

**CS FOR SENATE BILL NO. 302(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/1/04  
Referred: Rules

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, **limited**  
21 **partnership, or limited liability partnership,** acknowledged that the  
22 person signed the instrument on behalf of the partnership by proper  
23 authority and executed the instrument as the act of the partnership for  
24 the purposes stated in it;

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

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

1 purposes stated in it; and

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

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

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

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

11 State of \_\_\_\_\_ Judicial  
12 District (or County of \_\_\_\_\_)

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

15 \_\_\_\_\_  
16 Signature of Person Taking  
17 Acknowledgment  
18 \_\_\_\_\_  
19 Title or Rank  
20 \_\_\_\_\_  
21 Serial Number, if any

22 (2) For a corporation:

23 State of \_\_\_\_\_ Judicial  
24 District (or County of \_\_\_\_\_)

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

29 \_\_\_\_\_  
30 Signature of Person Taking  
31 Acknowledgment

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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, limited  
partnership, or limited liability partnership).**

\_\_\_\_\_  
Signature of Person Taking

Acknowledgment

\_\_\_\_\_  
Title or Rank

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\_\_\_\_\_  
Serial Number, if any

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

State of \_\_\_\_\_ Judicial  
District (or County of \_\_\_\_\_)

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

\_\_\_\_\_  
Signature of Person Taking

Acknowledgment

\_\_\_\_\_  
Title or Rank

\_\_\_\_\_  
Serial Number, if any

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

State of \_\_\_\_\_ Judicial  
District (or County of \_\_\_\_\_)

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

\_\_\_\_\_  
Signature of Person Taking

Acknowledgment

\_\_\_\_\_  
Title or Rank

\_\_\_\_\_  
Serial Number, if any

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

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

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

2 the

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

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

5 and

6 (2) [; (3)] comply with AS 44.50.060 - 44.50.064 and [AS 44.50.060 -  
7 44.50.080 OR] other law.

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

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

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

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

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

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

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

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

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

30 **Sec. 44.50.020. Qualifications.** To be commissioned as a notary public a  
31 person

- 1 (1) shall submit an application under AS 44.50.031;
- 2 (2) shall be at least 18 years of age;
- 3 (3) shall have established residency in this state under AS 01.10.055;
- 4 (4) shall reside legally in the United States;
- 5 (5) may not have been incarcerated in a correctional facility for a
- 6 felony conviction within 10 years before the commission takes effect;
- 7 (6) may not have had a notary public commission revoked in this state
- 8 or another jurisdiction;
- 9 (7) may not have committed acts for which a notary public
- 10 commission may be denied or revoked under this chapter; and
- 11 (8) shall meet the other requirements in this chapter to be
- 12 commissioned as a notary public.

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

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

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

16 the forms or format required by the lieutenant governor.

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

18 include

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

20 AS 44.50.020(2) - (7);

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

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

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

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

25 contacted;

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

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

28 jurisdiction; that information must include

29 (A) identification of the jurisdiction;

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

31 revocation, or restriction;

1 (C) the reasons for the denial, suspension, revocation, or  
2 restriction; and

3 (D) information concerning final resolution of the matter;

4 (4) the applicant's notarized signature on the portion of the application  
5 that contains the oath or affirmation required by AS 44.50.035;

6 (5) the fee required by AS 44.50.033; and

7 (6) the bond required by AS 44.50.034.

8 (c) A completed application for a commission under AS 44.50.010(a)(2) must  
9 include

10 (1) a signed statement by the applicant's government employer that the  
11 commission is needed for the purpose of conducting official government business;

12 (2) the applicant's mailing and physical addresses, the applicant's  
13 telephone number, if any, and employer, the name, address, and telephone number for  
14 the employer where the applicant works, and an electronic mailing address, if any,  
15 where the applicant can be contacted;

16 (3) the affirmation, information, and signature required by (b)(1), (3),  
17 and (4) of this section; and

18 (4) the fee required by AS 44.50.033.

19 **Sec. 44.50.033. Application fee.** A person applying for a commission as a  
20 notary public shall pay a nonrefundable application fee of \$40. However, an applicant  
21 for a limited governmental notary public commission under AS 44.50.010(a)(2) who is  
22 employed by the state may not be required to pay an application fee.

