencement and termination dates of the lease if
9 fixed and, if not fixed, the method by which the dates are to be fixed;
10 and

11 (6) a statement of the conditions upon which a party may
12 exercise a right to extend or renew the lease or to exercise a right to
13 purchase or refuse to purchase the real property or part of it.

14 Sec. 40.17.130. ACTIONS AGAINST RECORDER AND STATE. (a) If the
15 recorder fails to record and index a document properly he may be com-
16 pelled to record and index the document properly by an action filed in
17 the superior court.

18 (b) The state is liable to a person injured by the failure of the
19 recorder to perform his duties under this chapter. Neither the recorder
20 nor a state employee performing duties of the recorder is individually
21 liable for a good faith error or omission made in the course of his
22 employment.

23 Sec. 40.17.140. DEFINITIONS. In this chapter

24 (1) "acceptance" means the determination by the recorder that
25 a document is recordable under this chapter accompanied by marking an
26 identifying code on the document and entering the document in a daily
27 log;

28 (2) "conveyance" means a transfer of an interest in real
29 property other than by will or operation of law;

1 (3) "certified copy" means a copy of a document certified as
2 correct by the custodian or other person authorized to make the certifi-
3 cation;

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

5 (5) "document" means a writing, plat, or map, and includes
6 information in a form (such as electronic, mechanical, or magnetic
7 storage; microfilm; or electronic data transmission signals) which can
8 be converted into legible writing, plat, or map form by a machine or
9 device;

10 (6) "place of recording" means a place designated by the
11 department where documents recordable under this chapter are recorded;

12 (7) "record" means the acceptance of a document by the re-
13 corder which he has determined is recordable under this chapter and
14 which is presented for recording in the place of recording designated
15 for the recording district where affected property is located whether or
16 not the place of recording is in that district, and whether or not under
17 applicable law the recorder is directed to record the document;

18 (8) "recorder" means the commissioner of the department or
19 his designee;

20 (9) "recording district" means a part of the state designated
21 as a recording district under AS 44.37.025; and

22 (10) "recording information" means information (book and page,
23 document number, electronic retrieval code, or other specific informa-
24 tion) needed to find a document in the public records.

25 * Sec. ¹⁵ 40 is amended by adding a new chapter to read:
26 _{1 2}

27 CHAPTER 19. RECORDING FEDERAL LIENS.

28 Sec. 40.19.010. SCOPE. The provisions of AS 40.19.010 - 40.19.040
29 apply only to federal tax liens and to other federal liens notice of
which under an Act of Congress or a regulation adopted under the author-

1 ity of an Act of Congress is required or permitted to be filed or re-
2 corded in the same manner as a notice of federal tax lien.

3 Sec. 40.19.020. PLACE OF RECORDING. (a) Notices of lien, certi-
4 ficates, and other notices affecting a federal tax lien or other federal
5 lien must be recorded in accordance with AS 40.19.010 - 40.19.040.

6 (b) Notices of lien upon real property for obligations payable to
7 the United States and certificates and notices affecting the lien shall
8 be recorded in the records of the recording district in which the real
9 property subject to the lien is situated.

10 (c) Notices of federal lien upon personal property, whether tan-
11 gible or intangible, for obligations payable to the United States and
12 certificates and notices affecting the lien shall be recorded in the
13 records of the recording district where the person against whose interest
14 the lien applies resides at the time of recording of the notice of lien.

15 (d) For purposes of (c) of this section the residence of a corpora-
16 tion or partnership is the place in which the principal executive office
17 of the business is located.

18 Sec. 40.19.030. EXECUTION OF NOTICES AND CERTIFICATES. Certifica-
19 tion of notices of lien, certificates, or other notices affecting federal
20 liens by the United States Secretary of the Treasury or his designee, or
21 by an official or entity of the United States responsible for filing,
22 recording, or certifying, of notice of any other lien, entitles the
23 notices or certificates to be recorded and no other attestation, certi-
24 fication, or acknowledgement is necessary.

25 Sec. 40.19.040. DUTIES OF RECORDER. (a) If a notice of federal
26 lien, a rerecording of notice of federal lien, or a notice of revocation
27 of a certificate described in (b) of this section is presented to the
28 recorder under AS 40.17, the recorder shall endorse on the notice his
29 identification and the date and time of recording and enter it in an

1 alphabetical index showing the name of the person named in the notice,
2 the date and time of recording, the title of the official or entity
3 certifying the lien, and the total amount appearing on the notice of
4 lien.

5 (b) If a rerecorded notice of federal lien referred to in (a) of
6 this section or a certificate of release, nonattachment, discharge, or
7 subordination of lien or a revocation of any of these certificates is
8 presented to the recorder for recording, the recorder shall record it as
9 he would a document listed in (a) of this section and enter the re-
10 recorded notice or the certificate or revocation with the date of re-
11 cording in the alphabetical index together with a reference to the
12 recording information for the original notice or certificate to which it
13 relates.

14 (c) A lien on file with records of a recording district on the
15 effective date of this section is considered to have been recorded at
16 the date and time it was filed.

17 (d) In this section "rerecording" includes recording of a lien
18 previously filed.

19 Sec. 40.19.050. UNIFORMITY OF APPLICATION AND CONSTRUCTION. To
20 the extent the provisions of AS 40.19.010 - 40.19.040 follow the Uniform
21 Federal Lien Registration Act (1978) they shall be applied and construed
22 to effectuate their general purpose to make uniform the law with respect
23 to the subject of AS 40.19.010 - 40.19.040 among the states enacting it.

24 * Sec. 3. AS 34.15.010(a) is amended to read:

25 ~~(a) A conveyance of land, or of an estate or interest in land, may~~
26 ~~be made by deed, signed [AND SEALED] by the person from whom the estate~~
27 ~~or interest is intended to pass, who is of lawful age, or by his lawful~~
28 ~~agent or attorney, [AND ACKNOWLEDGED OR PROVED,] and may be recorded~~
29 ~~under AS 40:17 [AS DIRECTED IN THIS CHAPTER,] without any other act or~~

1 ceremony [WHATEVER].

2 * Sec. 164. AS 34.15 is amended by adding a new section to read:

3 Sec. 34.15.015. USE OF RECORDED MASTER FORM. If reference is
4 made in a document to a recorded master form, a copy of the form, or so
5 much of it as is incorporated by reference, must be provided to each
6 party to the transaction by the party that furnished the document.

7 * Sec. 5. AS 34.15.150 is amended to read:

8 Sec. 34.15.150. EXECUTION OF CONVEYANCES. (a) Regardless of when
9 executed, a [A] conveyance [EXECUTED IN THE STATE] of land or an inter-
10 est in land in the state need not [SHALL] be acknowledged before an of-
11 ficial in order to transfer the interest or to entitle the conveyance
12 to be recorded in real property records [A JUDGE, CLERK OF THE SUPERIOR
13 COURT, NOTARY PUBLIC, POSTMASTER, OR COMMISSIONER IN THE STATE OR
14 PROVED IN ACCORDANCE WITH AS 34.15.210 OR 35.15.220. THE OFFICER
15 TAKING AN ACKNOWLEDGEMENT SHALL ENDORSE ON IT A CERTIFICATE OF THE
16 ACKNOWLEDGMENT OF THE CONVEYANCE AND THE DATE OF MAKING THE ACKNOWLEDG-
17 MENT].

18 (b) A conveyance executed before the effective date of this sec-
19 tion, that would have been valid except for the lack of either witnesses
20 to signing of the document or acknowledgment of signing of the document,
21 [MARCH 12, 1953, IN DUE FORM BUT WITHOUT TWO WITNESSES] is validated,
22 shall be received in evidence in all courts of the state, and is evi-
23 dence of the title to the land or interest in land against the grantor,
24 his heirs and assigns.

25 (c) This section does not divest rights which vested in an inno-
26 cent purchaser in good faith for valuable consideration before the effec-
27 tive date of the section.

28 * Sec. 176. AS 44.37.025 is amended to read:

29 Sec. 44.37.025. RECORDING. (a) The Department of Natural Resour-

1 ces shall adopt regulations [,] establishing, modifying, or discontinu-
2 ing recording districts or precincts and prescribing the records to be
3 maintained and the instruments to be recorded, consistent with AS 40.17.

4 (b) The department shall [ENGAGE AND COMPENSATE RECORDERS AND
5 DEPUTY RECORDERS,] prescribe and account for recording fees [,] and do
6 all other things necessary to maintain the recording system established
7 under the laws of this state.

8 (c) The department, with the concurrence of the administrative
9 director of courts, ~~may~~ appoint judicial employees to perform services
10 in connection with recording, providing access to, and copying [RECORD]
11 documents in locations where the department has no employees available
12 to perform those functions [SERVE AS RECORDERS].

13 * Sec. ~~187~~¹⁸⁷. In the following statutes the revisor of statutes is directed
14 to delete the requirement or permission that a document be filed or filed
15 for record and to substitute a corresponding requirement or permission that
16 the document be recorded: AS 09.40.050; AS 09.55.370; AS 10.15.230, 10.15.-
17 235, 10.15.260; AS 10.30.020; AS 13.26.265; AS 23.10.047; AS 23.20.200;
18 AS 23.30.165; AS 27.10.020, 27.10.050, 27.10.060, 27.10.070, 27.10.160,
19 27.10.190; AS 27.15.010; AS 32.10.010, 32.10.240; AS 34.07.020, ~~34.07.030~~,
20 34.07.040, 34.07.050, 34.07.070; AS 34.20.080; AS 34.35.065, 34.35.160,
21 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.35.405, 34.35.440;
22 AS 38.05.195, 38.05.200, 38.05.205, 38.05.210, 38.05.220, 38.05.245; ~~AS~~
23 ~~40.15.010~~, ~~40.15.020~~, ~~40.15.040~~, ~~40.15.050~~, ~~40.15.070~~; and AS 46.15.160.

24 * Sec. ~~170~~¹⁷⁰. The following laws are repealed: AS 34.15.~~210~~²⁶⁰ - 34.15.350;
25 AS 43.10.090 - 43.10.150.

26 * Sec. ~~188~~¹⁸⁸. This Act takes effect January 1, 1982.
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Section 5. SOURCE: AS 34.15.150.

COMMENT: This section and Section 3 have the same general purpose to remove the requirement of an acknowledgment in the execution and recording of a conveyance. This is also the philosophy of the Uniform Simplification of Land Transfers Act. The comment of the Commissioners on Uniform State Laws concerning that Act includes: "Whatever the office of notary public once was, other methods, in particular civil liability for slander of title and possible criminal sanctions now appear to provide more effective and less burdensome methods of discouraging fraudulent behavior."

This section also would validate conveyances previously executed but not acknowledged.

Attachment re ①

earlier or later date.

COMMENT ON A DIFFERENCE OF OPINION WITH
TITLE COMPANIES OVER WHETHER TO REQUIRE AN
ACKNOWLEDGMENT ON CONVEYANCES

There is a difference of opinion between title companies and the commission over that part of the recording bill which removes from existing law a requirement that a conveyance of real property be acknowledged. The title companies' position is that an acknowledgment should be required because

- (1) the requirement makes it more difficult to procure a signature by fraud or coercion, especially where a person is sick, old, under the influence of alcohol, or mentally incompetent, and
- (2) the requirement reduces the risk of forgery.

The commission's position is that

- (1) an acknowledgment is no longer reliable proof that a document was executed by the person named in it because notaries frequently take acknowledgments without knowing, or getting proof of identity of, the person acknowledging;
- (2) the public should not be encouraged to believe that a document is reliable simply because it bears the signature and seal of a notary public;
- (3) the requirement adds a needless complexity to conveyancing that is the cause for errors and invalidation of documents otherwise in proper form, and

(4) there is a trend toward doing away with acknowledgment in commercial transactions which frequently are of greater magnitude and importance than real property transactions.

The provisions deleting the acknowledgment requirement from existing law are not central to the purpose of the draft bill on recording. Because the commission realizes there is a legitimate difference of opinion on the question, it has drafted the following form of amendments to the bill which would retain, rather than do away with, the acknowledgment requirement. The drafting is made available should a committee believe the changes are warranted, although the commission's recommends against it.

BILL ANALYSIS

Bill Number : SB 78

Sponsor: Rules Committee
(for the Code Revision Commission)

Assigned to: Division of Technical
Services

Summary

1. Program effects of bill: The Division of Technical Services thinks that the bill simplifies some present recording requirements and incorporates some new concepts that make recording laws simpler for the public. However, this Division thinks that the overall impact will require a higher degree of judgement call on the part of the recording office that necessitates more employees and a higher class of employees in order to make the judgement calls required by this bill. Technically, we think that both filing and recording should remain two conditions within the recorder's office. Technically, this Division believes filing of subdivision plats and surveys plats should remain as filed documents. (This should not be recorded and subject to fraud.)
2. Comments: With no acknowledgement required on recording documents and affidavits attached to copies this Division thinks the potential for fraud is increased over today's present system. Some form of acknowledgement ① and only original signature documents should be recorded as Class A documents. This is in line with court cases and present court administrative rules that were developed for the recording office in years past. ② Recording plats would place a land title document that belongs (in our estimation) to the general public back in the hands of private individuals and should remain in the hands of the public by being filed and not recorded. We believe filing also is applicable to state and ③ federal tax liens. The language in the bill seems to purport that the recording offices would be required to perform searches of information rather than making information available to the public and other users as is presently the practice. We believe the bill should emphasize ④ information availability only in order to decrease the liability to the state; rather than have the recording offices make the judgement calls on types of documents to be recorded and to which category (Class A or B) they are to be recorded in. The bill should be written to reflect that ⑤ the individual filing the document should state the class or type it is to be recorded under and the recording office simply make a review that it does in fact meet the requirements under 47.17.030 and is a category described in 40.17.110.
3. Proposed amendments: On page 2, Section 40.17.020(b) delete "in the state division of Forest, Land and Water Management"; the Department of Natural Resources presently follows the requirements of any private citizen for recording or filing of plats. Page 3, Section 40.17.030(a)(4) delete the words "accompanied by". Section 40.17.030(a)(5) delete the entire statement. Page 3, Section 40.17.030(c) delete the entire statement. (We believe some form of acknowledgement should be attached to a document.) Page 6, Section 40.17.090(a) delete the entire statement. Page 10, ⑥

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- ② Section 40.17.110(b)(9), (10) delete in its entirety. Page 12, Section 40.17.110(b)(35) delete in its entirety, (this we believe should be a document that is filed in the recording office). Page 13, Section
- ③ ④ 40.17.110(b)(47), (48) delete in its entirety. Page 13, Section
- ⑨ 40.17.110(b)(50) delete in its entirety, (this is covered under the Uniform Commercial Code filings and should not be a recording document under the recording office in this bill). Page 15, Chapter 19, Recording
- ⑤ ④ → Federal Liens. Delete in its entirety. Page 17, Section 3 amending AS
- ① 34.15.010(a), delete in its entirety. Page 18, Section 5 amending AS
- ① 34.15.150, delete in its entirety. Page 19, Section 6 amending AS
- ⑩ 44.37.025(c) delete in its entirety, (the Division of Technical Services presently is constrained utilizing judicial employees of the court system to perform services for recording). The Division of Technical Services is presently attempting to establish recording positions in the court served areas to resolve problems utilizing court employees who are not under the direct division control and to give full support to the recording functions in these offices.

4. Fiscal Impact

Fiscal Note Attached

5. Other Departments Effected: N/A

6. Related Legislation: The Department of Natural Resources has submitted a FY 82 CIP budget request to upgrade the Departments land information and distribution system. A review of this proposed SB 78 legislation and relationship to the submitted FY 82 CIP will be forthcoming within two weeks.

Prepared by: Joseph C. Busch

Director Approval _____

Commissioner's Approval _____

Marked with DNR
proposed changes from
its "Bill Analysis."
IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE LEGISLATIVE
COUNCIL (For the Code Rev-
sion Commission)

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SENATE BILL NO. 73

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to recording and recordable documents;
and providing for an effective date."

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

* Section 1. AS 40 is amended by adding a new chapter to read:

CHAPTER 17. RECORDING IN PUBLIC RECORDS.

Sec. 40.17.010. PLACE OF RECORDING AND ACCESS TO RECORDS. (a)

The Department of Natural Resources shall provide at each public office
designated by the department

(1) the documents and indices or alternative document re-
trieval system of the recording district or districts served by that
public office;

(2) a machine, device or system with which to retrieve
stored documents;

(3) a means for making copies of recorded documents and a
person authorized by the recorder to certify the copies;

* (4) when available money and technology permit, a machine,
device, or system capable of rapidly transmitting a document eligible
for recording to a recorder at one place of recording in the state, and
a person to operate the machine, device, or system; if the department
determines that it is not feasible to provide a machine, device, or
system in an office serving a recording district, it shall provide for
transmitting documents from the office by other expeditious means.

(b) The department shall provide the staff and equipment to re-
ceive and record documents and to store them permanently.

1 (c) When rapid recording and retrieval and secure storage of
2 documents can be provided for all recording districts with only one
3 place of recording in the state, the recorder shall record only at one
4 place designated by the department.

5 (d) The recorder shall provide reasonable public access during
6 business hours to recorded documents, indices and facilities provided
7 for in this section.

8 Sec. 40.17.020. RECORDING CONVEYANCES. (a) A conveyance which is
9 eligible for recording as a class A document under AS 40.17.030 and
10 40.17.110 may be recorded only as a class A document, and only in the
11 records of the recording district in which land affected by the convey-
12 ance is located. If land affected by the conveyance is located in more
13 than one recording district, an original conveyance may be recorded in
14 the records of any district in which part of the land is located and an
15 original or a certified copy may be recorded in the records of each
16 other district in which part of the land is located. A certified copy
17 so recorded has the same effect from the time it is recorded as though
18 it were the original conveyance.

19 (b) A certified copy of a conveyance which is eligible for record-
20 ing as a class A document under AS 40.17.030 and 40.17.110 and which has
21 been recorded or filed in a public recorder's office in another state,
22 in the state division of forest, land and water management,] or in the
23 United States Bureau of Land Management may be recorded only as a
24 class A document, and only in the records of a recording district where
25 land affected by the conveyance is located. When so recorded, it has
26 the same effect from the time it is recorded as though it were the
27 original conveyance.

28 Sec. 40.17.030. FORMAL REQUISITES FOR RECORDING. (a) To be
29 eligible for recording, a document must be

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(1) legible or capable of being converted into legible form by a machine or device used in the recording office;

(2) capable of being copied by the method used in the recording office;

(3) accompanied by the proper fee for recording and include or be accompanied by information, stamps, certificates, taxes, or fees that under other laws are necessary to qualify the document for recording;

(4) [accompanied by or] include the information needed to index a class A document under regulations of the department, or the names needed to index a class B document under AS 40.17.040(c);

[(5) accompanied by the name and address of the person to whom the document is to be returned after recording;] and

(6) accompanied by the mailing addresses of all persons named in the document who grant or acquire an interest under the document if it is a conveyance; this paragraph does not apply to a release of a security interest.

(b) A class B document may not be recorded unless, in addition to the name required in (a)(5) of this section, it contains the name of the person in whose behalf the document is recorded. This name must be marked on the document so it will appear on it in its recorded form.

[(c) A signature, acknowledgment, seal, or witness is not required for a document to be eligible for recording except when required for specific documents by this chapter or by other law.]

Sec. 40.17.040. INDEXING. (a) A document must be indexed based on its classification under AS 40.17.110.

(b) For class A recorded documents, the recorder shall maintain an index system in the manner prescribed by regulations adopted by the department. The system must be designed so the public may find class A

(6)
(Sec 12.04)

(12)

(1)

Document Stamps Fee
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1 documents by names of grantors and grantees, and the system may include
2 other means for locating the documents.

3 (c) For class B documents, the recorder may make no index entries
4 except the name or names chosen for indexing by the person who presents
5 the document for recording, the date of recording, and the serial number
6 or identifying code of the document.

7 Sec. 40.17.050. INCORPORATION OF MASTER FORM. A recorded master
8 form, or a numbered paragraph of it, may be incorporated by reference in
9 a recorded document by referring to the form by its recording informa-
10 tion and the number of the paragraph to be incorporated. The reference
11 has the same effect as if the master form or the numbered paragraph were
12 reproduced in full in the record at the place where the reference to the
13 form or paragraph is made.

14 Sec. 40.17.060. DOCUMENTS EXECUTED UNDER FORMER LAW. If a docu-
15 ment included under AS 40.17.110(b) or (c) was executed in accordance
16 with the law in effect at the time the document was executed, the docu-
17 ment remains recordable as a class A document regardless of later amend-
18 ments to the law changing the manner in which that document is to be
19 executed.

20 Sec. 40.17.070. DUTIES OF RECORDER. (a) The recorder shall
21 promptly record all documents presented which are recordable in ac-
22 cordance with AS 40.17.020, 40.17.030 and 40.17.110.

23 (b) The recorder shall indicate on or attach to each document as
24 it is recorded the date, hour, and minute of recording, enter that
25 information in a daily log, and note an identifying code on the docu-
26 ment.

27 (c) The recorder shall maintain a daily log in which the consecu-
28 tive serial number and the date, hour, and minute of recording of each
29 recordable document shall be entered without delay in the order in which

1 the documents are received. The recorder shall mark each document to
2 show in which class it is recorded. If a document presented for record-
3 ing as a class A document is reviewed and rejected for recording as a
4 class A document, the recorder shall indicate on or attach to the docu-
5 ment the date, hour, and minute of rejection and a citation of the
6 statute requiring rejection. If the document is later determined to be
7 recordable as a class A document in the form in which it was earlier
8 presented to the recorder, later recording does not relate back to the
9 time and date of rejection. Recording is effective when the document is
10 accepted for recording, regardless of the cause of the rejection.

11 (d) The recorder shall promptly copy recorded documents and place
12 them in permanent records and shall note the recording information at
13 the entry of each document in the daily log.

14 (e) Promptly after recording a document, the recorder shall make
15 the index entries required in this chapter and in the regulations of the
16 department.

17 (f) After recording, the recorder shall return the document to the
18 person who presented it or a person designated by him.

19 (g) The recorder shall certify copies and provide a certified copy
20 of a recorded document to a person who tenders the proper fee.

21 (h) The recorder need not record part of a document if the part is
22 identified and preceded by the words "From Previously Recorded Master
23 Form--Do Not Record" and the recorded part contains a reference to the
24 master form's recording information.

25 Sec. 40.17.080. EFFECT OF RECORDING ON TITLE AND RIGHTS: CON-
26 STRUCTIVE NOTICE. (a) Subject to (c) and (d) of this section, from the
27 time a class A document is recorded in the records of the recording
28 district in which land affected by it is located, the recorded document
29 is constructive notice of the contents of the document to subsequent

1 purchasers and holders of a security interest in the same property or a
2 part of the property. Recording of a class B document does not provide
3 constructive notice for any purpose. The class of a document is deter-
4 mined under AS 40.17.110.

5 (b) A conveyance of real property in the state (other than a lease
6 for a term of less than one year) is void as against a subsequent inno-
7 cent purchaser in good faith for valuable consideration of the property
8 or a part of the property whose conveyance is first recorded as a
9 class A document. An unrecorded conveyance is valid as between the
10 parties to it and as against one who has actual notice of it. In this
11 subsection, "purchaser" includes a holder of a consensual interest in
12 real property which secures payment or performance of an obligation.

13 (c) The recording of an assignment of a security interest is not
14 in itself notice to the debtor. The debtor may pay the assignor unless
15 he has actual notice of the assignment.

16 (d) A recorded option or agreement to enter into a contract in the
17 future ceases to be constructive notice for any purpose

18 (1) when six months have elapsed after the date of recording
19 of the option or agreement, if the recorded option or agreement contains
20 no expiration date;

21 (2) when 30 days have elapsed after the expiration date of
22 the option or agreement, if the recorded option or agreement contains an
23 expiration date.

24 Sec. 40.17.090. CONVEYANCES AND RECORDED DOCUMENTS AS EVIDENCE.

25 (7) (a) A conveyance that is signed and recorded as a class A document is
26 admissible as evidence of the conveyance without further proof.]

