

SENATE CS FOR CS FOR HOUSE BILL NO. 97(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/29/05

Referred: Rules

Sponsor(s): HOUSE 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;

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

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

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

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

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

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

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

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

the

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

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

and

(2) [; (3)] comply with **AS 44.50.060 - 44.50.065 and** [AS 44.50.060 - 44.50.080 OR] other applicable law.

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

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

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

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

the

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

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

and

(2) [; (3)] comply with **AS 44.50.060 - 44.50.065 and** [AS 44.50.060 - 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, **acknowledged that the person** signed the instrument on
13 behalf of the corporation by proper authority, and **acknowledged that**
14 the instrument was the act of the corporation for the purposes stated in
15 it;

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

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

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

30 (vi) [(v)] a person acknowledging as a public officer,
31 trustee, administrator, guardian, or other representative, acknowledged

1 that the person signed the instrument in the capacity and for the
2 purposes stated in it; and

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

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

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

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

12 State of _____ Judicial
13 District (or County of _____ **or Municipality**
14 **of** _____)

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

17 _____

18 Signature of Person Taking

19 Acknowledgment

20 _____

21 Title or Rank

22 _____

23 Serial Number, if any

24 (2) For a corporation:

25 State of _____ Judicial
26 District (or County of _____ **or Municipality**
27 **of** _____)

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

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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 _____ or Municipality 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 _____ **or Municipality**
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).**

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Signature of Person Taking
Acknowledgment

Title or Rank

Serial Number, if any

(5) [(4)] For an individual acting as principal by an attorney in fact:
State of _____ Judicial
District (or County of _____ **or Municipality**
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 _____ **or Municipality**
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;

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

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

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

and

(2) [; (3)] comply with **AS 44.50.060 - 44.50.065 and** [AS 44.50.060 - 44.50.080 OR] other law.

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

Sec. 44.19.024. Fees for issuing certificate. For issuing each certificate with the seal of the state affixed, the lieutenant governor shall collect a fee of **\$5 for each certificate** [\$2 FOR THE FIRST THREE FOLIOS OR LESS AND 20 CENTS PER FOLIO FOR EACH ADDITIONAL FOLIO. THE LIEUTENANT GOVERNOR SHALL ACCOUNT FOR THE FEES RECEIVED UNDER THIS SECTION AND SHALL PAY THEM INTO THE STATE TREASURY].

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

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

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

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

(b) The term of a notary public commission is four years, except that the term of a limited governmental notary public commission coincides with the term of

1 government employment.

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

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

6 **Sec. 44.50.020. Qualifications.** To be commissioned as a notary public, a
7 person

8 (1) shall submit an application under AS 44.50.032;

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

10 (3) shall have established residency in this state under AS 01.10.055;

11 (4) shall reside legally in the United States;

12 (5) may not, within 10 years before the commission takes effect, have
13 been convicted of a felony or incarcerated in a correctional facility for a felony
14 conviction;

15 (6) may not, within 10 years before the commission takes effect,

16 (A) have had the person's notary public commission revoked
17 under AS 44.50.068(a)(2) or (4) or under the notary public laws of another
18 jurisdiction for a substantially similar reason;

19 (B) have had the person's notary public commission revoked
20 under AS 44.50.068(a)(3), unless the person has reestablished residency in this
21 state under AS 01.10.055 before the person submits the application;

22 (C) have been disciplined under AS 44.50.068 if, at the time
23 the person applies for a notary public commission under this chapter, the
24 disciplinary action prohibits the person from holding a notary public
25 commission; or

26 (D) have been disciplined under the notary public laws of
27 another jurisdiction if, at the time the person applies for a notary public
28 commission under this chapter, the disciplinary action prohibits the person
29 from holding a notary public commission; and

30 (7) shall meet the other requirements in this chapter to be
31 commissioned as a notary public.

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

2 **Sec. 44.50.032. Application.** (a) A person applying for a commission as a
3 notary public shall submit a completed application as required by this section, using
4 the forms or format required by the lieutenant governor.

5 (b) A completed application for a commission under AS 44.50.010(a)(1) must
6 include

7 (1) an affirmation that the applicant meets the qualifications set out in
8 AS 44.50.020(2) - (6);

9 (2) the applicant's mailing and physical addresses; the applicant's
10 telephone number, if any; the applicant's employer or business; the physical address
11 and telephone number of the applicant's employer or business at the location where the
12 applicant works; and an electronic mailing address, if any, where the applicant can be
13 contacted;

14 (3) information concerning any denial, suspension, revocation, or
15 restriction of the applicant's commission as a notary public in this state or another
16 jurisdiction; that information must include

17 (A) identification of the jurisdiction;

18 (B) the date the jurisdiction issued the denial, suspension,
19 revocation, or restriction;

20 (C) the reasons for the denial, suspension, revocation, or
21 restriction; and

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

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

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

26 (6) the bond required by AS 44.50.034.

