

**ALASKA LEGISLATURE**

**2728**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 2003-2004**

1 effective. The notary public shall sign the notification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (e) If the lieutenant governor finds that formal disciplinary action may be #1  
 22 warranted, the lieutenant governor shall refer the matter to the office of administrative  
 23 hearings for a hearing.

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

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

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

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

1 chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#1

#1

#1

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

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

3 2004.



Official Business

# Alaska State S

## Senate Finance Comm

Annette said  
OK to  
changes  
5/1/04  
*Annette*

Post-it® Fax Note	7671	Date	5/1	# of pages	20
To	Annette	From	Sheila		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	269-0263	Fax #	465-4714		

DATE: 30 April 2004 TIME: 11:10 am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 5

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

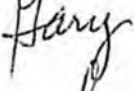
NOTES: Final Please  
CS SB 302 23-GS2022\I  
Plus 2 conceptual amendments  
attached  
Call if any questions  
Thx  
Mindy


State Capitol  
Juneau, Alaska 99801  
907.465.3520 465.5400 FAX  
www.ligov.state.ak.us

550 West 7th Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460 269.0263 FAX  
lt.governor@gov.state.ak.us

## Lieutenant Governor Loren Leman

### MEMO

TO: Senator Gary Wilken, Co-Chairman   
Senate Finance Committee

FROM: Lieutenant Governor Loren Leman 

DATE: March 22, 2004

RE: Senate Finance Committee hearing on  
CS SB 302(JUD): Oaths, Notaries Public, State Seal

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Please schedule a hearing on Senate Bill 302 at your earliest possible convenience. The Senate Judiciary Committee moved a Committee Substitute on March 19, 2004. CS SB 302(JUD) updates the notary statutes. These statutes have not been comprehensively revised since 1961. Notarial practices and terms have changed in the interim. The bill also increases the notarial fee from \$2 per folio to \$5 per certificate.

You have a copy of Governor Murkowski's transmittal letter. Attached are a sectional analysis and some additional backup material to assist your review of this legislation.

Please contact my Chief of Staff, Annette Kreitzer at extension 4081 if you have further questions or need additional information beyond the attached material.

SECTIONAL ANALYSIS  
CS SB 302 (JUD)

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. Conforms 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.

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.

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 [REDACTED]

## Frequently Asked Questions – CS SB 302 (JUD)

**Q: Why is this bill necessary?**

A: There has not been a comprehensive update to the notary statutes since 1961.

**Q: What changes are being proposed?**

A: The bill:

- Lowers the minimum age requirement from 19 to 18 years of age.
- Prohibits felons from applying as notaries public until 10 years post incarceration.
- Establishes disciplinary procedures for commission suspensions and revocations.
- Separates publicly available notary information from private notary information.
- Updates and expands the current State Employee notary commission system to include Municipal and Federal government employees.

**Q: I'm a notary now, how does this bill affect me?**

A: This bill will not impact current notaries unless they are felons.

**Q: What is not changing?**

A:

- The notary information that is currently publicly available remains publicly available.
- Notary testing remains voluntary.
- The notary bond amount remains unchanged.
- The application fee remains unchanged.

**Q: What about fees?**

A: The \$40.00 application fee for notary commissions will remain unchanged. The fee for Lieutenant Governor Certificates is being raised from \$2.00 to \$5.00.

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

Restates the current \$40 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.

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 [REDACTED]
- 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. Sets out what a notary public cannot do, 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 16-22) [REDACTED]

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. [REDACTED]

New sections (Secs. 44.50.067-.068) 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 elevate the complaint to 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.

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 44.50.031 (Section 9).

Sections 16 & 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, 2004 to allow time for revision of website, online handbook and forms.

## Notary Statute Comparison – CS SB 302 (JUD)

	<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.</p>
<b>Commission Types</b>	<b>Current</b>	<b>Proposed</b>
	<p>Notaries Public who serve four year commissions.</p> <p>Limited Governmental Notaries</p>	<p>Notaries Public who serve four year commissions.</p> <p>Limited Governmental Notaries Public</p>

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

MAR 09 2004

LIEUTENANT GOVERNOR

March 5, 2004

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



United States  
**NOTARY**  
Association

RE: Alaska Senate Bill 302

Dear Mr. Lemman:

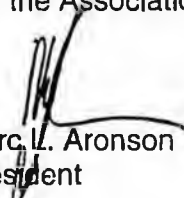
On behalf of the members of the United States Notary Association (USNA), I congratulate you and Governor Murkowski on your legislative initiative to comprehensively revise the chapter of the Alaska Statutes that governs Alaska notaries public, Title 44, Chapter 50 [AS 44.50].

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.

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

Lieutenant Governor contacts re: SB 302 and HB 439

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**Card for Smith, Kevin**

Display Name: Kevin Smith  
[kevins@amljia.org](mailto:kevins@amljia.org)

**Phone**

Work: 586-3222

**Work**

AML JIA

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**Card for Barios, April**

Display Name: April Barios

**Phone**

Work: 800-337-3682

**Work**

AML  
JIA

**Other**

Spoke with April on 2-12-04. Confirmed that AML JIA sells bonds for \$50 each. Went over impact figures with her. (AML JIA stands to lose about \$1675.00 per year due to lost bond sales.)

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**Card for Shaub, Thyes**

Display Name: Thyes Shaub  
[thyes@aol.com](mailto:thyes@aol.com)

**Phone**

Work: 463-5118

**Work**

Lobbyist  
Alaska  
Bankers  
Association

**Other**

Contacted by phone 2-17-04. She had participated in the AK Bankers Assoc. meeting with Lisa Corrigan the prior week and had already gone over the bill as part of that meeting. She reiterated that the association supported the bill.

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**Card for Bitney, John**

Display Name: John Bitney  
[bitney@mtaonline.net](mailto:bitney@mtaonline.net)

**Phone**

Work: 745-7560

**Other**

Spoke with John on 2-17-04, emailed him the bill information.

**Work**

Lobbyist  
Alaska Land and Title  
Association

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**Card for Ritchie, Kevin**

Display Name: Kevin Ritchie  
[kevin@akml.org](mailto:kevin@akml.org)

**Phone**

Work: 586-1325

**Other**

Spoke with Kevin on 2-17-04, emailed him bill information.

**Work**

Lobbyist  
Alaska Municipal  
League

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**Card for Miller, Charlie**

Display Name: Charlie Miller  
[cmiller@alaskanational.com](mailto:cmiller@alaskanational.com)

**Phone**

Work: 563-2698

**Other**

Emailed bill information on 2-17-04.