27 (b) A recorded signed class A document relating to title to real
28 property creates presumptions with respect to title that

29 (1) the document is genuine and was executed as the voluntary

1 act of the person purporting to execute it;

2 (2) the person executing the document and the person on whose
3 behalf it is executed are the persons they are purported to be and the
4 person executing it was neither incompetent nor a minor at any relevant
5 time;

6 (3) delivery of the document occurred notwithstanding a lapse
7 of time between dates on the document and the date of recording;

8 (4) any necessary consideration was given;

9 (5) the grantee, transferee, or beneficiary of an interest
10 created or claimed by the document acted in good faith at all relevant
11 times up to and including the time of the recording;

12 (6) a person purporting to act as an agent, attorney in fact
13 under a recorded power of attorney or authority, officer of an organiza-
14 tion, or in a fiduciary or official capacity, held the position he
15 purported to hold, acted within the scope of his authority, and in the
16 case of an organization, the authorization satisfied all requirements of
17 law; and in the case of an agent, acted for a principal who was neither
18 incompetent nor a minor at any relevant time and who had not revoked the
19 agency;

20 (7) if the document purports to be executed in accordance
21 with or to be a final determination in a judicial or administrative
22 proceeding, or to be executed under a power of eminent domain, the
23 court, official body, or condemnor acted within its jurisdiction and all
24 steps required for the execution of the title document were taken;

25 (8) the recitals and other statements of fact in a conveyance
26 are true if the matter stated is relevant to the purpose of the docu-
27 ment;

28 (9) the persons named in, signing, or acknowledging the
29 document and persons named in, signing, or acknowledging another related

1 document in a chain of title are identical, if the persons appear in
2 those documents under identical names, or under variants of the names,
3 including inclusion, exclusion, or use of

4 (A) commonly recognized abbreviations, contractions,
5 initials, or colloquial or other equivalents;

6 (B) first or middle names or initials;

7 (C) simple transpositions that produce substantially
8 similar pronunciations;

9 (D) articles or prepositions in names or titles;

10 (E) descriptions of entities as corporations, companies,
11 or abbreviations or contractions of either; or

12 (F) name suffixes, such as "Senior" or "Junior", unless
13 other information appears of record indicating that they are dif-
14 ferent persons; and

15 (10) all other requirements for the execution, delivery and
16 validity of the document have been satisfied.

17 (c) The presumptions stated in (b) of this section arise even if
18 the document purports only to release a claim or convey an interest of
19 the person executing it or of the person on whose behalf it is executed.

20 (d) Facts stated in a recorded certificate of a public official in
21 affidavit form or under the seal of his office and derived from informa-
22 tion or documents obtained or kept by him as part of his official duties
23 are presumed to be true.

24 (e) If presumptions created by this section are inconsistent, the
25 presumption applies that is founded upon weightier consideration of
26 policy and logic. If these considerations are of equal weight, neither
27 presumption applies.

28 Sec. 40.17.100. RECORDING A RECONVEYANCE. When the parties to a
29 recorded conveyance absolute in its terms intend it to serve only as

1 security for repayment of a debt, the conveyance is absolute as to all
2 persons who rely upon it in good faith and for value before a reconvey-
3 ance is recorded.

4 Sec. 40.17.110. CLASSES OF DOCUMENTS ELIGIBLE FOR RECORDING. (a)
5 A signed document listed in (b) of this section or included under (c) of
6 this section that meets the requisites for recording under AS 40.17.030
7 may be recorded as a class A document. The recorder may not record as a
8 class B document a document which would be a class A document except for
9 a technical defect in the document. A document that meets the requi-
10 sites for recording under AS 40.17.030 and which is not a conveyance or
11 a defective class A document, is a class B document the recording of
12 which is permitted for the safekeeping of a record copy of the document.
13 The effect on title and rights of recording class A and class B docu-
14 ments is set out in AS 40.17.080.

15 (b) The recorder may record as a class A document only

16 (1) a conveyance or a certified copy of a conveyance if
17 recording the copy is permitted by AS 40.17.020;

18 (2) a power of attorney or other instrument granting or
19 revoking a power to act as agent or attorney for another person;

20 (3) a contract for the sale or purchase of real property,
21 when signed by all parties to the contract.

22 (4) an option for the purchase of real property when it is
23 signed by the person granting the option;

24 (5) a certificate of a public official or an affidavit of any
25 person which may affect the title to or any interest in real property in
26 the state that is described in the certificate or affidavit, stating
27 facts relating to age, sex, birth, death, capacity, relationship, family
28 history, heirship, names, identity of parties, marital status, posses-
29 sion or adverse possession, adverse use, residence, service in the armed

1 forces, conflicts and ambiguities in description of land in recorded
2 instruments, and the happening of any condition or event which may
3 terminate an estate or interest; a certificate or affidavit recorded
4 under this section must contain the recording information of a recorded
5 document referred to in it;

6 (6) an instrument by which a real property security agreement
7 is subordinated or waived as to priority;

8 (7) a document creating a condition, covenant, restriction,
9 or reservation relating to rights in real property;

10 (8) an assignment of all or part of a security interest in
11 real property;

12 (9) a release of lien or security interest in real property;

13 (10) a conformed copy of a document that is otherwise record-
14 able as a class A document under this section, when the person offering
15 the document attaches to it an affidavit that

16 (A) the conformed copy was received by him in the course
17 of the transaction;

18 (B) the original is not in his possession; and

19 (C) the instrument offered for recordation is a con-
20 formed copy;

21 (11) a conveyance from the United States of an interest in
22 real property in the state;

23 (12) a certified copy of a petition in bankruptcy;

24 (13) a notice of an action previously filed and pending in a
25 court of the state or the United States affecting title to real property
26 in the state, if the notice contains the case number assigned by the
27 court and a description of the property affected in the recording dis-
28 trict;

29 (14) notice of an action for divorce, separate maintenance,

1 annulment or dissolution of marriage previously filed and pending in a
2 court of any state or the United States affecting title to real property
3 in this state, if the notice contains the case number assigned by the
4 court;

5 (15) notice of a pending judicial proceeding to compel record-
6 ing or indexing, if the notice contains the case number assigned by the
7 court;

8 (16) a judgment decree or order of a court of a state in an
9 action for divorce, separate maintenance, annulment or dissolution of
10 marriage requiring the execution of a conveyance of real property in
11 this state;

12 (17) a list of real property granted by a governmental entity
13 to the state, a municipality or a corporation;

14 (18) a conveyance executed by an officer of the state by
15 authority of law in the state;

16 (19) a notice limiting future advances under a recorded secur-
17 ity agreement;

18 (20) a certified copy of a judgment or decree of a court of
19 the state or of a court of record of the United States or a certified
20 copy of a satisfaction of judgment or decree;

21 (21) a certificate of attachment or an order or proceeding of
22 record discharging attachment;

23 (22) a condemnation order;

24 (23) a declaration of taking;

25 (24) a copy of the record of the meeting of a cemetery associa-
26 tion;

27 (25) a cooperative contract;

28 (26) a list of persons whose cooperative contracts have been
29 terminated;

- 1 (27) a letter of conservatorship;
- 2 (28) an employee's lien for failure to make payments to a
3 benefit fund;
- 4 (29) an employment security contributions lien;
- 5 (30) a verified workmen's compensation lien;
- 6 (31) a mining claim, location or lease;
- 7 (32) a grubstake contract;
- 8 (33) a mining assessment work affidavit;
- 9 (34) a notice to contribute or forfeit an interest in a mining
10 claim;
- 11 (2) (35) a subdivision plat;
- 12 (36) a signed and sworn-to certificate of limited partnership
13 and a signed and sworn-to amendment to a certificate of limited partner-
14 ship;
- 15 (37) a condominium declaration, amendments to it, an instru-
16 ment by which property may be removed from the provisions of AS 34.07
17 and an instrument affecting the property or apartment controlled by
18 AS 34.07;
- 19 (38) a substitution of trustee under a deed of trust, or other
20 person having a power of sale under a real property security agreement,
21 when executed and acknowledged by all the beneficiaries;
- 22 (39) notice and affidavits required in default and sale under
23 a deed of trust;
- 24 (40) a notice of right to mechanics' or materialmen's lien;
- 25 (41) an attested or notarized copy of a notice of nonresponsi-
26 bility for construction, alteration, or repair;
- 27 (42) an acknowledgment of right to mechanics' or materialmen's
28 lien;
- 29 (43) a verified claim of any of the liens provided by AS 34.-

1 35;

2 (44) a verified notice of completion of a building or improve-
3 ment;

4 (45) a bond guaranteeing payment of the sum recovered on a
5 mechanics' or materialmen's lien;

6 (46) a notice extending a mechanics' or materialmen's lien;

7 (3) + (4) [(47) a state tax lien;

8 (48) a federal tax lien;]

9 (49) an instrument transferring a water appropriation or a
10 certified copy of it;

11 [(50) a financing statement covering goods which are or are to
12 become fixtures to real property described in the financing statement,
13 if the debtor does not have an interest of record in the real property,
14 the financing statement must show the name of the record owner of the
15 real property;]

16 (51) an assignment of rents;

17 (52) a memorandum of lease as defined in AS 40.17.120(b);

18 (53) a document amending or correcting a recorded document
19 listed in this section if the amending or correcting document is exe-
20 cuted by the same parties who executed the original document; and

21 (54) a master form that can be incorporated by reference in
22 documents later recorded.

23 (c) A document specifically permitted or required to be recorded
24 by another law of the state or made recordable as a class A document by
25 regulation of the department may be recorded as a class A document.

26 Sec. 40.17.120. RECORDING MEMORANDUM OF LEASE. (a) Recording a
27 memorandum of lease substantially complying with (b) of this section has
28 the same effect as recording the lease.

29 (b) A memorandum of lease is a document signed by the lessor and

1 lessee and containing a reference to an unrecorded lease, sublease, or
2 agreement to lease or sublease, and supplying at least the following
3 information:

- 4 (1) the names of the parties;
- 5 (2) any addresses of the parties set out in the lease;
- 6 (3) the date of the lease;
- 7 (4) a description of the real property leased or subleased;
- 8 (5) the commencement and termination dates of the lease if
9 fixed and, if not fixed, the method by which the dates are to be fixed;
10 and

11 (6) a statement of the conditions upon which a party may
12 exercise a right to extend or renew the lease or to exercise a right to
13 purchase or refuse to purchase the real property or part of it.

14 Sec. 40.17.130. ACTIONS AGAINST RECORDER AND STATE. (a) If the
15 recorder fails to record and index a document properly he may be com-
16 pelled to record and index the document properly by an action filed in
17 the superior court.

18 (b) The state is liable to a person injured by the failure of the
19 recorder to perform his duties under this chapter. Neither the recorder
20 nor a state employee performing duties of the recorder is individually
21 liable for a good faith error or omission made in the course of his
22 employment.

23 Sec. 40.17.140. DEFINITIONS. In this chapter

24 (1) "acceptance" means the determination by the recorder that
25 a document is recordable under this chapter accompanied by marking an
26 identifying code on the document and entering the document in a daily
27 log;

28 (2) "conveyance" means a transfer of an interest in real
29 property other than by will or operation of law;

1 (3) "certified copy" means a copy of a document certified as
2 correct by the custodian or other person authorized to make the certifi-
3 cation;

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

5 (5) "document" means a writing, plat, or map, and includes
6 information in a form (such as electronic, mechanical, or magnetic
7 storage; microfilm; or electronic data transmission signals) which can
8 be converted into legible writing, plat, or map form by a machine or
9 device;

10 (6) "place of recording" means a place designated by the
11 department where documents recordable under this chapter are recorded;

12 (7) "record" means the acceptance of a document by the re-
13 corder which he has determined is recordable under this chapter and
14 which is presented for recording in the place of recording designated
15 for the recording district where affected property is located whether or
16 not the place of recording is in that district, and whether or not under
17 applicable law the recorder is directed to record the document;

18 (8) "recorder" means the commissioner of the department or
19 his designee;

20 (9) "recording district" means a part of the state designated
21 a recording district under AS 44.37.025; and

22 (10) "recording information" means information (book and page,
23 document number, electronic retrieval code, or other specific informa-
24 tion) needed to find a document in the public records.

25 * Sec. 2. AS 40 is amended by adding a new chapter to read:

26 CHAPTER 19. RECORDING FEDERAL LIENS.

27 Sec. 40.19.010. SCOPE. The provisions of AS 40.19.010 - 40.19.040
28 apply only to federal tax liens and to other federal liens notice of
29 which under an Act of Congress or a regulation adopted under the author-

1 ity of an Act of Congress is required or permitted to be filed or re-
2 corded in the same manner as a notice of federal tax lien.

3 Sec. 40.19.020. PLACE OF RECORDING. (a) Notices of lien, certi-
4 ficates, and other notices affecting a federal tax lien or other federal
5 lien must be recorded in accordance with AS 40.19.010 - 40.19.040.

6 (b) Notices of lien upon real property for obligations payable to
7 the United States and certificates and notices affecting the lien shall
8 be recorded in the records of the recording district in which the real
9 property subject to the lien is situated.

10 (c) Notices of federal lien upon personal property, whether tan-
11 gible or intangible, for obligations payable to the United States and
12 certificates and notices affecting the lien shall be recorded in the
13 records of the recording district where the person against whose interes-
14 the lien applies resides at the time of recording of the notice of lien.

15 (d) For purposes of (c) of this section the residence of a corpora-
16 tion or partnership is the place in which the principal executive office
17 of the business is located.

18 Sec. 40.19.030. EXECUTION OF NOTICES AND CERTIFICATES. Certifica-
19 tion of notices of lien, certificates, or other notices affecting federal
20 liens by the United States Secretary of the Treasury or his designee, or
21 by an official or entity of the United States responsible for filing,
22 recording, or certifying of notice of any other lien, entitles the
23 notices or certificates to be recorded and no other attestation, certi-
24 fication, or acknowledgement is necessary.

25 Sec. 40.19.040. DUTIES OF RECORDER. (a) If a notice of federal
26 lien, a rerecording of notice of federal lien, or a notice of revocation
27 of a certificate described in (b) of this section is presented to the
28 recorder under AS 40.17, the recorder shall endorse on the notice his
29 identification and the date and time of recording and enter it in an

1 alphabetical index showing the name of the person named in the notice,
2 the date and time of recording, the title of the official or entity
3 certifying the lien, and the total amount appearing on the notice of
4 lien.

5 (b) If a rerecorded notice of federal lien referred to in (a) of
6 this section or a certificate of release, nonattachment, discharge, or
7 subordination of lien or a revocation of any of these certificates is
8 presented to the recorder for recording, the recorder shall record it as
9 he would a document listed in (a) of this section and enter the re-
10 rerecorded notice or the certificate or revocation with the date of re-
11 cording in the alphabetical index together with a reference to the
12 recording information for the original notice or certificate to which it
13 relates.

14 (c) A lien on file with records of a recording district on the
15 effective date of this section is considered to have been recorded at
16 the date and time it was filed.

17 (d) In this section "rerecording" includes recording of a lien
18 previously filed.

19 Sec. 40.19.050. UNIFORMITY OF APPLICATION AND CONSTRUCTION. To
20 the extent the provisions of AS 40.19.010 - 40.19.040 follow the Uniform
21 Federal Lien Registration Act (1978) they shall be applied and construed
22 to effectuate their general purpose to make uniform the law with respect
23 to the subject of AS 40.19.010 - 40.19.040 among the states enacting it.

24 * Sec. 3. AS 34.15.010(a) is amended to read:

25 (a) A conveyance of land, or of an estate or interest in land, may
26 be made by deed, signed [AND SEALED] by the person from whom the estate
27 or interest is intended to pass, who is of lawful age, or by his lawful
28 agent or attorney, [AND ACKNOWLEDGED OR PROVED,] and may be recorded
29 under AS 40.17 [AS DIRECTED IN THIS CHAPTER,] without any other act or

1 ceremony [WHATEVER].

2 * Sec. 4. AS 34.15 is amended by adding a new section to read:

3 Sec. 34.15.015. USE OF RECORDED MASTER FORM. If reference is
4 made in a document to a recorded master form, a copy of the form, or so
5 much of it as is incorporated by reference, must be provided to each
6 party to the transaction by the party that furnished the document.

7 * Sec. 5. AS 34.15.150 is amended to read:

8 Sec. 34.15.150. EXECUTION OF CONVEYANCES. (a) Regardless of when
9 executed, a [A] conveyance [EXECUTED IN THE STATE] of land or an inter-
10 est in land in the state need not [SHALL] be acknowledged before an of-
11 ficial in order to transfer the interest or to entitle the conveyance
12 to be recorded in real property records [A JUDGE, CLERK OF THE SUPERIOR
13 COURT, NOTARY PUBLIC, POSTMASTER, OR COMMISSIONER IN THE STATE OR
14 PROVED IN ACCORDANCE WITH AS 34.15.210 OR 35.15.220. THE OFFICER
15 TAKING AN ACKNOWLEDGEMENT SHALL ENDORSE ON IT A CERTIFICATE OF THE
16 ACKNOWLEDGMENT OF THE CONVEYANCE AND THE DATE OF MAKING THE ACKNOWLEDG-
17 MENT].

18 (b) A conveyance executed before the effective date of this sec-
19 tion, that would have been valid except for the lack of either witnesses
20 to signing of the document or acknowledgment of signing of the document,
21 [MARCH 12, 1953, IN DUE FORM BUT WITHOUT TWO WITNESSES] is validated,
22 shall be received in evidence in all courts of the state, and is evi-
23 dence of the title to the land or interest in land against the grantor,
24 his heirs and assigns.

25 (c) This section does not divest rights which vested in an inno-
26 cent purchaser in good faith for valuable consideration before the effec-
27 tive date of the section.

28 * Sec. 6. AS 44.37.025 is amended to read:

29 Sec. 44.37.025. RECORDING. (a) The Department of Natural Resour-

1 ces shall adopt regulations [,] establishing, modifying, or discontinu-
2 ing recording districts or precincts and prescribing the records to be
3 maintained and the instruments to be recorded, consistent with AS 40.17.

4 (b) The department shall [ENGAGE AND COMPENSATE RECORDERS AND
5 DEPUTY RECORDERS,] prescribe and account for recording fees [,] and do
6 all other things necessary to maintain the recording system established
7 under the laws of this state.

8 [(c) The department, with the concurrence of the administrative
9 director of courts, may appoint judicial employees to perform services
10 in connection with recording, providing access to, and copying [RECORD]
11 documents in locations where the department has no employees available
12 to perform those functions [SERVE AS RECORDERS].]

13 * Sec. 7. In the following statutes the revisor of statutes is directed
14 to delete the requirement or permission that a document be filed or filed
15 for record and to substitute a corresponding requirement or permission that
16 the document be recorded: AS 09.40.050; AS 09.55.370; AS 10.15.230, 10.15.-
17 235, 10.15.260; AS 10.30.020; AS 13.26.265; AS 23.10.047; AS 23.20.200;
18 AS 23.30.165; AS 27.10.020, 27.10.050, 27.10.060, 27.10.070, 27.10.160,
19 27.10.190; AS 27.15.010; AS 32.10.010, 32.10.240; AS 34.07.020, 34.07.030,
20 34.07.040, 34.07.050, 34.07.070; AS 34.20.080; AS 34.35.065, 34.35.160,
21 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.35.405, 34.35.440;
22 AS 38.05.195, 38.05.200, 38.05.205, 38.05. 10, 38.05.270, 38.05.245; AS
23 40.15.010, 40.15.020, 40.15.040, 40.15.050, 40.15.070; and AS 46.15.160.

24 * Sec. 8. The following laws are repealed: AS 34.15.210 - 34.15.350;
25 AS 43.10.090 - 43.10.150.

26 * Sec. 9. This Act takes effect January 1, 1982.
27
28
29

A L A S K A C O D E
R E V I S I O N C O M M I S S I O N

SUPPLEMENT TO COMMISSION
TRANSMITTAL STATEMENT AND DRAFT ON
REVISING ALASKA'S LAW ON
RECORDING AND RECORDED DOCUMENTS

January 2, 1981

ALASKA CODE REVISION COMMISSION
SUPPLEMENT TO TRANSMITTAL STATEMENT AND DRAFT ON
RECORDING AND RECORDED DOCUMENTS

GENERAL FEATURES OF THE BILL

The attached bill prepared by the Code Revision Commission is primarily one on recording and the public recording system, repealing and replacing AS 34.15.260 - 34.15.350.

The main purposes of the bill are (1) to gather together and clarify the jumble of Alaska law on recording and (2) to provide a structure for future centralized recording. That structure, with other provisions in the bill, would make it possible to use existing and future advanced technology for transmitting, indexing, storing, retrieving and searching title documents. There is continually improving technology available for computer assisted search of documents in which the image of the document is called up from central storage and viewed at a remote terminal. With safeguards in the bill, and with flexibility for either rapid or gradual extension of the high technology system into recording districts, there need be no lessening of access to recording and retrieval in any recording district during development of the improved system.

An innovative part of the bill is a provision for recording two general classes of documents. Section 40.17.110 defines the

two classes. Class A includes documents relating to title to real property and includes all other documents required or permitted to be recorded by other statute or by regulation of the department of natural resources. Recording of a class A document would provide constructive notice of the document to all persons, and therefore would protect the rights of the person whose document is recorded. The second class of document, class B, would be recordable for safekeeping but with no constructive notice afforded by the recording. Any document that is not included in class A and that can be processed by the recording equipment falls into class B.

While the bill deals with all recorded documents in general, it also deals specifically with conveyances of real property and federal liens. Existing Alaska law on federal liens is the obsolete Uniform Federal Tax Lien Registration Act, AS 43.10.090 - 43.10.150, adopted in Alaska in 1933. That Act would be repealed and replaced by proposed AS 40.19.010 - 40.19.030. The new sections follow the current Uniform Federal Lien Registration Act (1978) with changes and deletions to fit Alaska's statewide recording system.

A bill on recording entails some rudimentary decisions on the form of documents that will be recordable. The bill provides (1) that acknowledgment (or other form of proof) be dropped as a

prerequisite to recordability of a conveyance and (2) that the statutes setting out form requirements for conveyances be amended to eliminate the requirement that an acknowledgment appear as part of the document. The changes concerning the form and proof of conveyances are near the end of the bill as amendments to AS 34.15.015 and 34.15.150 and repeal of AS 34.15.160 - 34.15.250. AS 34.15.260 - 34.15.350 are repealed since they are existing recording law superceded by this bill. Removal of acknowledgment as a prerequisite to recording is in new Section 40.17.030(c), and the effect of the change is carried through in other sections.

SECTION ANALYSIS

Title company representatives who reviewed the bill have proposed that the bill be changed so as to retain acknowledgments as a required part of the conveyance form. At the end of this document there is comment on the difference of opinion between the commission and representatives of title companies over whether to continue to require an acknowledgment on conveyances. A form of possible amendments to the bill is supplied in that comment, should a committee choose not to follow the commission's recommendation to do away with the requirement but to follow the title company recommendation that it be retained.

Following are source notes and brief comments on the sections, where appropriate. In Section 1, the Uniform Simplification of Land Transfers Act is the basis for several of the sections and is referred to as the USLTA in these notes. Since the bulk

of the bill is in Section 1, the Alaska Statutes numbers are used here for reference within that section rather than the bill section number.

SECTION 1

AS 40.17.010. SOURCE: The section is original drafting.

COMMENT: This section permits continuation of present practices for as long as necessary but contemplates future recording in a central place by electronic transmission of documents from offices for the various recording districts, and requires that records be available for search in those offices. The section should be read with AS 44.37.025 which gives the department of natural resources broad authority over establishing, modifying or discontinuing recording districts.

AS 40.17.020. SOURCE: AS 34.15.260 with major changes and additions. Part of existing AS 34.15.260 also appears in Sections 40.17.080 and 40.17.090 in this bill.

COMMENT: (a) is traditional recording law except for reference to "class A" documents. "Class A" is the class of traditional recorded (constructive notice) documents listed and defined in Sec. 110, as opposed to "class B" which is all other documents.

(b) provides that certified copies of documents "recorded" in the BLM and the state division of forest, land and water management are entitled to recordation as class A documents. It is sometimes

necessary to go to these records to complete a chain of title.

Recording is defined in the general definitions Sec. 140.

