

CS FOR SENATE BILL NO. 302(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/19/04

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the authority to take oaths, affirmations, and acknowledgments in**
2 **the state, to notarizations, to verifications, to acknowledgments, to fees for issuing**
3 **certificates with the seal of the state affixed, and to notaries public; and providing for an**
4 **effective date."**

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

6 * **Section 1.** AS 09.63.010 is amended to read:

7 **Sec. 09.63.010. Oath, affirmation, and acknowledgment.** The following
8 persons may take an oath, affirmation, or acknowledgment in the state:

9 (1) a justice, judge, or magistrate of a court of the State of Alaska or of
10 the United States;

11 (2) a clerk or deputy clerk of a court of the State of Alaska or of the
12 United States;

13 (3) a notary public;

14 (4) a United States postmaster;

1 (5) a commissioned officer under AS 09.63.050(4); [OR]

2 (6) a municipal clerk carrying out the clerk's duties under
3 AS 29.20.380;

4 **(7) the lieutenant governor when carrying out the lieutenant**
5 **governor's duties under AS 24.05.160;**

6 **(8) the presiding officer of each legislative house when carrying**
7 **out the officer's duties under AS 24.05.170.**

8 * **Sec. 2.** AS 09.63.030(c) is amended to read:

9 (c) If the document is sworn to or affirmed before a notary public of the state,
10 the notary public shall

11 (1) **affix** [ENDORSE AFTER THE SIGNATURE OF THE NOTARY
12 PUBLIC THE DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

13 (2) PRINT OR EMBOSS THE NOTARY'S SEAL] on the document
14 **the**

15 **(A) notary public's official signature and official seal; and**

16 **(B) date of expiration of the notary public's commission;**

17 **and**

18 **(2)** [; (3)] comply with **AS 44.50.060 - 44.50.064 and** [AS 44.50.060 -
19 44.50.080 OR] other applicable law.

20 * **Sec. 3.** AS 09.63.040(d) is amended to read:

21 (d) If the verification is sworn to or affirmed before a notary public of the
22 state, the notary public shall

23 (1) **affix** [ENDORSE AFTER THE SIGNATURE OF THE NOTARY
24 PUBLIC THE DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

25 (2) PRINT OR EMBOSS THE NOTARY'S SEAL] on the document
26 **the**

27 **(A) notary public's official signature and official seal; and**

28 **(B) date of expiration of the notary public's commission;**

29 **and**

30 **(2)** [; (3)] comply with **AS 44.50.060 - 44.50.064 and** [AS 44.50.060 -
31 44.50.080 OR] other applicable law.

1 * **Sec. 4.** AS 09.63.090 is amended to read:

2 **Sec. 09.63.090. Certificate of acknowledgment.** The words "acknowledged
3 before me" mean that

4 (1) the person acknowledging

5 (A) appeared before the person taking the acknowledgment;

6 (B) acknowledged that the person executed the instrument;

7 (C) in the case of

8 (i) a natural person, acknowledged that the person
9 executed the instrument for the purposes stated in it;

10 (ii) an officer or agent of a corporation, acknowledged
11 that the person held the position or title set out in the instrument and
12 certificate, **the person** signed the instrument on behalf of the
13 corporation by proper authority, and the instrument was the act of the
14 corporation for the purposes stated in it;

15 (iii) **a member or manager of a limited liability**
16 **company, acknowledged that the individual signed the instrument**
17 **on behalf of the limited liability company by proper authority and**
18 **executed the instrument as the act of the limited liability company**
19 **for the purposes stated in it;**

20 (iv) a partner or agent of a partnership, acknowledged
21 that the person signed the instrument on behalf of the partnership by
22 proper authority and executed the instrument as the act of the
23 partnership for the purposes stated in it;

24 (v) [(iv)] a person acknowledging as a principal by an
25 attorney in fact, acknowledged that the person executed the instrument
26 by proper authority as the act of the principal for the purposes stated in
27 it;

28 (vi) [(v)] a person acknowledging as a public officer,
29 trustee, administrator, guardian, or other representative, acknowledged
30 that the person signed the instrument in the capacity and for the
31 purposes stated in it; and

(2) the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging is the person named in the instrument or certificate.