**Work**

Lobbyist  
Alaska National Insurance

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**Card for Reinwand, Jerry**

Display Name: Jerry Reinwand  
[reinwand@ptialaska.net](mailto:reinwand@ptialaska.net)

**Phone**

Work: 586-8966

**Other**

spoke with on 2-18-04, emailed bill info same day.

**Work**

Lobbyist  
Allstate Insurance

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**Card for Hutchinson, Kim**

Display Name: Kim Hutchinson  
[trust@ptialaska.net](mailto:trust@ptialaska.net)

**Phone**

Work: 586-1776

**Work**

Lobbyist  
American Insurance Association

**Other**

Emailed bill info 2-17-04.

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**Card for Winters, Sheldon**

Display Name: Sheldon Winters  
[l-w@gci.net](mailto:l-w@gci.net)

**Phone**

Work: 796-4999

**Work**

Lobbyist  
State Farm Insurance

**Other**

Spoke with Sheldon on 2-17-04, emailed bill info same date.

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**Card for ak-notary**

Display Name: Notary Listserv  
[ak-notary@list.state.ak.us](mailto:ak-notary@list.state.ak.us)

**Other**

Alaska Notary Public listserv. Emailed bill info 2-17-04.

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**Card for Faerber, Chuck**

Display Name: Chuck Faerber  
[cfaerber@nationalnotary.org](mailto:cfaerber@nationalnotary.org)

**Phone**

Work: 800.876.6827

**Work**

Vice President of Notary Affairs  
National Notary Association

**Other**

Emailed bill info 2-18-04

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**Card for Verbocy, Don**

Display Name: Don Verbocy  
[don@notaries.org](mailto:don@notaries.org)

**Other**

Emailed bill info on 4-11-04.

**Work**

American Society of Notaries

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**Card for Corrigan, Lisa**

Display Name: Lisa Corrigan

**Phone**

Work: 790-5104

Mobile: 723-8174

**Work**

President  
Alaska Bankers  
Association

**Other**

President of AK Bankers Assoc. Received 2-17-04 letter of support from Lisa/AK Bankers Assoc.

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**Card for Teachworth, Bob**

Display Name: Bob Teachworth  
[bobt1@denalifcu.com](mailto:bobt1@denalifcu.com)

**Phone**

Work: 257-7200 x408

**Work**

Chairman  
Alaska Credit  
Union League

**Other**

Chairman of Board of AK Credit Union Assoc. 800-764-1123 Will distribute bill to member credit unions and solicit comment.

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**Card for Wooliver, Douglas**

Display Name: Douglas Wooliver  
[dwooliver@courts.state.ak.us](mailto:dwooliver@courts.state.ak.us)

**Phone**

Work: 264-8265

**Work**

Administrative  
Attorney  
Alaska Court System

**Other**

Doug reviewed the bill on behalf of the Court system and supports it.

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**Card for Aronson, Marc**

Display Name: Marc Aronson  
[usna@enotary.org](mailto:usna@enotary.org)

**Phone**

Work: 412-281-7871

**Other**

Received 3-5-04 letter of support for legislation from Mr. Aronson.

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**Work**

President  
United States Notary  
Association

# American Society of Notaries



## ALL-STATES Notary Public Guide

Respectfully developed by the American Society of Notaries  
for the U.S. Secretaries of State, Secretaries of the Commonwealth  
and Notary Administrators.

Research and editing by Joanna L. Lilly and Jennifer Workman.  
Layout by Laura Pichard-Murphy.

**This information was compiled through, and is based on, notary websites and interviews with notary administration staff for each state. Any errors or omissions in data are unintentional. Further information can be obtained by contacting the state notary administrators' office. Contact information for each state is provided on pages 12-13.**



For her interest and efforts in developing this resource for the National Association of Secretaries of State, we'd like to offer a special thanks to the Honorable Anne Petera, Virginia Secretary of the Commonwealth and Chairperson of the NASS Standing Committee on Notaries.



# Notary Population by State & Electronic Applications

STATE	POPULATION	ACCEPTANCE OF E. APPLICATIONS	UCC OFFICES
ALASKA	11,800	Not yet	Banking and Corporations Office
ARIZONA	4,800,000	No	Business Services
ARKANSAS	Over 100,000	No	UCC Division
CALIFORNIA	37,700,000	No	UCC Division
COLORADO	90,000 - 100,000	Not yet	Division of Bus. Filings UCC Section
CONNECTICUT	3,500,000	No	Commercial Recording Division
DELAWARE	10,000	No	Corporations Division
FLORIDA	17,000 - 15,000	No	UCC Division
FLORIDA	350,000	Yes	Department of State, Division of Corporations
GEORGIA	4,000,000 - 5,000,000	No	UCC Division
HAWAII	7,000	Not yet	—
IDAHO	—	No	UCC Division
ILLINOIS	184,000	Not yet	Business Services
INDIANA	6,900,000	Not yet	UCC Division
IOWA	50,000	Not yet	Corporations Division
KANSAS	3,800,000	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	10,500,000	No	Business Licenses
MINNESOTA	83,000	No	—
MISSISSIPPI	3,500,000	No	UCC Division
MISSOURI	71,122	No	UCC Division
MONTANA	18,500	No	UCC Division
NEBRASKA	22,000	No	Secretary of State Office
NEVADA	27,000	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	17,500	No	Central Indexing
OHIO	85,000	No	—
OKLAHOMA	84,000	No	Through each county
OREGON	45,000	Not yet	Corporations Division
PENNSYLVANIA	11,490	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	12,000	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	Gov. or Comm.	21 years old; resident of AK
ARIZONA	Secretary of State	18 years old; must be an AZ resident; minimum residency requirement varies.
ARIZONA	Secretary of State	18 years old; citizen of US and resident of AR; able to read and write English; notary commission must have been renewed within the last 10 years.
CALIFORNIA	Secretary of State	18 years old; legal resident of CA; successful completion 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 US.
DISTRICT of COLUMBIA	Office of the Secretary	18 years old; residence or employment in DC; letter explaining need included with application; three character references included with application.
FLORIDA	Gov. or Comm.	18 years old; able to read and write and understand English; permanent resident of FL; if convicted of a felony must have rights restored; completion of mandatory notary exam.
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; residency 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 in county of residence.
4 years	\$40	AK specifically requires personal appearance. Postmasters 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.
4 years	\$100	
5 years	\$60	
5 years	\$50	
5 years	\$50	
4 years	\$15	Notaries in FL are authorized to perform marriage ceremonies.
6 years	\$30	
8 years	\$5	
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 MS are authorized to perform marriage ceremonies.