AS 40.17.030. SOURCE: (a)(1) is from USLTA § 2-301(a)(1); (a)(2) is from USLTA § 2-301(a)(2); (a)(3) is from USLTA § 2-301(a)(3); (a)(4) and (a)(5) are original drafting; (a)(6) is AS 34.15.345 paraphrased; (b) is original drafting; and (c) is from USLTA § 2-301(b).

COMMENT: The requirements of this section are applicable to all documents offered for recording. Present law does not explicitly allow the recorder to refuse an illegible document. The section fits the definition of "document" which may even be in the form of electronic signals so long as the form is compatible with equipment in the recording office.

(a)(4) contains only a minimal reference to the requirement of indexing information. In this bill indexing of class A documents is left to regulations of the department, and indexing of class B documents is limited by Sec. 040(b). (a)(5) is to discourage the unauthorized presentation of a document for recording and to provide a record of how each document came to the recording office. At present, a document is mailed back after it is recorded; at some future time it can be simply handed back. (a)(6) is information needed by municipalities to keep up real property tax rolls, and provides assistance in locating parties to transactions.

In (b) the special reference to class B documents is because under proposed Sec. 040(c) class B indexing is specifically limited, and the name called for by (b) could be lost unless marked on the document.

(c), when read with Sec. 110(a) of this section of the bill, and with Sections 3 and 5 at the end of the bill (which amend existing law on the form of conveyance), shows the philosophy of the bill that all documents will be recordable and that acknowledgment before a notary public is no longer a meaningful way to prove the validity of a document.

AS 40.17.040. SOURCE: The section is original drafting.

COMMENT: In the bill, indexing of class A documents has been left to regulation of the department responsible for the recording system. Indexing a document to a specific tract is highly desirable. But parts of the state are not sufficiently accustomed to the existing formalities of recording to make it practical to require sophisticated tract indexing information in all recording districts. Regulation is the more flexible approach and seems the desirable one for the present. Unofficial tract indices are kept at present and would be continued in any event.

The indexing of class B documents is specifically limited to emphasize that class B is for personal safekeeping of documents not part of the chain of title to real property. It is intended that a title search should never involve searching the class B index.

AS 40.17.050. SOURCE: The section is from USLTA § 2-309.

COMMENT: The purpose of allowing the recording of master forms is to reduce the volume of documents recorded. A final sentence of USLTA § 2-309(a) provides: "This section does not affect contractual relations of parties to a title transaction." The sentence is omitted as superfluous.

Indexing of a master form is not covered here since indexing is to be generally covered by regulation.

AS 40.17.060. SOURCE: AS 34.15.270, paraphrased.

COMMENT: The section of Alaska Statutes this section would replace applies only to "conveyances" and provides that a conveyance legal when executed remains recordable and retains "the same force as evidence". The redraft is broader since it applies to all class A documents. The reference to "same force as evidence" is not included since it is considered to be unnecessary. The "force" of recorded documents as evidence is covered in Sec. 090 and in the Alaska Rules of Evidence.

AS 40.17.070. SOURCE: (a) is from USLTA § 6-203; (b) is from USLTA § 6-204(a); (c) is from USLTA § 6-204(b), with additions; (d) is from USLTA § 6-204(c); (e) is from USLTA § 6-205(a); (f) is from USLTA § 6-205(d); (g) is from USLTA § 6-201(b); and (h) is from USLTA § 6-204(d) paraphrased.

COMMENT: The recorder's duties are spelled out in this section and do not vary materially from present duties. (b) does not refer to book and page indexing, but book and page indexing is consistent with it and can be continued so long as it is useful. Consistent with the definition of "record", this section requires acceptance (recording) of a recordable document without delay in the order in which it is received. (b) and (c) make it clear that the time of recording is the time of acceptance even when a document is erroneously rejected and later accepted. If a person is damaged by erroneous rejection of a recordable document, his remedy is to seek damage from the state under AS 40.17.130 in this bill.

AS 40.17.080. SOURCE: (a) is from AS 34.15.260(a); (b) is from AS 34.15.290; (c) is AS 34.20.010 redrafted; and (d) is from USLTA § 3-206 paraphrased.

COMMENT: Law on constructive notice is gathered in this section. Constructive notice is limited to class A documents which are defined in AS 34.18.110. Within class A, existing and traditional law is perpetuated. (d) allows a title searcher to assume that no contract or deed was executed pursuant to a recorded option or earnest money agreement after passage of a reasonable period of time.

AS 40.17.090. SOURCE: (a) is from AS 34.15.260(c)(1). (b) and (c) are from USLTA § 2-305(a) and (b), which in turn are based

upon the Model Act Concerning Evidenciary Effect of the Record. (d) is original drafting; and (e) is from USLTA § 2-305(c) and Alaska Rules of Evidence, Rules 301(c).

COMMENT: This section is generally designed to pull together provisions for the evidenciary effect of recorded documents. (a) makes a recorded conveyance admissible in evidence, whether or not it is acknowledged or verified. (b) and (c) provide in detail for several rebuttable presumptions arising from recording in class A. By Alaska Rules of Evidence 301(a), a presumption created here would not shift the burden of proof, but a person seeking to avoid the presumption would have to present some evidence to rebut it.

AS 40.17.100. SOURCE: AS 34.15.310 redrafted.

COMMENT: No change in the substance of existing law is intended but the statutory language is simplified.

AS 40.17.110. SOURCE: (a) is original drafting. (b) is a list of documents deriving from the following sources, with substantial changes in some instances. (b)(1) as indicated in the subparagraph; (b)(2) is from AS 34.15.320(a)(1) and AS 34.15.330; (b)(3) is from AS 34.15.320(a)(2); (b)(4) is original drafting; (b)(5) is from Conn. Gen. Stat. Ann. 47-1(a); (b)(6) is from AS 34.20.130; (b)(7) (b)(8) and (b)(9) are original drafting; (b)(10) is from AS 34.15.340(a)(6); (b)(11) is from AS 34.15.340(a)(1); (b)(12) is based

upon Bankruptcy Rule 602; (b)(13) is from AS 34.15.340(a)(2); (b)(14) and (b)(15) are original drafting; (b)(16) is from AS 34.15.340(a)(3); (b)(17) is from AS 34.15.340(a)(4); (b)(18) is from AS 34.15.340(a)(5); (b)(19) is from AS 6.30.560; (b)(20) is from AS 9.30.010; (b)(21) is from AS 9.40.050; (b)(22) is from AS 9.55.370; (b)(23) is from AS 19.05.090; (b)(24) is from AS 10.30.020; (b)(25) is from AS 10.15.230 - 10.15.235; (b)(26) is from AS 10.15.260; (b)(27) is from AS 13.26.265; (b)(28) is from AS 23.10.047; (b)(29) is from AS 23.20.200; (b)(30) is from AS 23.30.165; (b)(31) is from AS 27.10.020 and AS 27.15.010; (b)(32) is from AS 27.10.050 - 27.10.070, AS 38.05.185 - 38.05.220 and 38.05.245; (b)(33) is from AS 27.10.160; (b)(34) is from AS 27.10.190; (b)(35) is from AS 40.15; (b)(36) is from AS 32.10.010 and 32.10.240; (b)(37) is from AS 34.07; (b)(38) is from AS 34.20.120; (b)(39) is from AS 34.20.070 - 34.20.080; (b)(40) is from AS 34.35.064; (b)(41) is from AS 34.35.065; (b)(42) is from AS 34.35.069; (b)(43) is from AS 34.35.070, 34.35.085, 34.35.160, 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.35.405, 34.35.440 and 34.35.450; (b)(44) is from AS 34.35.071; (b)(45) is from AS 34.35.072; (b)(46) is from AS 34.35.080; (b)(47) is from AS 43.10.035 - 43.10.030; (b)(48) is from AS 43.10.090 - 43.10.150 (and see Sec. 2 of this bill). (b)(49) is from AS 46.15.160; (b)(50) is from the UCC, Secs. 9-313(1)(b) and 9-402(5); (b)(51), (b)(52), (b)(53), (b)(54) and (c) and (d) are original drafting.

COMMENT: This section maintains control over what recorded documents will constitute constructive notice in the real property recording system (class A), but permits other writings to be recorded in a class B that will not be indexed with or clutter the real property recording system. The section pulls together as class A documents all documents made recordable throughout existing law and also includes documents made recordable in class A by departmental regulation. Class B includes any other document a person may wish to place in a public record for his own private purpose, generally for safekeeping. Effort has been made throughout the bill to confine the traditional recording function to class A, providing class B as a service that does not give constructive notice and would not be searched in a real property title search.

(b)(5) allows affidavits to be recorded. Recorded affidavits in other states have been helpful in clearing land titles and have caused no special problems. (b)(7) broadly affords the opportunity to record a document that limits property rights, including a Public Land Order. (b)(12) provides for recording a bankruptcy petition which appears still to be required by Bankruptcy Rule 602(a). (b)(13) provides for recording a traditional notice of cases pending in Alaska and United States courts that affect Alaska real property. (b)(14) provides for recording a lis pendens from outside the state in specified domestic relations cases where persons dealing with Alaska marital property should know a property settlement is pending; and (b)(16) provides for re-

ording an order or judgment from such a case. (b)(50) is a category called "fixture filing" in the 1972 uniform amendments to the UCC. (Reference: UCC sections 9-313(1)(b) and 9-402(5); Alaska Senate Bill 55, 11th Legis., Sec. 48 and 55, a bill which seeks adoption of the uniform amendments to AS 45.05.756 and 45.05.770.)

(c) is to include in class A all documents made recordable by other law or by regulation of the department.

AS 40.17.120. SOURCE: USLTA § 2-310.

COMMENT: This USLTA section is based upon the law of Pennsylvania and provides in simple terms for the recording of a memorandum of a lease. Some state laws on the subject are much more complex. A memorandum of lease avoids cluttering the records with lengthy documents of temporary significance.

AS 40.17.130. SOURCE: (a) is from USLTA § 6-210 with changes and (b) is from USLTA § 6-211 with changes.

COMMENT: This section provides for an action to compel recording, clarifies the state's liability, and states the conditions for liability of recording employees.

AS 40.17.140. SOURCE: (1) is original drafting; (2) is from USLTA § 1-201; (3) is based on Rule 902, Alaska Rules of Evidence; (4) is founded on AS 44.37.025 (part of Executive Order 47 which

became law during 1980); (5) is from USLTA § 1-201; (6) is original drafting; (7) is based upon USLTA § 1-201; (8) and (9) are original drafting; and (10) is from USLTA § 1-201.

COMMENT: The broad definition of "document" is used in the draft to permit advanced technology in recording. (7) makes acceptance for recording the event that determines when a document is recorded.

Section 2. SOURCE: AS 40.19 010 - 40.19.250 are the Uniform Federal Lien Registration Act (1978), with significant changes and deletions.

COMMENT: Several features of the Uniform Federal Lien Registration Act (1978) were found to be objectionable or unnecessary and are changed or deleted from this bill.

(1) The uniform act provides for "filing" of federal liens. This bill provides for recording them. Filing requires the recorder to retain paper liens and releases, a procedure inconsistent with the photocopying system in use for documents generally in the recorder's offices. Although 26 USC Sec. 6323 refers to "filing" of federal tax liens, IRS regional counsel considers the term to be used broadly to include recording, the procedure called for in this bill.

(2) The uniform act provides generally for filing (here the term includes recording) of both real and personal property liens with the recorder but calls for filing liens on personal property of

corporations and partnerships with the "secretary of state". This is an apparent reference to Uniform Commercial Code filing. Federal law (26 USC Sec. 6323) contains no such requirement. We are informed by recording officials of King County Washington that adopting of the provision in that state led to much confusion there. It is deleted from AS 40.19.020 - 40.19.040 in this bill, which provides a single method of recording all federal liens.

(3) The uniform act provides that the recorder, upon request, shall certify whether liens are filed against a named person. This would be a departure from the tradition that the recorder only keep the records available for search and not search them himself. The provision is deleted from AS 43.19.040 in this bill.

(4) The uniform act sets fees and provides for billing. Since statutes are a poor place for such details, and since AS 44.37.-025(b) gives broad power to the department of commerce and economic development to set fees and establish procedures, the provisions are deleted from this bill.

A repealer at the end of the bill provides for repeal of the obsolete earlier version of the Uniform Federal Tax Lien Registration Act (AS 43.10.090 - 43.10.150) which was adopted by Alaska as ch. 94, SLA 1933. Existing state law is inadequate mainly because (1) it lacks provisions for determining where personal property will be deemed to be located; (2) it requires separate tax lien indices that are unnecessary and are not being

kept; and (3) its provision for physically attaching a release to the original lien is not workable for recorded liens.

Section 3. SOURCE: AS 34.15.010.

COMMENT: This section and Section 5 delete acknowledgment or other proof as a form requirement for a conveyance and as a prerequisite to recording it.

Section 4. SOURCE: The section is original drafting.

COMMENT: Recording of a master form is provided for by AS 34.18.050 as it appears in Section 1 of this bill. This section is to outlaw a possible misuse of the recordable form.

Section 5. SOURCE: AS 34.15.150.

COMMENT: This section and Section 3 have the same general purpose to remove the requirement of an acknowledgment in the execution and recording of a conveyance. This is also the philosophy of the Uniform Simplification of Land Transfers Act. The comment of the Commissioners on Uniform State Laws concerning that Act includes: "Whatever the office of notary public once was, other methods, in particular civil liability for slander of title and possible criminal sanctions now appear to provide more effective and less burdensome methods of discouraging fraudulent behavior."

This section also would validate conveyances previously executed but not acknowledged.

Section 6. SOURCE: AS 44.37.025.

COMMENT: The changes are designed to be compatible both with the existing system and with a central place of recording.

The Revisor of Statutes might wish to change this section to Title 40 with recording statutes rather than to leave it in Title 44 with statutes on duties of state departments.

Section 7. COMMENT: There is not a clear reason for the distinction made in existing laws that provide for filing some documents and recording (copying) others. With the concept of a central place of recording where all records (copies) are to be stored, maintaining the distinction between filing and recording becomes impractical. Filing and releasing tax liens, for instance, would have to be done by mail while recording of documents could be done on a rapid basis with modern technology. In keeping with this concept, in (d) of the section the various statutes are listed in which terminology should be changed to "record" from "file" or "file for record". The sections listed in (d) are gathered together in a binder and marked up for assistance to the Revisor of Statutes.

Section 8. COMMENT: Sections included in this repealer are discussed in the general comments at the start of these notes.

Section 9. COMMENT: It is primarily preparation for recording and indexing class B documents that warrants a deferred effective date. Amendment of the bill before passage could require an

earlier or later date.

COMMENT ON A DIFFERENCE OF OPINION WITH
TITLE COMPANIES OVER WHETHER TO REQUIRE AN
ACKNOWLEDGMENT ON CONVEYANCES

There is a difference of opinion between title companies and the commission over that part of the recording bill which removes from existing law a requirement that a conveyance of real property be acknowledged. The title companies' position is that an acknowledgment should be required because

- (1) the requirement makes it more difficult to procure a signature by fraud or coercion, especially where a person is sick, old, under the influence of alcohol, or mentally incompetent, and
- (2) the requirement reduces the risk of forgery.

The commission's position is that

- (1) an acknowledgment is no longer reliable proof that a document was executed by the person named in it because notaries frequently take acknowledgments without knowing, or getting proof of identity of, the person acknowledging;
- (2) the public should not be encouraged to believe that a document is reliable simply because it bears the signature and seal of a notary public;
- (3) the requirement adds a needless complexity to conveying that is the cause for errors and invalidation of documents otherwise in proper form, and

(4) there is a trend toward doing away with acknowledgment of commercial transactions which frequently are of greater magnitude and importance than real property transactions.

The provisions deleting the acknowledgment requirement from existing law are not central to the purpose of the draft bill on recording. Because the commission realizes there is a legitimate difference of opinion on the question, it has drafted the following form of amendments to the bill which would retain, rather than do away with, the acknowledgment requirement. The drafting is made available should a committee believe the changes are warranted, although the commission's recommends against it.

A M E N D M E N T

TO: [Bill No. ____]

Page 6, line 26:

Delete "signed and recorded as a class A document" and insert "acknowledged, proven or certified in the manner provided in AS 34.15.150 - 34.15.250" in its place

Page 7, between lines 6 and 7:

Insert a new subsection (c) to read:

"(c) If an acknowledged class A document is recorded, it creates the presumptions in (b) of this section and additional presumptions with respect to title that"; and renumber the following paragraphs "(1)" - "(8)" as appropriate; and reletter the following subsections "(d)" - "(f)" as appropriate

Page 9, line 18:

Insert after (first) "conveyance", "acknowledged or proven as required by AS 34.15.150 - 34.15.250 or validated by AS 40.17.060"

Page 9, line 20:

Delete "a" and insert "an acknowledged or proven" in its place

Page 9, line 23:

Delete "signed" and insert "acknowledged or proven" in its place

Page 9, line 25:

Delete "signed" and insert "acknowledged" in its place

Page 17, line 26 - page 18, line 4:

Delete Sec. 3 in its entirety and renumber the remaining
Sections as appropriate

Page 18, lines 10 - 29:

Delete (old) Sec. 5 in its entirety and renumber the remaining
Sections as appropriate

CODE REVISION COMMISSION



ALASKA STATE LEGISLATURE

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MEMORANDUM

TO: Kevin Bruce, Committee Aide
Senate Judiciary Committee

FROM: Dickerson Regan, Consultant
Alaska Code Revision Commission *Dickerson Regan*

DATE: February 6, 1981

RE: SB 78--Recording and Recorded Documents

As I mentioned to you, the comment that accompanied the recording bill was prepared for the bill before the bill was retyped and introduced. As a result, there are changes needed in the attachment at the end of the comment dealing with a way the bill could be amended if the committee adopts the position that conveyances must be acknowledged.

A corrected form is attached to this memorandum.

Also, in the comment there is an erroneous reference on page 3, line 6. The reference should be to repeal of AS 34.15.210--34.15.250, as you will note by referring to the repealer at the end of the bill.

The commission proposed the bill as it is. It does not propose deletion from the bill of the provisions that do away with the requirement of an acknowledgment on conveyances. However, there are many things that fit together in the bill, and if the Judiciary Committee makes policy decisions to change the bill I offer (for the commission) to work with you and anyone else on carrying the policy decisions over into the form of the bill.

DR:chw

Attachment

AMENDMENT

TO: SB 78--Recording and Recorded Documents

Page 6, line 25:

Delete "signed and recorded as a class A document" and insert "acknowledged, proven or certified in the manner provided in AS 34.15.150--34.15.250" in its place.

Page 6, line 27:

Delete "A recorded signed" and substitute "An acknowledged and recorded".

Page 9, line 16:

Insert after (first) "conveyance", "acknowledged or proven as required by AS 34.15.150--34.15.250 or validated by AS 40.17.060". Delete "a" before (second) "conveyance" and insert "the" in its place.

Page 9, line 18:

Delete "a" and insert "an acknowledged or proven" in its place.

Page 9, line 21:

Delete "signed" and insert "acknowledged or proven" in its place.

Page 9, line 23:

Delete "signed" and insert "acknowledged" in its place.

Page 17, line 24 and page 18, line 1:

Delete Sec. 3 in its entirety and renumber the remaining sections as appropriate.

Page 18, lines 8 - 27:

Delete (old) Sec. 5 in its entirety and renumber the remaining sections as appropriate.

Page 19, line 24:

Delete "AS 34.15.210--34.15.350" and insert "AS 34.15.-
260--34.15.350" in its place.

BILL ANALYSIS

Bill Number : SB 78

Sponser: Rules Committee
(for the Code Revision Commission)

Assigned to: Division of Technical
Services

Summary

1. Program effects of bill: The Division of Technical Services thinks that the bill simplifies some present recording requirements and incorporates some new concepts that make recording laws simpler for the public. However, this Division thinks that the overall impact will require a higher degree of judgement call on the part of the recording office that necessitates more employees and a higher class of employees in order to make the judgement calls required by this bill. Technically, we think that both filing and recording should remain two conditions within the recorders office. Technically, this Division believes filing of subdivision plats and surveys plats should remain as filed documents. (This should not be recorded and subject to fraud.)
2. Comments: With no acknowledgement required on recording documents and affidavits attached to copies this Division thinks the potential for fraud is increased over today's present system. Some form of acknowledgement and only original signature documents should be recorded as Class A documents. This is in line with court cases and present court administrative rules that were developed for the recording office in years past. Recording plats would place a land title document that belongs (in our estimation) to the general public back in the hands of private individuals and should remain in the hands of the public by being filed and not recorded. We believe filing also is applicable to state and federal tax liens. The language in the bill seems to purport that the recording offices would be required to perform searches of information rather than making information available to the public and other users as is presently the practice. We believe the bill should emphasis information availability only in order to decrease the liability to the state; rather than have the recording offices make the judgement calls on types of documents to be recorded and to which category (Class A or B) they are to be recorded in. The bill should be written to reflect that the individual filing the document should state the class or type it is to be recorded under and the recording office simply make a review that it does in fact meet the requirements under 47.17.030 and is a category described in 40.17.110.
3. Proposed amendments: On page 2, Section 40.17.020(b) delete "in the state division of Forest, Land and Water Management"; the Department of Natural Resources presently follows the requirements of any private citizen for recording or filing of plats. Page 3, Section 40.17.030(a)(4) delete the words "accompanied by". Section 40.17.030(a)(5) delete the entire statement. Page 3, Section 40.17.030(c) delete the entire statement. (We believe some type of acknowledgement should be attached to a document.) Page 6, Section 40.17.090(a) delete the entire statement. Page 10,

Section 40.17.110(b)(9), (10) delete in its entirety. Page 12, Section 40.17.110(b)(35) delete in its entirety, (this we believe should be a document that is filed in the recording office). Page 13, Section 40.17.110(b)(47), (48) delete in its entirety. Page 13, Section 40.17.110(b)(50) delete in its entirety, (this is covered under the Uniform Commercial Code filings and should not be a recording document under the recording office in this bill). Page 15, Chapter 19. Recording Federal Liens. Delete in its entirety. Page 17, Section 3 amending AS 34.15.010(a), delete in its entirety. Page 18, Section 5 amending AS 34.15.150, delete in its entirety. Page 19, Section 6 amending AS 44.37.025(c) delete in its entirety, (the Division of Technical Services presently is constrained utilizing judicial employees of the court system to perform services for recording). The Division of Technical Services is presently attempting to establish recording positions in the court served areas to resolve problems utilizing court employees who are not under the direct division control and to give full support to the recording functions in these offices.

4. Fiscal Impact

Fiscal Note Attached

5. Other Departments Effectuated: N/A

6. Related Legislation: The Department of Natural Resources has submitted a FY 82 CIP budget request to upgrade the Departments land information and distribution system. A review of this proposed SB 78 legislation and relationship to the submitted FY 82 CIP will be forthcoming within two weeks.

Prepared by:

Joseph C. Burch

263 - 2200

Director Approval _____

Commissioner's Approval _____

CODE REVISION COMMISSION



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EXECUTIVE SECRETARY
BILLY G. BERRIER

MEMORANDUM

TO: Kevin Bruce, Committee Aide
Senate Judiciary Committee
Alaska State Legislature

FROM: Dickerson Regan, Consultant *DR*
Alaska Code Revision Commission

DATE: January 29, 1981.

RE: SB 78--Recording and Recordable Documents

You asked for the names of the title company people who took an active part in the commentary on drafts of the recording bill, SB 78.