* **Sec. 5.** AS 09.63.100 is amended to read:

Sec. 09.63.100. Forms of acknowledgment. (a) The forms of acknowledgment set out in this subsection may be used and are sufficient for their respective purposes under a law of the state. The authorization of the forms in this section does not preclude the use of other forms.

(1) For an individual acting in the individual's own right:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this
(date) by (name of person who acknowledged).

Signature of Person Taking

Acknowledgment

Title or Rank

Serial Number, if any

(2) For a corporation:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this
(date) by (name of officer or agent, title of officer or agent) of (name of
corporation acknowledging) a (state or place of incorporation)
corporation, on behalf of the corporation.

Signature of Person Taking

Acknowledgment

Title or Rank

Serial Number, if any

(3) For a limited liability company:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this
(date) by (name of member or manager), member (or manager) of
(name of limited liability company acknowledging) a (state or place
of organization) limited liability company, on behalf of the limited
liability company.

Signature of Person Taking
Acknowledgment

Member (or Manager)

Serial Number, if any

(4) For a partnership:

State of _____ Judicial
District (or County of _____)

The foregoing instrument was acknowledged before me this
(date) by (name of acknowledging partner or agent), partner (or agent)
on behalf of (name of partnership), a partnership.

Signature of Person Taking
Acknowledgment

Title or Rank

Serial Number, if any

1 **(5)** [(4)] For an individual acting as principal by an attorney in fact:

2 State of _____ Judicial

3 District (or County of _____)

4 The foregoing instrument was acknowledged before me this
5 (date) by (name of attorney in fact) as attorney in fact on behalf of
6 (name of principal).

7 _____

8 Signature of Person Taking

9 Acknowledgment

10 _____

11 Title or Rank

12 _____

13 Serial Number, if any

14 **(6)** [(5)] By a public officer, trustee, or personal representative:

15 State of _____ Judicial

16 District (or County of _____)

17 The foregoing instrument was acknowledged before me this
18 (date) by (name and title of position).

19 _____

20 Signature of Person Taking

21 Acknowledgment

22 _____

23 Title or Rank

24 _____

25 Serial Number, if any

26 (b) If a document is acknowledged before a notary public of the state, the
27 notary public shall

28 (1) **affix** [ENDORSE AFTER THE NOTARY'S SIGNATURE THE
29 DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

30 (2) PRINT OR EMBOSS THE NOTARY'S SEAL] on the document

31 the

1 **(A) notary public's official signature and official seal; and**

2 **(B) date of expiration of the notary public's commission;**

3 **and**

4 **(2)** [; (3)] comply with **AS 44.50.060 - 44.50.064 and** [AS 44.50.060 -
5 44.50.080 OR] other law.

6 * **Sec. 6.** AS 44.19.024 is amended to read:

7 **Sec. 44.19.024. Fees for issuing certificate.** For issuing each certificate with
8 the seal of the state affixed, the lieutenant governor shall collect a fee of **\$5 for each**
9 **certificate** [\$2 FOR THE FIRST THREE FOLIOS OR LESS AND 20 CENTS PER
10 FOLIO FOR EACH ADDITIONAL FOLIO]. The lieutenant governor shall account
11 for the fees received under this section and shall **deposit** [PAY] them into the state
12 treasury.

13 * **Sec. 7.** AS 44.50.010 is repealed and reenacted to read:

14 **Sec. 44.50.010. Notary public commission; term.** (a) The lieutenant
15 governor may commission for the state

16 (1) notaries public without limitation, who are authorized to use the
17 notary seal for all legal purposes; and

18 (2) limited governmental notaries public, who are state, municipal, or
19 federal employees authorized to use the notary seal only for official government
20 business.

21 (b) The term of a notary public commission is four years, except that the term
22 of a limited governmental notary public commission coincides with the term of
23 government employment.