# Appointment Process – Qualifications

STATE	APPOINTING OFFICER	REQUIREMENTS FOR COMMISSION
MAINE	Secretary of State	18 years old; of good moral character; and holder of a notary public commission in MA
MASSACHUSETTS	Governor	18 years old
MICHIGAN	Governor	18 years old; holder of a notary public commission in MI; and holder of a notary public commission in MI
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 1/2 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 grants 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; 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	\$20	
7 years	\$25	
4 years	\$25	
5 years	\$40	Dept of Commerce oversees notary commissions.
4 years	\$25	Notaries are not considered public officers.
4 years	\$25	Non-residents can be notaries in MO if they work in MO.
4 years	\$20	
4 years	\$30	
4 years	\$35	
5 years	\$50	
5 years	\$25	
4 years	\$10	
First commission: 2 yrs 4 year after July 18, 2001	\$50 (\$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	Governor	18 years old; in the state at least 30 days prior to applying; must be able to read and write English; must have the endorsement of two state officials and two voters
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 have the endorsement of two state officials and two voters
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	
	\$20	
4 years	\$20 payable to county	
	\$20	
4 years	\$20	
	\$20	

# 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/Embosser Requirements & Fees

STATE	STAMP/EMBOSSE	ALLOWABLE FEES NOTARY CAN CHARGE
ALABAMA	Embosser	Maximum fee is \$1.50 depending upon act performed.
ALASKA	Stamp/Embosser	Fees are left to the notary's discretion. State employed notaries cannot charge fees.
ARIZONA	Stamp	\$2 is maximum fee.
ARKANSAS	Stamp/Embosser	\$5 is maximum fee.
CALIFORNIA	Stamp	Maximum fee is \$20 depending upon act performed.
COLORADO	Stamp/Embosser	\$5 is maximum fee.
CONNECTICUT	—	\$5 is maximum fee.
DELAWARE	Stamp/Embosser	\$5 is maximum fee.
D. C.	Embosser	\$2 is maximum fee. Government employed notaries cannot charge fees.
FLORIDA	Stamp	\$10 is maximum fee per signature.
GEORGIA	Stamp/Embosser	\$4 is maximum fee.
HAWAII	Stamp/Embosser	Maximum fee is \$5 depending upon act performed.
IDAHO	Stamp/Embosser	\$2 is maximum fee.
ILLINOIS	Stamp	\$1 is maximum fee.
INDIANA	Stamp/Embosser	\$2 is maximum fee. Public official notaries cannot charge fees.
IOWA	Stamp/Embosser	The statutory schedule of fees for notarial acts was repealed in 1989.
KANSAS	Stamp/Embosser	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/Embosser	\$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/Embosser	Fee range is \$2 to \$5.
MISSOURI	Stamp/Embosser	Maximum fee is \$2 depending upon act performed.
MONTANA	Stamp/Embosser	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/Embosser	\$5 is maximum fee.
N. JERSEY	—	Maximum fee is \$2 depending upon act performed.
NEW MEXICO	Stamp/Embosser	Maximum fee is \$2 depending upon act performed.
NEW YORK	—	Maximum fee is \$2 depending upon act performed.
N. CAROLINA	Stamp/Embosser	\$3 is maximum fee.
N. DAKOTA	Stamp/Embosser	\$5 is maximum fee.
OHIO	Stamp/Embosser	Maximum fee is \$2 depending upon act performed.
OKLAHOMA	Stamp/Embosser	Maximum fee is 50 cents depending upon act performed.
OREGON	Stamp	Maximum fee is \$5 depending upon act performed.
PENNSYLVANIA	Stamp/Embosser	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/Embosser	\$.0 is maximum fee.
TENNESSEE	Stamp/Embosser	Maximum fee is \$1.50 depending upon act performed.
TEXAS	Stamp/Embosser	Maximum fee is \$6 depending upon act performed.
UTAH	Stamp/Embosser	\$5 is maximum fee.
VERMONT	—	Maximum fee is \$2 depending upon act performed.
VIRGINIA	—	Maximum fee is \$2 depending upon act performed.
WASHINGTON	Stamp/Embosser	Maximum fee is \$5 depending upon act performed.
WEST VIRGINIA	Stamp/Embosser	\$2 is maximum fee.
WISCONSIN	Stamp/Embosser	Maximum fee is \$1 depending upon act performed.
WYOMING	Stamp/Embosser	\$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 re-issuance 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 (Ocean Parish only)	\$5,000	— Notaries are not governed by the state. No bond required for attorneys.
MAINE	Recommended (Required for mortgages 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 (For Notaries 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	PENALTIES/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>(Req'd for Notaries of Practice only)</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 attorneys)	— 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 Ryak, Notary Registrar	Office of the Secretary of State, PO Box 5616, Montgomery, AL 36103-5616
ALASKA	Scott Clark, Notary Administrator	Office of the Lieutenant Governor, PO Box 110015, Juneau, AK 99811-0015
ARIZONA	Connie Copeland, Director	Notary Section, 1700 West Washington, 7 <sup>th</sup> Floor, State Capitol Executive Tower, Phoenix, AZ 85007
ARKANSAS	Claudia Conant, 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 942877, Sacramento, CA 94277-0001
COLORADO	Kero Andrews, Notary Public Clerk	Office of the Secretary of State, 1560 Broadway, Suite 200, Denver, CO 80202
CONNECTICUT	Peter J. Bartucca	Notary Public Unit, 30 Trinity Street, Hartford, CT 06106
DELAWARE	Veronica Holmes, Notary Administrator	Office of the Secretary of State, 401 Federal Street, Side 3, Dover, DE 19901
D. C.	Roslyn Brown, Section Chief	Notary Commission & Authentication Section, 441 4 <sup>th</sup> St., Room 1C-090, Washington, DC 20001
FLORIDA	Jennifer Beresh, Notary Education Coordinator Charles Carney	Office of the Governor, Notary Section, The Capitol, Rm 2009, Tallahassee, FL 32399-0001 Notary Commissions and Certifications 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 Yumaki, 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	Christine Woyak, Notary Division Supervisor	Notary Department, 111 East Monroe Street, Springfield, IL 62756
INDIANA	Pam Neff, Notary Public Deputy	Notary Department, State House, Rm 201, Indianapolis, IN 46204
IOWA	Jon Berenson, Director of Business Services	Corporations Division, Lucas Office Building, 1 <sup>st</sup> Floor, Des Moines, IA 50319
KANSAS	Georgia Lott, Notary Administrator	Office of the Secretary of State, First Floor Memorial Hall, 120 SW 10 <sup>th</sup> 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	Timothy R. Poylin, 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	Frances 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	Jillie Leithauer, Licensing Analyst	Licensing Division, 85 7 <sup>th</sup> Place East, Suite 600, St. Paul, MN 55101-3165
MISSISSIPPI	Nan Almsworth, Records Analyst	Enforcement/Regulation Notaries, PO Box 136, Jackson, MS 39205 or 202 N. Congress St., Jackson, MS 39201
MISSOURI	Brenda Rieck, 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	Delbie Pester, UOL/Notary Administrator	Notary Division, PO Box 95104, Lincoln, NE 68509
NEVADA	Laura "Bru" Ethridge, Notary Division Officer	Office of the Secretary of State, 101 N. Carson Street, Suite 3, Carson City, NV 89701
N. HAMPSHIRE	Notary Division	Office of the Secretary of State, State House, Rm 204, 107 North Main Street, Concord, NH 03301
N. JERSEY	Monica Jakowitz, 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 P. Holder, Administrator	The Notary Public Section, Dept. of the Sec. of State, PO Box 29622, Raleigh, NC 27626-0622
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, 19 <sup>th</sup> 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	Audine Sandoz Almeida, Notary Supervisor	Notary Division, 100 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 Warne, 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, 6 <sup>th</sup> 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	Kathren Waters, 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 Fretotte, Executive Assistant	Office of the Secretary of State, State Capitol, Suite 157-K, Charleston, WV 25305-0775
WISCONSIN	Marjorie Ulsman, Administrator	Gov't Records Division, Office of Sec. of State, Notary Records, PO Box 7848, Madison, WI 53707
WYOMING	Jeri Melsness, Documents Registrar	Office of the Secretary of State, State Capitol, Cheyenne, WY 82002

