

**HB**

**97**

24-GH1008\G.1  
Chenoweth  
2/3/05

AMENDMENT

*Adopted*

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 97(STA)

- 1 Page 4, line 13, following "(or County of \_\_\_\_\_)";
- 2       Insert "or Municipality of \_\_\_\_\_)"
- 3
- 4 Page 4, line 25, following "(or County of \_\_\_\_\_)";
- 5       Insert "or Municipality of \_\_\_\_\_)"
- 6
- 7 Page 5, line 8, following "(or County of \_\_\_\_\_)";
- 8       Insert "or Municipality of \_\_\_\_\_)"
- 9
- 10 Page 5, line 23, following "(or County of \_\_\_\_\_)";
- 11       Insert "or Municipality of \_\_\_\_\_)"
- 12
- 13 Page 6, line 6, following "(or County of \_\_\_\_\_)";
- 14       Insert "or Municipality of \_\_\_\_\_)"
- 15
- 16 Page 6, line 19, following "(or County of \_\_\_\_\_)";
- 17       Insert "or Municipality of \_\_\_\_\_)"

24-GH1008\G.2  
Chenoweth  
2/3/05

AMENDMENT #2

OFFERED IN THE HOUSE  
TO: CSHB 97(STA)

BY REPRESENTATIVE GRUENBERG

1 Page 17, following line 11:

2 Insert:

3 "Sec. 44.50.073 ~~Handbook~~ *published manner* The lieutenant governor may ~~produce a~~ *publish for*  
4 ~~handbook~~ *in form* for commissioned notaries public ~~on the Internet~~ *by electronic means* and shall, upon request,  
5 distribute ~~the handbook~~ to each person who is commissioned a notary public under  
6 this chapter. ~~The handbook must contain a summary~~ *in form containing a summary* of the provisions of this chapter  
7 and the regulations adopted under this chapter."

*Amended*

24-GH1008\G  
Bannister  
1/28/05

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

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**  
**Referred:**

**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;

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(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 24.05.150;

(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

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that the person signed the instrument in the capacity and for the 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.

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Signature of Person Taking

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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

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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 \_\_\_\_\_)

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

1 DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

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

3 the

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

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

6 and

7 (2) [; (3)] comply with AS 44.50.060 - 44.50.065 and [AS 44.50.060 -  
8 44.50.080 OR] other law.

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

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

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

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

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

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

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

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

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

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

1 person

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

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

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

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

6 (5) may not have been incarcerated in a correctional facility for a  
7 felony conviction within 10 years before the commission takes effect;

8 (6) may not have had a notary public commission revoked in this state  
9 or another jurisdiction;

10 (7) may not have committed acts for which a notary public  
11 commission may be denied or revoked under this chapter; and

12 (8) shall meet the other requirements in this chapter to be  
13 commissioned as a notary public.

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

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

18 (b) A completed application for a commission under AS 44.50.010(a)(1) must  
19 include

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

22 (2) the applicant's mailing and physical addresses; the applicant's  
23 telephone number, if any; the applicant's employer or business; the physical address  
24 and telephone number of the applicant's employer or business at the location where the  
25 applicant works; and an electronic mailing address, if any, where the applicant can be  
26 contacted;

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

30 (A) identification of the jurisdiction;

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

1 revocation, or restriction;

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

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

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

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

8 (6) the bond required by AS 44.50.034.

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

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

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

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

19 (4) the fee required by AS 44.50.033.

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

24 **Sec. 44.50.034. Bond.** (a) A person applying for a commission as a notary  
25 public without limitation under AS 44.50.010(a)(1) shall execute an official bond of  
26 \$1,000 and submit the bond with the application under AS 44.50.032. The bond must  
27 be for a term of four years from the date of commission.

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

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

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

- 8                   (1) applicant does not meet the requirements of this chapter;  
9                   (2) application is not complete or contains a material misstatement or  
10 omission of fact relating to the requirements for a commission under this chapter;  
11                   (3) applicant has been incarcerated in a correctional facility for a  
12 felony conviction within 10 years before the commission is to take effect; or  
13                   (4) applicant's commission as a notary public has been revoked in this  
14 state for a reason set out in AS 44.50.068, or in another jurisdiction for a substantially  
15 similar reason.

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

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

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

- 28                   (1) is designated a limited governmental notary public;  
29                   (2) may perform notarial acts only in the conduct of official  
30 government business; and  
31                   (3) may not charge or receive a fee or other consideration for notarial

1 services provided under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (A) appears and signs the document before the notary public or,  
15 for an acknowledgment, appears and indicates to the notary public that the  
16 person voluntarily affixed the person's signature on the document for the  
17 purposes stated within the document;

18 (B) gives an oath or affirmation if required under law or if the  
19 notarial certificate states that the document was signed under oath or  
20 affirmation; and

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

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

26 (ii) another valid identification containing the  
27 photograph and signature of the person signing;

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

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

31 (B) will receive directly from a transaction connected with the

1           notarial act a commission, fee, advantage, right, title, interest, cash, property,  
2           or other consideration exceeding in value the normal fee charged by the notary  
3           for the notarial act.

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

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

10                   (2) affix the official signature only at the time the notarial act is  
11           performed.

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

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

17                   (b) A notary public's official seal

18                           (1) must contain

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

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

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

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

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

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

- 1 (1) upon the notary public's resignation or death;  
2 (2) upon the revocation or termination by the lieutenant governor of  
3 the notary public's commission; or  
4 (3) when the notary public's term of commission ends if the notary  
5 public has not received a new commission under this chapter.

6 **Sec. 44.50.065. Seal impression or depiction.** (a) A sharp, legible,  
7 photographically reproducible impression or depiction of a notary public's official seal  
8 shall be affixed

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

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

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

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

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

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

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

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

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

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

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

6 (e) The lieutenant governor may require a notary public to update the  
7 information required under AS 44.50.032, including the notary public's current  
8 notarized signature.

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

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

14 **Sec. 44.50.068. Disciplinary action.** The lieutenant governor may suspend or  
15 revoke a notary public's commission or reprimand a notary public for good cause  
16 shown, including

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

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

19 (3) incompetence or malfeasance in carrying out the notary public's  
20 duties under this chapter.

21 **Sec. 44.50.069. Complaint; hearing; appeal; delegation.** (a) A person  
22 harmed by the actions of a notary public may file a complaint with the lieutenant  
23 governor. The complaint shall be filed on a form prescribed by the lieutenant  
24 governor and shall be signed and verified by the person alleging misconduct by the  
25 notary public.

26 (b) If the lieutenant governor determines that the allegations in the complaint  
27 do not warrant formal disciplinary action, the lieutenant governor may decline to act  
28 on the complaint or may advise the notary public of the appropriate conduct and the  
29 applicable statutes and regulations governing the conduct. The lieutenant governor  
30 shall notify the notary public and the complainant of the determination in writing.

31 (c) If the lieutenant governor determines that the complaint alleges sufficient

1 facts to constitute good cause for disciplinary action, the lieutenant governor shall  
2 serve the notary public with a copy of the complaint as provided in Rule 4, Alaska  
3 Rules of Civil Procedure. The notary public may file a written response to the  
4 complaint with the lieutenant governor within 20 days after receipt of the complaint.  
5 The lieutenant governor may extend the time for the notary public's response. The  
6 lieutenant governor shall provide a copy of the notary public's response to the  
7 complainant.

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

17 (e) If the lieutenant governor finds that formal disciplinary action may be  
18 warranted, the lieutenant governor shall refer the matter to the office of administrative  
19 hearings created under AS 44.64.010 for a hearing.

20 (f) The lieutenant governor may delegate the powers under AS 44.50.068 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 is amended by adding new sections to read:

26 **Sec. 44.50.071. Confidentiality.** (a) An address, telephone number, and  
27 electronic mail address of a notary public or an applicant that is submitted under  
28 AS 44.50.032 or 44.50.038 and that is designated by the notary public or applicant as  
29 confidential shall be kept confidential. However, a notary public shall provide a  
30 nonconfidential address and telephone number at which the notary public can be  
31 contacted.

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

6 (c) A complaint filed under AS 44.50.069 shall be kept confidential unless the  
7 lieutenant governor determines under AS 44.50.069(c) that the complaint alleges  
8 sufficient facts to constitute good cause for disciplinary action.

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

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

13 **Sec. 44.50.200. Definitions.** In this chapter, unless the context otherwise  
14 requires,

15 (1) "notarial act" means an act that is identified as a notarial act under  
16 AS 09.63.120 and an act that a notary public is directed to perform under  
17 AS 44.50.060;

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

20 \* **Sec. 14.** AS 44.50.030, 44.50.040, 44.50.070, 44.50.080, 44.50.090, 44.50.100,  
21 44.50.110, 44.50.120, 44.50.130, 44.50.140, 44.50.170, 44.50.180(c), and 44.50.190 are  
22 repealed.

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

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

1 (b) Notwithstanding (a) of this section, if a notary public whose commission is in  
2 effect on the day before the effective date of secs. 1 - 14 of this Act has been incarcerated in a  
3 correctional facility for a felony conviction within the 10 years before the notary public's term  
4 of office expires under former AS 44.50.030, the lieutenant governor may take an action  
5 under AS 44.50.068, enacted by sec. 11 of the Act, against the notary public.