24 (c) A person who is a state, municipal, or federal employee commissioned as a
25 limited governmental notary public may also be commissioned as a notary public
26 without limitation.

27 * **Sec. 8.** AS 44.50.020 is repealed and reenacted to read:

28 **Sec. 44.50.020. Qualifications.** To be commissioned as a notary public a
29 person

30 (1) shall submit an application under AS 44.50.031;

31 (2) shall be at least 18 years of age;

- 1 (3) shall have established residency in this state under AS 01.10.055;
- 2 (4) shall reside legally in the United States;
- 3 (5) may not have been incarcerated in a correctional facility for a
- 4 felony conviction within 10 years before the commission takes effect;
- 5 (6) may not have had a notary public commission revoked in this state
- 6 or another jurisdiction;
- 7 (7) may not have committed acts for which a notary public
- 8 commission may be denied or revoked under this chapter; and
- 9 (8) shall meet the other requirements in this chapter to be
- 10 commissioned as a notary public.

11 * **Sec. 9.** AS 44.50 is amended by adding new sections to read:

12 **Sec. 44.50.031. Application.** (a) A person applying for a commission as a

13 notary public shall submit a completed application as required by this section, using

14 the forms or format required by the lieutenant governor.

15 (b) A completed application for a commission under AS 44.50.010(a)(1) must

16 include

17 (1) an affirmation that the applicant meets the qualifications set out in

18 AS 44.50.020(2) - (7);

19 (2) the applicant's mailing and physical addresses, the applicant's

20 telephone number, if any, the applicant's employer or business, the physical address

21 and telephone number of the applicant's employer or business at the location where the

22 applicant works, and an electronic mailing address, if any, where the applicant can be

23 contacted;

24 (3) information concerning any denial, suspension, revocation, or

25 restriction of the applicant's commission as a notary public in this state or another

26 jurisdiction; that information must include

27 (A) identification of the jurisdiction;

28 (B) the date the jurisdiction issued the denial, suspension,

29 revocation, or restriction;

30 (C) the reasons for the denial, suspension, revocation, or

31 restriction; and

- 1 (D) information concerning final resolution of the matter;
- 2 (4) the applicant's notarized signature on the portion of the application
- 3 that contains the oath or affirmation required by AS 44.50.035;
- 4 (5) the fee required by AS 44.50.033; and
- 5 (6) the bond required by AS 44.50.034.

6 (c) A completed application for a commission under AS 44.50.010(a)(2) must

7 include

- 8 (1) a signed statement by the applicant's government employer that the
- 9 commission is needed for the purpose of conducting official government business;
- 10 (2) the applicant's mailing and physical addresses, the applicant's
- 11 telephone number, if any, and employer, the name, address, and telephone number for
- 12 the employer where the applicant works, and an electronic mailing address, if any,
- 13 where the applicant can be contacted;
- 14 (3) the affirmation, information, and signature required by (b)(1), (3),
- 15 and (4) of this section; and
- 16 (4) the fee required by AS 44.50.033.

17 **Sec. 44.50.033. Application fee.** A person applying for a commission as a

18 notary public shall pay a nonrefundable application fee of \$40. However, an applicant

19 for a limited governmental notary public commission under AS 44.50.010(a)(2) who is

20 employed by the state may not be required to pay an application fee.

21 **Sec. 44.50.034. Bond.** (a) A person applying for a commission as a notary

22 public without limitation under AS 44.50.010(a)(1) shall execute an official bond of

23 \$1,000 and submit the bond with the application under AS 44.50.031. The bond must

24 be for a term of four years beginning with the date of commission as a notary public.

25 (b) The lieutenant governor shall keep a bond submitted under this section for

26 two years after the end of the term of the commission for which the bond was issued.

27 Disposition of the bond after the end of the commission does not affect the time for

28 starting an action on the bond.