## PHONE NUMBER

## EMAIL

## WEBSITE

(334) 242-7205			<a href="http://www.sos.state.al.us/notary/index.htm">www.sos.state.al.us/notary/index.htm</a>
(907) 565-5909	<a href="mailto:notary@sos.state.ak.us">notary@sos.state.ak.us</a>		<a href="http://www.gov.state.ak.us/gov/notary/news/index2.html">www.gov.state.ak.us/gov/notary/news/index2.html</a>
(602) 542-4758	<a href="mailto:notary_email_sosaz.com/www.sosaz.com/notary/">notary_email_sosaz.com/www.sosaz.com/notary/</a>		<a href="http://www.sosaz.com/notary/">www.sosaz.com/notary/</a>
(501) 682-5409	<a href="mailto:Notaries@sos.state.ar.us">Notaries@sos.state.ar.us</a>		<a href="http://www.sos.state.ar.us/business.html">www.sos.state.ar.us/business.html</a>
(916) 653-3995	<a href="mailto:notaries@ss.ca.gov">notaries@ss.ca.gov</a>		<a href="http://www.ss.ca.gov/business/notary/notary.htm">www.ss.ca.gov/business/notary/notary.htm</a>
(303) 894-2680		<a href="mailto:petebartucca@po.state.co.us">petebartucca@po.state.co.us</a>	<a href="http://www.sos.state.co.us/pubs/finfo_center/contact.html">www.sos.state.co.us/pubs/finfo_center/contact.html</a>
(302) 759-1111			<a href="http://www.state.de.us/sos/notary.htm">www.state.de.us/sos/notary.htm</a>
(202) 727-3117			<a href="http://os.dc.gov/info/notary/notary.shtml">os.dc.gov/info/notary/notary.shtml</a>
(650) 224-6400	<a href="mailto:flgov_notary@ecg.state.fl.us">flgov_notary@ecg.state.fl.us</a>		<a href="http://www.myflorida.com/florida/government/learn/notary/index.html">www.myflorida.com/florida/government/learn/notary/index.html</a>
(950) 568-5721			
(404) 327-6023	<a href="mailto:mike.smith@gsocca.org">mike.smith@gsocca.org</a>		<a href="http://www.gsocca.org">www.gsocca.org</a>
(608) 596-2718			<a href="http://www.state.wi.us/leg/notary/content.htm">www.state.wi.us/leg/notary/content.htm</a>
(208) 333-2810	<a href="mailto:dltarwo@idos.state.id.us">dltarwo@idos.state.id.us</a>		<a href="http://www.idos.state.id.us/notary/index.htm">www.idos.state.id.us/notary/index.htm</a>
(317) 762-0171			<a href="http://www.sos.state.il.us/department/s/index/division.html">www.sos.state.il.us/department/s/index/division.html</a>
(317) 233-6542			<a href="http://www.state.in.us/sos/bus_service/notary/">www.state.in.us/sos/bus_service/notary/</a>
(515) 281-5204	<a href="mailto:ntnotary@sos.state.ia.us">ntnotary@sos.state.ia.us</a>		<a href="http://www.sos.state.ia.us/">www.sos.state.ia.us/</a>
(785) 296-2229	<a href="mailto:kssos@kssos.org">kssos@kssos.org</a>		<a href="http://www.kssos.org/">www.kssos.org/</a>
(602) 564-4900 ext 413	<a href="mailto:helpmail@mail.state.ks.us">helpmail@mail.state.ks.us</a>		<a href="http://www.sos.state.ky.us/ADMIN/NC/TABBY/NOTARY.HTM">www.sos.state.ky.us/ADMIN/NC/TABBY/NOTARY.HTM</a>
(225) 342-4981	<a href="mailto:notaries@soc.state.la.us">notaries@soc.state.la.us</a>		<a href="http://www.notaries@soc.state.la.us.htm">www.notaries@soc.state.la.us.htm</a>
(207) 287-4181	<a href="mailto:cc_notaries@state.me.us">cc_notaries@state.me.us</a>		<a href="http://www.state.me.us/sos/oc/central/notary/not.htm">www.state.me.us/sos/oc/central/notary/not.htm</a>
(410) 974-5520	<a href="mailto:notaries@sos.state.md.us">notaries@sos.state.md.us</a>		<a href="http://www.sos.state.md.us/sos/admin/2.html/notary.html">www.sos.state.md.us/sos/admin/2.html/notary.html</a>
(617) 727-2886	<a href="mailto:pe@sec.state.ma.us">pe@sec.state.ma.us</a>		<a href="http://www.state.ma.us/sec/pnt/pntenvof/nobrow.htm">www.state.ma.us/sec/pnt/pntenvof/nobrow.htm</a>
(517) 373-2531	<a href="mailto:notary@sos.state.mi.us">notary@sos.state.mi.us</a>		<a href="http://www.sos.state.mi.us/grease/notaries/notaries.html">www.sos.state.mi.us/grease/notaries/notaries.html</a>
(651) 296-6319	<a href="mailto: Licensing Committee@state.mn.us">Licensing Committee@state.mn.us</a>		<a href="http://www.commerce.state.mn.us/pages/NotaryMain.htm">www.commerce.state.mn.us/pages/NotaryMain.htm</a>
(601) 359-1615	<a href="mailto:notarymail@sos.state.ms.us">notarymail@sos.state.ms.us</a>		<a href="http://www.sos.state.ms.us/busserv/notaries/notaries.html">www.sos.state.ms.us/busserv/notaries/notaries.html</a>
(573) 751-4756	<a href="mailto:rlolob@semail.state.mo.us">rlolob@semail.state.mo.us</a>		<a href="http://mod.sos.state.mo.us/bus-sr-700scom.html">mod.sos.state.mo.us/bus-sr-700scom.html</a>
(406) 444-5379	<a href="mailto:sos@state.mt.us">sos@state.mt.us</a>		<a href="http://www.state.mt.us/sos/Notaries/Instructions/Instructions.html">www.state.mt.us/sos/Notaries/Instructions/Instructions.html</a>
(402) 421-2558	<a href="mailto:rsod7@sol.org">rsod7@sol.org</a>		<a href="http://www.sol.org_80/home/SOS/Notary/notary_c.htm">www.sol.org_80/home/SOS/Notary/notary_c.htm</a>