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

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

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

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

= Removed

☐ = Altered

23-GH2022\U

**CS FOR HOUSE BILL NO. 439(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 4/6/04**

**Referred: Finance**

**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 i. 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 - 44.50.065 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 - 44.50.065 and [AS 44.50.060 -  
31 44.50.080 OR] other applicable law.

= Removed

■ = Altered

23-GH2022U

**CS FOR HOUSE BILL NO. 439(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

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**Offered: 4/6/04**

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**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 - 44.50.065 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 - 44.50.065 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, acknowledge that the person signed the instrument on  
13 behalf of the corporation by proper authority, and acknowledge 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

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that the person signed the instrument in the capacity and for the 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

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Acknowledgment

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

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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

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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

1 DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

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

3 the

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

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

6 and

7 (2) [ (3)] comply with AS 44.50.060 - 44.50.065 and [AS 44.50.060 -  
8 44.50.080 OR] other law.

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

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

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

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

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

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

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

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

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

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

1 person

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

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

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

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

6 (5) may not have been incarcerated in a correctional facility for a  
7 felony conviction within 10 years before the commission takes effect;

8 (6) may not have had a notary public commission revoked in this state  
9 or another jurisdiction;

10 (7) may not have committed acts for which a notary public  
11 commission may be denied or revoked under this chapter; and

12 (8) shall meet the other requirements in this chapter to be  
13 commissioned as a notary public.

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

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

18 (b) A completed application for a commission under AS 44.50.010(a)(1) must  
19 include

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

22 (2) the applicant's mailing and physical addresses, the applicant's  
23 telephone number, if any, the applicant's employer or business, the physical address  
24 and telephone number of the applicant's employer or business at the location where the  
25 applicant works, and an electronic mailing address, if any, where the applicant can be  
26 contacted;

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

30 (A) identification of the jurisdiction;

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

1 revocation, or restriction;

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

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

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

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

8 (6) the bond required by AS 44.50.034.

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

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

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

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

19 (4) the fee required by AS 44.50.033.

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

24 **Sec. 44.50.034. Bond.** (a) A person applying for a commission as a notary  
25 public without limitation under AS 44.50.010(a)(1) shall execute an official bond of  
26 \$1,000 and submit the bond with the application under AS 44.50.032. The bond must  
27 be for a term of four years from the date of commission.

28 (b) The lieutenant governor shall keep a bond submitted under this section for  
29 10 years after the end of the term of the commission for which the bond was issued.  
30 Disposition of the bond after the end of the commission does not affect the time for  
31 commencing an action on the bond.

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

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

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

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

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

13                   (4) applicant's commission as a notary public has been revoked in this  
 14 state for a reason set out in AS 44.50.068, or in another jurisdiction for a substantially  
 15 similar reason.

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

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

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

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

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

31                   (3) may not charge or receive a fee or other consideration for notarial

1 services provided under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (A) appears and signs the document before the notary public or,  
15 for an acknowledgment, appears and indicates to the notary public that the  
16 person voluntarily affixed the person's signature on the document for the  
17 purposes stated within the document;

18 (B) gives an oath or affirmation if required under law or if the  
19 notarial certificate states that the document was signed under oath or  
20 affirmation; and

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

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

26 (ii) another valid identification containing the  
27 photograph and signature of the person signing;

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

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

31 (B) will receive directly from a transaction connected with the

1 notarial act a commission, fee, advantage, right, title, interest, cash, property,  
2 or other consideration exceeding in value the normal fee charged by the notary  
3 for the notarial act.

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

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

10 (2) affix the official signature only at the time the notarial act is  
11 performed.

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

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

17 (b) A notary public's official seal

18 (1) must contain

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

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

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

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

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

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

- 1 (1) upon the notary public's resignation or death;  
2 (2) upon the revocation or termination by the lieutenant governor of  
3 the notary public's commission; or  
4 (3) when the notary public's term of commission ends if the notary  
5 public has not received a new commission under this chapter.

6 **Sec. 44.50.065. Seal impression or depiction.** (a) A sharp, legible,  
7 photographically reproducible impression or depiction of a notary public's official seal  
8 shall be affixed

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

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

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

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

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

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

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

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

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

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

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

6 (c) The lieutenant governor may require a notary public to update the  
7 information required under AS 44.50.032, including the notary public's current  
8 notarized signature.

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

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

14 **Sec. 44.50.068. Disciplinary action.** The lieutenant governor may suspend or  
15 revoke a notary public's commission or reprimand a notary public for good cause  
16 shown, including

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

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

19 (3) incompetence or malfeasance in carrying out the notary public's  
20 duties under this chapter.

21 **Sec. 44.50.069. Complaint; hearing; appeal.** (a) A person harmed by the  
22 actions of a notary public may file a complaint with the lieutenant governor. The  
23 complaint shall be filed on a form prescribed by the lieutenant governor and shall be  
24 signed and verified by the person alleging misconduct by the notary public.

25 (b) If the lieutenant governor determines that the allegations in the complaint  
26 do not warrant formal disciplinary action, the lieutenant governor may decline to act  
27 on the complaint or may advise the notary public of the appropriate conduct and the  
28 applicable statutes and regulations governing the conduct. The lieutenant governor  
29 shall notify the notary public and the complainant of the determination in writing.

30 (c) If the lieutenant governor determines that the complaint alleges sufficient  
31 facts to constitute good cause for disciplinary action, the lieutenant governor shall

1 serve the notary public with a copy of the complaint as provided in Rule 4, Alaska  
 2 Rules of Civil Procedure. The notary public may file a written response to the  
 3 complaint with the lieutenant governor within 20 days after receipt of the complaint.  
 4 The lieutenant governor may extend the time for the notary public's response. The  
 5 lieutenant governor shall provide a copy of the notary public's response to the  
 6 complainant.

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

16 (e) If the lieutenant governor finds that formal disciplinary action may be  
 17 warranted, the lieutenant governor may *shall refer the matter to the office of administrative*  
*hearings (AS 44.64.010) for a hearing.*

18 (1) hear the case and issue a decision; or

19 (2) appoint a hearing officer to hear the case and provide a  
 20 recommended decision, including recommended disciplinary action.

21 (f) If a hearing officer is appointed, the lieutenant governor may

22 (1) adopt the hearing officer's recommended decision in its entirety;

23 (2) adopt portions of the recommended decision and modify the  
 24 recommended disciplinary action;

25 (3) decide the case upon the record created at the hearing; or

26 (4) refer the case to the same or another hearing officer to take  
 27 additional evidence and issue a new recommended decision, including, if appropriate,  
 28 new recommended disciplinary action based upon the record from the hearing and the  
 29 additional evidence.

30 ~~(f)~~ (g) The lieutenant governor may delegate the powers under AS 44.50.068 and  
 31 this section.

(9)

1            ~~(h)~~ An appeal from a decision of the lieutenant governor under this section  
 2 shall be in accordance with the procedures set out in AS 44.62 (Administrative  
 3 Procedure Act).

4 \* Sec. 12. AS 44.50.069 is repealed and reenacted to read:

5            **Sec. 44.50.069. Complaint; hearing; appeal.** (a) A person harmed by the  
 6 actions of a notary public may file a complaint with the lieutenant governor. The  
 7 complaint shall be filed on a form prescribed by the lieutenant governor and shall be  
 8 signed and verified by the person alleging misconduct by the notary public.

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

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

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

31            (e) If the lieutenant governor finds that formal disciplinary action may be

1 warranted, the lieutenant governor shall refer the matter to the office of administrative  
2 hearings for a hearing.

3 (f) The lieutenant governor may delegate the powers under AS 44.50.068 and  
4 this section.

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

8 \* Sec. ~~44~~<sup>12</sup> AS 44.50 is amended by adding new section ~~68~~ to read:

9 **Sec. 44.50.071. Handbook.** The lieutenant governor may produce a  
10 handbook for commissioned notaries public on the Internet and shall, upon request,  
11 distribute the handbook to each person who is commissioned a notary public under  
12 this chapter. The handbook must contain a summary of the provisions of this chapter  
13 and the regulations adopted under this chapter.

14 **Sec. 44.50.072<sup>71</sup> Confidentiality.** (a) An address, telephone number, and  
15 electronic mail address of a notary public or an applicant that is submitted under  
16 AS 44.50.032 or 44.50.038 and that is designated by the notary public or applicant as  
17 confidential shall be kept confidential. However, a notary public shall provide a  
18 nonconfidential address and telephone number at which the notary public can be  
19 contacted.

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

25 (c) A complaint filed under AS 44.50.069 shall be kept confidential unless the  
26 lieutenant governor determines under AS 44.50.069(c) that the complaint alleges  
27 sufficient facts to constitute good cause for disciplinary action.

28 **Sec. 44.50.073<sup>71</sup> Regulations.** The lieutenant governor may adopt regulations  
29 under AS 44.62 (Administrative Procedure Act) to carry out the purposes of this  
30 chapter.

31 \* Sec. ~~14~~<sup>13</sup> AS 44.50 is amended by adding a new section to read:

1           **Sec. 44.50.200. Definitions.** In this chapter, unless the context otherwise  
2 requires,

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

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

7 \* ~~Sec. 15.~~<sup>14</sup> AS 44.50.030, 44.50.040, 44.50.070, 44.50.080, 44.50.090, 44.50.100,  
8 44.50.110, 44.50.120, 44.50.130, 44.50.140, 44.50.170, 44.50.180(c), and 44.50.190 are  
9 repealed.