29 **Sec. 44.50.035. Oath.** The application required by the lieutenant governor

30 under AS 44.50.031 must contain an oath or affirmation, in the form set out in

31 AS 39.05.045, to be signed by the applicant. A signed oath or affirmation submitted

1 in an application under AS 44.50.031 takes effect on the date of the applicant's
2 commission as a notary public under this chapter.

3 **Sec. 44.50.036. Denial of applications.** The lieutenant governor shall deny
4 an application for a notary public commission if the

5 (1) applicant does not meet the requirements of this chapter;

6 (2) application is not complete or contains a material misstatement or
7 omission of fact relating to the requirements for a commission under this chapter;

8 (3) applicant has been incarcerated in a correctional facility for a
9 felony conviction within 10 years before the commission is to take effect; or

10 (4) applicant's commission as a notary public has been revoked in this
11 state for a reason set out in AS 44.50.067, or in another jurisdiction for a substantially
12 similar reason.

13 **Sec. 44.50.037. Certificate of commission.** Upon commission of a notary
14 public under this chapter, the lieutenant governor shall provide to the notary public a
15 certificate of commission indicating the commission and the dates of the term of the
16 commission.

17 **Sec. 44.50.038. Subsequent commissions.** A notary public whose term of
18 commission is ending may apply for a new notary public commission by submitting a
19 new application under AS 44.50.031 and complying with the requirements of this
20 chapter. The lieutenant governor's approval of a new application for a commission for
21 a notary public without limitation under AS 44.50.010(a)(1) terminates an applicant's
22 existing commission under that paragraph.

23 **Sec. 44.50.039. Limited governmental notaries public.** A state, municipal,
24 or federal employee commissioned as a notary public under AS 44.50.010(a)(2)

25 (1) is designated a limited governmental notary public;

26 (2) may perform notarial acts only in the conduct of official
27 government business; and

28 (3) may not charge or receive a fee or other consideration for notarial
29 services provided under this chapter.

30 * **Sec. 10.** AS 44.50.060 is amended to read:

31 **Sec. 44.50.060. Duties.** A notary public shall

1 (1) **administer oaths and affirmations** [WHEN REQUESTED,
 2 DEMAND ACCEPTANCE AND PAYMENT OF FOREIGN AND INLAND BILLS
 3 OF EXCHANGE, OR PROMISSORY NOTES, PROTEST THEM FOR
 4 NONACCEPTANCE AND NONPAYMENT, AND EXERCISE THE OTHER
 5 POWERS AND DUTIES THAT BY THE LAW OF NATIONS AND ACCORDING
 6 TO COMMERCIAL USAGES, OR BY THE LAWS OF ANY OTHER STATE,
 7 GOVERNMENT, OR COUNTRY, MAY BE PERFORMED BY NOTARIES];

8 (2) take the acknowledgment **of** or proof of **execution of** [POWERS
 9 OF ATTORNEY, MORTGAGES, DEEDS, GRANTS, TRANSFERS, AND OTHER]
 10 instruments of writing, and give a **notarial** certificate of the proof or acknowledgment,
 11 **included in** [ENDORSED ON] or attached to the instrument; the **notarial** certificate
 12 shall be signed by the notary **public** in the **notary public's** [NOTARY'S] own
 13 handwriting [;

14 (3) TAKE DEPOSITIONS AND AFFIDAVITS, AND ADMINISTER
 15 OATHS AND AFFIRMATIONS, IN ALL MATTERS INCIDENT TO THE DUTIES
 16 OF THE OFFICE, OR TO BE USED BEFORE A COURT, JUDGE, OFFICER, OR
 17 BOARD IN THE STATE; A DEPOSITION, AFFIDAVIT, OATH, OR
 18 AFFIRMATION SHALL BE SIGNED BY THE NOTARY IN THE NOTARY'S
 19 OWN HANDWRITING, AND THE NOTARY SHALL ENDORSE AFTER THE
 20 SIGNATURE THE DATE OF EXPIRATION OF THE NOTARY'S COMMISSION].