(775) 684-5708	<a href="mailto:mnnotary@gomail.state.nv.us">mnnotary@gomail.state.nv.us</a>		<a href="http://www.sos.state.nv.us/notary/notary_intro.htm">www.sos.state.nv.us/notary/notary_intro.htm</a>
(603) 271-3242	<a href="mailto:checkbooks@sos.state.nh.us">checkbooks@sos.state.nh.us</a>		<a href="http://www.state.nh.us/606/notary.htm">www.state.nh.us/606/notary.htm</a>
(609) 633-8257			<a href="http://www.state.nj.us/treasury/revenue/dec/programs/notary.html">www.state.nj.us/treasury/revenue/dec/programs/notary.html</a>
(505) 827-3600/800-477-3632	<a href="mailto:agnotary@state.nm.us">agnotary@state.nm.us</a>		<a href="http://www.sos.state.nm.us/notary-open.htm">www.sos.state.nm.us/notary-open.htm</a>
(518) 473-2728	<a href="mailto:licensing@dos.state.ny.us">licensing@dos.state.ny.us</a>		<a href="http://www.dos.state.ny.us/cse/notary1.html">www.dos.state.ny.us/cse/notary1.html</a>
(919) 807-2131	<a href="mailto:notaries@mail.sos.state.nc.us">notaries@mail.sos.state.nc.us</a>		<a href="http://www.secretary.state.nc.us/notary">www.secretary.state.nc.us/notary</a>
(701) 328-2000	<a href="mailto:sosadllc@state.nd.us">sosadllc@state.nd.us</a>		<a href="http://www.state.nd.us/sec/Notary/notarymain.htm">www.state.nd.us/sec/Notary/notarymain.htm</a>
(614) 644-4559			
(405) 521-2516	<a href="mailto:murray.watts@sos.state.ok.us">murray.watts@sos.state.ok.us</a>		<a href="http://www.sos.state.ok.us/notary/welcome.htm">www.sos.state.ok.us/notary/welcome.htm</a>
(509) 986-2200	<a href="mailto:otgov.notary@state.or.us">otgov.notary@state.or.us</a>		<a href="http://www.sos.state.or.us/corporation/notary/notary.htm">www.sos.state.or.us/corporation/notary/notary.htm</a>
(717) 787-5280			<a href="http://www.idos.state.pa.us/606/notaries/">www.idos.state.pa.us/606/notaries/</a>
(401) 222-1487	<a href="mailto:notaries@soc.state.ri.us">notaries@soc.state.ri.us</a>		<a href="http://www.sos.state.ri.us/notaries/notaries.htm">www.sos.state.ri.us/notaries/notaries.htm</a>
(803) 734-2119			<a href="http://www.sos.com/notaryrules.htm">www.sos.com/notaryrules.htm</a>
(609) 773-5666	<a href="mailto:lca.warne@state.sd.us">lca.warne@state.sd.us</a>		<a href="http://www.state.sd.us/sos/Notaries/notaryconvert.htm">www.state.sd.us/sos/Notaries/notaryconvert.htm</a>
(615) 741-3699			<a href="http://www.state.tn.us/sos/service.htm/notary">www.state.tn.us/sos/service.htm/notary</a>
(512) 463-5705	<a href="mailto:fnsh@tr.state.tx.us">fnsh@tr.state.tx.us</a>		<a href="http://www.sos.state.tx.us/stateloc/index.shtml">www.sos.state.tx.us/stateloc/index.shtml</a>
(801) 530-4849	<a href="mailto:kramer3@sec.state.ut.us">kramer3@sec.state.ut.us</a>		<a href="http://www.commerce.state.ut.us/corporal/notarypublic.htm">www.commerce.state.ut.us/corporal/notarypublic.htm</a>
(807) 828-2308	<a href="mailto:mford@gov.state.vt.us">mford@gov.state.vt.us</a>		<a href="http://vertical.archives.org/notaryinfo.html">vertical.archives.org/notaryinfo.html</a>
(804) 786-2441	<a href="mailto:lnotary@del.vt.gov">lnotary@del.vt.gov</a>		<a href="http://www.soc.state.vt.us/notary.htm">www.soc.state.vt.us/notary.htm</a>
(360) 664-1550			<a href="http://www.wa.gov/dof/dof/notary.html">www.wa.gov/dof/dof/notary.html</a>
(304) 558-6000	<a href="mailto:ctsecret@secretary.state.wv.us">ctsecret@secretary.state.wv.us</a>		<a href="http://www.state.wv.us/sos/notary/default.htm">www.state.wv.us/sos/notary/default.htm</a>
(606) 266-5994			<a href="http://budget.state.wi.us/agencies/sos/notary.htm">budget.state.wi.us/agencies/sos/notary.htm</a>
(307) 777-5407	<a href="mailto:lnotary@state.wy.us">lnotary@state.wy.us</a>		<a href="http://sos.wy.state.wy.us/notary/notary.htm">sos.wy.state.wy.us/notary/notary.htm</a>

# 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

February 23, 2004

**SUBJECT:** CSSB 302(STA) (Work Order No. 23-GS2022\D)

**TO:** Senator Gary Stevens  
Chair, Senate State Affairs Committee  
Attn: Katrina

**FROM:**  Theresa L. Bannister  
Legislative Counsel

This memo accompanies the bill described above.

1. Correction. With your permission, the word, "bond," was added after "the surety for any" in sec. 44.50.065(d)(1) where it appeared that a word was missing.
2. Legislative style. A few small edits were made ("for each" for "per", a comma deleted, "nonconfidential" for "non-confidential", and "data bases" for "databases") The bill still does not completely comply with the legislature's drafting style, so we would like an opportunity to make a few stylistic changes. Since this bill has passed out of your committee, we ask that you pass along this memo to the next committee of referral, so that it can consider this request.