10 \* ~~Sec. 16.~~<sup>15</sup> The uncoded law of the State of Alaska is amended by adding a new section to  
11 read:

12           **APPLICABILITY.** (a) AS 44.50.010, repealed and reenacted by sec. 7 of this Act,  
13 and AS 44.50.032, 44.50.033, 44.50.035, 44.50.036, 44.50.037, and 44.50.039, enacted by  
14 sec. 9 of this Act, do not apply to a notary public whose commission is in effect on the day  
15 before the effective date of secs. 1 - 11, 13 - 16, and 18 of this Act until the notary public's  
16 term of office expires under former AS 44.50.030, the notary public resigns under  
17 AS 44.50.067, enacted by sec. 11 of this Act, or the notary public's commission is revoked  
18 under AS 44.50.068, enacted by sec. 11 of this Act.

19           (b) Notwithstanding (a) of this section, if a notary public whose commission is in  
20 effect on the day before the effective date of secs. 1 - 11, 13 - 16, and 18 of this Act has been  
21 incarcerated in a correctional facility for a felony conviction within 10 years before the notary  
22 public's term of office expires under former AS 44.50.030, the lieutenant governor may take  
23 an action under AS 44.50.068, enacted by sec. 11 of the Act, against the notary public.

24 \* ~~Sec. 17.~~<sup>16</sup> The uncoded law of the State of Alaska is amended by adding a new section to  
25 read:

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

30 \* ~~Sec. 18.~~<sup>17</sup> The uncoded law of the State of Alaska is amended by adding a new section to  
31 read:

1           CONDITIONAL EFFECT OF AS 44.50.069, ENACTED BY BILL SECTION 12.  
 2 Section 12 of this Act takes effect only if a bill is passed by the Twenty-Third Alaska State  
 3 Legislature that establishes an office of administrative hearings to conduct adjudicative  
 4 administrative hearings and requires the office of administrative hearings to conduct all  
 5 adjudicative administrative hearings required under AS 44.50, and the bill is enacted into law.

6       \* Sec. 19. If, under sec. 18 of this Act, sec. 12 of this Act takes effect, it takes effect on the  
 7 later of

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

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

15       \* Sec. <sup>17</sup>~~20~~ Section <sup>16</sup>~~17~~ of this Act takes effect immediately under AS 01.10.070(c).

16       \* Sec. <sup>18</sup>~~21~~ Except as provided in secs. <sup>17</sup>~~19~~ and ~~20~~ of this Act, this Act takes effect July 1,  
 17 2004.

HB 97



FRANK H. MURKOWSKI  
GOVERNOR  
GOVERNOR@GOV.STATE.AK.US

P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
(907) 465-3500  
FAX (907) 465-3532  
WWW.GOV.STATE.AK.US

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 20, 2005

The Honorable John Harris  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, verifications, and acknowledgements, to notaries public, and to fees for issuing certificates with the seal of the state affixed.


The primary purpose of the bill is to comprehensively update AS 44.50, the chapter that governs notaries public, which includes among its provisions the qualifications to become a notary public, duties of notaries public, and liability in the event of misconduct or neglect. AS 44.50 has not been comprehensively revised since it was enacted in 1961. These changes will allow the Lieutenant Governor to: focus attention on web-based education for notaries, allow businesses which employ large groups of notaries to keep track of their terms of office, lay a foundation for e-signatures for the future, and continue to provide information to notaries without internet access. Sections 7-14 of the bill would repeal obsolete provisions in AS 44.50, update antiquated language, and add new provisions as needed.

Sections 1-5 of the bill would update statutes in AS 09, the Alaska civil code, relating to the taking of oaths, affirmations, and acknowledgements and to notaries' responsibilities when notarizing, verifying, and acknowledging signed instruments. Section 6 of the bill would change the fee for the lieutenant governor's issuance of a certificate with the seal of the state affixed. Sections 15 and 16 of the bill contain applicability and transition provisions, respectively.

A more detailed description of the bill is found in a sectional analysis of the bill available from the office of the lieutenant governor.

I urge your prompt and favorable action on this measure.

Sincerely yours,

  
Frank H. Murkowski  
Governor

Enclosure

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

January 28, 2005

**SUBJECT:** CSHB 97(STA) relating to notaries public and other related matters (Work Order No. 24-GH1008\G)

**TO:** Representative Paul Seaton  
Chair of the House State Affairs Committee  
Attn: Louie

**FROM:**  Theresa Bannister  
Legislative Counsel

This memo accompanies a draft of the bill described above.

1. Changes. Semicolons replace commas in sec. 44.50.032(b)(2) and (c)(2) to make the paragraphs clearer to read. An addition ("; delegation") has been made to the catchline of sec. 44.50.069. In sec. 44.50.069(e), the parentheses have been removed and "created under" added. In the definition of "notary public" in sec. 44.50.200(1), the language accompanying the cross-referenced sections has been rewritten to be more precise.

2. Suggested change. The introductory language to sec. 44.50.060 (notary public duties) uses the mandatory word, "shall." I suggest replacing "shall" with "may" since a notary public, even though commissioned to act as a notary public, is not required to exercise the duties of a notary public.

If I may be of further assistance, please advise.

TLB:med  
05-063.med

Enclosure

## SECTIONAL ANALYSIS HB 97

### Notary Legislation

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

Section 1. Adds presiding officers of each house of the Legislature and the Lieutenant Governor to the list of persons permitted to administer oaths. This permission is limited to the administration of the oath of office to new legislators (AS 24.05.160) and to the presiding officers for the same purpose during second and special sessions (AS 24.05.170).

Sections 2 and 3. Conform sections of Alaska Civil Procedure concerning notarial acts to the updated language in Sec. 44.50.061 (5). These sections apply to court system employees, U.S. Postmasters, U.S. military personnel and municipal clerks.

Sections 4 and 5. Update 09.63 to include reference to limited liability companies, limited partnerships, and limited liability partnerships.

Section 6. Increases fee per notarial certificate from \$2/three folios to \$5/certificate. "Folio" is an outdated term not used in current practice. The increase reflects the State's cost to process the certificates. Deletes territorial language re: accounting for fees.

Section 7. Two categories of notaries:

- a) notary public without limitation
  - terms are for 4 years
  - can charge fees for service
- b) limited governmental notary public (state, municipal and federal employees)
  - conduct only official government business
  - terms are for the length of government employment
  - cannot charge fees for service (new Sec. 44.50.039)

Can have concurrent commissions as a notary public without limitation and as a limited governmental notary public, as long as the activities are separated.

Section 8. Changes Qualifications to be commissioned notary public:

- Lowers the age from 19 to 18.
- Must have established Alaska residency. The definition of "residency" is updated to a more widely used and more current definition (AS 01.10.055) than current statute (AS 44.50.020).
- Notary public must reside legally in the U.S.
- 10 years between felony conviction/incarceration and ability to apply as notary.

Section 9. Sets out the application requirements for notary public commission whether notary public without limitation or limited governmental notary public.

Restates the current \$ fee per application along with the current requirement that State limited governmental notaries public are exempt from the fee.

Restates current bonding requirement of \$1,000 with term of four years for notaries public without limitation.

Requires Lieutenant Governor to keep the bond for two years.

Provides opportunities for Lieutenant Governor to deny applications if:

- a) application is incomplete
- b) applicant has been convicted of and incarcerated for a felony less than 10 years previous to application
- c) applicant's commission has been revoked

Clarifies current law as to when a new commission begins.

Section 10. Much of AS 44.50.060 is antiquated language. The changes here acknowledge that the duties of a notary public can be encompassed in the broader language of administering oaths and affirmations, taking acknowledgment of or proof of instruments of writing and giving notarial certificates.

Section 11. Defines scope of practice and makes clear that a notary public who is not an attorney may not perform functions that require the practice of law.

Also, sets out what a notary public cannot do (Sec. 44.50.062), the specifications of the official seal, and its care and keeping, what constitutes a "seal impression", changes in notary status and disciplinary actions. It also specifies at (5) (A) – (C) the elements that must be present for a notary public to notarize a document:

- Person must appear and sign the document before the notary public.
- Person must produce identification unless personally known to the notary public.
- The notary must sign in his/her own handwriting the name on his/her commission certificate.
- Notary cannot notarize documents which benefit the notary (see Page 12, Lines 19-25).CHECK THIS ON FINAL VERSION OF BILL WHEN INTRODUCED.

This section reorders and clarifies current law defining the notary's seal, and defining the seal impression. The \$5 name change fee is not in addition to the cost of a new certificate under Sec. 44.19.024.

New sections (Secs. 44.50.068-.069) give the Lieutenant Governor the latitude to suspend or revoke a notary public's commission or to reprimand a notary public for good cause. The Lieutenant Governor may delegate his authority. With regard to a complaint, the Lieutenant Governor may find no merit to the complaint or may refer the complaint to the office of administrative hearings for a formal disciplinary hearing which could end with revocation of the notary public's commission

**Section 12.** Describes the information gathered from notaries public on the application which will be public information. Provides for the Lieutenant Governor to adopt regulations.