27 (c) A completed application for a commission under AS 44.50.010(a)(2) must
28 include

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

31 (2) the applicant's mailing and physical addresses; the applicant's

1 telephone number, if any; the applicant's employer; the name, address, and telephone
 2 number for the employer where the applicant works; and an electronic mailing
 3 address, if any, where the applicant can be contacted;

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

6 (4) the fee required by AS 44.50.033.

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

11 **Sec. 44.50.034. Bond.** (a) A person applying for a commission as a notary
 12 public without limitation under AS 44.50.010(a)(1) shall execute an official bond of
 13 \$1,000 and submit the bond with the application under AS 44.50.032. The bond must
 14 be for a term of four years from the date of commission.

15 (b) The lieutenant governor shall keep a bond submitted under this section for
 16 two years after the end of the term of the commission for which the bond was issued.
 17 Disposition of the bond after the end of the commission does not affect the time for
 18 commencing an action on the bond.

19 **Sec. 44.50.035. Oath.** The application required by the lieutenant governor
 20 under AS 44.50.032 must contain an oath or affirmation, in the form set out in
 21 AS 39.05.045, to be signed by the applicant. A signed oath or affirmation submitted
 22 in an application under AS 44.50.032 takes effect on the date of the applicant's
 23 commission as a notary public under this chapter.

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

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

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

29 (3) applicant has, within 10 years before the commission is to take
 30 effect, been convicted of a felony or incarcerated in a correctional facility for a felony
 31 conviction; or

1 (4) applicant's commission as a notary public has been revoked, within
2 10 years before the commission is to take effect, in

3 (A) this state for a reason stated in

4 (i) AS 44.50.068(a)(2) or (4);

5 (ii) AS 44.50.068(a)(3), unless the person has
6 reestablished residency in this state under AS 01.10.055 before the
7 person submits the application; or

8 (B) another jurisdiction for a reason substantially similar to
9 AS 44.50.068(a)(2) or (4).

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

14 **Sec. 44.50.038. Subsequent commissions.** A notary public whose term of
15 commission is ending may apply for a new notary public commission by submitting a
16 new application under AS 44.50.032 and complying with the requirements of this
17 chapter. The lieutenant governor's approval of a new application for a commission for
18 a notary public without limitation under AS 44.50.010(a)(1) terminates an applicant's
19 existing commission under that paragraph.

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

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

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

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

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

28 **Sec. 44.50.060. Duties.** A notary public may [SHALL]

29 (1) administer oaths and affirmations [WHEN REQUESTED,
30 DEMAND ACCEPTANCE AND PAYMENT OF FOREIGN AND INLAND BILLS
31 OF EXCHANGE, OR PROMISSORY NOTES, PROTEST THEM FOR

1 NONACCEPTANCE AND NONPAYMENT, AND EXERCISE THE OTHER
 2 POWERS AND DUTIES THAT BY THE LAW OF NATIONS AND ACCORDING
 3 TO COMMERCIAL USAGES, OR BY THE LAWS OF ANY OTHER STATE,
 4 GOVERNMENT, OR COUNTRY, MAY BE PERFORMED BY NOTARIES];

5 (2) take the acknowledgment of or proof of execution of [POWERS
 6 OF ATTORNEY, MORTGAGES, DEEDS, GRANTS, TRANSFERS, AND OTHER]
 7 instruments in [OF] writing, and give a notarial certificate of the proof or
 8 acknowledgment, included in [ENDORSED ON] or attached to the instrument; the
 9 notarial certificate shall be signed by the notary public in the notary public's
 10 [NOTARY'S] own handwriting or by electronic means as authorized by
 11 regulations adopted by the lieutenant governor [;

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

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

20 **Sec. 44.50.061. Unauthorized practice.** (a) A notary public who is not an
 21 attorney may complete but may not select notarial certificates, and may not assist
 22 another person in drafting, completing, selecting, or understanding a document or
 23 transaction requiring a notarial act.

24 (b) This section does not prohibit a notary public who is qualified in and, if
 25 required, licensed to practice, a particular profession from giving advice relating to
 26 matters in that professional field.

27 (c) A notary public may not make representations to have powers,
 28 qualifications, rights, or privileges that the office of notary public does not have.