23 **Sec. 44.50.034. Bond.** (a) A person applying for a commission as a notary  
24 public without limitation under AS 44.50.010(a)(1) shall execute an official bond of  
25 \$1,000 and submit the bond with the application under AS 44.50.031. The bond must  
26 be for a term of four years beginning with the date of commission as a notary public.

27 (b) The lieutenant governor shall keep a bond submitted under this section for  
28 two years after the end of the term of the commission for which the bond was issued.  
29 Disposition of the bond after the end of the commission does not affect the time for  
30 starting an action on the bond.

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

1 under AS 44.50.031 must contain an oath or affirmation, in the form set out in  
 2 AS 39.05.045, to be signed by the applicant. A signed oath or affirmation submitted  
 3 in an application under AS 44.50.031 takes effect on the date of the applicant's  
 4 commission as a notary public under this chapter.

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

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

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

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

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

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

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

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

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

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

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

1 \* **Sec. 10.** AS 44.50.060 is amended to read:

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

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

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

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

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

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

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

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

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

31 (4) charge a fee for a notarial act unless a fee schedule has been

1 provided to the signer before the performance of the notarial act;

2 (5) affix the notary public's official seal to a document, unless the  
3 person who is to sign the document

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

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

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

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

16 (ii) another valid identification containing the  
17 photograph and signature of the person signing;

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

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

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

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

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

31 (2) affix the official signature only at the time the notarial act is

1 performed.

2 (b) A notary public shall comply in a timely manner with a request by the  
3 lieutenant governor to supply a current sample of the notary public's official signature.

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

7 (b) A notary public's official seal

8 (1) must contain

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

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

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

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

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

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

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

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

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

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

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

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

2 (b) Illegible information within a seal impression or depiction may be typed or  
3 printed legibly by the notary public adjacent to, but not within, the impression or  
4 depiction.

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

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

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

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

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

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

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

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

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

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

1 effective. The notary public shall sign the notification.

2 (b) A notary public who does not any longer meet the requirements of this  
3 chapter to be a notary public shall immediately resign the commission.

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

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

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

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

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

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

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

28 (d) The lieutenant governor shall review the complaint and the response to  
29 determine whether formal disciplinary action may be warranted. The lieutenant  
30 governor may determine that the allegations in the complaint do not warrant formal  
31 disciplinary action, in which case the lieutenant governor may determine not to take

1 further action on the complaint or may determine to advise the notary public of the  
 2 appropriate conduct and the applicable statutes and regulations governing the conduct.  
 3 If the lieutenant governor determines that formal disciplinary action is not warranted,  
 4 the lieutenant governor shall provide the complainant and the notary public with a  
 5 written statement of the basis for the determination.

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

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

14 (2) adopt portions of the proposed decision and modify the proposed  
 15 disciplinary action;

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

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

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

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

25 \* **Sec. 12.** AS 44.50.068 is repealed and reenacted to read:

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

30 (b) If the lieutenant governor determines that the allegations in the complaint  
 31 do not warrant formal disciplinary action, the lieutenant governor may decline to act

1 on the complaint or may advise the notary public of the appropriate conduct and the  
2 applicable statutes and regulations governing the conduct. The lieutenant governor  
3 shall notify the complainant of the determination.

4 (c) If the lieutenant governor determines that the complaint alleges sufficient  
5 facts to constitute good cause for disciplinary action, the lieutenant governor shall  
6 notify the notary public of the filing of the complaint and send a copy of the complaint  
7 to the notary public. The notary public shall submit a written response to the  
8 complaint to the lieutenant governor within 20 days after the lieutenant governor sends  
9 the complaint. The lieutenant governor may extend the time for a notary public's  
10 response by up to 20 additional days. The lieutenant governor shall provide a copy of  
11 the notary public's response to the complainant.