The principal names and addresses are:

John S. Williamson, Vice President and
Senior Title Counsel
Pioneer National Title Insurance
719 Second Avenue
Seattle, Washington 98104

Vern Arnold, Chief Title Officer
Chicago Title Insurance Company
1415 Fifth Avenue
Peoples National Bank Building
Seattle, Washington 98171

Glen A. Prince, Executive Vice President
Title Insurance Agency
201 N. Franklin Street
Juneau, Alaska 99801

586 - 6445

Warren S. Olson, Counsel
Transamerica Title Insurance Company
Park Place
Sixth Avenue at University Street
Seattle, Washington 98101

Robert J. Whisman, Senior Vice President
Alaska Title Guaranty Company
500 West Sixth Avenue
Anchorage, Alaska 99501

Memorandum
January 29, 1981
Page 2

Frank Soderling, Vice President and
Regional Counsel
Safeco Title Insurance Company
Box 21987
Seattle, Washington 98111

In addition, copies of all drafts were sent to the
Real Property Committee of the Alaska Bar Association*. The
individual lawyer most actively commenting was:

James D. DeWitt, Esq.
Call, Haycraft & Fenton
11919 Lathrop, No. 206
Fairbanks, Alaska 99701

DR:chw

* Francis Nosek, Jr., Chairman
Real Property Committee
Alaska Bar Association
1026 West 4th Avenue
Anchorage, Alaska 99501

HOGUE, LEKISCH & LAWRENCE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

3201 "C" STREET, SUITE 401 • ANCHORAGE, ALASKA 99503

(907) 276-1726

ANDREW E. HOGUE
PETER A. LEKISCH
BILL LAWRENCE
WARREN G. KELLICUT
CALVIN R. JONES
DAVE BENDELL

January 26, 1981

Mr. Kevin K. Bruce
Committee Aide, Committee on Judiciary
Alaska State Legislature
Pouch V
State Capitol
Juneau, AK 99811

Re: SB 78

Dear Mr. Bruce,

Thank you for your letter of January 22, 1981.

Mr. Lekisch is out of the state until February 9, 1981, but I am sure that he would like to talk with you about SB 78.

Please let us know when the hearings on SB 78 are to be conducted. Your consideration in this matter is greatly appreciated.

Very truly yours,
Hoge and Lekisch

Mary M. Puksta

Mary M. Puksta
Assistant to
Peter A. Lekisch

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF TECHNICAL SERVICES

LAND INFORMATION AND DISTRIBUTION
CENTER

1. Production: Computer Aided Drafting
2. Distribution: Automated Aperature Card System
3. Reproduction: District/Field Offices

February 1981

Preface

As the state receives management authority over more land, and the activity on the land has increased, the workload of the Department of Natural Resources (DNR), Division of Technical Services (DTS) has increased exponentially. The workload in 1979 doubled and has since doubled again in 1980. Land programs of the Department of Natural Resources (DNR) have increased work tremendously. For instance, with land disposals, large numbers of status map copies are supplied to other DNR staff for disposal planning, surveyors need many status maps, and members of the public interested in securing land require many status maps. The disposal survey must be platted and mapped. Classifications affected must be mapped. Finally, when the disposal action occurs, it must be duly noted on the status maps.

Unfortunately, present staff is unable to keep up with the current demands for land status changes and additions.

Therefore, the Division of Technical Services (DTS) proposes a new phased production, distribution and reproduction system. The primary goal of the new system is to provide Land Records (graphic) Information to the general public and all other users in the most efficient convenient and timely manner possible.

The new system consists of: 1) a Computer-Aided Drafting (CAD) system, at a cost of \$745,000.00, with a payback in 30 months; 2) an Automated 35mm Aperture Card production system with one time cost of \$475,000.00, both 1 and 2 would be installed in Division of Technical Services (DTS); and 3) the establishment of three reproduction/distribution centers within the DNR district offices; 4) six distribution centers within the DNR area offices and 5) seven state recorder office distribution centers; all with the capability of displaying and copying status maps and other land record information for a user at the same time as the request. The total cost for establishing all 16 land information and distribution centers including DTS production/distribution system is \$2,814,750.00. The implementation of these centers could be staged over a three year period of time.

The following is a suggested cost and schedule for implementing the new production, distribution, and reproduction system.

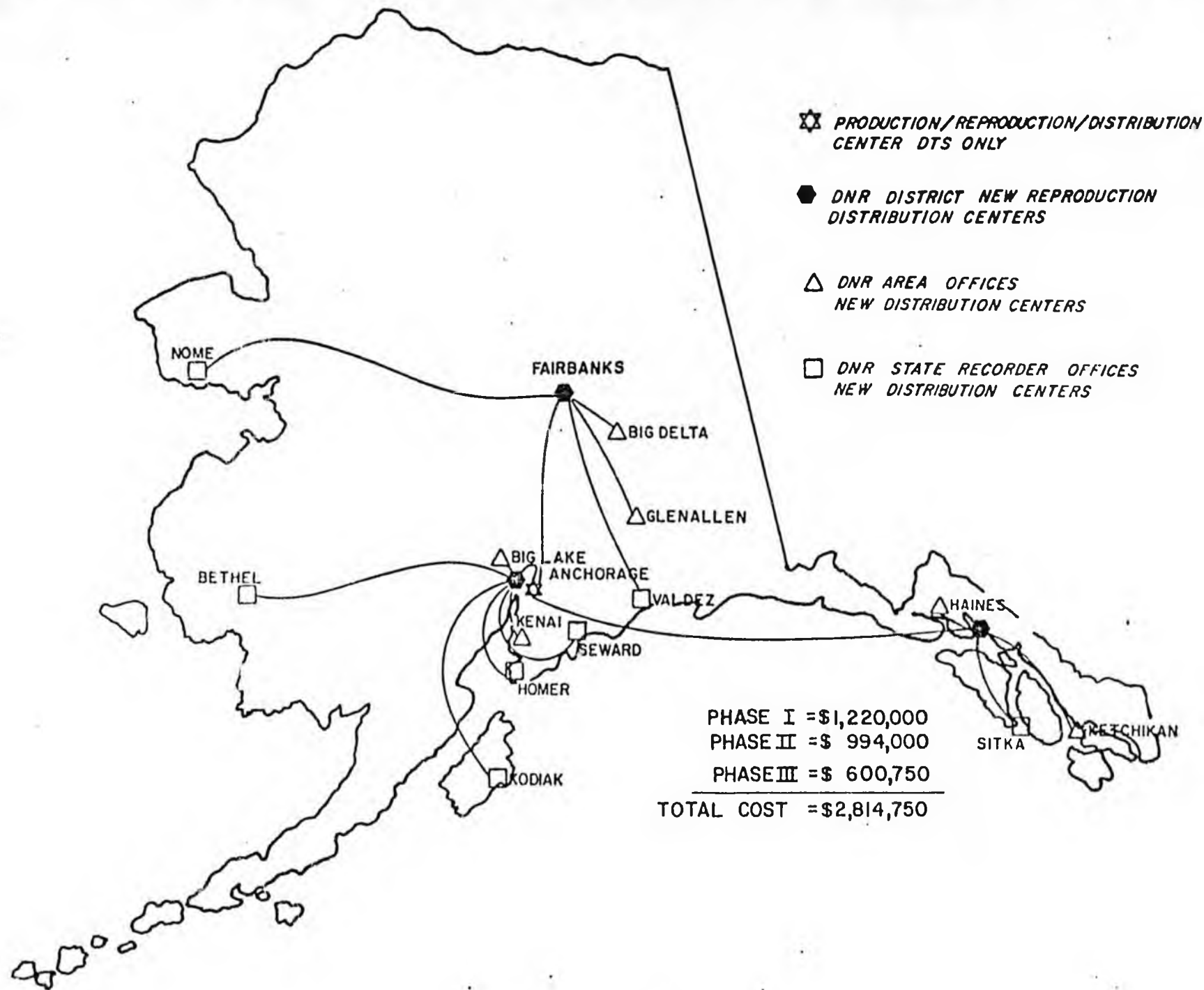
Phase I. Install in 1981 at a total cost of \$1,220,000: A.) Computer Aided Drafting System with six work stations in DTS; B.) an Automated Aperture Card System in DTS; C.) a high speed printer in DTS, and an Automated Aperture Card Retrieval and Filing System in Division of Technical Services.

Phase II. Install in 1982 at a total cost of \$994,000; A.) an Automated Aperture Card Retrieval and Filing System including a high speed printer in the Anchorage, Fairbanks and Juneau District Offices; B.) expand file capacity of the automated aperture card filing system in the Division of Technical Services production center.

Phase III. Install in 1983 at a total cost of \$600,750 in six Department of Natural Resources, area offices and seven State Recorder's Offices; A.) a manual aperture card filing system; B.) a reader/printer for aperture card copies; and C.) an information clerk for each office.

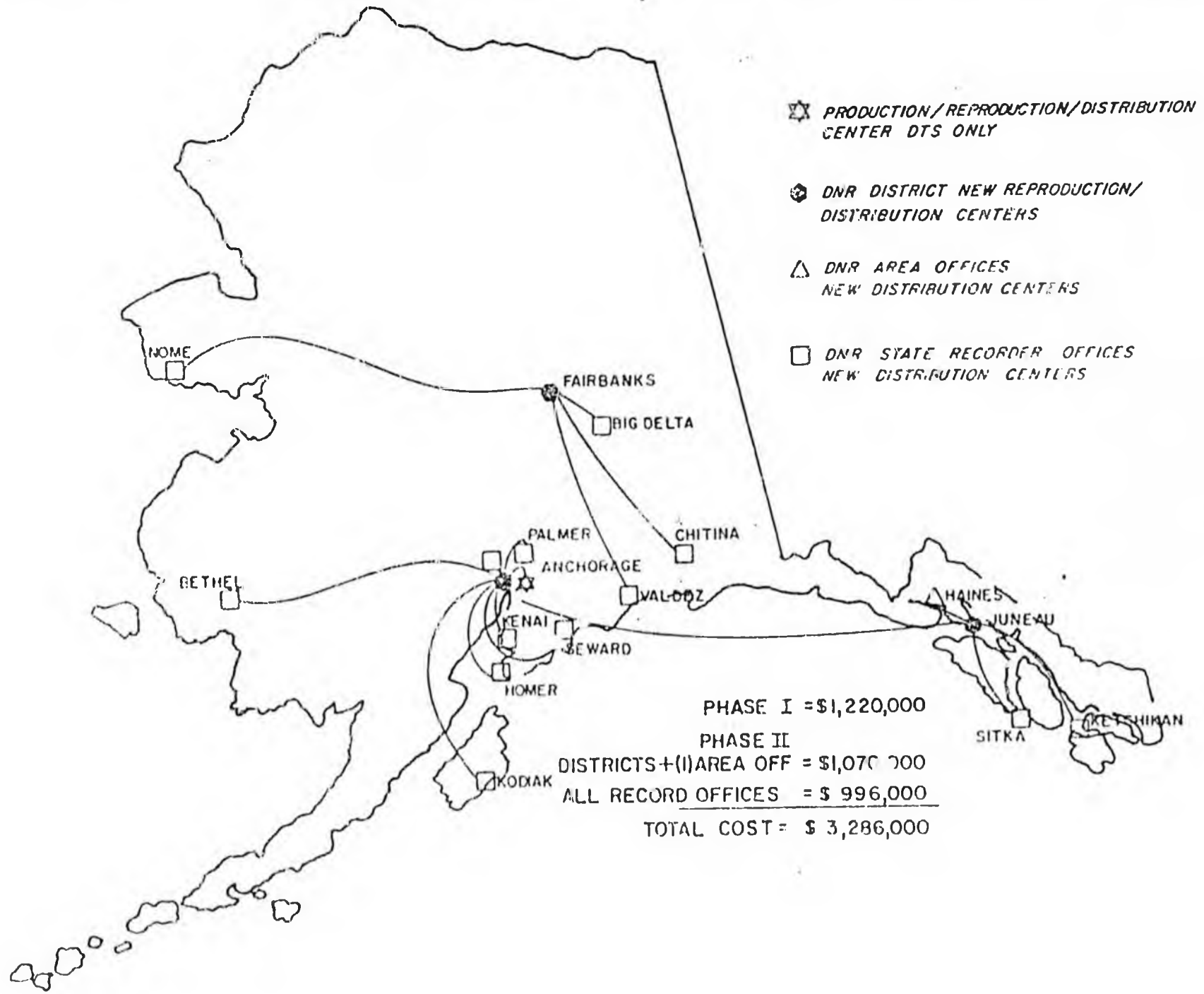
All forecasts indicate that the maximum impact on workload will start in January 1984, this schedule provides for the Department a system that will meet the projected DTS production, distribution and reproduction requirements. The system could also be the vehicle for distributing other DNR land related information for which the requirements will certainly increase.

LAND INFORMATION / DISTRIBUTION CENTERS



LAND INFORMATION / DISTRIBUTION CENTERS

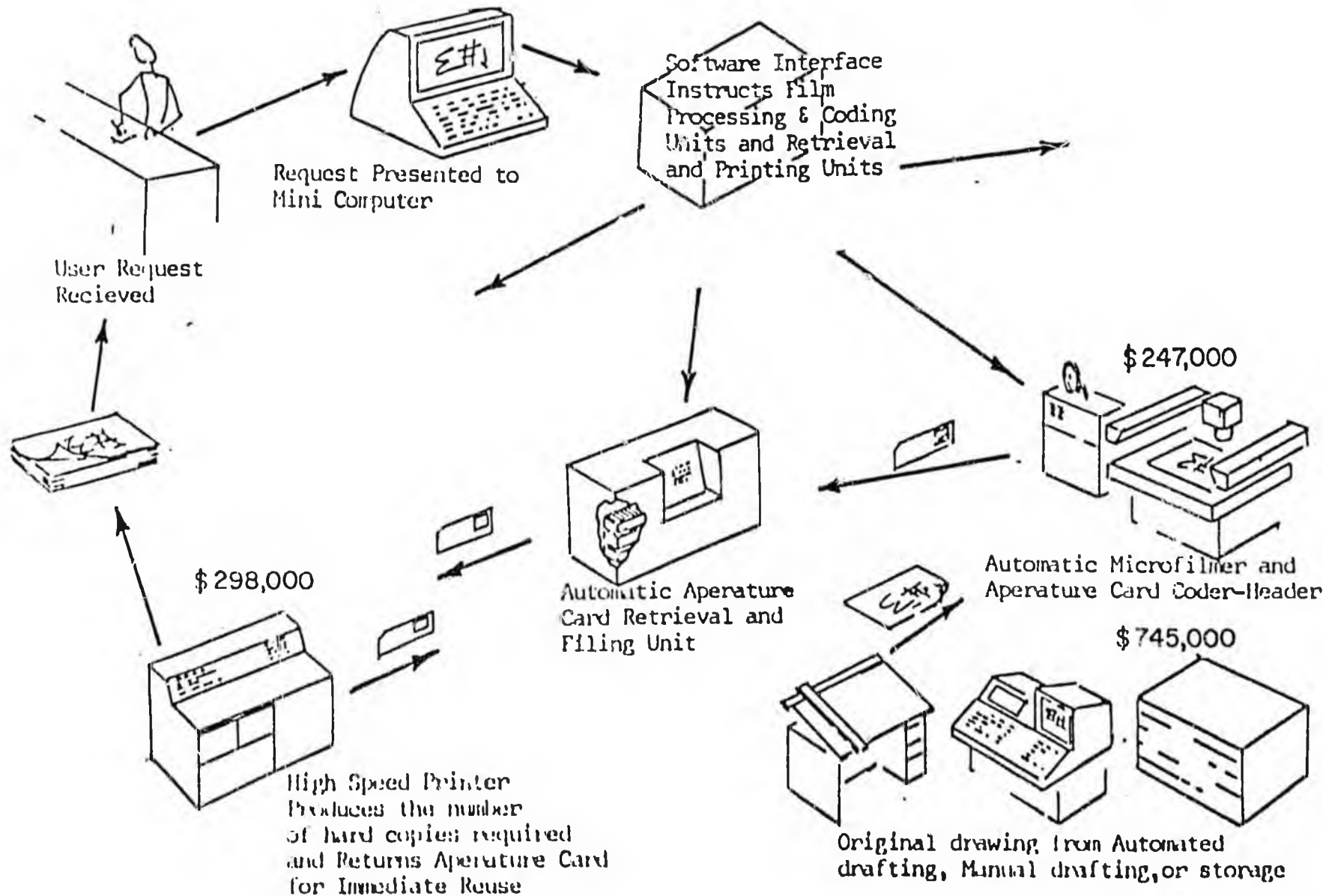
STATE RECORDERS OFFICE
- 3a



LAND INFORMATION REPRODUCTION AND DISTRIBUTION CENTER

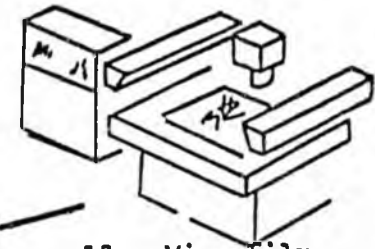
DIVISION OF TECHNICAL SERVICES

TOTAL COST \$1,290,000



+ 43,000 = \$1,333,000

\$ 43,000



13mm Microfilm
Processing Indexing
and Duplication System



Central File
Reader Printer

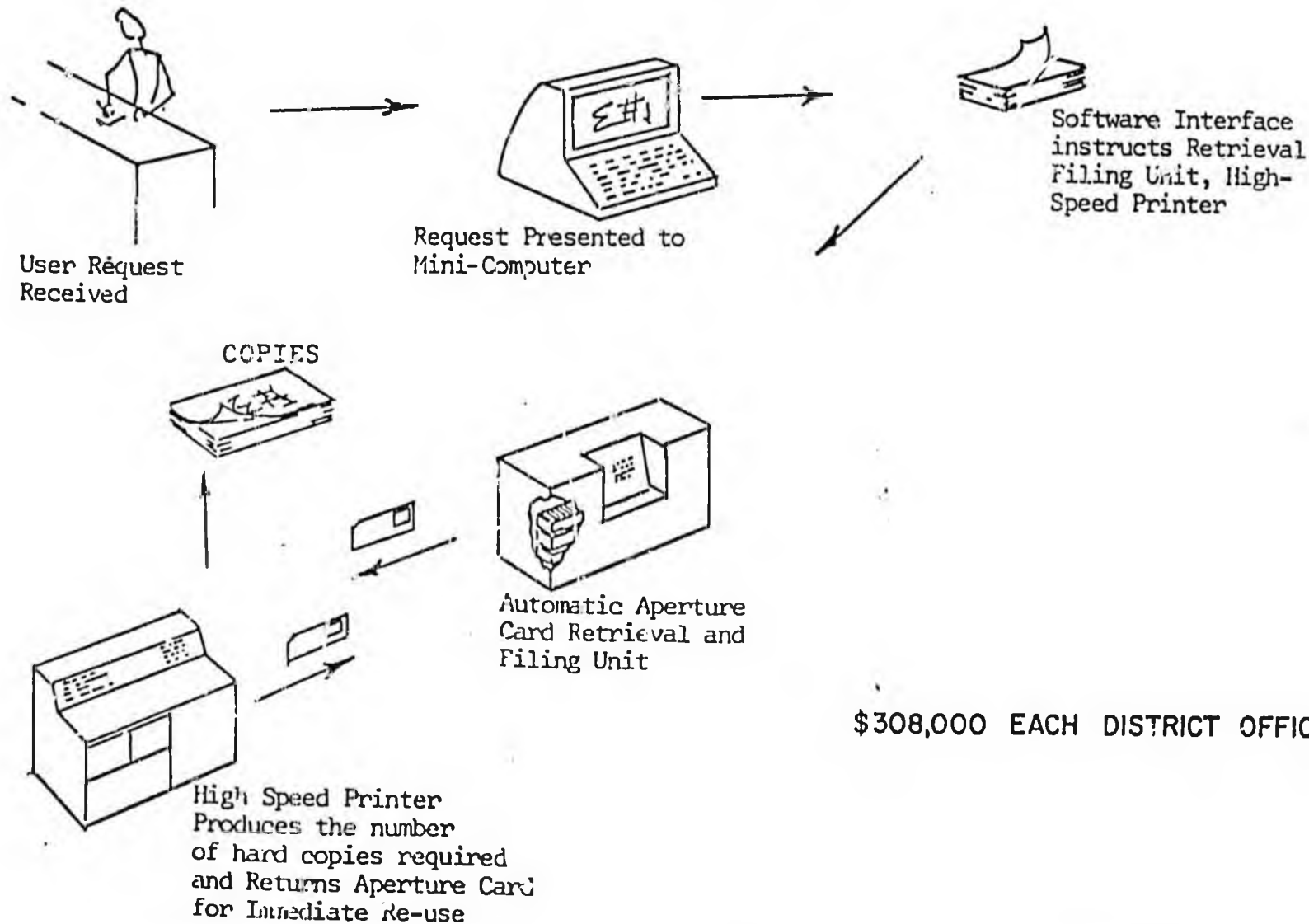
STATE RECORDERS OFFICE

(SB-78 Only)

REPRODUCTION DISTRIBUTION CENTER

3 DISTRICT OFFICES

TOTAL COST = \$924,000

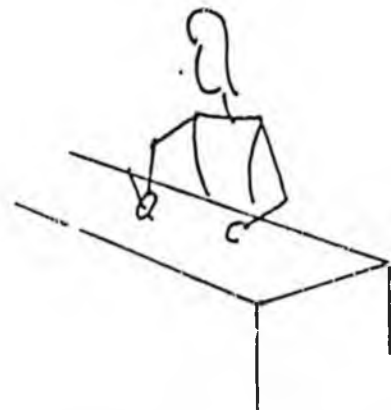


\$308,000 EACH DISTRICT OFFICE

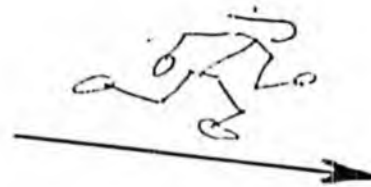
DISTRIBUTION CENTERS

AREA OFFICES & DISTRICT RECORDERS OFFICES

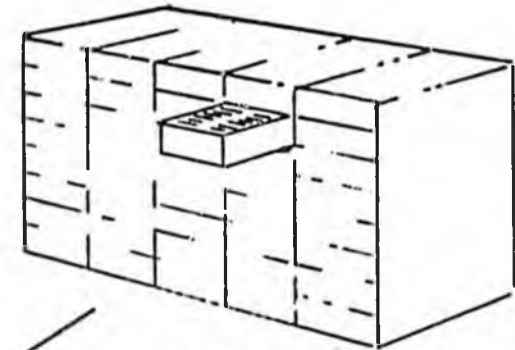
TOTAL COST (13 OFFICES) = \$600,750



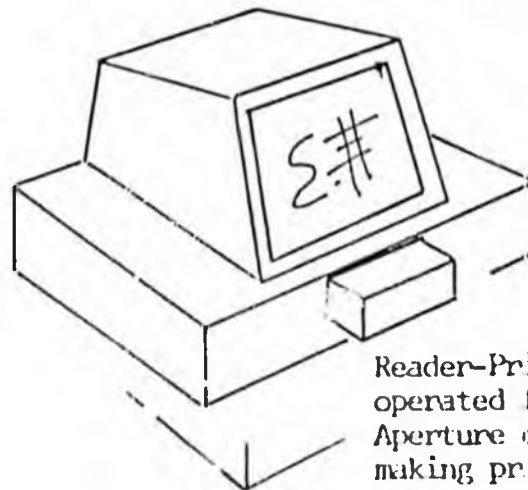
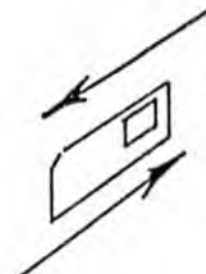
User requests received and copies distributed



Hard copies.