21 * **Sec. 11.** AS 44.50 is amended by adding new sections to read:

22 **Sec. 44.50.061. Prohibited acts.** A notary public may not

23 (1) violate state or federal law in the performance of acts authorized by
 24 this chapter;

25 (2) influence a person to enter into or avoid a transaction involving a
 26 notarial act by the notary public;

27 (3) affix the notary public's signature or seal on a notarial certificate
 28 that is incomplete;

29 (4) charge a fee for a notarial act unless a fee schedule has been
 30 provided to the signer before the performance of the notarial act;

31 (5) affix the notary public's official seal to a document, unless the

1 person who is to sign the document

2 (A) appears and signs the document before the notary public or,
3 for an acknowledgment, appears and indicates to the notary public that the
4 person voluntarily affixed the person's signature on the document for the
5 purposes stated within the document;

6 (B) gives an oath or affirmation if required under law or if the
7 notarial certificate states that the document was signed under oath or
8 affirmation; and

9 (C) is personally known to the notary public, produces
10 government-issued identification containing the photograph and signature of
11 the person signing, or produces

12 (i) government-issued identification containing the
13 signature of the person signing, but without a photograph; and

14 (ii) another valid identification containing the
15 photograph and signature of the person signing;

16 (6) perform a notarial act if the notary public

17 (A) is a signer of or named in the document that is to be
18 notarized; or

19 (B) will receive directly from a transaction connected with the
20 notarial act a commission, fee, advantage, right, title, interest, cash, property,
21 or other consideration exceeding in value the normal fee charged by the notary
22 for the notarial act.

23 **Sec. 44.50.062. Official signature.** (a) When performing a notarization, a
24 notary public shall

25 (1) sign in the notary public's own handwriting, on the notarial
26 certificate, exactly and only the name indicated on the notary public's commission
27 certificate; a notary public may not sign through the use of a facsimile stamp or an
28 electronic or graphic printing method; and

29 (2) affix the official signature only at the time the notarial act is
30 performed.

31 (b) A notary public shall comply in a timely manner with a request by the

1 lieutenant governor to supply a current sample of the notary public's official signature.

2 **Sec. 44.50.063. Official seal.** (a) A notary public shall keep an official seal,
3 which is the exclusive property of the notary public, and shall ensure that another
4 person does not possess or use the official seal.

5 (b) A notary public's official seal

6 (1) must contain

7 (A) the notary public's name exactly as indicated on the notary
8 public's commission certificate;

9 (B) the words "Notary Public" and "State of Alaska"; and

10 (2) may be a circular form not over two inches in diameter or may be a
11 rectangular form not more than one inch in width by two and one-half inches in
12 length.

13 (c) When not in use, a notary public's official seal shall be kept in a secure
14 area under the exclusive control of the notary public.

15 (d) Within 10 days after a notary public's official seal is stolen or lost, the
16 notary public shall provide the lieutenant governor with written notification of the
17 theft or loss.

18 (e) In order to avoid misuse, a notary public's official seal shall be destroyed
19 or defaced

20 (1) upon the notary public's resignation or death;

21 (2) upon the revocation or termination by the lieutenant governor of
22 the notary public's commission; or

23 (3) when the notary public's term of commission ends if the notary
24 public has not received a new commission under this chapter.

25 **Sec. 44.50.064. Seal impression or depiction.** (a) A sharp, legible,
26 photographically reproducible impression or depiction of a notary public's official seal
27 shall be affixed

28 (1) on the notarial certificate of each paper document notarized, near
29 the notary public's official signature; and

30 (2) only at the time the notarial act is performed.

31 (b) Illegible information within a seal impression or depiction may be typed or

1 printed legibly by the notary public adjacent to, but not within, the impression or
2 depiction.

3 (c) An embossed seal impression that is not photographically reproducible
4 may be used in addition to, but not in place of, the seal impression or depiction
5 required by (a) of this section.

6 **Sec. 44.50.065. Notary public's status notification.** (a) Within 10 days after
7 change of a notary public's name, mailing address, or physical address, the notary
8 public shall, on a form provided by the lieutenant governor, submit written notification
9 of the change, signed by the notary public.

