

1 IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 34

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to notaries public and
7 repealing prior laws relating thereto; and
8 providing for an effective date."

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

10 Section 1. APPOINTMENT AND COMMISSION BY SECRETARY OF
11 STATE. The Secretary of State may appoint and commission notaries
12 public for the State.

13 Sec. 2. QUALIFICATIONS. Every person appointed as notary
14 public shall be, at the time of his appointment, a citizen of the
15 United States and of this State and a resident at least 19 years
16 of age.

17 Sec. 3. TERM OF OFFICE. The term of office of a notary
18 public is four years from and after the date of his commission.

19 Sec. 4. FEES. A fee of \$20 shall be paid to the Secretary
20 of State for each commission issued other than to a State employee.
21 Nothing in this Act shall be construed as requiring a postmaster
22 to post a bond or be issued a commission.

23 Sec. 5. DUTIES. It is the duty of a notary public:

24 (1) When requested, to demand acceptance and payment
25 of foreign and inland bills of exchange, or promissory notes, to
26 protest them for nonacceptance and nonpayment, and to exercise
27 such other powers and duties as by the law of nations and
28 according to commercial usages, or by the laws of any other state,
29 government, or country, may be performed by notaries.

1 (2) To take the acknowledgment or proof of powers of
2 attorney, mortgages, deeds, grants, transfers, and other instru-
3 ments of writing executed by any person, and to give a certificate
4 of such proof or acknowledgment, endorsed on or attached to the
5 instrument. Such certificate shall be signed by him in his own
6 handwriting.

7 (3) To take depositions and affidavits, and administer
8 oaths and affirmations, in all matters incident to the duties of
9 the office, or to be used before any court, judge, officer, or
10 board in this State. Any deposition, affidavit, oath, or
11 affirmation shall be signed by him in his own handwriting. He
12 shall endorse after his signature the date of expiration of his
13 commission.

14 Sec. 6. PRESENCE REQUIRED; IDENTIFICATION. A notary public
15 shall require oaths and affirmations to be given in his presence
16 and require persons appearing before him to produce identification.

17 Sec. 7. SEAL. A notary public shall provide and keep an
18 official seal, upon which shall be engraved the words, "State of
19 Alaska" and "Notary Public," together with the name of the notary.
20 He shall authenticate with his official seal all official acts.

21 Sec. 8. NOTICE OF BILL OR NOTE FOR NONACCEPTANCE OR
22 NON-PAYMENT. The protest of a notary public, under his hand and
23 official seal, of a bill of exchange or promissory note for
24 non-acceptance or nonpayment, specifying:

- 25 (a) The time and place of presentment;
26 (b) The fact that presentment was made and the manner
27 thereof;
28 (c) The cause or reason for protesting the bill;
29 (d) The demand made and the answer given, if any, or

1 the fact that the drawee or acceptor could not be found;
2 is prima facie evidence of the facts recited therein.

3 Sec. 9. DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL OF
4 A NOTARY. If any notary public dies, resigns, is disqualified,
5 removed from office, or removes from the State, all his public
6 papers shall be delivered to the Secretary of State. The pro-
7 cedures found in the Administrative Procedure Act shall be followed
8 in the revocation of the commission of a notary public.

9 Sec. 10. BOND, AMOUNT, APPROVAL. Every person appointed a
10 notary public after the effective date of this Act shall execute
11 an official bond in the sum of One Thousand Dollars (\$1,000),
12 approved by the Clerk of the Superior Court. The person to be
13 appointed a notary public shall forward with his official bond to
14 the Secretary of State his notarized oath of office, signed by
15 the person to be appointed with his own proper signature. Upon
16 receipt of the bond, the Secretary of State shall keep the bond
17 for one year following the expiration of the term of the commis-
18 sion for which the bond is issued after which said bond may be
19 disposed of. Such disposition does not affect the time for
20 commencement of actions on the bond. A certified copy of the
21 record of the official bond with all affidavits, acknowledgments,
22 endorsements, and attachments, may be read in evidence with like
23 effect as the original thereof, without further proof.

24 Sec. 11. MISCONDUCT OR NEGLECT. For the misconduct or
25 neglect of a notary public, he and the sureties on his official
26 bond are liable to the persons injured thereby for the damages
27 sustained.

28 Sec. 12. STATE EMPLOYEES AS NOTARIES.

29 (1) The Secretary of State may appoint and commission

1 state employees as notaries public of the State to act for and in
2 behalf of a department of the State government as he considers
3 proper. Whenever such a notary is appointed and commissioned,
4 the head of the department shall execute a certificate that the
5 appointment is made for the purposes of the department, and
6 whenever such a certificate is filed with the Secretary of State,
7 no fees may be charged for the filing or issuance of any document
8 in connection with such appointment.

9 (2) Any department for which a notary public is
10 appointed and commissioned pursuant to this section may pay from
11 any funds available for its support the premiums on any bond and
12 the cost of any stamps, seals, or other supplies required in con-
13 nection with the appointment, commission, or performance of the
14 duties of such notary public.

15 (3) Any fees collected or obtained by any notary pub-
16 lic whose documents have been filed without charge and for whom
17 bond premiums have been paid by a State agency shall be remitted
18 by him to the State department by which he is employed and paid in-
19 to the General Fund of the State. Notwithstanding Sec. 3 of this
20 Act, the termination of employment shall revoke the commission
21 of any notary whose documents have been filed without charge and
22 for whom bond premiums have been paid by a State agency.

23 Sec. 13. POSTMASTERS AS NOTARIES.

24 (1). Each postmaster within the State is authorized to
25 perform all the functions of a notary public within the State.

26 (2) Each official act of a postmaster as notary public
27 shall be signed by the postmaster, with a designation of his
28 title as postmaster, shall have affixed the cancellation stamp
29 of the post office, and shall state the name of the post office

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and the date on which such act was done.

(3) The postmaster is authorized to charge and receive the fees a notary would receive for similar services.

Sec. 14. SAVINGS CLAUSE. This Act shall not be construed as to effect the release or extinguishment of any liability or forfeiture incurred or right accruing under any previous law regulating notaries. All commissions presently in effect continue until they expire or are terminated by death, disqualification, resignation, removal from the State, or until the notary is removed from office by the Secretary of State pursuant to the Administrative Procedure Act.

Sec. 15. REPEALER. The following laws and parts of laws are repealed: Secs. 17-1-1, ACLA 1949, as amended by Sec. 1, Ch. 3, SLA 1959; 17-1-2, ACLA 1949, as amended by Sec. 2, Ch. 3, SLA 1959; 17-1-3, ACLA 1949, as amended by Sec. 3, Ch. 3, SLA 1959; 17-1-4, ACLA 1949, as amended by Sec. 4, Ch. 3, SLA 1959; 17-1-5, 17-1-6, 17-1-7, 17-1-8, 17-1-9, 17-1-10, 17-1-11, 17-1-12, 23-1-1, 23-1-2, 23-1-3, ACLA 1949.

Sec. 16. EFFECTIVE DATE. The effective date of this Act is July 1, 1961.