File cabinet for aperture cards. Manually retrieved and refiled



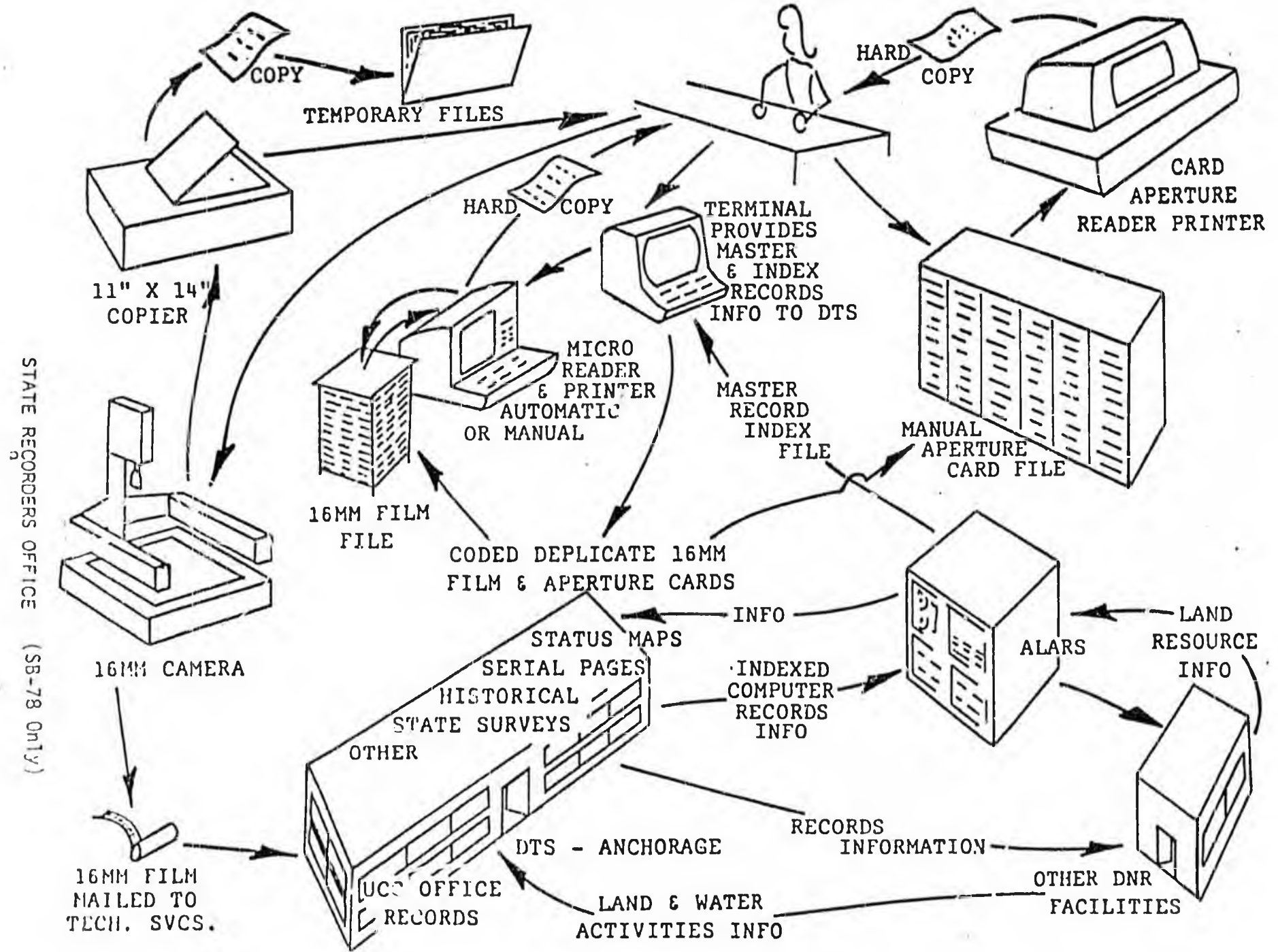
Reader-Printer manually operated for viewing Aperture cards or making prints of them.

\$46,211 EACH OFFICE

COST SUMMARY

	1st YEAR COST	YEARLY COST
<p><input checked="" type="checkbox"/> DIVISION OF TECHNICAL SERVICES</p>		
NEW AUTOMATED DRAFTING SYSTEM	\$ 745,000.00	\$ 293,000.00/YR.
NEW DISTRIBUTION SYSTEM	247,000.00	50,000.00/YR.
NEW REPRODUCTION SYSTEM	228,000.00	36,000.00/YR.
SECOND PHASE FILE EXPANSION	<u>70,000.00</u>	<u> </u>
SUBTOTAL	\$1,290,000.00	\$ 379,000.00/YR.
<p><input type="checkbox"/> DNR DISTRICT OFFICES</p> <p style="padding-left: 20px;">ANCHORAGE/FAIRBANKS/JUNEAU</p>		
NEW SYSTEM 3 OFFICES	<u>\$ 924,000.00</u>	<u>\$ 109,000.00/YR.</u>
SUBTOTAL	\$2,214,000.00	\$ 588,000.00/YR.
<p><input type="checkbox"/> DNR AREA OFFICES</p> <p style="padding-left: 20px;">DELTA/GLENALLEN/BIG LAKE/ KENAI/KETCHIKAN/HAINES</p>		
	<u>\$ 277,000.00</u>	<u>\$ 208,000.00/YR.</u>
SUBTOTAL	\$2,491,000.00	\$ 796,000.00/YR.
<p><input type="checkbox"/> STATE RECORDERS OFFICES</p> <p style="padding-left: 20px;">NOME/BETHEL/KODIAK/ HOMER/SEWARD/YALDEZ/ SITKA</p>		
	\$ 323,750.00	\$ 244,000.00/YR.
NEW SYSTEM GRAND TOTAL	\$2,814,750.00	\$1,040,000.00/YR.

STATE RECORDING OFFICES RECORDING & USER'S REQUESTS



STATE RECORDERS OFFICE (SB-78 Only)

MASTER INDEX RECORD

LRU

Acquisitions
 Patents
 Tent Approval
 Other State Lands
 Limited State Holdings
 Escheats
 Etc.

Disposals
 State Patents
 Municipal Entitlement
 Deed of Title
 Land Exchange
 Quitclaim Deed
 Management Rights
 Interagency Lnd.
 Mgmt. Rights
 Easements
 Right-of-Ways
 Letter Permits
 Sales Contracts
 Timber Sales
 Lease Contracts
 Grazing Lease
 Minerals
 Mining Claim
 Oil & Gas Lease
 Offshore Prosp. Permit
 Prospecting Permit
 Coal Prospecting Permit
 Shore Fishery
 Tidelands Permits
 Water Rights
 Cabin Permits

Other

Surveys
 U.S. Cadastral
 U.S. Township
 AK State Land
 Tidal
 Shore Fishery
 Boundaries
 Borough
 Recording District
 Park
 Wild Life Refuge
 Etc.
 Classifications
 Highways, Trails, etc.
 Graphics
 Charts
 Reports
 Flow Diagrams
 Etc.

SRO

Crops
 Farm Products
 Goods Affixed to
 Real Estate
 (Fixture)
 Conveyance
 Power of Attorney
 Contract for sale or
 purchase
 Option for purchase
 of real property
 Certification which may
 affect the title or
 interest
 Notice of action in court
 Notice of action
 for divorce
 Certified copy of Judgement
 Condemnation order
 Declaration of taking
 Cooperative contract
 Employment security lien
 Verified Workmans Comp. lien
 Mining claim, etc.
 Grubstake contract
 Mining assessment affidavit
 Notice of interest in mining
 claim
 Subdivision plat
 Certificate of limited
 partnership
 Condominium declaration
 Deed of trust
 Mechanic's Lien
 Notice
 Acknowledgement
 Bond
 State tax lien
 Federal tax lien
 Instrument transferring
 water appropriation

UCC

Accounts Receivable
 Chattel Paper
 Contract Rights
 Documents and Goods
 Equipment
 Business
 Professional
 General Intangibles
 Inventory
 Utility Deed of Trust

(SB-78 Only)

I. INTRODUCTION

This Report examines alternatives for solving the land status drafting, distribution and reproduction problem within the Alaska Department of Natural Resources (DNR). AS 11 AAC 53.020 states that the Department shall "graphically portray all actions affecting State land and other ownership as required." As the State receives more and more of its eventual 104 million acre statehood land entitlement, both the difficulty and importance of maintaining this graphic land status information base is increasing.

Knowledge of the status and location of state land is critical to virtually every state activity. The Division of Technical Services (DTS) maintains land status information at a map scale of 1:23,760 (1 inch = 30 chains - status maps) and an index map at 1:2,500,000 (E scale). Presently, keeping the 5,000 existing status maps current is a major effort, which even with a staff of nineteen drafters, is now plagued with a serious backlog of update requests. Furthermore, the status maps are portrayed at a scale which is too detailed for ready application on many resources management projects which concern large area of state land. As a result, the mapping capability that DNR initiates will require that a land status map be developed at a variety of scales and details for each special project.

The land status mapping problem can be broken down into three parts; (I) production, (II) distribution and (III) reproduction. "Production" refers to the drafting of a graphic display map of land status once the State of Alaska is supplied with an "approved BLM Survey Plat". However, because the approved BLM Survey Plats are delayed, sometimes 2 to 3 years after the original Cadastral BLM Survey is completed, an Official Protraction Diagram is provided the State of Alaska in the interim until an approved BLM Survey Plat is supplied. When an approved BLM Survey Plat is finally presented to the State a complete revision of the Status Map is required. Another significant requirement is the status map updating, which refers to the continual need to keep land status current with the myriads of daily changes which affect it.

"Distribution" is that process of disseminating updated land status documents into the hands of users and is the key requirement to the land status mapping problem. In the past, status maps and historical indexes were bluelined for distribution to locations both within and outside DTS. This present process not only takes large amounts of time, it is a cumbersome process which requires the manipulation of large numbers of very bulky documents. Additionally, the blueline process subjects valuable original (status map) documents to the possibility of damage inside the blueline machine. DTS in 1980 instituted the production of microfilmed aperture cards of all status maps and historical indexes (H.I.'s). Each aperture card consists of a single 35mm image film enclosed in a rectangular card similar to an IBM computer card. These cards are small, portable and can be retrieved mechanically by automated aperture card filing and retrieval systems. DTS presently produces 21,000 aperture cards per year and forecasts a requirement of 45,000 original aperture cards and 800,000 duplicates per year by December 1983.

"Reproduction" is the final process in providing a copy of requested land record information to the user in the most convenient, efficient and timely manner. Providing each Department of Natural Resources (DNR) district office with multiple high speed aperture card copying capability will distribute the production of large volume copy requests closer to the users. Also, providing duplicate aperture cards to the Department of Natural Resources (DNR) Area and State Recorder offices with a reader/printer capability will provide instantaneous small copy request to the user.

II. REQUIREMENTS

Under AS 38.05.035 the Department of Natural Resources is charged with maintaining land records information. AS 09.25.110 and AS 09.25.120 require that this information be made available to the public and that copies of the information be made on request.

Recently, the demand for land status information has increased, as has the difficulty of maintaining an updated land status information base. AS 38.04.020 (d) mandated that the Department of Natural Resources dispose of 100,000 acres of land per year. This disposal program calls for a high degree of accessibility to lands record information. Under the land disposal program the amount of title searches, survey activity, land classifications and the number of encumbrances on state land have accelerated at a pace which is not being adequately met with existing methods. Additionally, land status data is needed to support other land related activities including:

1. timber sales.
2. land exchanges.
3. establishment of greenbelts along public roads and streams.
4. easements for public utilities.
5. protection of watershed lands.
6. construction of airstrips and transportation facilities.
7. land selection.
8. extraction of materials.
9. oil, gas and hardrock mineral leasing programs.
10. disposals for commercial and industrial uses.

In summary, this requires smoothly functioning techniques and facilities for creating and storing status sheets, and for maintaining, updating and/or distributing vast amounts of land status information.

The Division of Technical Services (DTS) is the agency within DNR responsible for maintaining graphic representations of land status and many land records in general. It is the originating, updating, distribution, and reproduction of this graphic land status information with which this report is primarily concerned.

I. PRODUCTION

1. Background

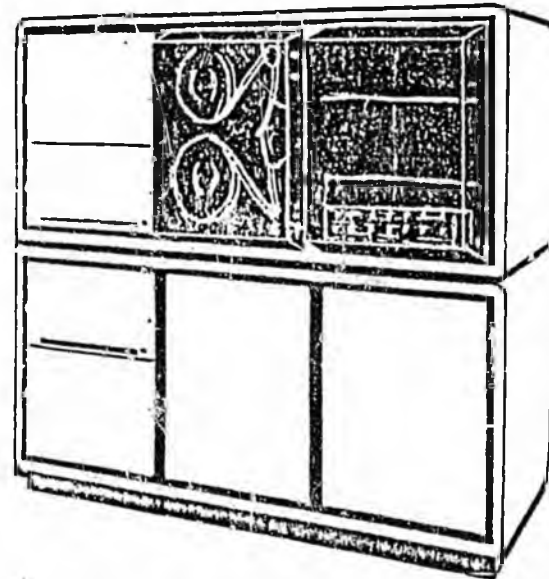
- A. The Survey Operations Unit of the Cadastral Survey Section of DTS, with nine draftsmen and a supervisor, provides a multitude of plats (i.e. Alaska State Land Survey (ASLS) Plats, Supplemental Cadastral Survey Plats, Alaska Tideland Survey Plats, Shore Fisheries, etc.) for a variety of purposes in a variety of sizes and scales. Most of the drafting performed relates to land and resources so that the finished product must then be converted to the size and scale of the status maps.
- B. The Land Records Unit of the Land Title Records Section of DTS, with nine draftsmen and a supervisor, produces and maintains maps showing the current status of land and resources. There are 18,607 townships in Alaska, with the state having a surface or mineral interest in about 7,400 of them. Also, the State has interest in the 3-mile coastal zone, the lands beneath navigable waters and the water itself wherever it is located, plus corridors and rights-of-way and thousands of miles of trails. It is estimated that a total of 16,750 new status maps will be required in the next five to ten years, plus many changes to those maps as land activities increase with resource development, land trades, the impact of the new D-2 legislation, and many others.
- C. With a total of nineteen drafters and two supervisors, plus three nonpermanent drafters exclusively for mining claims, DTS has to produce at 110% in order to meet present day drafting requirements. The Division has two alternative approaches to meet its projected manpower requirements; 1) is to hire approximately 30 new drafters over the next 5 years; or 2) implement a computer assisted drafting system to increase the existing drafting productivity. The Division of Technical Services believes the Computer Assisted Drafting System is the most viable solution.

2. Computer Assisted Drafting

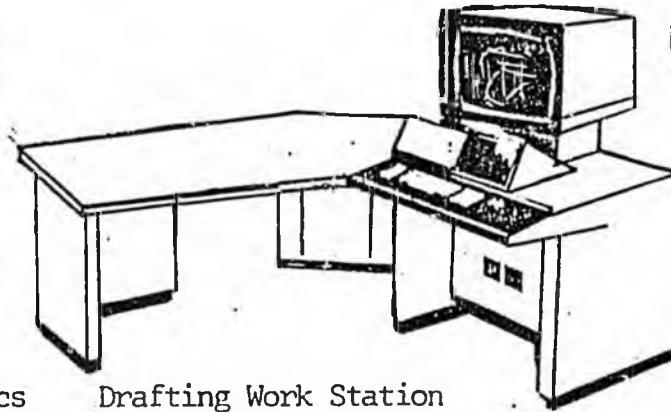
- A. A technical feasibility study has been prepared. The study shows the necessity for and feasibility of Computer-Aided Drafting (CAD) equipment being implemented in support of the Division of Technical Services Survey Operations and Land Records Drafting Units.
- B. Benefits are speed, accuracy, clarity, preservation of prior entries (historical), the ability to display a survey plat and/or status map as multiple layers of information.
- C. The basic units of a Computer Aided Drafting (CAD) system are illustrated in Figure 1. The work station shown in the center of the page is where the drafter works. DTS requires six of these workstations. There are some 5,000 status maps now which will have to be maintained manually for a period of time and then entered into the CAD system. There will always have to be manual drafters within the Division. The CAD provides, when interfaced with the drafters, the flexible production capability to meet the Divisions expanding manpower requirements.
- D. The Bureau of Land Management (BLM) has a partially automated system in Anchorage. The Atlantic Richfield (ARCO) has a full operational (CAD) system and Standard Oil of Ohio (SOHIO) is in the process of obtaining a (CAD) system in Anchorage. The CAD equipment and software has proven itself throughout the nation.
- E. The net investment is \$745,000 with an annual operating expense of \$293,000. The total manpower saving is \$768,837 per year once CAD system production is achieved. The feasibility analysis shows the Department of Natural Resources, Division of Technical Services, can utilize an automated drafting system with a payback period of 28.4 months and a 5 year discounted cash flow return on investment of 36.5%. In addition to the dollar savings to the Department generated by this system, improved turn around time, better quality of drawings, increasing productivity and job enrichment would be of significant additional benefits.

Automated Drafting

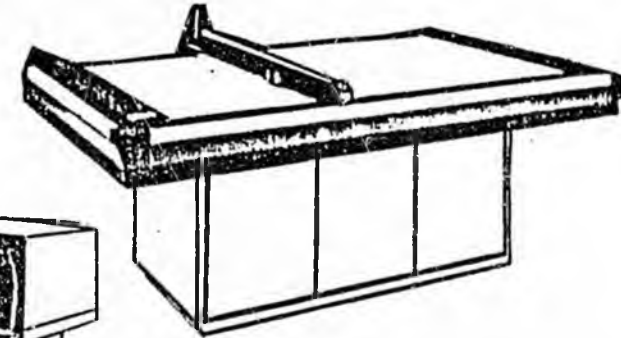
TOTAL COST = \$745,000



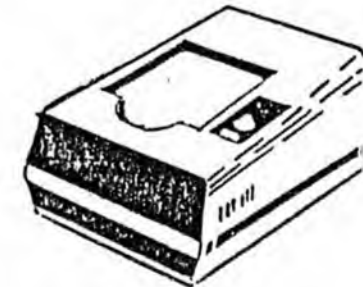
Central Processing Unit or Graphics Processor. It includes the Mini Computer



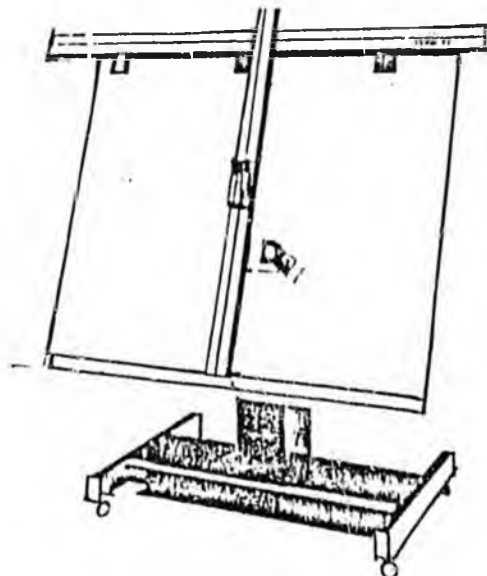
Drafting Work Station terminal with full keyboard Associated with a digitizer



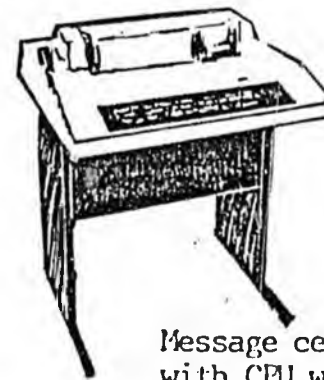
Precision plotter for final drawings or plats



Hard-copy unit for quick reference copies



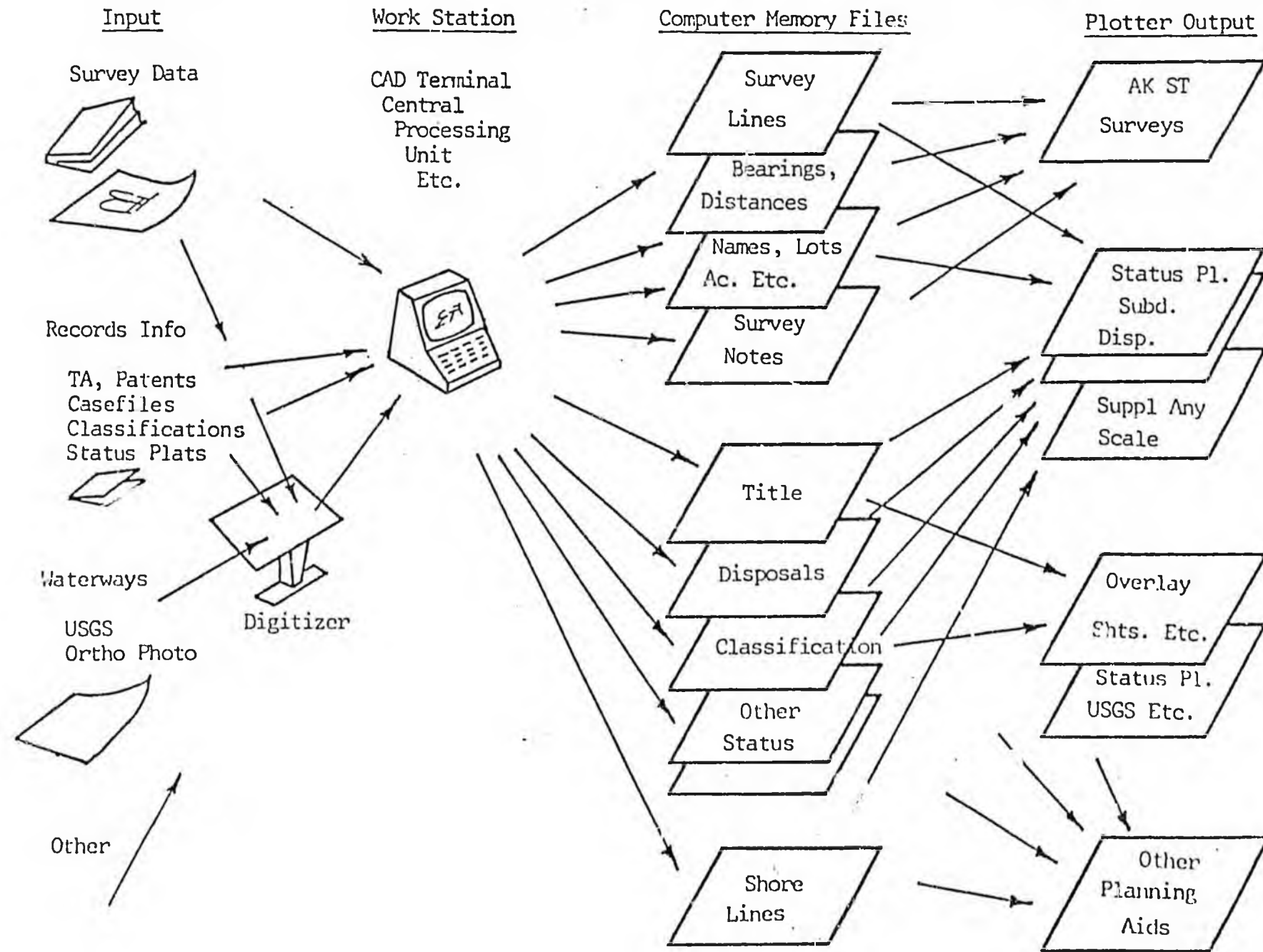
Digitizer



Message center to communicate with CPU without interrupting workstation time

FIGURE 1

Automated Drafting = CAD



MANPOWER PRODUCTIVITY INCREASE

(6 AUTOMATED WORKING STATIONS)

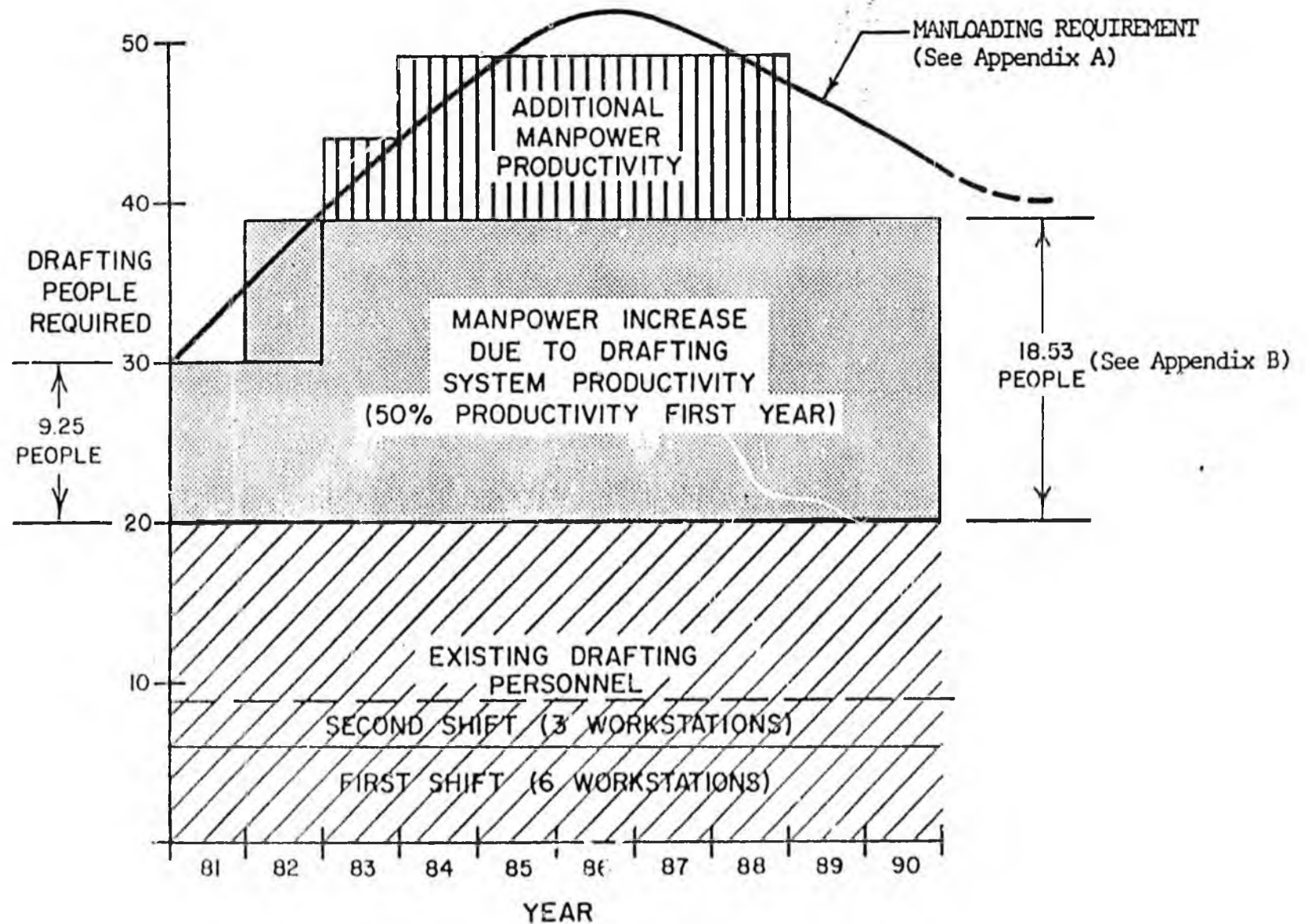


TABLE IV
FINANCIAL ANALYSIS

ASSUME 5 YEAR LIFE ON EQUIPMENT (INCLUDE SOFTWARE).
ASSUME \$715,000 PURCHASE PRICE.
ASSUME \$30,000 INSTALLATION, TRAINING EXPENSES, AIR CONDITIONING, ETC.
ASSUME \$1,546 IN MATERIAL, SPACE, SUPPLIES, AND RELATED EXPENSES.
ASSUME \$38,454 ADDITIONAL PERSONNEL ADDED TO PRESENT REQUISITIONED STAFF.
ASSUME A PRODUCTION SAVINGS AT 50% FOR THE FIRST YEAR.