If I can be of further assistance, please advise.

TLB:mdr  
04-060.mdr

Enclosure:

COMMITTEE COPY

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



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

SB302  
P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
PHONE (907) 465-3500  
FAX (907) 465-3532  
WWW.GOV.STATE.AK.US

February 4, 2004

The Honorable Gene Therriault  
President of the Senate  
Alaska State Legislature  
State Capitol, Room 107  
Juneau, AK 99801-1182

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the authority to take oaths, affirmations, and acknowledgements in the state 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 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. Sections 6-13 of the bill would repeal obsolete provisions, update antiquated language, and add new provisions where needed. Similarly, sections 2-4 of the bill would update statutes in AS 09, the Alaska civil code, relating to notaries' responsibilities when notarizing, verifying, and acknowledging signed instruments.

In addition, section 1 of the bill would conform the oath, affirmation, and acknowledgement statute at AS 09.63.010 to existing law. Section 5 of the bill would update a statute authorizing the Lieutenant Governor to collect fees for the issuance of certificates with the seal of the state affixed, increasing the fee to \$5 per certificate. Section 14 of the bill provides applicability provisions.

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,

A handwritten signature in cursive script, appearing to read "Frank H. Murkowski".

Frank H. Murkowski  
Governor

Enclosure

# SENATE COMMITTEE REPORT

DATE: 2/20/04

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 3/19/04

Judiciary Committee considered SENATE BILL NO. 302

## SB 302 OATHS; NOTARIES PUBLIC; STATE SEAL

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

and recommends:

- be replaced with \_\_\_\_\_ CS SB 302 ( JUD )
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

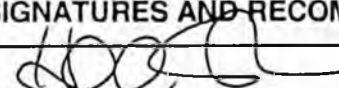
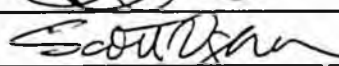
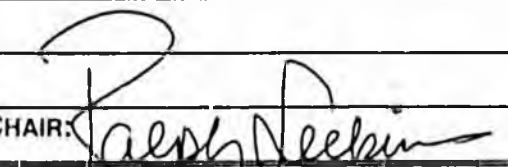
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	Indet.	FN#
GOV	1/29	✓			1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>French</i> 			X	
<i>Ogawa</i> 	✓			
<i>Chair</i> CHAIR: 	✓			

## SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/6/04

FURTHER: Judiciary

Date of 5-Day Notice: 2/12/04  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2/20/04

State Affairs Committee considered SENATE BILL NO. 302

### SB 302 OATHS; NOTARIES PUBLIC; STATE SEAL

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

and recommends:

- be replaced with \_\_\_\_\_ CS SB 302 (STA)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

~~NEW~~ FISCAL NOTE(S): \_\_\_\_\_ →

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
<u>COG</u>	<u>1/29/04</u>	<input checked="" type="checkbox"/>			<u>1</u>

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

Cowden  
Sediman  
Buss  
  
S. S. S.

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<u>John J. Cavendish</u>	<input checked="" type="checkbox"/>			
<u>David K. ...</u>	<input checked="" type="checkbox"/>			
<u>...</u>			<input checked="" type="checkbox"/>	
<b>CHAIR:</b> <u>[Signature]</u>	<input checked="" type="checkbox"/>			





**SB**

**303**

**SFIN**

**FILE**

APR 20 2004

SENATE FINANCE  
COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number:  
Bill Version: SB303CS-DPS-ABWE-03-11-04  
( ) Publish Date:

Revision Date/Time (Note if correction): Dept. Affected: Public Safety  
Title Act Relating to Big Game Comm. Svcs. RDU Alaska State Troopers  
Component Alaska Bureau of Wildlife Enforcement  
Sponsor S. Rules Request by LB&A  
Requester S. Finance Component No. 2746

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**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 (FY2004) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill would institute a board system for the Guiding industry much the same as had been set up in the past with the "Guide Board". The intent is to shift the direct responsibility for big game commercial service regulations and licensing to the new Big Game Commercial Services Board and away from the DCED. The board would be in DCED for administrative purposes only.

This bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 269-4532  
Division: Alaska State Troopers Date/Time 3/11/04 11:33 AM  
Approved by: Commissioner William Tandeske Date 3/11/2004  
Agency: Department of Public Safety

# FISCAL NOTE

REPORTED OUT

APR 20 2004

SENATE FINANCE  
COMMITTEE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSSB 303(RES)  
(S) Publish Date: 3/8/04

Revision Date/Time (Note if correction):  
Title Big Game Guide Board and Services  
Sponsor Senate Rules by Request of LB&A  
Requester Senate Resources  
Dept. Affected: DCED  
RDU Occupational Licensing (117)  
Component Occupational Licensing  
Component No. 2360

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2003	FY 2009	FY 2010
Personal Services						
Travel	30.0	30.0	30.0	30.0	30.0	30.0
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>30.0</b>	<b>30.0</b>	<b>30.0</b>	<b>30.0</b>	<b>30.0</b>	<b>30.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1156)	30.0	30.0	30.0	30.0	30.0	30.0
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services	30.0	30.0	30.0	30.0	30.0	30.0
<b>TOTAL</b>	<b>30.0</b>	<b>30.0</b>	<b>30.0</b>	<b>30.0</b>	<b>30.0</b>	<b>30.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

SB 303 establishes the Big Game Commercial Services Board consisting of seven members who will assume responsibility for licensing and examinations. This fiscal note provides travel funding and assumes the following board composition: 2 members from Southeast, 2 members from Anchorage, 2 members from Kodiak, 1 member from Fairbanks; with the assumption the Board will meet at least four times each year, at four days per event to cover meeting and examinations. Other operating costs for the licensing of guides is already included in the Governor's FY05 budget at \$91.7. In accordance with the self-sufficiency requirement of AS 08.01.065(c) the new costs of \$30.0 will be funded by licensing fees.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144  
Division: Occupational Licensing Date/Time 2/16/04 11:17 AM  
Approved by: Edgar Blatchford, Commissioner Date 2/16/2004  
Agency: Department of Community and Economic Development

# FISCAL NOTE

REPORTED OUT

APR 20 2004

SENATE FINANCE  
COMMITTEE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSSB 303(RES)  
(S) Publish Date: 3/8/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
Title: Relating to the Big Game Commercial Services Board and to the Regulation RDU: Wildlife Conservation  
Sponsor: Senate Rules Committee Component: Wildlife Conservation  
Requester: Senate Resources Committee Component No.: 473

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson  
Division: Legislative Liaison  
Approved by: Commissioner Kevin Duffy  
Agency: Alaska Department of Fish & Game