29 **Sec. 44.50.062. Prohibited acts.** A notary public may not

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

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

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

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

7 (5) affix the notary public's official seal to a document unless the
8 person who is to sign the document

9 (A) appears and signs the document before the notary public or,
10 for an acknowledgment, appears and indicates to the notary public that the
11 person voluntarily affixed the person's signature on the document for the
12 purposes stated within the document;

13 (B) gives an oath or affirmation if required under law or if the
14 notarial certificate states that the document was signed under oath or
15 affirmation; and

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

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

21 (ii) another valid identification containing the
22 photograph and signature of the person signing;

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

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

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

30 **Sec. 44.50.063. Official signature.** (a) When performing a notarization, a
31 notary public shall

1 (1) sign in the notary public's own handwriting, on the notarial
 2 certificate, exactly and only the name indicated on the notary public's commission
 3 certificate, or sign an electronic document by electronic means as authorized by
 4 regulations adopted by the lieutenant governor; and

5 (2) affix the official signature only at the time the notarial act is
 6 performed.

7 (b) A notary public shall comply in a timely manner with a request by the
 8 lieutenant governor to supply a current sample of the notary public's official
 9 handwritten signature and information regarding the notary public's electronic
 10 signature.

11 (c) Within 10 days after the security of a notary public's electronic signature
 12 has been compromised, the notary public shall provide the lieutenant governor with
 13 written notification that the signature has been compromised. After the notary public
 14 has provided the lieutenant governor with the notification, the notary public shall
 15 provide the lieutenant governor with any additional information that the lieutenant
 16 governor requests about the compromise of the signature.

17 **Sec. 44.50.064. Official seal.** (a) A notary public shall keep an official seal,
 18 which is the exclusive property of the notary public, and shall ensure that another
 19 person does not possess or use the official seal.

20 (b) A notary public's official seal

21 (1) must contain

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

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

25 (2) may be a circular form not over two inches in diameter, may be a
 26 rectangular form not more than one inch in width by two and one-half inches in
 27 length, or may be an electronic form as authorized by regulations adopted by the
 28 lieutenant governor.

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

31 (d) Within 10 days after a notary public's official seal is stolen or lost, or the

1 security of the notary public's official electronic seal is compromised, the notary
 2 public shall provide the lieutenant governor with written notification of the theft, loss,
 3 or compromised security. After the notary public has provided the lieutenant governor
 4 with the notification, the notary public shall provide the lieutenant governor with any
 5 additional information that the lieutenant governor requests about the compromise of
 6 the seal.

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

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

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

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

14 **Sec. 44.50.065. Seal impression or depiction.** (a) With regard to each paper
 15 document being notarized, a sharp, legible, photographically reproducible impression
 16 or depiction of a notary public's official seal shall be affixed

17 (1) on the notarial certificate near the notary public's official signature;
 18 and

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

20 (b) For a notarized paper document, illegible information within a seal
 21 impression or depiction may be typed or printed legibly by the notary public adjacent
 22 to, but not within, the impression or depiction.

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

26 (d) A notary public may use a seal in electronic form on electronic documents
 27 notarized by the notary public as authorized by regulations adopted by the lieutenant
 28 governor. The seal shall be affixed only at the time the notarial act is performed.

29 **Sec. 44.50.066. Notary public's status notification.** (a) Within 30 days after
 30 change of a notary public's name, mailing address, or physical address, the notary
 31 public shall, on a form provided by the lieutenant governor, submit written notification

1 of the change, signed by the notary public.

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

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

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

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

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

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

17 (e) The lieutenant governor may require a notary public to update the
18 information required under AS 44.50.032, including the notary public's current
19 notarized signature and information regarding the notary public's electronic signature.

20 **Sec. 44.50.067. Resignation.** (a) To resign a commission, a notary public
21 shall notify the lieutenant governor in writing of the resignation and the date that it is
22 effective. The notary public shall sign the notification.

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

25 **Sec. 44.50.068. Disciplinary action; complaint; appeal; hearing;**
26 **delegation.** (a) The lieutenant governor may suspend or revoke a notary public's
27 commission or reprimand a notary public for good cause shown, including

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

29 (2) failure to comply with this chapter;

30 (3) failure to maintain residency in this state under AS 01.10.055; and

31 (4) incompetence or malfeasance in carrying out the notary public's

1 duties under this chapter.

2 (b) A person harmed by the actions of a notary public may file a complaint
3 with the lieutenant governor. The complaint shall be filed on a form prescribed by the
4 lieutenant governor and shall be signed and verified by the person alleging misconduct
5 by the notary public.

6 (c) If the lieutenant governor determines that the allegations in the complaint
7 do not warrant formal disciplinary action, the lieutenant governor may decline to act
8 on the complaint or may advise the notary public of the appropriate conduct and the
9 applicable statutes and regulations governing the conduct. The lieutenant governor
10 shall notify the notary public and the complainant of the determination in writing.