**Section 13.** Defines terms used in this Chapter.

**Section 14. Repealers:**

- AS 44.50.030 (Term of office, now covered in new 44.50.010)
- AS 44.50.040 (Fees, now covered in new 44.50.033)
- AS 44.50.070 (Presence and ID, now covered in new 44.50.061)
- AS 44.50.080 (Seal, now covered in new 44.50.063)
- AS 44.50.090 (Protest of bill or note. Notaries don't do this, antiquated language, repealed and not replaced)
- AS 44.50.100 (Return of papers. There are no papers to return. Repealed and not replaced)
- AS 44.50.110 (APA procedure for disciplinary actions, replaced by more comprehensive 44.50.067)
- AS 44.50.120 (Bond requirements, now covered in new 44.50.034)
- AS 44.50.130 (Filing oath and bond, now covered in new 44.50.035)
- AS 44.50.140 (Disposition of bond, now covered in new 44.50.034)
- AS 44.50.170 (State employees as notaries, now covered in 44.50.010, 44.50.131 (c) and 44.50.039)
- AS 44.50.180(c) (Federal law prohibits postmasters from charging fees. Alaska law is inconsistent and this subsection must be repealed)
- AS 44.50.190 (Savings clause, a transitional measure from 1961 that is no longer necessary and can be repealed).

**Section 15. Applicability**

- Current commissions continue in effect until term of office expires, except if the commissioned is a felon and 10 years have not elapsed since incarceration.
- Bonds, seals, liabilities in effect continue through the notary public's term of office.
- All notaries with current commissions or who are commissioned following the effective date of the legislation must follow the notarial procedures encompassed in the legislation.
- When commissions expire, notaries public will apply for new commissions under the new AS 44.50.032 (Section 9).

**Sections 16 and 17. Transition**

Allows the Lieutenant Governor to immediately proceed to adopt regulations with an effective date following the effective date of the legislation.

**Section 18. Effective Date**

Effective date is July 1, 2005 to allow time for revision of website, online handbook and forms

P.O. Box 100600

Alaska Bankers Association  
Anchorage, Alaska 99510-0600

OFFICE OF THE  
FEB 17 2004  
LIEUTENANT GOVERNOR

(907) 265-2920

February 17, 2004

The Honorable Loren Leman  
Lieutenant Governor, State of Alaska  
State Capitol, Third Floor  
Juneau, Alaska 99811

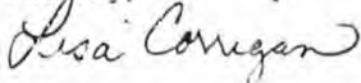
Re: HB 439

Dear Lt. Governor Leman:

The members of the Alaska Bankers Association have had the opportunity to review House Bill 439, which addresses the responsibilities of notaries public in the State of Alaska. We have no opposition to the proposed changes to existing law and are in support of the legislation.

We appreciate the opportunity to review and comment on any proposed legislation that may impact the financial services industry.

Sincerely,



Lisa J. Corrigan  
President  
Alaska Bankers Association

## Notary Statute Comparison – HB 97

	<b>Current</b>	<b>Proposed</b>
<b>Qualifications</b>	<p>Applicants must be a resident of the state at least 19 years of age.</p> <p>Resident defined to mean a person who maintains a permanent place of abode in the state, and is in fact living in the state.</p>	<p>Minimum age lowered to 18 years.</p> <p>Residency requirements made consistent with general residency statute AS 01.10.055, rather than separate definition.</p> <p>Applicant must reside legally in the United States.</p> <p>Applicants may not be convicted/incarcerated felons within 10 years of application.</p>
<b>Term</b>	<b>Current</b>	<b>Proposed</b>
	<p>Four years.</p> <p>Automatic revocation of commissions of State employee notaries who terminate employment prior to the commission expiration date.</p>	<p>Notaries Public will continue to serve a term of four years.</p> <p>Limited Governmental Notaries Public commissions will be open-ended with automatic revocation upon termination of government employment.</p>
<b>Fees</b>	<b>Current</b>	<b>Proposed</b>
	<p>\$40 application fee for non-state employee notaries.</p> <p>\$2 per Lieutenant Governor certificate.</p>	<p>\$40 application fee for non-state employee notaries (No change).</p> <p>\$5 per Lieutenant Governor certificate (\$3 increase).</p>
<b>Bond</b>	<b>Current</b>	<b>Proposed</b>
	<p>\$1,000 Notary Bond is required of all applicants.</p>	<p>\$1,000 Notary Bond required of all applicants except Limited Governmental Notaries. Lt. Gov. required to keep for 2 years.</p>

<b>Commission Types</b>	<b>Current</b>	<b>Proposed</b>
	<p>Notaries Public who serve four-year commissions.</p> <p>Limited Governmental Notaries Public commissions available for State employees only.</p>	<p>Notaries Public who serve four-year commissions.</p> <p>Limited Governmental Notaries Public commissions – Expanded to include Municipal and Federal employees in addition to State employees.</p>
<b>Commission Revocation</b>	<b>Current</b>	<b>Proposed</b>
	<p>Via Administrative Procedure Act. Act must be invoked to review all complaints against notaries, no matter how trivial.</p>	<p>By Lieutenant Governor for good cause via a formal disciplinary procedure using administrative hearing office.</p>
<b>Notary Data</b>	<b>Current</b>	<b>Proposed</b>
	<p>Each notary's name, mailing address, surety information and commission dates are available to the public.</p>	<p>The notary information currently available remains unchanged. The notary's name, mailing address, surety information and commission dates continue to be publicly available.</p> <p>To facilitate training and communication the Lieutenant Governor may collect additional information from applicants and notaries that will not be available to the public.</p>
<b>Non-Commissioned Notaries</b>	<b>Current</b>	<b>Proposed</b>
	<p>Justices, Judges, Magistrates, Clerks or Deputy Clerks of Court, United States Postmasters, and Commissioned Military Officers are authorized to take oaths, affirmations or acknowledgments.</p>	<p>No change.</p>



United States  
**NOTARY**  
Association

March 5, 2004

MAR 09 2004

LIEUTENANT GOVERNOR

The Honorable Loren Leman  
Office of the Lieutenant Governor  
P.O. Box 110015  
Juneau, AK 99811-0015

RE: Alaska Senate Bill 302

Dear Mr. Leman:

On behalf of the members of the United States Notary Association (USNA), I congratulate you and Governor Murkowski on your legislative initiative to comprehensively revise the chapter of the Alaska Statutes that governs Alaska notaries public, Title 44, Chapter 50 [AS 44.50].

USNA is strongly in favor of this notarial regulation in that it gives notaries clear and unambiguous direction for the performance of their official duties. This direction protects both the notary and the public from the serious consequences of unintended error. Since AS 44.50 has not been comprehensively revised since being enacted in 1961, USNA gives its full support to Senate Bill 302 because the bill intends to repeal obsolete provisions, update antiquated language and add new provisions where they are needed.

USNA urges the Alaska Senate to take prompt and favorable action regarding this bill. If I can be of help to you in supporting this bill, please contact me at 800-587-2588 or [usna@enotary.org](mailto:usna@enotary.org).

I look forward to reporting on the successful passage of Senate Bill 302 in an upcoming issue of *Notary Review*.


For the Association,

  
Marc L. Aronson  
President

**About the United States Notary Association**

USNA is a membership organization dedicated to the professional development of notaries public in all 50 states and the District of Columbia. USNA's goal is to provide notaries with accurate, reliable information and high quality products and services.

Notaries join USNA to learn about proper notarial procedures and the laws, current events, and common issues affecting notaries in their states and nationwide. Members can call USNA's telephone support or E-mail their questions. Members also receive a subscription to *Notary Review*, our bi-monthly publication, containing news briefs, educational articles and other information of interest to notaries.

  
14 Wood Street  
Pittsburgh, Pennsylvania

15222-1921

ph: 800.587.2588

fax: 800.707.7075

[www.enotary.org](http://www.enotary.org)

# Notary Population by State & Electronic Applications

STATE	POPULATION	ACCEPTANCE OF E-APPLICATIONS	UCC DIVISION
ALABAMA	70,000	No	Secretary of State Office
ALASKA	11,800	Not yet	Banking and Corporations Office
ARIZONA	800,000	Not yet	Business Services
ARKANSAS	Over 100,000	No	UCC Division
CALIFORNIA	35.4,000	No	UCC Division
COLORADO	90,000 - 100,000	Not yet	Division of Bus. Filings UCC Section
CONNECTICUT	52,000 +/-	No	Commercial Recording Division
DELAWARE	10,000	No	Corporations Division
D.C.	12,000 - 15,000	No	—
FLORIDA	350,000	Yes	Department of State, Division of Corporations
GEORGIA	240,000 - 250,000	No	UCC Division
HAWAII	7,000	Not yet	—
IDAHO	—	No	UCC Division
ILLINOIS	184,000	Not yet	Business Services
INDIANA	90,000	Not yet	UCC Division
IOWA	50,000	Not yet	Corporations Division
KANSAS	80,000	Not yet	UCC Division
KENTUCKY	80,000 (records kept 4 years only)	No	UCC Division
LOUISIANA	—	No	UCC Division
MAINE	—	No	UCC Division
MARYLAND	94,000	No	Assessment And Taxation Department
MASSACHUSETTS	100,027	No	Corporations Division
MICHIGAN	150,000	No	Business Licenses
MINNESOTA	83,000	No	—
MISSISSIPPI	50,948	No	UCC Division
MISSOURI	71,122	No	UCC Division
MONTANA	18,300	No	UCC Division
NEBRASKA	22,000	No	Secretary of State Office
NEVADA	22,000	Not yet	UCC Division
NEW HAMPSHIRE	25,000	No	UCC Division
NEW JERSEY	—	Not yet	Division of Revenue
NEW MEXICO	32,000	No	Secretary of State Office
NEW YORK	250,597	No	Division of Corporations UCC Unit
NORTH CAROLINA	196,000	Not yet	UCC Division of SOS Office
NORTH DAKOTA	11,574	No	Central Indexing
OHIO	85,000	No	—
OKLAHOMA	84,000	No	Through each county
OREGON	45,000	Not yet	Corporations Division
PENNSYLVANIA	91,490	Not yet	Corporations Bureau
RHODE ISLAND	47,860	No	UCC Division
SOUTH CAROLINA	150,000 - 200,000	No	UCC Division
SOUTH DAKOTA	17,000	No	UCC Division
TENNESSEE	143,069	No	Secretary of State Office
TEXAS	352,294	Not yet	UCC Division
UTAH	28,000	No	Division of Corporations & Commercial Code
VERMONT	20,000	Not yet	Division of Corporations
VIRGINIA	200,000	Not yet	State Corporation of Commercialization
WASHINGTON	75,000	No	UCC Office in the Department of Licensing at the Business and Profession Division
WEST VIRGINIA	42,000	No	UCC Division
WISCONSIN	20,000	No	Department of Financial Institutions
WYOMING	15,000	Not yet	Corporations Division

— Information not available.