12 (d) The lieutenant governor shall review the complaint and the response to  
13 determine whether formal disciplinary action may be warranted. The lieutenant  
14 governor may determine that the allegations in the complaint do not warrant formal  
15 disciplinary action, in which case the lieutenant governor may determine not to take  
16 further action on the complaint or may determine to advise the notary public of the  
17 appropriate conduct and the applicable statutes and regulations governing the conduct.  
18 If the lieutenant governor determines that formal disciplinary action is not warranted,  
19 the lieutenant governor shall provide the complainant and the notary public with a  
20 written statement of the basis for the determination.

21 (e) If the lieutenant governor finds that formal disciplinary action may be  
22 warranted, the lieutenant governor shall refer the matter to the office of administrative  
23 hearings for a hearing.

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

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

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

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

1 chapter.

2 \* **Sec. 14.** AS 44.50 is amended by adding a new section to read:

3 **Sec. 44.50.071. Confidentiality.** (a) An address, telephone number, and  
4 electronic mail address of a notary public or an applicant that is submitted under  
5 AS 44.50.031 or 44.50.038 and that is designated by the notary public or applicant as  
6 personal and confidential shall be kept confidential. However, a notary public shall  
7 provide a nonconfidential address and telephone number at which the notary public  
8 can be contacted.

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

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

17 \* **Sec. 15.** AS 44.50 is amended by adding a new section to read:

18 **Sec. 44.50.200. Definitions.** In this chapter, unless the context otherwise  
19 requires,

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

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

24 \* **Sec. 16.** AS 44.50.030, 44.50.040, 44.50.070, 44.50.080, 44.50.090, 44.50.100,  
25 44.50.110, 44.50.120, 44.50.130, 44.50.140, 44.50.170, 44.50.180(c), and 44.50.190 are  
26 repealed.

27 \* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 **APPLICABILITY.** (a) AS 44.50.010, repealed and reenacted by sec. 7 of this Act,  
30 and AS 44.50.031, 44.50.033, 44.50.035, 44.50.036, 44.50.037, and 44.50.039, enacted by  
31 sec. 9 of this Act, do not apply to a notary public whose commission is in effect on the day

1 before the effective date of secs. 1 - 11, 13 - 16, and 19 of this Act until the notary public's  
 2 term of office expires under former AS 44.50.030, the notary public resigns under  
 3 AS 44.50.066, enacted by sec. 11 of this Act, or the notary public's commission is revoked  
 4 under AS 44.50.067, enacted by sec. 11 of this Act.

5 (b) Notwithstanding (a) of this section, if a notary public whose commission is in  
 6 effect on the day before the effective date of secs. 1 - 11, 13 - 16, and 19 of this Act has been  
 7 incarcerated in a correctional facility for a felony conviction within 10 years before the notary  
 8 public's term of office expires under former AS 44.50.030, the lieutenant governor may take  
 9 an action under AS 44.50.067, enacted by sec. 11 of the Act, against the notary public.

10 \* **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to  
 11 read:

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

16 \* **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to  
 17 read:

18 **CONDITIONAL EFFECT OF BILL SECTION 12.** Section 12 of this Act takes effect  
 19 only if a bill is passed by the Twenty-Third Alaska State Legislature that establishes an office  
 20 of administrative hearings to conduct adjudicative administrative hearings and requires the  
 21 office of administrative hearings to conduct all adjudicative administrative hearings required  
 22 under AS 44.50, and the bill is enacted into law.

23 \* **Sec. 20.** If, under sec. 19 of this Act, sec. 12 of this Act takes effect, it takes effect on the  
 24 later of

25 (1) one day after the effective date of sec. 11 of this Act; or

26 (2) the effective date of the jurisdictional section of the bill that is passed by  
 27 the Twenty-Third Alaska State Legislature that establishes an office of administrative  
 28 hearings to conduct adjudicative administrative hearings and requires the office of  
 29 administrative hearings to conduct all adjudicative hearings under AS 44.50; in this  
 30 paragraph, "jurisdictional section" means the section that sets out the statutes to which the  
 31 jurisdiction of the office of administrative hearings applies.

1     \* **Sec. 21.** Section 18 of this Act takes effect immediately under AS 01.10.070(c).

2     \* **Sec. 22.** Except as provided in secs. 20 and 21 of this Act, this Act takes effect July 1,

3     2004.