Phone 465-6137  
Date/Time 2/19/04 8:35 a.m.  
Date 2/19/2004

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

APR 20 2004

SENATE FINANCE  
COMMITTEE

DATE: 3/8/04

FURTHER:

DATE TURNED  
IN TO OFFICE: 4/20/04

Finance Committee considered

SENATE BILL NO. 303

## SB 303 BIG GAME GUIDE BOARD & SERVICES

"An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services and transportation services; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 303 (FIN)
- adopt previous CS FORTHCOMING \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- Same Title
- New Title

**House Bill:**

- Same Title
- Technical Title Change
- New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero.	FN#
DPS	3/11/04			✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
DCED	2/16/04	30.0			1
DF&G	2/19/04			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Frank Boyer</i>	✓			
<i>James H. ...</i>			✓	
<i>Donna ...</i>			✓	
<i>A. B. ...</i>	✓			
<i>Ben ...</i>	✓			
COCHAIR: <i>Greg ...</i>				✓
COCHAIR: <i>Lyle ...</i>	✓			

CS FOR SENATE BILL NO. 303(RES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 3/10/04  
Referred: Finance

Sponsor(s): THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND  
AUDIT COMMITTEE

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to the Big Game Commercial Services Board and to the regulation of  
2 big game hunting services and transportation services; and providing for an effective  
3 date."

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

5 \* Section 1. AS 08.01.010(7) is amended to read:

6 (7) Big Game Commercial Services Board (AS 08.54.591)  
7 [REGULATION OF BIG GAME GUIDES AND TRANSPORTERS UNDER  
8 AS 08.54];

9 \* Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

10 (22) Big Game Commercial Services Board (AS 08.54.591) -- June 30,  
11 2007.

12 \* Sec. 3. AS 08.54 is amended by adding new sections to article 1 to read:

13 Sec. 08.54.591. Creation and membership of board. (a) For the purposes  
14 of licensing and regulating the activities of providers of commercial services to big

1 game hunters in the interest of the state's wildlife resources, there is created the Big  
2 Game Commercial Services Board. For administrative purposes, the board is in the  
3 Department of Community and Economic Development.

- 4 (b) The board consists of seven members as follows:
  - 5 (1) two members who are current, licensed registered guide-outfitters;
  - 6 (2) ~~one~~<sup>two</sup> member who is a licensed transporter;
  - 7 (3) one member of the Board of Game who is chosen by the Board of  
8 Game and who does not hold a guide or transport license;
  - 9 (4) ~~two~~<sup>ONE</sup> members who represent private landholders affected by guided  
10 hunting activities or transportation services and who do not hold a license issued under  
11 this chapter; and
  - 12 (5) one public member.

13 **Sec. 08.54.595. Board assistance.** The Department of Fish and Game,  
14 Department of Natural Resources, Department of Law, and Department of Public  
15 Safety shall provide the board with information, data, or technical assistance requested  
16 by the board for the purposes of licensing and regulating the activities of providers of  
17 commercial services to big game hunters.

18 \* Sec. 4. AS 08.54.600 is amended to read:

19 **Sec. 08.54.600. Duties of board [DEPARTMENT].** (a) The board  
20 [DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT] shall

- 21 (1) prepare and [,] grade [, AND ADMINISTER]
  - 22 (A) a qualification examination for a registered guide-outfitter  
23 [GUIDE] license that requires demonstration that the applicant is qualified  
24 generally to provide guided and outfitted hunts and, in particular, possesses  
25 knowledge of fishing, hunting, and guiding laws and regulations; and
  - 26 (B) a certification examination for each game management unit  
27 in which the registered guide-outfitter [GUIDE] intends to provide big game  
28 hunting services; the examination must require demonstration that the  
29 registered guide-outfitter [GUIDE] is qualified to provide guided and outfitted  
30 hunts in the game management unit for which the registered guide-outfitter  
31 [GUIDE] seeks to be certified and, in particular, must require demonstration

SENATE FINANCE COMMITTEE  
4 / 19 / 2005 COMMITTEE ACTION

Bill Number	SB 303		
Amendment	Amend # 1		
Motion	To Adopt		
<u>Motion by</u>	Wilken		
<u>Objection by</u>			
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Hoffman			
Senator Olson			
Senator Stevens			
Senator Bunde			
Senator Dyson			
Co-Chair Green			
Co-Chair Wilken			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	WITHDRAWN		

Amendment Number: #12  
Bill Number: SB 303  
Sponsor: Wilken Date: 4/29/04  
Logged In By: Mindy

AMENDMENT

IN SENATE FINANCE COMMITTEE

BY SENATOR WILKEN

TO: SENATE BILL NO. 303 (RES) VERSION H

Page 2, line 6: Delete "one member who is a licensed transporter" and  
Insert "two members who are licensed transporters"

Page 2, line 9: Delete "two members who represent private  
landholders" and  
Insert "one member who represents private landholders"

SENATE FINANCE COMMITTEE  
4/20/2004 COMMITTEE ACTION

Bill Number	SB 303		
Amendment	#2		
Motion	adpt		
<u>Motion by</u>	Wilken		
<u>Objection by</u>	Hoffman		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Bunde	✓		✗
Senator Dyson			✓
Senator Hoffman			✓
Senator Olson			✓
Senator Stevens	✓		
Co-Chair Green	✓		
Co-Chair Wilken	✓		
<u>Tally</u>			
Yea	4		
Nay	3		
Absent	1		
<u>MOTION</u>	PASS		

← changed vote

Attention: Sheila

Of Senator Wilken's office

RE: CS SB 303(FIN)

Date: 4/20/04 Time: 12:25 PM

The attached Senate Finance CS incorporates the amendment(s) your boss sponsored. Please review and approve so the bill can be forwarded to the Senate Secretary.

The CS is your copy.

Thanks,

Senate Finance Secretary

Mindy #4935

Robin #2618

Approved: \_\_\_\_\_

(please initial)

Return ASAP

*Amendment  
#2*



CS FOR SENATE BILL NO. 303(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): THE SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND  
AUDIT COMMITTEE

A BILL  
FOR AN ACT ENTITLED

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 2 Game Commercial Services Board. For administrative purposes, the board is in the  
 3 Department of Community and Economic Development.

4 (b) The board consists of seven members as follows:

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6 (2) two members who are licensed transporters;

7 (3) one member of the Board of Game who is chosen by the Board of  
 8 Game and who does not hold a guide or transport license;

9 (4) one member who represents private landholders affected by guided  
 10 hunting activities or transportation services and who does not hold a license issued  
 11 under this chapter; and

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 14 Department of Natural Resources, Department of Law, and Department of Public  
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 16 by the board for the purposes of licensing and regulating the activities of providers of  
 17 commercial services to big game hunters.