10 (b) The lieutenant governor may require limited governmental notaries public
11 commissioned under AS 44.50.010(a)(2) who change departmental or agency
12 employers to submit written notification of the change on a form provided by the
13 lieutenant governor.

14 (c) A notary public commissioned under AS 44.50.010(a)(1) reporting a name
15 change shall submit to the lieutenant governor payment of the fee under AS 44.19.024
16 for the issuance of a replacement certificate of commission.

17 (d) A notary public reporting a name change under (a) and (c) of this section
18 shall use the person's former name for the performance of notarial acts until the person
19 has

20 (1) provided written notification of the name change to the surety for
21 any bond required under AS 44.50.034;

22 (2) received a replacement certificate of commission reflecting the
23 name change from the lieutenant governor; and

24 (3) obtained a new seal reflecting the name change.

25 (e) The lieutenant governor may require a notary public to update the
26 information required under AS 44.50.031, including the notary public's current
27 notarized signature.

28 **Sec. 44.50.066. Resignation.** (a) To resign a commission, a notary public
29 shall notify the lieutenant governor in writing of the resignation and the date that it is
30 effective. The notary public shall sign the notification.

31 (b) A notary public who does not any longer meet the requirements of this

1 chapter to be a notary public shall immediately resign the commission.

2 **Sec. 44.50.067. Disciplinary action.** The lieutenant governor may suspend or
3 revoke a notary public's commission or reprimand a notary public for good cause
4 shown, including

5 (1) a ground on which an application for a commission may be denied;

6 (2) failure to comply with this chapter; and

7 (3) incompetence or misfeasance in carrying out the notary public's
8 duties under this chapter.

9 **Sec. 44.50.068. Complaint; hearing; appeal.** (a) A person harmed by the
10 actions of a notary public may file a complaint with the lieutenant governor. The
11 complaint shall be filed on a form prescribed by the lieutenant governor and shall be
12 signed and verified by the person alleging misconduct on the part of the notary public.

13 (b) If the lieutenant governor determines that the allegations in the complaint
14 do not warrant formal disciplinary action, the lieutenant governor may decline to act
15 on the complaint or may advise the notary public of the appropriate conduct and the
16 applicable statutes and regulations governing the conduct. The lieutenant governor
17 shall notify the complainant of the determination.

18 (c) If the lieutenant governor determines that the complaint alleges sufficient
19 facts to constitute good cause for disciplinary action, the lieutenant governor shall
20 notify the notary public of the filing of the complaint and send a copy of the complaint
21 to the notary public. The notary public shall submit a written response to the
22 complaint to the lieutenant governor within 20 days after the lieutenant governor sends
23 the complaint. The lieutenant governor may extend the time for a notary public's
24 response by up to 20 additional days. The lieutenant governor shall provide a copy of
25 the notary public's response to the complainant.

26 (d) The lieutenant governor shall review the complaint and the response to
27 determine whether formal disciplinary action may be warranted. The lieutenant
28 governor may determine that the allegations in the complaint do not warrant formal
29 disciplinary action, in which case the lieutenant governor may determine not to take
30 further action on the complaint or may determine to advise the notary public of the
31 appropriate conduct and the applicable statutes and regulations governing the conduct.

1 If the lieutenant governor determines that formal disciplinary action is not warranted,
 2 the lieutenant governor shall provide the complainant and the notary public with a
 3 written statement of the basis for the determination.

4 (e) If the lieutenant governor finds that formal disciplinary action may be
 5 warranted, the lieutenant governor shall appoint an independent hearing officer to
 6 consider the complaint and the response, to provide the complainant and the notary
 7 public with an opportunity for a telephonic or in-person hearing before the hearing
 8 officer within a reasonable time after a hearing is requested, and to provide to the
 9 lieutenant governor a proposed decision, including proposed disciplinary action. The
 10 lieutenant governor may

11 (1) adopt the hearing officer's proposed decision in its entirety;

12 (2) adopt portions of the proposed decision and modify the proposed
 13 disciplinary action;

14 (3) decide the case upon the record generated from the hearing; or

15 (4) refer the case to the same or another hearing officer to take
 16 additional evidence and decide the case upon the record generated from the hearing
 17 and the additional evidence.