TOTAL INVESTMENT CALCULATION

\$715,000 PURCHASE
30,000 PLUS INSTALLATION
\$745,000 NET INVESTMENT

ANNUAL OPERATING EXPENSE

\$ 40,000 PERSONNEL INCREASE
143,000 CAPITAL EQUIPMENT DEPRECIATION
110,000 ANNUAL MAINTENANCE/SPACE
\$293,000 ANNUAL OPERATING EXPENSE

ANNUAL MANPOWER SAVINGS

\$ 70,200 PERSONNEL SAVINGS
32,400 SPACE SAVINGS
666,237 CONTRACT LABOR SAVINGS
\$768,837

SUMMARY OF AUTOMATED DRAFTING SYSTEM ANALYSIS

ALTERNATE A-2

THIS ANALYSIS SHOWS THE DEPARTMENT OF NATURAL RESOURCES CAN UTILIZE AN AUTOMATED DRAFTING SYSTEM WITH A NET COST OF \$745,000.00, WITH A PAYBACK PERIOD OF 28.4 MONTHS AND A DISCOUNTED CASH FLOW RETURN ON INVESTMENT OF 36.5%.

-20

IN ADDITION TO THE DOLLAR SAVINGS OF \$475,837.00 PER YEAR TO THE DEPARTMENT GENERATED BY THIS SYSTEM, IMPROVED TURNAROUND TIME, BETTER QUALITY OF DRAWINGS, INCREASED PRODUCTIVITY AND JOB ENRICHMENT WOULD BE SIGNIFICANT ADDITIONAL BENEFITS.

THE FOLLOWING PAGES REPRESENT THE DATA USED TO SUBSTANTIATE THESE CONCLUSIONS.

II. DISTRIBUTION

1. Background

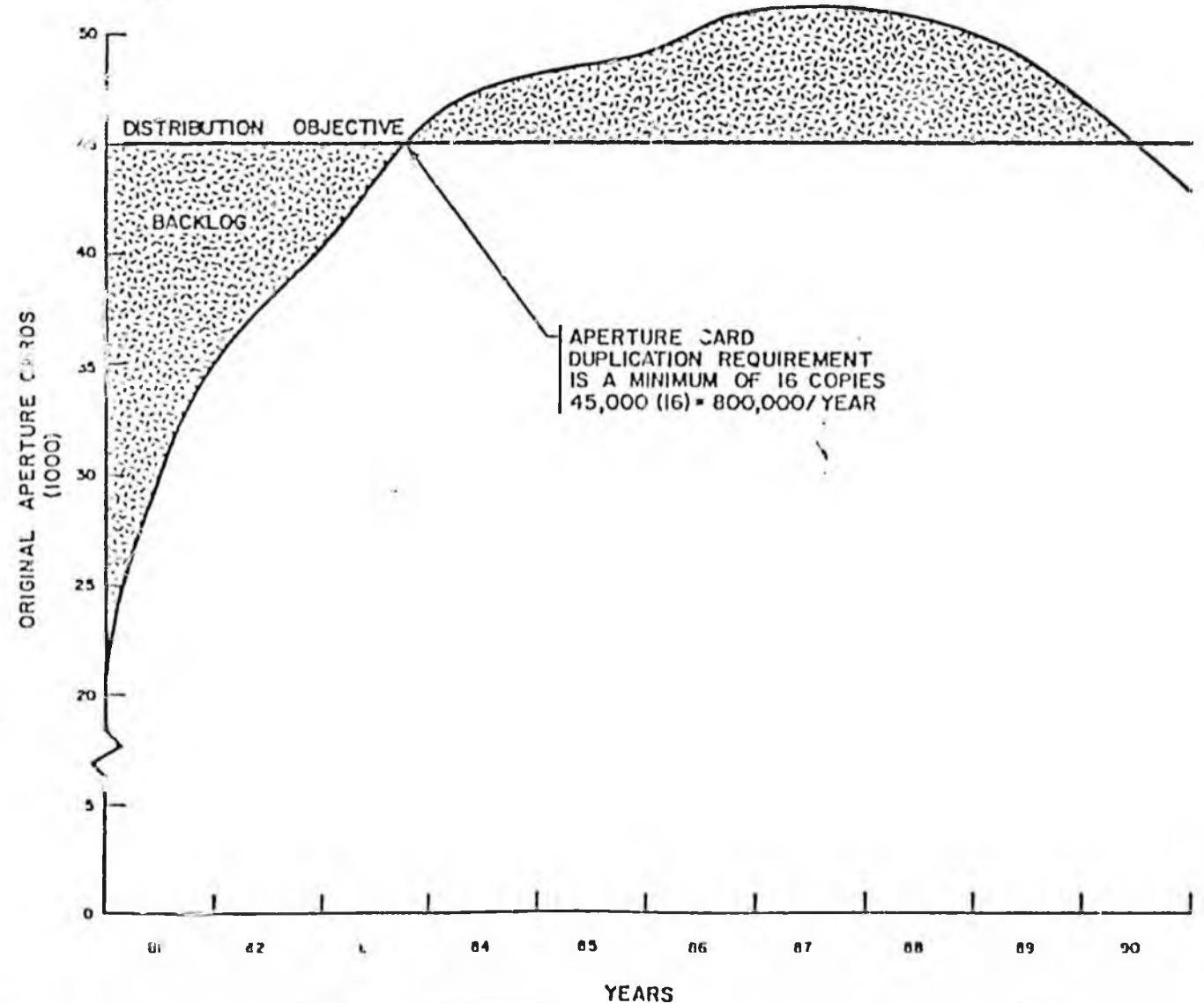
- A. A new, updated status map created by the Drafting section is forwarded, along with the updated Historical Index (H.I.) and serial page, to the Lands Records Unit (LRU). The LRU is responsible for the storage and distribution of current versions of the status maps, H.I.'s and serial pages. The updated copies of each document are microfilmed via a 35 millimeter camera for security/archival purposes by the Data Entry/Microforms portion of LRU. Updates to the automated land records file are also made here. A single aperture card for each document is also prepared. Next, the Data Monitoring Distribution portion of LRU prepares copies of each document for distribution. Presently this is done for the status maps and H.I.'s by running the original mylars through the Bruning machine to produce multiple 1:1 blue-line copies. The resulting copies are sent out to the eleven satellite files in the DNR district and area offices by courier and mail. All original documents are then refiled.
- B. A 1:2,500,000 scale State Land Activity Map (SLAM) index is also maintained by the Division of Technical Services. This small scale map index portrays generalized state land status information at a township level for statewide overview purposes. Only selected, tentatively approved or patented state lands are portrayed on this map, and many important factors such as state land disposals and overlapping native selections are not displayed.
- C. The distribution process is presently strained with the large volume of daily changes received for updating the lands records. The reasons behind the flood of daily changes are a function of legislative mandates on DNR for land disposal, the general increase in land status dependent activities, the continual receipt of more lands from the federal government. The LRU workload is doubling every year and the large volumes of daily changes experienced in the past two years have strained existing manual methods to maintain current land status information.

- D. Document security and integrity are being risked by procedures which, by definition, involve intense use of the original documents. Original documents are occasionally damaged or destroyed in the reproduction process.
- E. The general public and state personnel are experiencing inordinate delays in receiving requested land status maps of two weeks in duration.

2. Automated Aperture Card System

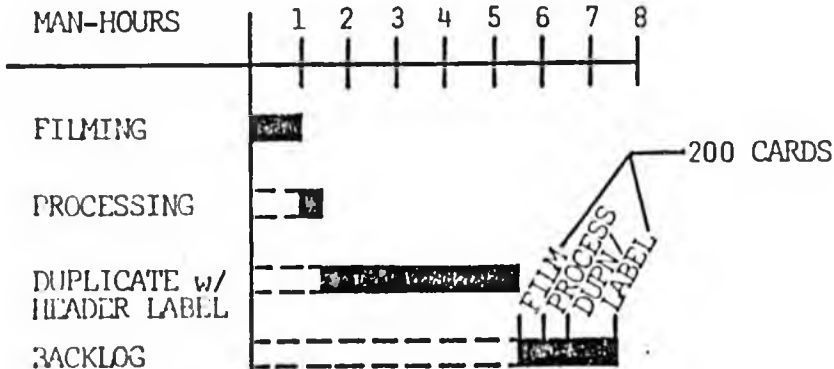
- A. Both graphical and textual land status information becomes readily available to the general public, DNR personnel and various other users through the dissemination of aperture cards to DNR Reproduction Centers. The information is managed through the creation and maintenance of a Master Index. A mini-computer with software allows the information within the Master Index to assist in the creation of an aperture card for distribution.
- B. The Master Index data base identifies to users all existing microform information by Meridian, Township and Range. This index which allows for the identification of specific state land status resource materials at a township level, will provide the key to users of all information that is available for viewing and printing, Reproduction Centers are immediately aware of the updating of status maps as dates of microfilming are entered into the computer along with the document identification number. Computer terminals automatically inform the Reproduction Center that a change has occurred before the distribution of aperture cards is actually received. If a distribution packet was lost, the information located within the Master Index could produce new aperture cards for the affected center.

FORECASTED DISTRIBUTION REQUIREMENTS



NEW DISTRIBUTION SYSTEM

(45,000 Transactions per year)



ACTIVITY REQUIRES 1 PERSON

EQUIPMENT COSTS:

CAMERA	\$ 35,000
PROCESSING UNIT	\$ 12,000
AUTOMATED HEADER LABELS w/ DUPLICATOR	\$ 17,000
TERMINAL w/SOFTWARE	<u>\$183,000</u>
TOTAL COST	247,000

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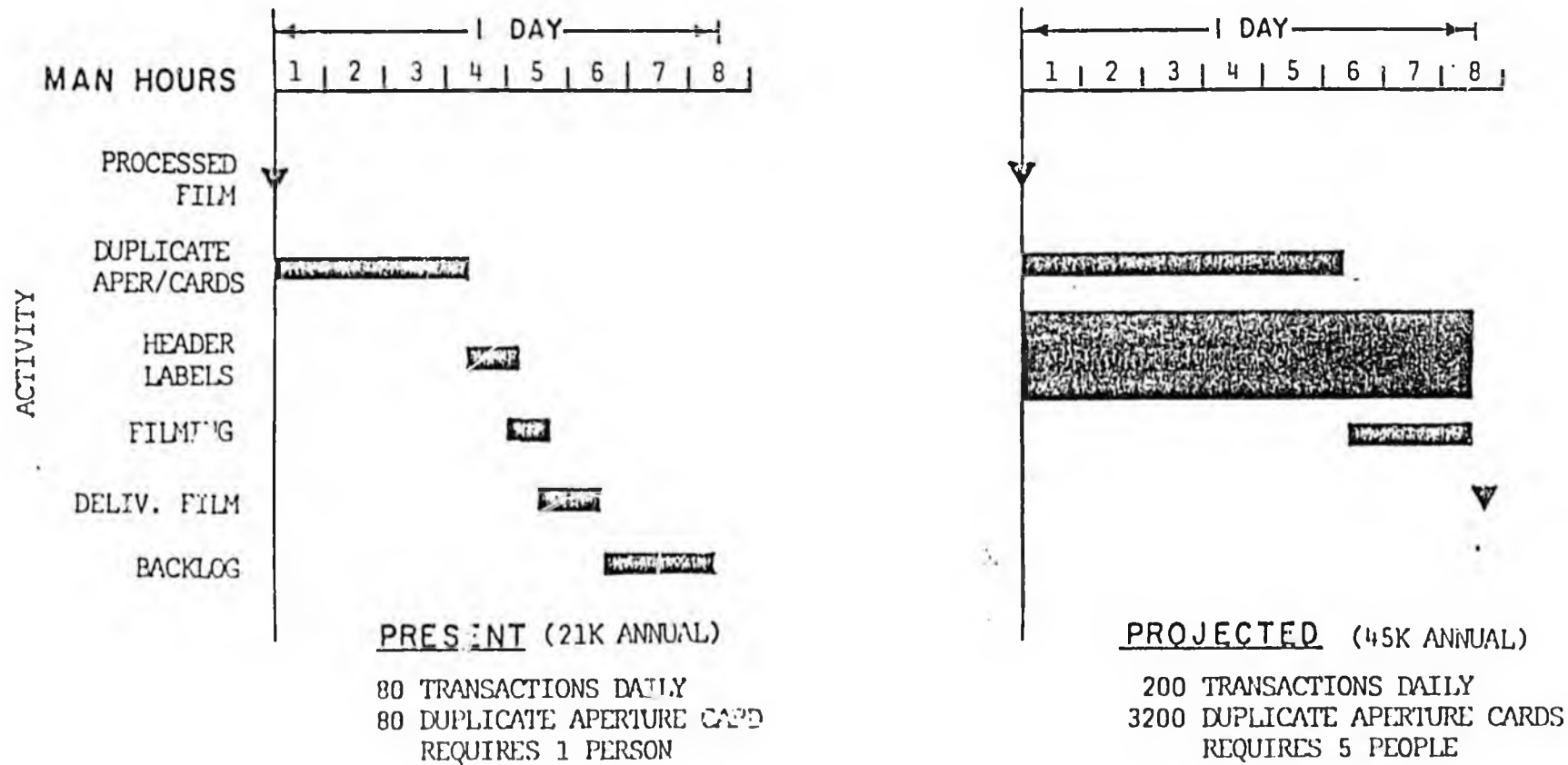
COMPARISON

PROJECTED REQUIREMENTS:

EXISTING SYSTEM	\$117,086 per year and each year
NEW SYSTEM	\$247,000 1st year only and \$50,000 each year

DAILY DISTRIBUTION REQUIREMENTS

EXISTING EQUIPMENT

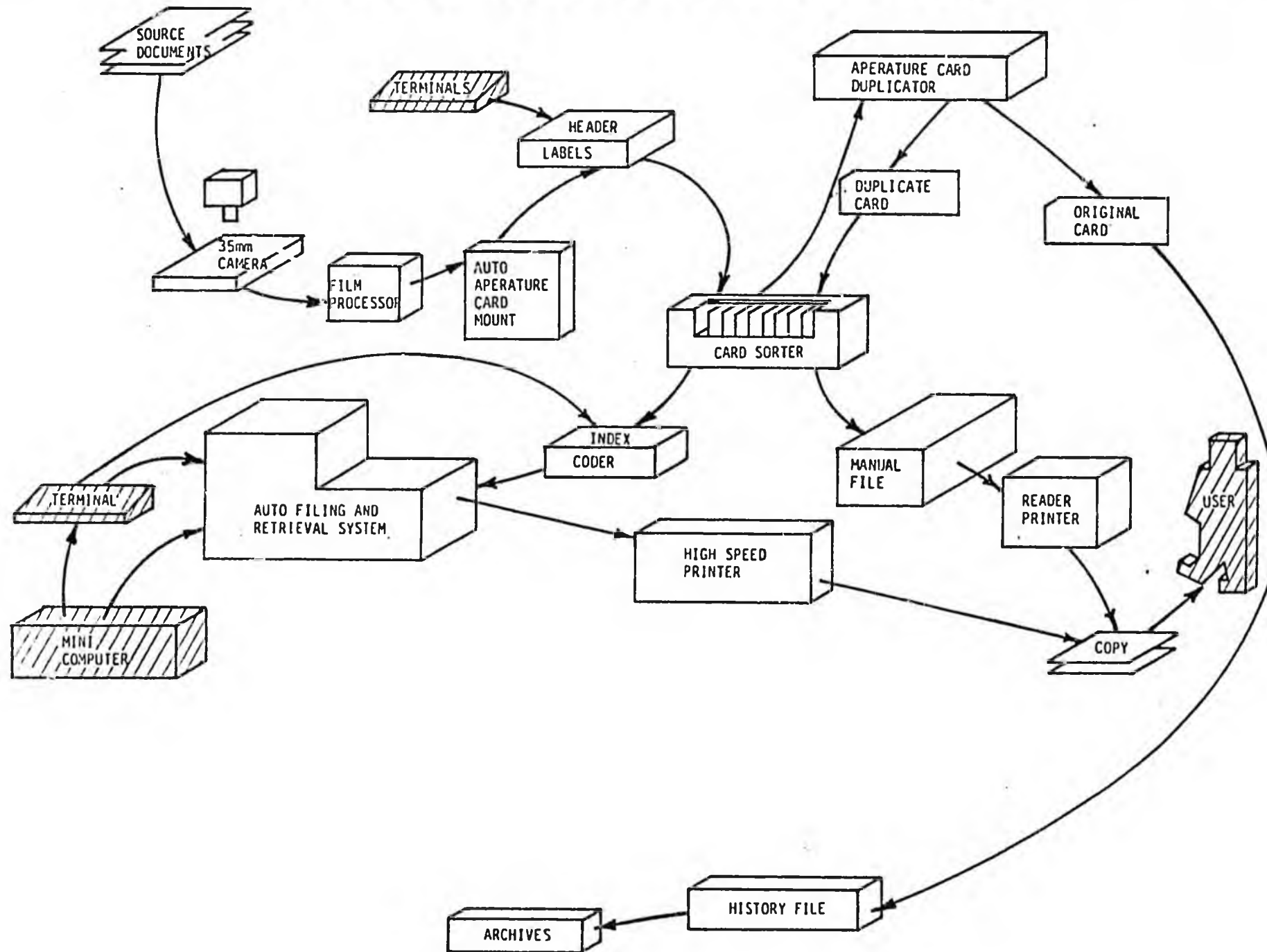


ADDITIONAL COST - 4 POSITIONS (RANGE 12 TO 30% BURDEN)

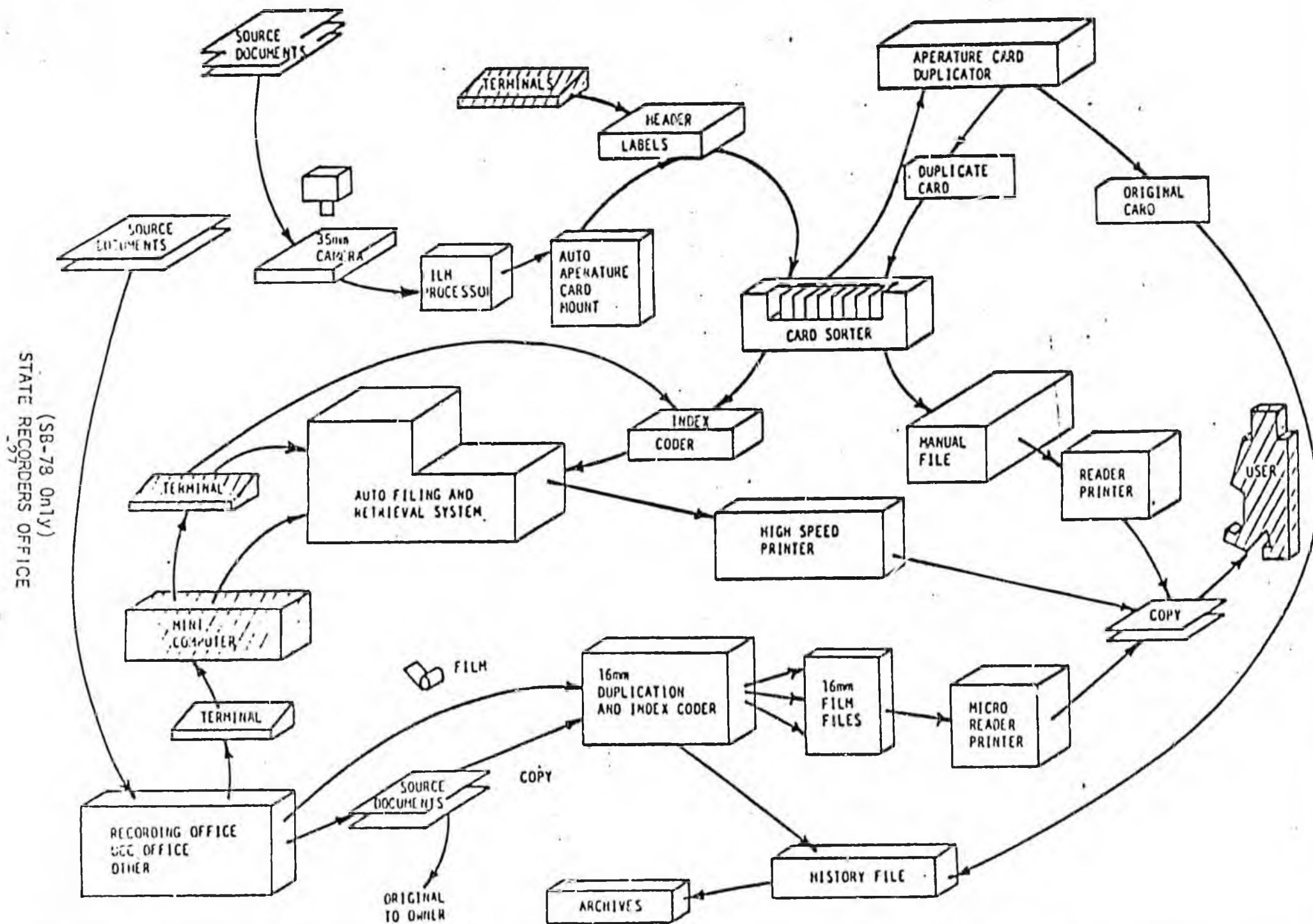
SALARY = 4 POSITIONS @ \$ 27,500 YR = \$109,880 YR
 SPACE = 4 @ 100 f²/PERSONS=400 f²(\$1.50 f²)(12) = \$7,200 YR

TOTAL ADDITIONAL COST/YEAR \$117,086 YR
 (NO COST OF LIVING INCREASE CALCULATED)

DISTRIBUTION/REPRODUCTION SYSTEM



DISTRIBUTION/REPRODUCTION SYSTEM



- C. Status maps are microfilmed daily; the film processed and diazo aperture cards produced, from archival quality silver roll film, for distribution. Using the mini-computer with software commands, an aperture card is created for both manual and automated filming and is sorted for distribution.
- D. Instructions exist within the computer as to the number of diazo aperture cards to be produced and their location of distribution. Human error is removed from the distribution process. An update to the Master index through the mini-computer provides information of Meridian, Township, Range, Document Identification number and the date of last filming. Using updating information entered into the Master Index, the high-speed diazo aperture card production unit allows header labels to be printed across the top of the card allowing Reproduction Centers to verify the most current date of change and aids manual filing. Aperture cards will be automatically sorted by location for distribution. Those Reproduction Centers with automated filing will have the bottom of the cards coded for automated retrieval purposes.
- E. Sorted aperture cards will be distributed by mail or courier to the identified Reproduction Center. Savings include the (1) elimination of processing bulky documents; (2) avoidance of further risk to document security and integrity through the handling, damage and destruction to the original; (3) avoidance of further wasted time of not knowing resource documents available and their updated status instantly; and (4) elimination of waiting period for reproduction copies by placing the information in a reproducible format for use's instant copies.