# Appointment Process – Qualifications

STATE	APPOINTING OFFICER	REQUIREMENTS FOR COMMISSION
ALABAMA	Individual county judges	Varies by county — 18 years old; resident of AL and county commissioned in; must have notary bond at time of commissioning.
ALASKA	Dr. Governor	19 years old; resident of AK
ARIZONA	Secretary of State	18 years old; must be an AZ resident; minimum residency requirement varies.
ARKANSAS	Secretary of State	18 years old; citizen of US and resident of AR; able to read and write English; notary commission hasn't been revoked within the last 10 years.
CALIFORNIA	Secretary of State	18 years old; legal resident of CA; successful con., letion of an approved notary exam.
COLORADO	Secretary of State	18 years old; citizen of US; qualified elector in CO; able to read and write English.
CONNECTICUT	Secretary of State	18 years old; residence or employment in CT.
DELAWARE	Secretary of State	18 years old; good character and reputation; a reasonable need for a notary commission; legal resident of DE.
DISTRICT of COLUMBIA	Office of the Secretary	18 years old; residence or employment in DC; leuer explaining need included with application; three character references included with application.
FLORIDA	Office of the Governor	18 years old; read, write, and understand English; permanent resident of FL; if convicted of a felony must have rights restored; completion of mandatory training class.
GEORGIA	Clerk of Superior Court in each county	18 years old; able to read and write English; resident of GA.
HAWAII	Attorney General	18 years old; US citizen and resident of HI.
IDAHO	Secretary of State	18 years old; residence or employment in ID; able to read and write English; No removal from office for misconduct; or no conviction of a serious crime within the last 10 years.
ILLINOIS	Secretary of State	18 years old; resident of IL; able to read and write English; no revocation of commission or felony convictions in the last 10 years.
INDIANA	Secretary of State	18 years old; resident of IN.
IOWA	Secretary of State	18 years old; residence or employment in IA; no revocation of commission or felony convictions in the last 10 years.
KANSAS	Secretary of State	18 years old; resident of KS; or resident of bordering state and employed in KS
KENTUCKY	Secretary of State	18 years old; resident of county in which application is made; of good moral character; and capable of discharging duties imposed by law.
LOUISIANA	Secretary of State	18 years old; resident of LA, in and for the parish in which applicant lives or works, provided that the notary meets the requirements established by each parish in which the notary applies.
MAINE	Secretary of State	18 years old; resident of ME; and recommended to the office by a registered voter in ME.

# Term of Office & Appointment Fees

Term of Office	Appointment Fees	Comments
4 years	\$11-\$15, varies by county	Notaries are appointed by county judges to county of residence.
4 years	\$40	AK specifically requires personal appearance. Postholders may perform the functions of a notary public.
4 years	\$25 to Secretary of State; \$18 to Clerk of Superior Court in county of residence	Jurisdiction is statewide, though notaries are commissioned in the county of residence.
10 years	\$20	
4 years	\$100	
3 years	\$10/year; \$2 admin fee for change of address, name change, etc.	
5 years	\$60	
2 years (new) or 4 years	\$53 \$78	
5 years	\$50	
4 years	\$39	Notaries in FL are authorized to perform marriage ceremonies.
4 years	\$15	
4 years	\$40	
6 years	\$30	
4 years	\$10	
8 years	\$5	
3 years (resident) 1 year (non-resident)	\$30	
4 years	\$10	Notaries are <u>not</u> considered public officers.
4 years	\$10	There are two types of notaries in KY: notaries state-at-large and notaries under special commission.
Lifetime	Varies from parish to parish - up to \$1,000, includes education and examination, state fees, background checks, bonding, filing with parish, etc. LA notaries are civil law notaries with more involved duties than common law notaries. LA's requirements for notaries reflect this difference.	
7 years	\$25	Each new notary must swear an oath in front of a Dedimus Justice before acting as a notary. Notaries in ME are authorized to perform marriage ceremonies.

# Appointment Process – Qualifications

STATE	APPOINTING OFFICER	REQUIREMENTS FOR COMMISSION
MARYLAND	Secretary of State	18 years old; of good character, integrity, and abilities; live or work in MD.
MASSACHUSETTS	Governor	18 years old
MICHIGAN	Secretary of State	18 years old; residence or employment in MI; resident of the county where requesting a commission; for the state of non-residents, applicants must work in the county in which commission is requested.
MINNESOTA	Governor	18 years old; resident of MN.
MISSISSIPPI	Governor	18 years old; registered voter in MS.
MISSOURI	Secretary of State	18 years old; registered voter of county of residence; able to read and write English; no commission revoked during past 10 years.
MONTANA	Secretary of State	18 years old; minimum residency of 1 year.
NEBRASKA	Governor	19 years old; application is accompanied by petition signed by at least 25 voters in county of residence.
NEVADA	Secretary of State	18 years old; resident of NV; US citizen or resident alien; possession of civil rights.
NEW HAMPSHIRE	Governor and Ex. Council	18 years old; resident of NH; 2 notaries and 1 registered voter must endorse application; must complete State Police Records Check Form; cannot be a convicted felon.
NEW JERSEY	Secretary of State	18 years old; resident of NJ or resident of adjoining state who works in NJ; not convicted of a felony above the second degree.
NEW MEXICO	Governor	18 years old; resident of NM; able to read and write English; no revocation of commission or felony convictions in the past 5 years.
NEW YORK	Secretary of State	18 years old; residence or employment in NY; must pass written exam; and must provide verification of good moral character.
NORTH CAROLINA	Secretary of State	18 years old; resident of NC or employed in NC; recommended by publicly elected official; completion of notary course approved by SOS.
NORTH DAKOTA	Secretary of State	A notary applicant must have the same qualifications as an elector with regard to age and residence or must reside in a county that borders ND in a state that extends reciprocity to a notary public in a border county.
OHIO	Governor	18 years old; citizen of OH; or attorney of another state who is admitted to the practice of law in OH.
OKLAHOMA	Secretary of State	18 years old; citizen of the US; legal residence or employment in OK.
OREGON	Secretary of State	18 years old; residence or employment in OR; able to read and write English; be of good moral character; have no notary commission revoked in the preceding 5 years; no felony conviction within the last 10 years.
PENNSYLVANIA	Sec. of the Commonwealth	18 years old; registered voter; resident of PA for at least 1 year prior to commission application; be of known character, integrity, and ability.
RHODE ISLAND	Governor	Any qualified elector/resident of RI.
SOUTH CAROLINA	Governor	18 years old; must be a registered voter in SC; application must be endorsed by county delegates.
SOUTH DAKOTA	Secretary of State	18 years old; citizen of US; no felony convictions.
TENNESSEE	Governor	18 years old; citizen of US and resident of TN; no felony convictions; elected by county legislative body of county of residence.

# Term of Office & Appointment Fees

TERM OF OFFICE	APPOINTMENT FEES	COMMENTS
4 years	\$10	
7 years	\$25	
5 years	\$40	Dept of Commerce oversees notary commissions.
4 years	\$25	Notaries are not considered public officials.
4 years	\$25	Non-residents can be notaries in MO if they work in MO.
4 years	\$30	
4 years	\$35	
5 years	\$50	
5 years	\$25	
4 years	\$10	
First commission 2 yrs 4 years after July 18, 2001	\$30 (\$60 after July 18, 2001)	
5 years	\$30	
6 years	\$25	
5 years	\$5-6	Notaries apply in the counties they reside in through the local bar association.
4 years	\$25	
4 years	\$20	
4 years	\$25	
4 years	\$80	
10 years	\$25	SC notaries are authorized to perform marriage ceremonies.
6 years	\$10	
4 years	\$12	\$7 for the County Court Clerk and \$5 for the Secretary of State.