18 (f) The lieutenant governor may delegate the powers under AS 44.50.067 and
 19 this section.

20 (g) An appeal from a decision of the lieutenant governor under this section
 21 shall be in accordance with the procedures set out in AS 44.62 (Administrative
 22 Procedure Act).

23 **Sec. 44.50.069. Regulations.** The lieutenant governor may adopt regulations
 24 under AS 44.62 (Administrative Procedure Act) to carry out the purposes of this
 25 chapter.

26 * **Sec. 12.** AS 44.50 is amended by adding a new section to read:

27 **Sec. 44.50.071. Confidentiality.** (a) An address, telephone number, and
 28 electronic mail address of a notary public or an applicant that is submitted under
 29 AS 44.50.031 or 44.50.038 and that is designated by the notary public or applicant as
 30 personal and confidential shall be kept confidential. However, a notary public shall
 31 provide a nonconfidential address and telephone number at which the notary public

1 can be contacted.

2 (b) Compilations and data bases of those addresses, telephone numbers, and
3 electronic mail addresses of notaries public that are confidential under (a) of this
4 section shall be kept confidential, except that the lieutenant governor may disclose
5 compilations and data bases if the lieutenant governor determines that disclosure is in
6 the public interest.

7 (c) A complaint filed under AS 44.50.068 shall be kept confidential unless the
8 lieutenant governor determines under AS 44.50.068(c) that the complaint alleges
9 sufficient facts to constitute good cause for disciplinary action.

10 * **Sec. 13.** AS 44.50 is amended by adding a new section to read:

11 **Sec. 44.50.200. Definitions.** In this chapter, unless the context otherwise
12 requires,

13 (1) "notarial act" means any act that a notary public is authorized to
14 perform under AS 09.63.120 or AS 44.50.060;

15 (2) "notary public" means a person commissioned to perform notarial
16 acts under this chapter.

17 * **Sec. 14.** AS 44.50.030, 44.50.040, 44.50.070, 44.50.080, 44.50.090, 44.50.100,
18 44.50.110, 44.50.120, 44.50.130, 44.50.140, 44.50.170, 44.50.180(c), and 44.50.190 are
19 repealed.

20 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 **APPLICABILITY.** (a) AS 44.50.010, repealed and reenacted by sec. 7 of this Act,
23 and AS 44.50.031, 44.50.033, 44.50.035, 44.50.036, 44.50.037, and 44.50.039, enacted by
24 sec. 9 of this Act, do not apply to a notary public whose commission is in effect on the day
25 before the effective date of secs. 1 - 14 of this Act until the notary public's term of office
26 expires under former AS 44.50.030, the notary public resigns under AS 44.50.066, enacted by
27 sec. 11 of this Act, or the notary public's commission is revoked under AS 44.50.067, enacted
28 by sec. 11 of this Act.

29 (b) Notwithstanding (a) of this section, if a notary public whose commission is in
30 effect on the day before the effective date of secs. 1 - 14 of this Act has been incarcerated in a
31 correctional facility for a felony conviction within 10 years before the notary public's term of

1 office expires under former AS 44.50.030, the lieutenant governor may take an action under
2 AS 44.50.067, enacted by sec. 11 of the Act, against the notary public.

3 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 TRANSITION: REGULATIONS. The lieutenant governor may proceed to adopt
6 regulations necessary to implement the changes made by this Act. The regulations take effect
7 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
8 respective statutory change.

9 * **Sec. 17.** Section 16 of this Act takes effect immediately under AS 01.10.070(c).

10 * **Sec. 18.** Except as provided in sec. 17 of this Act, this Act takes effect July 1, 2004.