11 (d) If the lieutenant governor determines that the complaint alleges sufficient
12 facts to constitute good cause for disciplinary action, the lieutenant governor shall
13 serve the notary public with a copy of the complaint as provided in Rule 4, Alaska
14 Rules of Civil Procedure. The notary public may file a written response to the
15 complaint with the lieutenant governor within 20 days after receipt of the complaint.
16 The lieutenant governor may extend the time for the notary public's response. The
17 lieutenant governor shall provide a copy of the notary public's response to the
18 complainant.

19 (e) The lieutenant governor shall review the complaint and the response to
20 determine whether formal disciplinary action may be warranted. The lieutenant
21 governor may determine that the allegations in the complaint do not warrant formal
22 disciplinary action, in which case the lieutenant governor may determine not to take
23 further action on the complaint or may determine to advise the notary public of the
24 appropriate conduct and the applicable statutes and regulations governing the conduct.
25 If the lieutenant governor determines that formal disciplinary action is not warranted,
26 the lieutenant governor shall provide the complainant and the notary public with a
27 written statement of the basis for the determination.

28 (f) If the lieutenant governor finds that formal disciplinary action may be
29 warranted, the lieutenant governor may suspend or revoke a notary public's
30 commission or reprimand a notary public. If the lieutenant governor suspends or
31 revokes the commission or issues a reprimand, the lieutenant governor shall provide,

1 by certified mail, the notary public with a written statement of the lieutenant
2 governor's decision, including a written statement of the basis for the determination.

3 (g) A person who is issued a reprimand, suspension, or revocation under (f) of
4 this section may appeal the reprimand, suspension, or revocation by requesting a
5 hearing within 15 days after receiving the statement provided under (f) of this section.
6 If a hearing is requested, the lieutenant governor shall deny or grant the request under
7 AS 44.64.060(b) and refer the matter to the office of administrative hearings under
8 AS 44.64.060(b).

9 (h) The lieutenant governor may delegate the powers under this section.

10 * **Sec. 12.** AS 44.50 is amended by adding new sections to read:

11 **Sec. 44.50.071. Confidentiality.** (a) An address, telephone number, and
12 electronic mail address of a notary public or an applicant that is submitted under
13 AS 44.50.032 or 44.50.038 and that is designated by the notary public or applicant as
14 confidential shall be kept confidential. However, a notary public shall provide a
15 nonconfidential address and telephone number at which the notary public can be
16 contacted.

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

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

25 **Sec. 44.50.072. Regulations.** The lieutenant governor may adopt regulations
26 under AS 44.62 (Administrative Procedure Act) to carry out the purposes of this
27 chapter.

28 **Sec. 44.50.073. Published summary.** The lieutenant governor may publish
29 by electronic means for commissioned notaries public a summary of the provisions of
30 this chapter and the regulations adopted under this chapter. The lieutenant governor
31 shall, upon request, distribute the summary to each person who is commissioned a

1 notary public under this chapter.

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

3 **Sec. 44.50.200. Definitions.** In this chapter, unless the context otherwise
4 requires,

5 (1) "convicted" or "conviction" means that the person has entered a
6 plea of guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or
7 guilty but mentally ill by a court or jury;

8 (2) "notarial act" means an act that is identified as a notarial act under
9 AS 09.63.120 and an act that a notary public is directed to perform under
10 AS 44.50.060;

11 (3) "notary public" means a person commissioned to perform notarial
12 acts under this chapter.

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

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

18 **APPLICABILITY.** (a) AS 44.50.010, repealed and reenacted by sec. 7 of this Act,
19 and AS 44.50.032, 44.50.033, 44.50.035, 44.50.036, 44.50.037, and 44.50.039, enacted by
20 sec. 9 of this Act, do not apply to a notary public whose commission is in effect on the day
21 before the effective date of secs. 1 - 14 of this Act until the notary public's term of office
22 expires under former AS 44.50.030, the notary public resigns under AS 44.50.067, enacted by
23 sec. 11 of this Act, or the notary public's commission is revoked under AS 44.50.068, enacted
24 by sec. 11 of this Act.

25 (b) Notwithstanding (a) of this section, if a notary public whose commission is in
26 effect on the day before the effective date of secs. 1 - 14 of this Act has been, within 10 years
27 before the notary public's term of office expires under former AS 44.50.030, convicted of a
28 felony or incarcerated in a correctional facility for a felony conviction, the lieutenant governor
29 may take an action under AS 44.50.068, enacted by sec. 11 of the Act, against the notary
30 public. In this subsection, "convicted" and "conviction" have the meanings given in
31 AS 44.50.200.

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

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

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

8 * **Sec. 18.** Except as provided in sec. 17 of this Act, this Act takes effect July 1, 2005.