# Appointment Process – Qualifications

STATE	APPOINTING OFFICER	REQUIREMENTS FOR COMMISSION
TEXAS	Secretary of State	18 years old; resident of TX.
UTAH	Dir. of the Div. of Corporations and Commercial Code	18 years old; live in the state at least 30 days prior to applying; must be able to read, write, and understand English; must submit a complete application; must be a UT resident; must be endorsed by two state residents who are over 18.
VERMONT	Superior Court Assistant Judges	18 years old; resident of the state or a nonresident who commutes for work.
VIRGINIA	Governor	18 years old; resident of the state or a nonresident who commutes for work; must have the endorsement of two state officials and two voters.
WASHINGTON	Dept. of Licensing Dir.	18 years old; resident of the state or an adjoining state and be regularly employed in or conduct business in Washington; read and write English; submission of complete application; must submit a \$10,000 surety bond and application fee.
WEST VIRGINIA	Governor	18 years old; citizen of the United States; must be able to read and write English; must never have been convicted of a felony, or must have been pardoned. Nonresidents are eligible if they are regularly employed in the state and need the commission for employment.
WISCONSIN	Governor	18 years old; resident of the state.
WYOMING	Secretary of State	18 years old; resident of the state, or nonresident who commutes in the state for work.

# Term of Office & Appointment Fees

TERM OF OFFICE	APPOINTMENT FEE	COMMENTS
4 years	\$21	
4 years	\$20	
4 years	\$20 payable to county	
4 years	\$25	
4 years	\$20	
4 years	\$25	
4 years	\$20	
4 years	\$30	

# Notary Exam & Class Requirements

STATE	EXAM REQ'D	CLASS REQ'D	COMMENTS	STATE TRAINING
ALABAMA			No education or exam required.	
ALASKA	X		Exam in Alaska handbook.	
ARIZONA			No education or exam required.	
ARKANSAS			No education or exam required.	
CALIFORNIA	X		Exam required for new and renewing notaries.	
COLORADO			No education or exam required.	X
CONNECTICUT	X		Exam is part of application.	X
DELAWARE			No education or exam required.	
D.C.	X		Exam is oral and open-book test.	X
FLORIDA		X	Class required for new notaries.	X
GEORGIA			No education or exam required.	X
HAWAII	X		Exam is closed-book test.	
IDAHO			No education or exam required.	
ILLINOIS			No education or exam required.	
INDIANA			No education or exam required.	
IOWA			No education or exam required.	X
KANSAS			No education or exam required.	X
KENTUCKY			No education or exam required.	
LOUISIANA	X		Training suggested.	
MAINE	X		Open book exam part of application.	X
MARYLAND			No education or exam required.	
MASSACHUSETTS			No education or exam required.	
MICHIGAN			No education or exam required.	
MINNESOTA			No education or exam required.	
MISSISSIPPI			No education or exam required.	
MISSOURI			No education or exam required.	X
MONTANA			No education or exam required.	
NEBRASKA			No education or exam required.	
NEVADA			No education or exam required.	X
NEW HAMPSHIRE			No education or exam required.	
NEW JERSEY			No education or exam required.	
NEW MEXICO			No education or exam required.	
NEW YORK	X		Exam is closed-book test.	
NORTH CAROLINA	X	X	Training and exam are required prior to commission.	X
NORTH DAKOTA			No education or exam required.	
OHIO	X		Tests are administered by the county. All exams are different and not every county issues an exam.	
OKLAHOMA			No education or exam required.	
OREGON	X		Exam is open-book test and part of application.	X
PENNSYLVANIA			No education or exam required.	
RHODE ISLAND			No education or exam required.	
SOUTH CAROLINA			No education or exam required.	
SOUTH DAKOTA			No education or exam required.	
TENNESSEE			No education or exam required.	
TEXAS			No education or exam required.	
UTAH	X		Training is encouraged, but not required.	X
VERMONT			No education or exam required.	X
VIRGINIA			No education or exam required.	
WASHINGTON			No education or exam required.	
WEST VIRGINIA			No education or exam required.	
WISCONSIN			No education or exam required.	
WYOMING	X		Test in back of WY notary book is not mandatory, but is recommended.	

# Stamp/Embossed Requirements & Fees

STATE	STAMP/EMBOSSER	ALLOWABLE FEES NOTARY CAN CHARGE
ALABAMA	Embossed	Maximum fee is \$1.50 depending upon act performed.
ALASKA	Stamp/Embossed	Fees are left to the notary's discretion. State employed notaries cannot charge fees.
ARIZONA	Stamp	\$2 is maximum fee.
ARKANSAS	Stamp/Embossed	\$5 is maximum fee.
CALIFORNIA	Stamp	Maximum fee is \$20 depending upon act performed.
COLORADO	Stamp/Embossed	\$5 is maximum fee.
CONNECTICUT	—	\$5 is maximum fee.
DELAWARE	Stamp/Embossed	\$5 is maximum fee.
D. C.	Embossed	\$2 is maximum fee. Government employed notaries cannot charge fees.
FLORIDA	Stamp	\$10 is maximum fee per signature.
GEORGIA	Stamp/Embossed	\$4 is maximum fee.
HAWAII	Stamp/Embossed	Maximum fee is \$5 depending upon act performed.
IDAHO	Stamp/Embossed	\$2 is maximum fee.
ILLINOIS	Stamp	\$1 is maximum fee.
INDIANA	Stamp/Embossed	\$2 is maximum fee. Public official notaries cannot charge fees.
IOWA	Stamp/Embossed*	The statutory schedule of fees for notarial acts was repealed in 1989.
KANSAS	Stamp/Embossed	Not specified by law.
KENTUCKY	—	Maximum fee is 50 cents depending upon act performed.
LOUISIANA	—	Not specified by law.
MAINE	—	Other than \$1.50 for each protest of a bill or note, fees are left to notary's discretion.
MARYLAND	Stamp/Embossed	\$2 is maximum fee.
MASSACHUSETTS	—	\$2 is maximum fee for protests. All other fees are left to the notary's discretion.
MICHIGAN	—	\$2 is maximum fee.
MINNESOTA	Stamp	\$1 is maximum fee.
MISSISSIPPI	Stamp/Embossed	Fee range is \$2 to \$5.
MISSOURI	Stamp/Embossed	Maximum fee is \$2 depending upon act performed.
MONTANA	Stamp/Embossed	Maximum fee is \$3.50 depending upon act performed.
NEBRASKA	Stamp	Maximum fee is \$5 depending upon act performed. State employed notaries cannot charge fees.
NEVADA	Stamp	Maximum fee is \$5 depending upon act performed.
N. HAMPSHIRE	Stamp/Embossed	\$5 is maximum fee.
N. JERSEY	—	Maximum fee is \$2 depending upon act performed.
NEW MEXICO	Stamp/Embossed	Maximum fee is \$2 depending upon act performed.
NEW YORK	—	Maximum fee is \$2 depending upon act performed.
N. CAROLINA	Stamp/Embossed	\$3 is maximum fee.
N. DAKOTA	Stamp/Embossed	\$5 is maximum fee.
OHIO	Stamp/Embossed	Maximum fee is \$2 depending upon act performed.
OKLAHOMA	Stamp/Embossed	Maximum fee is 50 cents depending upon act performed.
OREGON	Stamp	Maximum fee is \$5 depending upon act performed.
PENNSYLVANIA	Stamp/Embossed	Maximum fee is \$2 depending upon act performed.
RHODE ISLAND	—	Maximum fee is \$1.50 depending upon act performed.
S. CAROLINA	—	Maximum fee is \$1 depending upon act performed.
S. DAKOTA	Stamp/Embossed	\$10 is maximum fee.
TENNESSEE	Stamp/Embossed	Maximum fee is \$1.50 depending upon act performed.
TEXAS	Stamp/Embossed	Maximum fee is \$6 depending upon act performed.
UTAH	Stamp/Embossed	\$5 is maximum fee.
VERMONT	—	Maximum fee is \$2 depending upon act performed.
VIRGINIA	—	Maximum fee is \$2 depending upon act performed.
WASHINGTON	Stamp/Embossed	Maximum fee is \$5 depending upon act performed.
WEST VIRGINIA	Stamp/Embossed	\$2 is maximum fee.
WISCONSIN	Stamp/Embossed	Maximum fee is \$1 depending upon act performed.
WYOMING	Stamp/Embossed	\$2 is maximum fee.

\* New legislation enacted requiring use of stamp or seal.