III. Reproduction

1. Background:

- A. Land Records Unit (LRU) has over 5,000 status maps plus additional thousands of historical indexes (H.I.'s) and will be reproducing 16,750 new status maps and H.I.'s plus additional historical index pages after the CAD equipment is operational. Copies of all status maps and H.I.'s for the McKay Building and the Southcentral District Office are presently made on the Bruning equipment; additional copies are made in most cases for other user offices. Every time a change, addition or deletion is made to a status map or H.I., the revised sheets must be copied and distributed. The space requirements, labor and costs involved in maintaining the copy files are tremendous.

- B. All documents are microfilmed for security purposes and DTS is now experimenting with microfilm to replace the Bruning blue-line copies. The microfilm is inserted in a card approximately 3" x 7" and the card identified as to township, range and meridian. The finished product is called an aperture card. These cards are filed by geographic location. The full sized Bruning copies of the status maps and H.I.'s in the public room of the Division of Technical Services have been replaced by the aperture cards. An aperture card viewer/printer is available so that a person can view a status map or H.I. on the TV-type viewer or make a 12% reduced size copy. Multiple copies and/or large orders for the users are still being made on the Bruning Blue-line Reproduction equipment.

- C. In addition to the aperture cards for status maps and historical indexes, there are presently 150,000 additional aperture cards of related maps and data which should be available to the users but which are not available because of the problems of reproduction of copies for the users and the map storage and handling problems. All of these would be available on the system recommended.

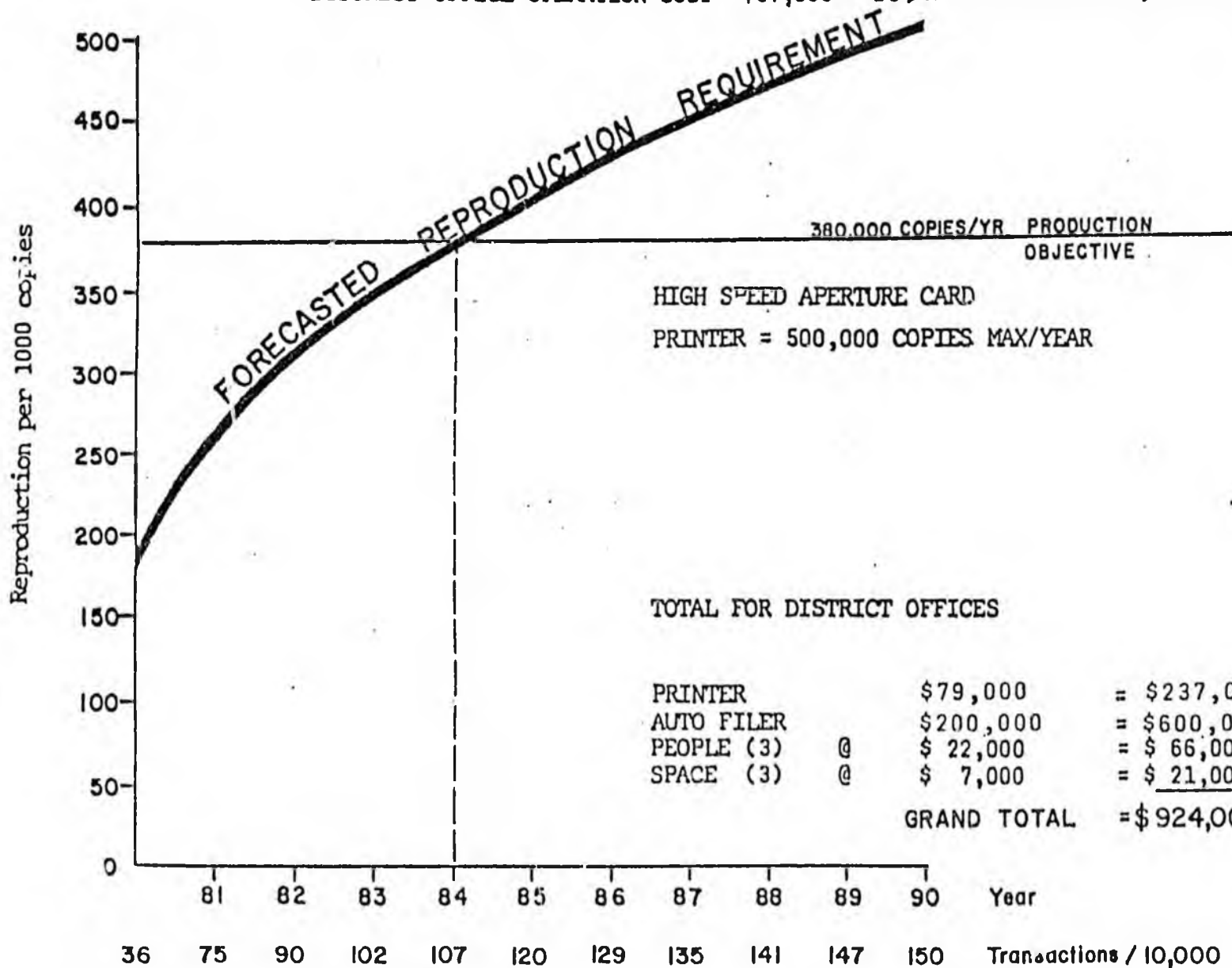
2. Reproduction/Distribution Centers

- A. The Division of Technical Services (DTS) would retain its present reproduction capability with the addition of an Automated aperture Card Retrieval/Filing System and a high speed printer, this system would provide back up support for the three DNR district offices. Also, DTS would continue to handle special reproduction requirements.
- B. The DNR district offices in Anchorage, Fairbanks and Juneau will be provided with a High Speed Aperture Card Printer, an Automated Aperture Card Retrieval/Filing System and 1 new employee to operate the reproduction center for large volume copy requests.
- C. The high speed printer will generate hard copy prints of status maps, H.I.'s, survey plats, speciality maps, and etc. from the aperture cards. Prints can be of various sizes. The printers can be operated under computer control to assure that all requests for prints have been properly satisfied.
- D. When the high speed aperture card printers are operational, copies for the users will be made on the printer rather than the Bruning; the copies are 88% of the size of the original status maps or H.I.'s. The product of the aperture card printer is satisfactory to the majority of users as to size and quality. The District offices will become the major large volume reproduction centers. The area offices and some State Recorders offices will obtain their own viewer/printers for distributing copies directly to users. The Division of Technical Services will supply to the District, Area and Recorder's offices aperture cards of the Land Records information. When full size copies are required for special applications or upon specific user request DTS will be able to supply Bruning blue-line or photographic copies. It is anticipated that DTS will continually be required to provide full sized copies for special applications.
- E. The Automated Aperture Card Retrieval Filing System will allow random filing and automated retrieval of the aperture cards. Under computer control, this system will provide for automatic purging of inactive files, allow files to be requested remotely through terminals, control distribution to other offices and insure file security.

3 DISTRICT OFFICES NEW REPRODUCTION SYSTEM

DISTRICT OFFICE OPERATION COST = \$87,000 + 25% Materials = \$108,750 YR

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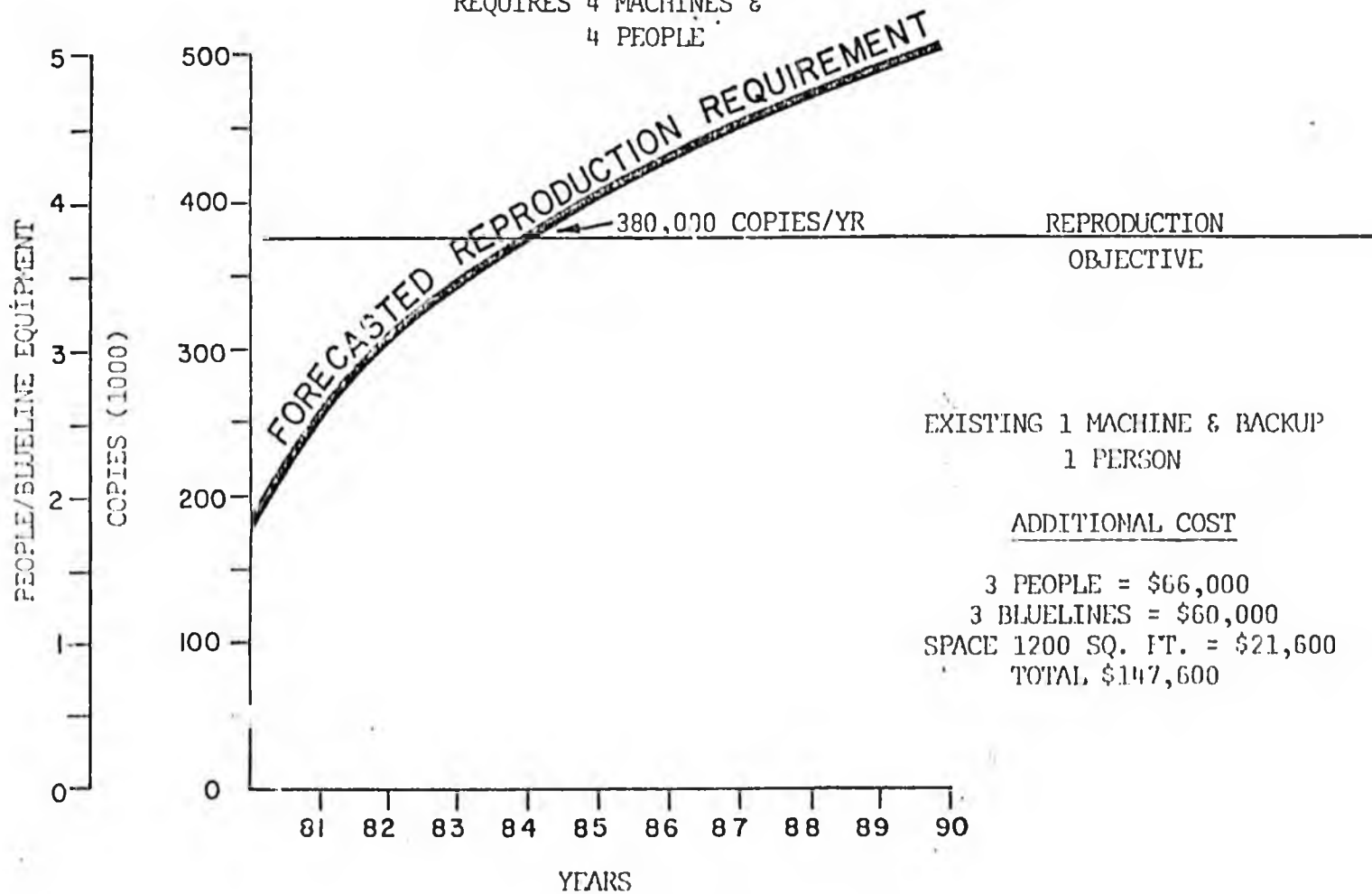


FORECASTED REPRODUCTION REQUIREMENTS FOR DIVISION OF TECHNICAL SERVICES

(PRESENT SYSTEM - ADDED EQUIPMENT/PEOPLE)
(See Appendix C)

OPERATION COST = \$87,000/yr + 25% MATERIALS = \$109,500/YR

REQUIRES 4 MACHINES &
4 PEOPLE



EXISTING 1 MACHINE & BACKUP
1 PERSON

ADDITIONAL COST

3 PEOPLE = \$66,000
3 BLUELINES = \$60,000
SPACE 1200 SQ. FT. = \$21,600
TOTAL \$147,600

REPRODUCTION COST FOR OTHER PROPOSED FACILITIES

DNR AREA OFFICES

6 OFFICES	UNITS	TOTAL (6)
PEOPLE (1) EACH	\$22,000 EACH	\$132,000
SPACE 200 ft sq EACH	\$3,500 EACH	\$21,000
READER PRINTERS (1) EACH	\$10,000 EACH	\$ 60,000
FILES (5) EACH	\$ 300 (5)	
	\$300 X (5) = 1,500	\$ 9,000
MISC @ 25% TOTAL (PHONE, MATERIALS, ETC.)	-----	\$55,000
	GRAND TOTAL	\$ 277,000

STATE RECORDER OFFICES

7 OFFICES	UNITS	TOTAL (7)
PEOPLE (1) EACH	\$ 22,000 EACH	\$154,000
SPACE 200 ft sq EACH	\$3,500 EACH	\$24,500
READER/PRINTER (1) EACH	\$10,000 EACH	\$ 70,000
FILES (5) EACH	\$300 (5) = \$1,500	\$ 10,500
MISC @ 25% (PHONE, MATERIAL, ETC)	-----	\$64,750
	GRAND TOTAL	\$ 323,750

MANPOWER LOADING

REQUIREMENTS

APPENDIX A

LAND RECORDS DRAFTING
SUB-UNIT

10 Year Projection

Project Type	Activity	Drafting Actions (Units) and Time Required	81	82	83	84	85	86	87	88	89	90	Total Action (Units) and Man/Years Req.
			Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years		
Create Base Township Status Plats	Activity wide base and replacement status plats created from protraction diagrams BLM Surveys & USGS Quads.	16750 Base Plats at 3.0 hrs. per plot 30 man/years required	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	16750
			3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	30.0
Acquisitions	State Selections Tentative Approval Patent and all other Acquisition Programs	100000 actions at .7 hrs per action 40 man/years required	10000 4.0	10000 4.0	10000 4.0	10000 4.0	10000 4.0	10000 4.0	10000 4.0	10000 4.0	10000 4.0	10000 4.0	100000 40.0
Surveys	BLM Surveys, State Surveys, Cadastral & Subdivision, GTE, Tideland, etc.	14600 actions at 3.0 hrs per action 25 man/years required	900	910	1200	1200	1500	1500	1700	1700	2000	2000	14600
			1.5	1.5	2.0	2.0	2.5	2.5	3.0	3.0	3.5	3.5	25.0
Classifications	Land use classifica- tion Program including Mineral closing, Orders, etc.	68500 actions at 1.2 hrs per action 47 man/years required	5100	5800	6600	7300	8700	8000	7300	7000	6400	6700	68500
			3.5	4.0	4.5	5.0	6.0	5.5	5.0	4.8	4.4	4.3	47.0

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Project Type	Activity	Drafting Actions (Units) and Time Required	81	82	83	84	85	86	87	88	89	90	Total Action (Units) and Man/Years Req.
			Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	Units Man Years	
Surface Activity	Land Disposal and Resource Use and Disposal Programs, Trans. and Util. Corridors, Other Surface Programs	300000 actions at .25 hrs per action 43 man/years required	21000 3.0	21000 3.0	28000 4.0	28000 4.0	28000 4.0	35000 5.0	35000 5.0	35000 5.0	35000 5.0	35000 5.0	300000 43.0
Sub-Surface Activity	Mining claims, Prospecting permits, Oil and Gas Leasing and Other Programs	350000 actions at .25 hrs per action 50 man/hours required	28000 4.0	28000 4.0	35000 5.0	35000 5.0	35000 5.0	42000 6.0	42000 6.0	42000 6.0	35000 5.0	28000 4.0	350000 50.0
Water Rights	Water Right Appln's and Rights, Water take points, Dams, etc.	108500 action at .25 hrs per action 15.5 man/years required	3500 .5	7000 1.0	7000 1.0	10500 1.5	10500 1.5	14000 2.0	14000 2.0	14000 2.0	14000 2.0	14000 2.0	108500 15.5
Special Graphics	Boundary Notations Coastal Zone Mgt. Charts-Graphs and Miscellaneous Drafting Requirements	10200 actions at 5.0 hrs per action 2 1/2 man/years required	700 2.0	1050 3.0	1050 3.0	1050 3.0	1050 3.0	1050 3.0	1050 3.0	1050 3.0	1050 3.0	1050 3.0	10200 29.0
Sub-Total Actions (Units), Land Records			70900	75450	90550	94750	96450	100650	100150	99850	92550	85450	968550
Sub-Total (man/years), Land Records			21.5	23.5	26.5	27.5	29.0	31.0	31.0	30.8	29.9	28.8	179.5

-A3

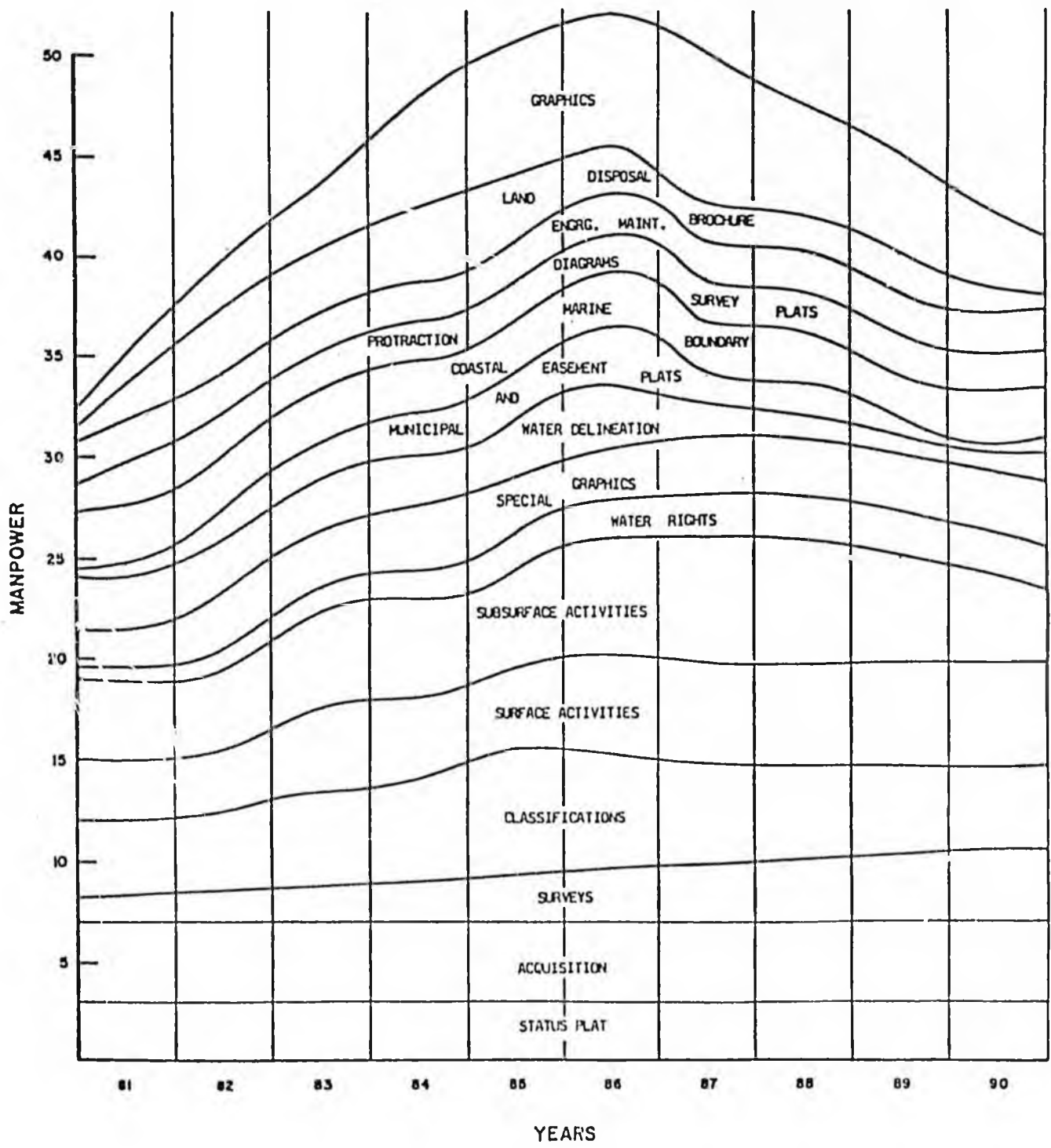
Drafting Project Type	Activity	Actions	81	82	83	84	85	86	87	88	89	90	TOTALS
			Week Units Man Years	Week Units Man Years	Week Units Man Years	Week Units Man Years	Week Units Man Years	Week Units Man Years	Week Units Man Years	Week Units Man Years	Week Units Man Years	Week Units Man Years	
<u>1 GRAPHICS</u> Organization Charts	Administration Unit	Up date weekly 4 man hrs week	52 .13my	52 .13my	52 .13my	52 .13my	52 .13my	52 .13my	52 .13my	52 .13my	52 .13my	52 .13my	12.0 man months 1.3 man years
Graphs & Charts	Public & Management Reviews	Original Construction & periodic up dates -32 hrs per unit	30 .6my	60 1.2my	80 1.6my	100 2.0my	110 2.2my	120 2.4my	140 2.8my	100 2.0my	100 2.0my	100 2.0my	188 man months 18.8 man years
Flow Charts	Public & Management Planning	Original Construction 16 hrs per unit	24 .24my	48 .48my	96 .96my	150 1.5my	190 1.9my	160 1.6my	150 1.5my	100 1.0my	100 1.0my	100 1.0my	116.0 man months 11.2 man years
Special Map & Overlays	Management Planning	Original Construction & up date etc. 40 hrs per unit	15 .37my	30 .75my	60 1.5my	80 2.0my	100 2.5my	100 2.5my	100 2.5my	80 2.0my	60 1.5my	30 .75my	168.7 man months 16.4 man years
Brochures	Land Disposal Program	Original Construction & Scale change 1800 hrs per unit	2 2.25my	3 3.37my	3 3.37my	3 3.37my	3 3.37my	2 2.25my	2 2.25my	2 2.25my	2 2.25my	1 1.12my	269.7 man months 25.85 man years

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Drafting Project Type	Activity	Actions	81	82	83	84	85	86	87	88	89	90	TOTALS
			Week Units	Week Units	Week Units	Week Units	Week Units	Week Units	Week Units	Week Units	Week Units	Week Units	
			Man Years	Man Years	Man Years	Man Years	Man Years	Man Years	Man Years	Man Years	Man Years	Man Years	
2 ENGINEERING Water Delineation Plats	Land Water Interface DR&D	Original Construction, 8 hrs per unit	500 Units 2.5my	500 Units 2.5my	500 Units 2.5my	500 Units 2.5my	500 Units 2.5my	500 Units 2.5my	150 Units 1.5my	100 Units 1.0my	100 Units 1.5my	100 Units 1.0my	195 man months 19.5 man years
Municipal Plats & Maps	Municipal Transfer Disposal	Master Plat & additions 24 hrs unit	30 Units .45my	50 Units .75my	60 Units .90my	70 Units 1.05my	80 Units 1.2my	100 Units 1.5my	50 Units .75my	30 Units .45my	20 Units .30my	10 Units .22my	75 man months 7.5 man years
Easement Vacation Plats	Land Disposal Rarkst Recreation	Original Construction 12 hrs per units	30 Units .22my	50 Units .37my	70 Units .53my	100 Units .75my	150 Units 1.12my	160 Units 1.20my	200 Units 1.5my	100 Units .75my	50 Units .37my	30 Units .22my	70.3 man months 7.03 man years
Coastal/Marine Boundaries	Subsurface Oil & Gas	Oil and gas diagrams & platting from protra- tions 80 hrs week	52 Units 2.6my	52 Units 2.6my	52 Units 2.6my	52 Units 2.6my	52 Units 2.6my	52 Units 2.6my	52 Units 2.6my	52 Units 2.6my	52 Units 2.6my	52 Units 2.6my	260 man months 26.0 man years
Official BLM Protraction Diag.	Title Administration	Up date as result of BLM approved surveys 40 hrs week	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	100 man months 10.0 man years
Survey Plats	Shore Fisheries and Cadastral Plats	Original Construction & Up dates 40 hrs week	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	52 Units 1.0my	100 man months 10.0 man years
Engineering Maintenance	Surface Activity Land Disposals	Variety of misc. changes & additions - drafting for Contract DR&C & Policy Reviews 80 hrs per week	52 Units 2.0my	52 Units 2.0my	52 Units 2.0my	52 Units 2.0my	52 Units 2.0my	52 Units 2.0my	52 Units 2.0my	52 Units 2.0my	52 Units 2.0my	52 Units 2.0my	200 man months 20.0 man years
Sub-Total Actions (Units), Cadastral Survey Section			891	1011	1129	1263	1351	1402	1052	772	692	631	10320
Sub-Total (Man/Years)			13.36	16.15	18.09	19.9	21.52	20.68	19.53	16.18	15.65	14.04	175.1
Total Actions (Units), Division of Technical Services			71790	76450	91680	107410	109840	102050	101200	93320	93240	86080	933,000
Total (Man/Years)			34.9	39.7	44.6	47.4	50.5	51.7	51.5	49.0	45.6	42.8	457.7

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MANLOADING REQUIREMENTS



COMPUTER AIDED DRAFTING
SYSTEM ANALYSIS

Appendix B

SUMMARY OF AUTOMATED DRAFTING SYSTEM ANALYSIS

ALTERNATE A-2

THIS ANALYSIS SHOWS THE DEPARTMENT OF NATURAL RESOURCES CAN UTILIZE AN AUTOMATED DRAFTING SYSTEM WITH A NET COST OF \$745,000.00, WITH A PAYBACK PERIOD OF 28.4 MONTHS AND A DISCOUNTED CASH FLOW RETURN ON INVESTMENT OF 36.5%.