# Bond & Recordbook Requirements/Penalties for Wrongdoing

STATE	RECORDBOOK	BOND	PENALTIES ACTION
ALABAMA	X	\$10,000	— Discipline done through probate office/local DA office.
ALASKA	Recommended	\$1,000	X Complaint required in writing and verified by Attorney General. An administrative hearing can be followed by the suspension or revocation of commission.
ARIZONA	X	\$5,000	X Attorney General determines whether commission is revoked or renewal is denied.
ARKANSAS	Recommended	\$7,500*	X The complaint must be in writing to the staff attorney who has the power to revoke the commission if necessary.
CALIFORNIA	X	\$15,000	X Commission can be suspended or revoked, or application for commission can be denied.
COLORADO	X	None	X Secretary of State has the option to revoke commission.
CONNECTICUT	Recommended	None	X A disciplinary hearing is followed by reprimand, suspension, or revocation of commission.
DELAWARE	—	None	X Complaints referred to Attorney General. Commission can be revoked.
D. C.	X	\$2,000	X A written complaint must be filed with the Notary Commission Section Chief who decides what action to take. The most severe action is revocation of commission.
FLORIDA	Recommended	\$7,500	X Notary commissions can be suspended or revoked and the notary can be subject to fines and/or criminal penalties.
GEORGIA	—	None	Each county handles disciplinary action.
HAWAII	X	\$1,000	X Issues are solved verbally. State has the ability to revoke a commission but never has.
IDAHO	—	\$10,000	— —
ILLINOIS	—	\$5,000	— —
INDIANA	—	\$5,000	— There is a complaint form, but no official disciplinary procedure.
IOWA	Recommended	None	X State code encourages informal settling of disciplinary issues. If that is not possible, the commission is revoked.
KANSAS	—	\$7,500	X After review by an attorney, revocation of the commission is the ultimate penalty.
KENTUCKY	Recommended	Varies per county	— —
LOUISIANA	X (Others: Notary only)	\$5,000	— Notaries are not governed by the state. No bond required for attorneys.
MAINE	Recommended (Required for marriage only)	None	— Complaints are made to and handled by the Attorney General.
MARYLAND	X	None	— The notary receives a letter of reprimand for the first act of wrongdoing. In the event of a second act of wrongdoing, the commission is revoked.
MASSACHUSETTS	Recommended	None	— Complaints are referred to the Governor's council.
MICHIGAN	Recommended	\$10,000	X There is a hearing and possible revocation of commission.
MINNESOTA	—	None	X The Enforcement Division investigates. Penalties can include warnings, fines, suspension, or revocation of commission.
MISSISSIPPI	X	\$5,000	— Complaints are referred to Governor's office.
MISSOURI	X	\$10,000	— Revocation must be done through Attorney General's office.
MONTANA	Recommended	\$10,000**	— Complaints are referred to county attorney.
NEBRASKA	Recommended	\$10,000	X The commission can be revoked or in extreme cases there are court hearings.
NEVADA	X	\$10,000	X Complaints must be in writing. If wrongdoing is found, penalties are issued.
N. HAMPSHIRE	X	None	X Commission can be revoked.
N. JERSEY	X	None	— The state isn't involved in notary discipline. If a notary case goes through the court system, the state will be notified to revoke the commission.
NEW MEXICO	X (Over Notary of Public only)	\$500	Secretary of State has no authority to discipline notaries.

\* Recent legislation passed increasing bond from \$4,000 to \$7,500.

\*\* Recent legislation passed increasing bond from \$5,000 to \$10,000.

# Bond & Recordbook Requirements/Penalties for Wrongdoing

STATE	RECORDBOOK	BOND	PENALTY/ACTION
NEW YORK	—	None	X If a notary is accused of wrongdoing, he/she has the right to an administrative hearing before an administrative law judge.
N. CAROLINA	—	None	X Complaints must be received in writing. If wrongdoing is found, the notary's commission can be suspended or revoked, depending on the severity of the wrongful act.
N. DAKOTA	Recommended	\$7,500	X A letter is written to the Attorney General who can then revoke the commission, reprimand the notary or assess a fee. <small>(Subject for Notice of Power et al)</small>
OHIO	X	None	-- Discipline/complaints are handled individually by each county.
OKLAHOMA	X	\$1,000	— Complaints go through the court system.
OREGON	X	None	X Discipline alternatives include a letter of advice, a warning, suspension, or revocation of the commission.
PENNSYLVANIA	X	\$3,000	— Complaints are sent to the state prosecution office.
RHODE ISLAND	—	None	— Complaints are referred to the local police.
S. CAROLINA	—	None	— There is no policy unless the notary has done a false certification. In that case, the notary can be tried through the county and the commission can be revoked.
S. DAKOTA	Recommended	\$5,000	— Complaints are kept on file and commissions are revoked with a court order.
TENNESSEE	X	\$10,000	—
TEXAS	X	\$10,000	— Handled through the legal office.
UTAH	—	\$5,000	X Notary Administrator and commissioning office have the authority to revoke, suspend, or deny a commission with cause. There is an administrative hearing process in place if a notary wishes to appeal a decision.
VERMONT	—	None	— Secretary of State has no jurisdiction over notary discipline. Complaints must be made to assistant judge of the superior court.
VIRGINIA	—	None	X Notaries are penalized through reprimand, suspension, and revocation of their commissions.
WASHINGTON	—	\$10,000	X Complaints are investigated and if wrongdoing is found the commission can be revoked.
WEST VIRGINIA	—	None	— Due to change in staff this process is being revised.
WISCONSIN	—	\$500 (none for notaries)	— Complaints are forwarded to the Governor's office.
WYOMING	Recommended	\$500	— Discipline is handled at the county level.

X Is required or applicable

— Information not available or on record

# Contact Information

STATE	CONTACT PERSON	OFFICE ADDRESS
ALABAMA	Jane Syak, Notary Registrar	Office of the Secretary of State, PO Box 5616, Montgomery, AL 36103-5616
ALASKA	Wendy Clark, Notary Administrator	Office of the Secretary of State, PO Box 110375, Juneau, AK 99811-00015
ARIZONA	Constance Orpeland, Director	Notary Section, 1700 West Washington, 7th Floor, State Capitol Executive Tower, Phoenix, AZ 85007
ARKANSAS	Clairdie Crowl, Business Services Manager	Office of the Secretary of State, Corporations Division, State Capitol, Little Rock, AR 72201-1094
CALIFORNIA	Alicia Stewart, Manager	Notary Public Section, PO Box 942677, Sacramento, CA 94277-0001
COLORADO	John Andrews, Notary Public Clerk	Office of the Secretary of State, 1560 Broadway, Suite 200, Denver, CO 80202
CONNECTICUT	Peter J. Baracca	Notary Public Unit, 30 Trinity Street, Hartford, CT 06106
DELAWARE	Veronica Roberts, Notary Administrator	Office of the Secretary of State, 401 Federal Street, Suite 3, Dover, DE 19901
D.C.	Roslyn Brown, Section Chief	Notary Commission & Authentication Section, 441 4th St., Room 1C450, Washington, DC 20001
FLORIDA	Jennifer Bertsch, Notary Education Coordinator Charles Cassidy	Office of the Governor, Notary Section, The Capitol, Rm 2009, Tallahassee, FL 32399-0001 Notary Commission and Derivations Section, Dept. of State, State Capitol, Rm 1801, Tallahassee, FL 32399-0001
GEORGIA	Mike Smith, Communications Director	Georgia Superior Court, Clerks' Cooperative Authority, 1875 Century Blvd., Suite 100, Atlanta, GA 30345
HAWAII	Aun Yumiki, Legal Assistant	Department of Attorney General, 425 Queen Street, Honolulu, HI 96813
IDAHO	Debbie Farnsworth, Administrative Secretary	Office of the Secretary of State, Box 83720, Boise, ID 83720-0080
ILLINOIS	Christina Wynn, Notary Division Supervisor	Litigation Department, 111 East Monroe Street, Springfield, IL 62755
INDIANA	Pam Neff, Notary Public Deputy	Notary Department, State House, Rm 201, Indianapolis, IN 46204
IOWA	R. Bernosen, Director of Business Services	Corporations Division, Lucas Ogden Building, 1st Floor, Des Moines, IA 50319
KANSAS	Georgia Lott, Notary Administrator	Office of the Secretary of State, First Floor Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594
KENTUCKY	Kim Bagwell, Administrative Specialist/Principal	The Notary Public Division, Office of the Secretary of State, PO Box 821, Frankfort, KY 40602-0821
LOUISIANA	Cynthia Cotten, Administrative Specialist	Notary Division, PO Box 94124, Baton Rouge, LA 70804
MAINE	Theroddy R. Poulin, Notary Public Officer	Bureau of Corporations, Elections & Commissions, 101 State House Station, Augusta, ME 04333-0101
MARYLAND	Debbie Elliott, Notary Public Officer	Notary Division, Office of the Secretary of State, State House, Annapolis, MD 21401
MASSACHUSETTS	Francis Gould, Director	Notary Section, Office of the Secretary of the Commonwealth, One Ashburton Place, Rm 1719, Boston, MA 02108
MICHIGAN	Elena Beasley, Manager	Office of the Great Seal, 717 West Allegan St., Lansing, MI 48918
MINNESOTA	Julie Lettbauser, Licensing Analyst	Licensing Division, 85 7th Place East, Suite 600, St. Paul, MN 55101-3165
MISSISSIPPI	Nan Ainsworth, Records Analyst	Enforcement/Regulation Notaries, PO Box 136, Jackson, MS 39205 or 202 N. Congress St., Jackson, MS 39201
MISSOURI	Brenda Bleke, Division Director	Commissions Division, PO Box 784, Jefferson City, MO 65102-0784
MONTANA	Lisa Thompson, Notary Compliance Specialist	Office of the Secretary of State, State Capitol, PO Box 20281, Helena, MT 59620
NEBRASKA	Debbie Pester, Notary Administrator	Notary Division, PO Box 95704, Lincoln, NE 68509
NEVADA	Lauri "Bru" Ethridge, Notary Division Officer	Office of the Secretary of State, 101 N. Carson Street, Suite 3, Carson City, NV 89701
NEW HAMPSHIRE	Notary Division	Office of the Secretary of State, State House, Rm 204, 107 North Main Street, Concord, NH 03301
N. JERSEY	Monica Jakovic, Notary Supervisor	Division of Revenue, Notary Public Unit, PO Box 452, Trenton, NJ 08625
NEW MEXICO	Peter C. Garcia, Director	Office of the Sec. of State, State Capitol, Suite 420, Santa Fe, NM 87503
NEW YORK	Daniel E. Shapiro, Assistant Director	Licensing and Services Division, Department of State, 84 Holland Ave., Albany, NY 12208-3490
N. CAROLINA	Gayle E. Holder, Administrator	The Notary Public Section, Dept. of the Sec. of State, PO Box 29622, Raleigh, NC 27625-0622
N. DAKOTA	Mary Feist, Supervisor	Admin. & Lic. Div., Office of the Secretary of State, 600 East Boulevard Ave., Dept. 108, Bismark, ND 58505-0500
OHIO	Sandra Costa, Commission Clerk	Office of the Governor, 77 S. High Street, 19th Floor, Columbus, OH 43215
OKLAHOMA	Mary Anne Watts, Notary Supervisor	Notary Public Department, 2300 N. Lincoln Blvd., Suite 101, Oklahoma City, OK 73105
OREGON	Tom Wrosch, Notary Public Supervisor	Office of the Secretary of State, 255 Capitol St. NE, Suite 151, Salem, OR 97310-1327
PENNSYLVANIA	Robin Cole, Notary Administrator	Bureau of Commissions, Elections & Legislation, 303 N. Office Building, Harrisburg, PA 17120
RHODE ISLAND	Justine Saxton Almeida, Notary Supervisor	Notary Division, 160 North Main Street, Providence, RI 02903-1335
S. CAROLINA	J. Spencer Hewitt, Notary Clerk	Notary Public Division, PO Box 11350, Columbia, SC 29211
S. DAKOTA	Kea Warner, Notary Clerk	Notary Public Division, 500 East Capitol Rm 204, Pierre, SD 57501-5077
TENNESSEE	Darlene Lawrence, Notary Supervisor	Office of the Secretary of State, 312 Eighth Ave. North, 6th Floor, William R. Snodgrass Tower, Nashville, TN 37243
TEXAS	Charlene Kramer, Supervisor	Notary Public Unit, Secretary of State, PO Box 13315, Austin, TX 78711-3375
UTAH	Fran Fish, Notary Public Administrator	Div. of Corporations and Commercial Code, 160 E. 300 South, Salt Lake City, UT 84114
VERMONT	Kathleen Walters, Notary Supervisor	Office of the Secretary of State, 26 Terrace Street, Drawer 09, Montpelier, VT 05609-1101
VIRGINIA	Michelle Ford, Notary Specialist	Notary Public Division, PO Box 1795, Richmond, VA 23218-1795
WASHINGTON	Jon Donnellan, Management Service Manager Linda Mead, Program Manager	Dept. of Licensing, PO Box 9027, Olympia, WA 98507
WEST VIRGINIA	Catherine F. Frouin, Executive Assistant	Office of the Secretary of State, State Capitol, Suite 157-K, Charleston, WV 25305-0775
WISCONSIN	Marlorie Egan, Administrator	Gov't Records Division, Office of Sec. of State, Notary Records, PO Box 7848, Madison, WI 53707
WYOMING	Jeri Melness, Documents Registrar	Office of the Secretary of State, State Capitol, Cheyenne, WY 82002