IN ADDITION TO THE DOLLAR SAVINGS OF \$475,837.00 PER YEAR TO THE DEPARTMENT GENERATED BY THIS SYSTEM, IMPROVED TURNAROUND TIME, BETTER QUALITY OF DRAWINGS, INCREASED PRODUCTIVITY AND JOB ENRICHMENT WOULD BE SIGNIFICANT ADDITIONAL BENEFITS.

THE FOLLOWING PAGES REPRESENT THE DATA USED TO SUBSTANTIATE THESE CONCLUSIONS.

WORKLOAD ANALYSIS
ENGINEERING AND GRAPHICS TYPES OF DRAFTING

FOR THIS ANALYSIS, WORK FOR SIX DRAFTERS WILL BE EVALUATED. THIS ANALYSIS IS BASED ON A WORKLOAD DISTRIBUTION OF THIS GROUP AS ESTIMATED BY LOYD WALTER.

-B3

CHECKING TIME WAS CONSIDERED TO REMAIN CONSTANT. AUTOMATED DRAFTING WILL REDUCE CHECKING BUT THE NUMBER OF DRAWINGS WILL INCREASE, THEREFORE, OFFSETTING THE SAVINGS.

TABLE I
WORKLOAD ANALYSIS
FOR AUTHORIZED MANPOWER LEVEL

<u>Tasks with Large CAD Potential</u>	<u>Manyears Manual</u>	<u>% of Workload Drafting</u>	<u>Drafting Manyears</u>	<u>Productivity Increases</u>	<u>Automated Manyears</u>	<u>Manyears Available</u>
<u>Graphics Tasks</u>						
Flow Charts	.10	90%	.09	8:1	.08	.08
Charts & Graphs	.80	90%	.72	7:1	.08	.62
Org. Charts	.20	80%	.16	10:1	.01	.14
Presentations	.90	75%	.68	7:1	.04	.58
Planning	<u>.50</u>	<u>60%</u>	<u>.30</u>	<u>15:1</u>	<u>.07</u>	<u>.28</u>
Total - Graphics	2.50	Ave. 78%	1.95	Ave. 7.8:1	.25	1.70
<u>Engineering Tasks</u>						
Base Status Plats	1.50	85%	1.28	5:1	.26	1.02
New Survey Plats	.50	90%	.45	6:1	.07	.38
Water Estate/ Deliniate	.50	75%	.38	6:1	.06	.84
Coastal/Marine Boundaries	<u>1.00</u>	<u>90%</u>	<u>.90</u>	<u>6:1</u>	<u>.15</u>	<u>.74</u>
Total-Engineering	3.50	Ave. 86%	3.01	Ave. 5.6:1	.54	2.97
Total CAD Department	6.00					

UTILIZATION OF AVAILABLE MANPOWER
FROM PRODUCTIVITY INCREASES

AS A RESULT OF AUTOMATED DRAFTING, 1.70 MANYEARS ARE AVAILABLE FROM GRAPHICS AND 2.97 MANYEARS FROM ENGINEERING DRAFTING. THEREFORE, 1.0 MANYEARS OF AVAILABLE TIME FROM GRAPHICS IS BEING ALLOCATED TO ENGINEERING DRAFTING.

-85

THE FOLLOWING TABLE SHOWS THE EQUIVALENT MANHOURS OF STAFFING RESULTING FROM THE INCREASE IN PRODUCTIVITY AS A RESULT OF THE AUTOMATED DRAFTING SYSTEM.

THE WEIGHTED AVERAGE PRODUCTIVITY BASED ON THE PRESENT WORKLOAD ANALYSIS IS 7.8.:1 FOR GRAPHICS AND 5.6:1 FOR ENGINEERING. PRODUCTIVITY RATIOS OF AUTO-DRAFTING USERS IS IN ATTACHED APPENDIX A.

TABLE II
EQUIVALENT MANUAL MANPOWER RESULTING FROM
PRODUCTIVITY INCREASES

	<u>Manyears Available</u>	<u>% Drafting Time</u>	<u>Drafting Time Available</u>	<u>Weighted Productivity Ratio</u>	<u>Equivalent Manyears</u>	<u>Equivalent Increase In Staff</u>
Graphics	.70	78%	.55	7.8:1	4.08	3.38
Drafting	3.97	86%	3.41	5.6:1	19.12	<u>15.15</u>
TOTAL EQUIVALENT INCREASE IN STAFF						18.53
PRESENT PLANNED AUTOMATED STAFF						<u>6.00</u>
TOTAL EQUIVALENT MANUAL STAFF WITH AUTOMATED DRAFTING						24.53

MANPOWER SAVINGS FROM AUTOMATED DRAFTING SYSTEM

THERE ARE 24.53 EQUIVALENT MANYEARS AVAILABLE (SEE TABLE II) WITH A STAFF OF SIX PEOPLE. THE MANPOWER AVAILABLE TO DO OTHER WORK IS 18.53 MANYEARS. GRAPHICS WILL USE THE 3.38 MANYEARS AVAILABLE TO HANDLE THE GRAPHICS REQUIREMENTS FOR TRAINING AND START-UP OF THE COMPUTER AIDED DRAFTING FACILITY. THIS WILL RESULT IN A SAVINGS OF THREE DRAFTSMEN THAT WOULD HAVE TO BE HIRED TO HANDLE THIS INCREASED WORKLOAD IN 1981.

REMAINING 15.53 MANYEARS WOULD BE DEDICATED TO ENGINEERING DRAFTING REQUIREMENTS. THE SAVINGS WOULD COME FROM ELIMINATING THE NEED TO HIRE CONTRACTORS TO DO THE DRAFTING WORK.

IN ADDITION, IF THE DIVISION OF TECHNICAL SERVICES WERE TO HIRE THESE DRAFTSMEN, THE COST OF SPACE WOULD BE A MAJOR COST ITEM. PRESENTLY, ANCHORAGE SPACE IS A MINIMUM OF \$1.50/SQ. FT. PER MONTH.

TOTAL MANPOWER SAVINGS (TABLE III) IS \$768,837.00 PER YEAR ONCE SYSTEM PRODUCTION IS ACHIEVED.

TABLE III
MANPOWER SAVINGS

I. ELIMINATE HIRING SAVINGS

ASSUME A 30% BURDEN RATE

ASSUME THREE JUNIOR DRAFTSMEN WOULD BE HIRED IN 1981 TO HANDLE THE INCREASED LOAD PREDICTED BY LOYD WALTER AT \$1,500/MONTH.

SAVINGS FROM NOT HIRING THREE JUNIOR DRAFTSMEN IS:

$$\$1,500/\text{MONTH} \times \text{THREE DRAFTSMEN} \times 12 = \$54,000$$

$$\text{BURDENED LABOR SAVINGS} = 54,000 \times 1.30 = \$70,200 \dots \dots \dots \$ 70,200.00$$

II. SPACE SAVINGS

SPACE SAVINGS FROM NOT HIRING 18 DRAFTSMEN TO DO EQUIVALENT WORK IS AS FOLLOWS:

$$\begin{aligned} & \$1.50/\text{SQ. FT.}/\text{MONTH} \times 100 \text{ SQ. FT.}/\text{DRAFTSMEN} \\ & \times 18 \text{ DRAFTSMEN} \times 12 \text{ MONTHS} = \$32,400 \dots \dots \dots \$ 32,400.00 \end{aligned}$$

III. CONTRACT LABOR SAVINGS

CONTRACT DRAFTING IS BEING DONE AT \$25/HOUR.

ASSUME 1,716 HOURS PER MANYEAR (EXCLUDING VACATIONS, SICK LEAVE, ETC.)

$$15.53 \text{ MANYEARS} \times 1,716 \text{ HOURS/MANYEAR} = 26,649 \text{ MANHOURS}$$

$$\text{SAVINGS} = 26,649 \text{ MANHOURS} \times \$25 = \$666,237 \dots \dots \dots \underline{\$666,237.00}$$

$$\text{TOTAL} = \underline{\$768,837.00}$$

IV. ESTIMATED FIRST YEAR SAVINGS

IT IS ESTIMATED THAT IT WILL TAKE ONE YEAR TO REACH THE PRODUCTIVITY RATIO ESTABLISHED THEREFORE, FIRST YEAR MANPOWER SAVINGS WILL BE ESTIMATED AT 50% OF YEAR 2 THROUGH YEAR 5.

TABLE - IV
FINANCIAL ANALYSIS

ASSUME 5 YEAR LIFE ON EQUIPMENT (INCLUDE SOFTWARE).
ASSUME \$715,000 PURCHASE PRICE.
ASSUME \$30,000 INSTALLATION, TRAINING EXPENSES, AIR CONDITIONING, ETC.
ASSUME \$1,546 IN MATERIAL, SPACE, SUPPLIES, AND RELATED EXPENSES.
ASSUME \$38,454 ADDITIONAL PERSONNEL ADDED TO PRESENT REQUISITIONED STAFF.
ASSUME A PRODUCTION SAVINGS AT 50% FOR THE FIRST YEAR.

TOTAL INVESTMENT CALCULATION

\$715,000 PURCHASE
30,000 PLUS INSTALLATION
\$745,000 NET INVESTMENT

ANNUAL OPERATING EXPENSE

\$ 40,000 PERSONNEL INCREASE
143,000 CAPITAL EQUIPMENT DEPRECIATION
110,000 ANNUAL MAINTENANCE/SPACE
\$293,000 ANNUAL OPERATING EXPENSE

ANNUAL MANPOWER SAVINGS

\$ 70,200 PERSONNEL SAVINGS
32,400 SPACE SAVINGS
666,237 CONTRACT LABOR SAVINGS
\$768,837

TABLE V
DISCOUNTED CASH FLOW ANALYSIS

	<u>YEAR 1</u>	<u>YEAR 2 THRU YEAR 5</u>
FROM TABLE III		
CONTRACT DRAFTING SAVINGS	\$333,119	\$666,237
NOT HIRE SAVINGS	35,100	70,200
SPACE SAVINGS	<u>16,200</u>	<u>32,400</u>
GROSS MANPOWER SAVINGS	\$384,419	\$768,837
LESS ANNUAL OPERATING EXPENSES	293,000	293,000
 NET SAVINGS	 \$ 91,419	 \$475,837

USING DCF IN AN INSTANT PRESENT = FUTURE VALUE YEAR
AT BEGINNING OF YEAR VALUE (1 + PERCENT VALUE)

	ANNUAL SAVINGS (Future Value)	3E.5% DISCOUNT FACTOR	DISCOUNTED SAVINGS (Present Value)
END OF YEAR 1	\$ 91,419	.7326	\$ 66,974
YEAR 2	475,837	.5367	255,387
YEAR 3	475,837	.3932	187,094
YEAR 4	475,837	.2880	137,066
YEAR 5	<u>475,837</u>	.2110	<u>100,415</u>
 TOTAL	 \$1,994,767		 \$746,936

TABLE VI
PAYBACK PERIOD CALCULATION

TOTAL INVESTMENT	\$745,000
FIRST YEAR SAVINGS (@50% DISCOUNT)	\$ 91,419
SECOND YEAR SAVINGS	\$475,837

-B11

PAYBACK CALCULATION

\$745,000	
<u>91,419</u>	LESS FIRST YEAR SAVINGS
\$649,581	
<u>475,837</u>	LESS SECOND YEAR SAVINGS
\$173,744	- 475,837 THIRD YEAR SAVINGS
= .36 YEARS = 4.4 MONTHS	

TOTAL PAYBACK PERIOD = 28.4 MONTHS

APPENDIX A

INCREASED PRODUCTIVITY RATIOS
(RESULTS OF ADUA* SURVEY)

<u>DISCIPLINE</u>	<u>PRODUCTIVITY</u> <u>RATIO</u>
ELECTRICAL	8:1
MECHANICAL	4:1
STRUCTURAL	5:1
PIPING	3:1
ISOMETRICS	5:1
LOOP DIAGRAMS	8:1
INSTRUMENTATION	7:1
FAB SHEETS	6:1
CIVIL	6:1
FACILITIES	30:1

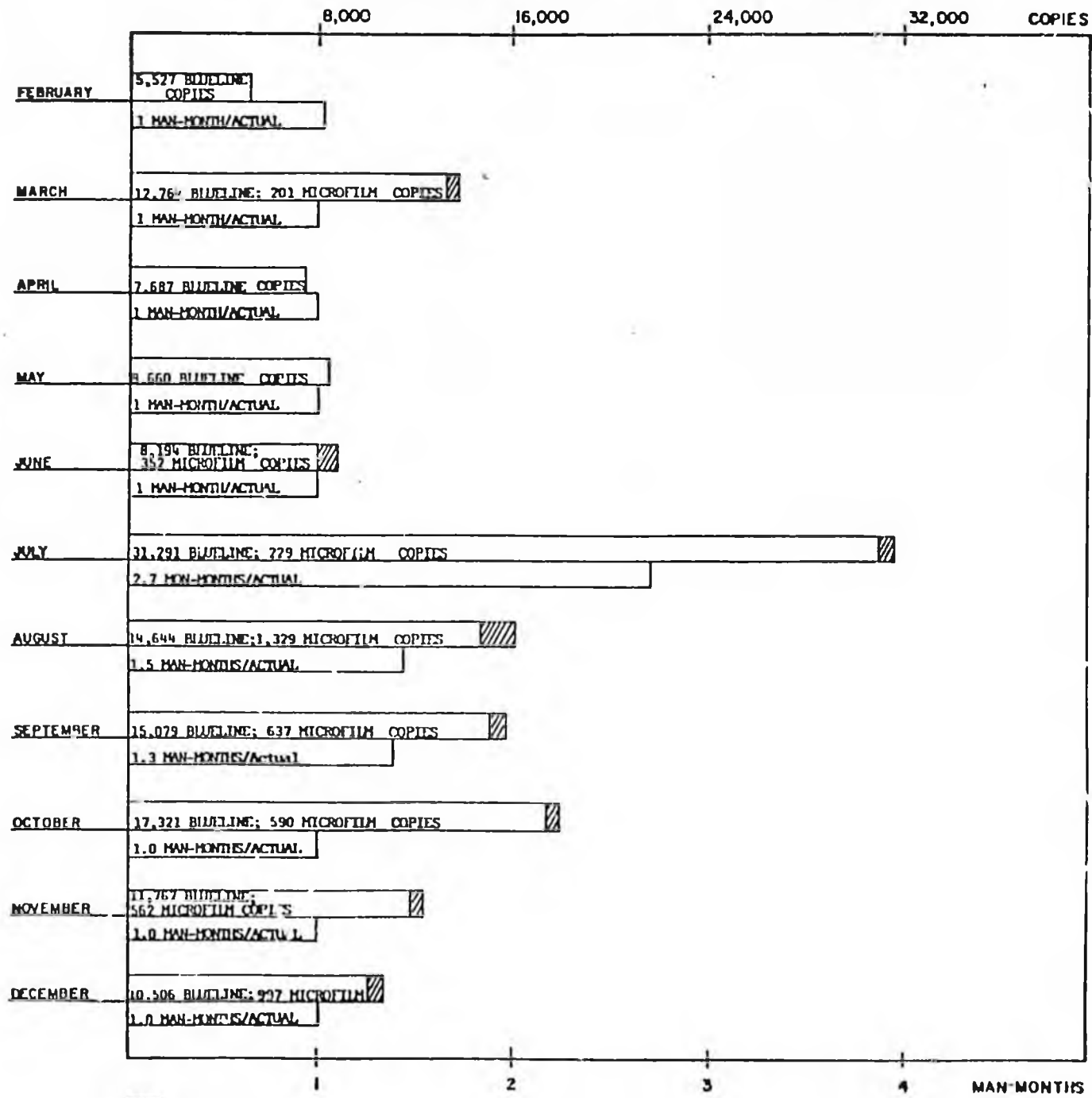
NOTE: THE ABOVE RATIOS ARE FOR THE CREATION OF NEW DRAWINGS. IN EACH CASE WHEN REVISING DRAWINGS THAT ARE ALREADY ON THE SYSTEM, THE PRODUCTIVITY RATIO IS SIGNIFICANTLY GREATER.

* ADUA - AUTOMATED DRAFTING USERS ASSOCIATION

ACTUAL 1980
REPRODUCTION STATISTICS

Appendix C

**PRESENT REPRODUCTION
NUMBER OF COPIES PER MAN-MONTH
(THEORETICAL = 8,000 COPIES PER 1 MAN-MONTH/BLUELINE)**



MICROFILM

BLUELINE

-C2-

2. Part recorded in Separate Pieces

3. (OUT OF COMPLIANCE WITH EXISTING LAW)
RELEASING TAX LIEN - OREGON SHOULD ATTACH TO RELEASE

ADVISING WHAT IS FED TAX LIEN - CHECK #4

#5 40,17,038 RECORDED UNO 912 Pg Lin 38

6. PRESENTS EXCLUDING FOR SIGHT INTERESTS

7. WHY DOESN'T RECORDER WANT?

7. — EVIDENCE NOT PROOF

8. SECURITY LIEN - RELEASE (MATERIALS ETC)

9. SB 77 AMENDMENT OF UNIFORM COMM. CODE

10. WHAT'S OBJECTION

11. DOES DIVISION KEEP SEPARATE DOCUMENTS ON FILE
(PRESENTS,) CHECK WITH TITLE ASSOCIATION

May 7, 1981

To Tom Bruce, County Clerk
Seal & Printing Committee
From Dick Rogers, Contacts for Alaska Probation Commission
Re: SB 78. Regarding + recordable format

Tom — I'm looking over the memorandum I sent you yesterday. I notice two things:

(1) As you probably noticed, "as" under 1 and the first page should be "no".

(2) Two additional sections should be included in Appendix B to the memorandum. They illustrate that "filing" and "recording" have been used interchangeably in other statutes on probate in Alaska. The additional amendments I would like to AS 38.04.045(B) and to AS 38.05.047(A) with the changes marked in on the sections as attached to this memorandum. (Alb. probate/filing. No printing today.)

AS 38.04.045(B):

(b) Before the conveyance of surface rights to state land, and official cadastral survey shall be accomplished, unless a comparable acceptable survey exists that has been conducted by the Federal Dept. of Land Management. The rectangular survey section corner positions shall be monumented and shown on a cadastral survey plat approved by the state. However, for those areas where the state may wish to convey surface estate outside of an official cadastral survey grid, the director may waive monumentation of all individual section corner positions and substitute an official control survey with control points being monumented at approximately two-mile intervals and shown on control survey plats approved by the state. No portion of land to be conveyed may be located more than two miles from such a survey control monument. The lots and tracts in state subdivisions shall be monumented and the cadastral survey and plats for the subdivision shall be approved by the state. Where land is located within a municipality with planning, platting, and zoning powers, plat for state subdivisions shall comply with local ordinance; and regulations, in the same manner and to the same extent as plats for subdivisions by other landowners. State subdivisions shall be filed in the district recorder's office. The requirements of this section do not apply to land made available through a cabin permit system, material sales, or short-term leases; however, for short-term leases the lessee must comply with local subdivision ordinances unless waived by the municipality under procedures specified by ordinance. ~~AS 38.04.045(B)~~

AS 38.05.047(f):

(f) After a subdivision plat developed under (e) of this section is recorded, the commissioner shall offer

(1) 80 per cent of the parcels in a survey district for sale under the procedures for a lottery sale specified in AS 38.05.057 and 38.05.065(b) (lotteries);

(2) 10 per cent of the parcels in a survey district for homesites under AS 38.08; and

(3) an additional 10 per cent of the parcels in a survey district for homesites under AS 38.08, except that notwithstanding AS 38.08.040(b), parcels offered under this paragraph may be the subject of a lottery sale under AS 38.05.057 if more than one eligible person applies for the same homesite. ~~AS 38.05.047(f)~~

Xerox copy: Burch and Rogers

BERNIE

- 1.) Acknowledgments Section OK
- 2.) PLATS | Answering questions if recorded, not filed. RETAIN PLAT
Record + file at same time
- 3.) STANDARD FOR RECORDABLE DOCUMENTS IN LEGIBILITY.
(in Bill)
- 4.) TAX NEW CHANGES OK. ^{50%} (SUBJECT TO FUNDING)
- 5.) CLASS B DOCUMENTS
Retention purposes only
LETTER OF INTENT: RECORDING SHOULD BE ON PROCEEDING RECEIPTS
MAY ESTABLISH CENTRAL RECORDING STATION
- 6.) CERTIFIED COPY PROVISIONS 40.17.020
OK
- 7.) ~~Accompany~~ - ATTACHMENT PAGE
- 8.) PAGE 3 LINE 22 WHAT ^{TRANSACTIONS} ARE PRESENTLY
REQUIRED TO HAVE ACKNOWLEDGMENT
- 9.) OK LINE 21, PAGE 8
- 10.) PAGE 13, LINE 11 (50)

Katie

Dick Swan →

Chuck Stewart — Tech Services

National Microgenetics Association

8728 Colesville Rd

Silver Spring Maryland 20910

(301) - 587-8444

DEF

0015101-1 Appointments of Attorneys OUTSIDE

Mike Price RFD - 2774

(4) 7, 8, 9, 31

AKNOWLEDGMENTS NOT REQUIRED

(6) → (54)

46.17.110

FISCAL NOTE?

SUBMIT ANALYSIS

SELF SUPPORT VS. GENERAL FUND.

~~RE~~ RECORDING DISTRICT CHANGE — BY GEOGRAPHIC
BOUNDARY NOW — SHOULD BE BY ~~HERE~~

PAGE → TIME-DATE OF CONSEQUENCE SHOULD BE RECORDED THE
SAME FOR EACH DISTRICT

DNR — ^{will} WORK ON RECORDING

Joe Burch

REVISIBILITY
PREDICTIONS BY DNR AUG 21 p1 → p1 line 8

REFUTE THIS "COMPUTER BUSINESS"

Bruce Winton - Asst of Directors

Friday 130 PM

"NO PROBLEM UNLESS AMENDED"

John Penz (PER Robert Winters)

ALASKA TITLE ASSOCIATION