PHONE NUMBER	EMAIL	WEBSITE
(334) 242-7205	---	www.sos.state.al.us/notary/index.htm
(507) 465-3509	notary@gov.state.ak.us	www.gov.state.ak.us/igov/notarynews/index2.html
(602) 542-4758	notary@mail.sosaz.com/www.sosaz.com/notary/	www.sosaz.com/notary/
(501) 682-3409	business@sosmail.state.ar.us	www.sosweb.state.ar.us/business.html
(916) 653-3595	notaries@ss.ca.gov	www.ss.ca.gov/business/notary/notary.htm
(305) 894-2680	---	www.sos.state.co.us/pubs/info_center/contact.html
(860) 509-6230	peier.bartucca@po.state.ct.us	www.sots.state.ct.us/RecordsLegislativeServices/RLSindex.html#Notary
(302) 739-4111	---	www.state.de.us/sos/nphome.htm
(202) 727-3117	---	os.dc.gov/info/notary/notary.shtml
(850) 972-6400	fl_gov_notary@eog.state.fl.us	www.myflorida.com/myflorida/government/learn/notary/index.html
(850) 482-7521	---	---
(404) 327-6023	mike.smith@gsocca.org	www.gsocca.org
(808) 586-2218	---	www.state.hi.us/ag/notary/content.htm
(208) 332-7810	dfarwo@idsos.state.id.us	www.idsos.state.id.us/notary/npindex.htm
(217) 782-7017	---	www.sos.state.il.us/departments/index/division.html
(317) 232-6542	---	www.state.in.us/sos/bus_service/notary/
(515) 281-5204	rbernsen@sos.state.ia.us	www.sos.state.ia.us/
(785) 296-2239	kssos@kssos.org	www.kssos.org/
(502) 564-3490 ext. 413	khagwell@mail.state.sos.ky.us	www.sos.state.ky.us/ADMIN/NOTARY/NOTARY.HTM
(225) 342-4981	notaries@sec.state.la.us	www.notaries@sec.state.la.us.htm
(207) 287-4181	cec_notaries@state.me.us	www.state.me.us/sos/cec/rca/notary/nrL.htm
(410) 974-5520	notaries@sos.state.md.us	www.sos.state.md.us/sos/admin2/html/notary.html
(617) 727-2836	pre@sec.state.ma.us	www.state.ma.us/sec/pre/prenot/notbov.htm
(517) 373-2531	notary@sos.state.mi.us	www.sos.state.mi.us/grease/notaries/notaries.html
(651) 296-6319	Licensing.Commerce@state.mn.us	www.commerce.state.mn.us/pages/Notary/Main.htm
(601) 359-1615	notarymail@sos.state.ms.us or nainworth@sos.state.ms.us	www.sos.state.ms.us/busserv/notaries/notaries.html
(573) 751-4756	riekeb@sosmail.state.mo.us	mosl.sos.state.mo.us/bus-sec/soscom.html
(406) 444-5379	sos@state.mt.us	www.state.mt.us/~/Notaries/Instructions/instructions.html
(402) 471-2558	sos7@nol.org	www.nol.org/80/home/SOS/Notary/notary_z.htm
(775) 684-5708	notary@govmail.state.nv.us or bethrid@govmail.state.nv.us	www.sos.state.nv.us/notary/notary_info.htm
(603) 271-3242	elections@sos.state.nh.us	www.state.nh.us/sos/notary.htm
(609) 633-8257	---	www.state.nj.us/treasury/revenue/dcr/programs/notary.html
(505) 827-3600/800-477-3632	stpetery@state.nm.us	www.sos.state.nm.us/notary-opec.htm
(518) 473-2728	licensing@dos.state.ny.us	www.dos.state.ny.us/lcns/notary1.html
(919) 807-2131	notaries@mail.sec.state.nc.us	www.secretary.state.nc.us/notary
(701) 328-2000	notaries@state.nd.us	www.state.nd.us/sec/Notary/notary.nu.htm
(614) 644-4559	---	---
(405) 521-2516	mary.a.watts@sos.state.ok.us	www.sos.state.ok.us/notary/notary_welcome.htm
(503) 996-2200	oregon.notary@state.or.us	www.sos.state.or.us/corporation/notary/notary.htm
(717) 787-5280	---	www.dos.state.pa.us/bcel/notaries/
(401) 222-1487	notaries@sec.state.ri.us	www.corps.state.ri.us/notaries/notaries.htm
(803) 734-2119	---	www.scsos.com/notaryduties.htm
(605) 773-5666	kez.warne@state.sd.us	www.state.sd.us/sos/Notaries/notarycover.htm
(615) 741-3699	---	www.state.tn.us/sos/service.htm#notary
(512) 463-5705	ckramer@sos.state.tx.us	www.sos.state.tx.us/staidoc/index.shtml
(801) 530-4849	fish@br.state.ut.us	www.commerce.state.ut.us/corporat/notarypublic.htm
(802) 828-2308	kwalters@sec.state.vt.us	vermont-archives.org/notaryinfo.html
(804) 786-2441	mford@gov.state.va.us	www.sos.state.va.us/secretary.htm
(360) 654-1550	intnotarie@dol.wa.gov	www.wa.gov/dol/bpd/notifront.htm
(304) 558-6000	cfrotte@secretary.state.wv.us	www.state.wv.us/sos/notary/default.htm
(608) 366-5594	---	badger.state.wi.us/agencies/sos/notary.htm
(307) 777-5407	jmeisn@state.wy.us	soswv.state.wy.us/notary/notary.htm

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 1 \*\*CORRECTED\*\*  
 Bill Version: HB 97  
 (H) Publish Date: 1/26/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: GOV  
 Title: An Act relating to c RDU: Office of the Lt. Governor  
affirmations, and acknowledgements Component: Office of the Lt. Governor  
 Sponsor: Governor  
 Requester: Rules Component No.: 11

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>	<b>8.7</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The proposed fee changes for certificates from \$2 to \$5, as set out in Section 6 of the bill, will generate anticipated 8.7 in additional unrestricted revenues.

Prepared by: Linda J. Perez, Director Phone: 465-3876  
 Division: Administrative Services Date/Time: 1/24/05 3:41 PM  
 Approved by: Lt. Governor Luren Leman Date: 1/24/2005  
 Agency: Office of the Lt. Governor