18 \* **Sec. 4.** AS 08.54.600 is amended to read:

19 **Sec. 08.54.600. Duties of board [DEPARTMENT].** (a) The board  
 20 [DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT] shall

21 (1) prepare and [,] grade [, AND ADMINISTER]

22 (A) a qualification examination for a registered guide-outfitter  
 23 [GUIDE] license that requires demonstration that the applicant is qualified  
 24 generally to provide guided and outfitted hunts and, in particular, possesses  
 25 knowledge of fishing, hunting, and guiding laws and regulations; and

26 (B) a certification examination for each game management unit  
 27 in which the registered guide-outfitter [GUIDE] intends to provide big game  
 28 hunting services; the examination must require demonstration that the  
 29 registered guide-outfitter [GUIDE] is qualified to provide guided and outfitted  
 30 hunts in the game management unit for which the registered guide-outfitter  
 31 [GUIDE] seeks to be certified and, in particular, must require demonstration

1 that the registered guide-outfitter [GUIDE] possesses knowledge of the  
 2 terrain, transportation problems, game, and other characteristics of the game  
 3 management unit;

4 (2) authorize the issuance of [ISSUE] registered guide-outfitter  
 5 [GUIDE], master guide-outfitter [GUIDE], class-A assistant guide, assistant guide,  
 6 and transporter licenses;

7 (3) [COMPILE, MAINTAIN, AND PUBLISH AN ANNUAL  
 8 ROSTER OF REGISTERED GUIDES AND MASTER GUIDES LICENSED  
 9 UNDER THIS CHAPTER; A PERSON LISTED IN THE ROSTER WHOSE  
 10 LICENSE IS REVOKED OR SUSPENDED SHALL BE REMOVED FROM THE  
 11 ROSTER WHILE THE PERSON'S LICENSE IS REVOKED OR SUSPENDED;

12 (4) impose appropriate disciplinary sanctions on a licensee under  
 13 AS 08.54.600 - 08.54.790;

14 (4) [(5)] require an applicant for issuance or renewal of any class of  
 15 guide license or of a transporter license to state in a written and signed document  
 16 whether the applicant's right to obtain, or exercise the privileges granted by, a hunting,  
 17 guiding, outfitting, or transportation services license is revoked or suspended in this  
 18 state or another state or in Canada;

19 (5) [(6)] regularly disseminate information regarding examinations and  
 20 other qualifications for all classes of guide licenses to residents of the rural areas of the  
 21 state;

22 (6) [(7)] adopt procedural and substantive regulations required by this  
 23 chapter;

24 (7) provide for administration of [(8) ADMINISTER] examinations  
 25 for registered guide-outfitters [GUIDES] at least twice a year [; AN  
 26 EXAMINATION MAY NOT BE GIVEN WITHIN 90 DAYS AFTER THE  
 27 PREVIOUS EXAMINATION; AT LEAST ONCE EVERY OTHER YEAR THE  
 28 DEPARTMENT SHALL GIVE THE EXAMINATION AT A LOCATION OTHER  
 29 THAN ANCHORAGE].

30 (b) The board [DEPARTMENT] shall provide for administration of an oral  
 31 examination for a registered guide-outfitter [GUIDE] license or for a game

1 management unit certification if requested at the time of application for the license  
 2 [AN APPLICANT EXPERIENCES A SPECIFIC LANGUAGE DISABILITY].

3 \* Sec. 5. AS 08.54.600 is amended by adding a new subsection to read:

- 4 (c) The board may adopt regulations as the board considers appropriate to  
 5 (1) establish a code of ethics for professions regulated by the board;  
 6 (2) require registered guide-outfitters and transporters to enter into  
 7 written contracts to provide big game hunting services and transportation services to  
 8 clients;  
 9 (3) authorize the department to request a copy of a big game hunting  
 10 services or transportation services contract entered into by a person licensed under this  
 11 chapter.

12 \* Sec. 6. AS 08.54.605(a) is amended to read:

13 (a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and  
 14 08.54.660, a person may not receive or renew a registered guide-outfitter [GUIDE]  
 15 license, master guide-outfitter [GUIDE] license, class-A assistant guide license,  
 16 assistant guide license, or transporter license if

- 17 (1) the person has been convicted of  
 18 (A) a violation of a state or federal hunting, guiding, or  
 19 transportation services statute or regulation [WITHIN THE LAST FIVE  
 20 YEARS] for which the person was  
 21 (i) [FINED MORE THAN \$1,000 OR] imprisoned for  
 22 more than five days within the previous five years;  
 23 (ii) fined more than \$1,000 in the previous 12  
 24 months;  
 25 (iii) fined more than \$3,000 in the previous 36  
 26 months; or  
 27 (iv) fined more than \$5,000 in the previous 60  
 28 months;  
 29 (B) a felony within the last five years; or  
 30 (C) a felony offense against the person under AS 11.41 within  
 31 the last 10 years; or

1 (2) the person's right to obtain, or exercise the privileges granted by, a  
2 hunting, guiding, outfitting, or transportation services license is suspended or revoked  
3 in this state or another state or in Canada.

4 \* Sec. 7. AS 08.54.605(c) is amended to read:

5 (c) A person may not receive a certification for a game management unit if the  
6 person is prohibited by (a) of this section from receiving or renewing a registered  
7 guide-outfitter [GUIDE] license or master guide-outfitter [GUIDE] license.

8 \* Sec. 8. AS 08.54.610 is amended to read:

9 **Sec. 08.54.610. Registered guide-outfitter [GUIDE] license.** (a) A natural  
10 person is entitled to a registered guide-outfitter [GUIDE] license if the person

11 (1) is 21 years of age or older;

12 (2) has practical field experience in the handling of firearms, hunting,  
13 judging trophies, field preparation of meat and trophies, first aid, photography, and  
14 related guiding and outfitting activities;

15 (3) either

16 (A) has passed the qualification examination prepared [AND  
17 ADMINISTERED] by the board [DEPARTMENT] under AS 08.54.600; or

18 (B) provides evidence of 25 years of experience as a class-A  
19 assistant guide or class-A assistant guide-outfitter;

20 (4) has passed a certification examination prepared [AND  
21 ADMINISTERED] by the board [DEPARTMENT] under AS 08.54.600 for at least  
22 one game management unit;

23 (5) has legally hunted big game in the state for part of each of any five  
24 years in a manner directly contributing to the person's experience and competency as a  
25 guide;

26 (6) has been licensed as and performed the services of a class-A  
27 assistant guide or assistant guide, or of a class-A assistant guide-outfitter or assistant  
28 guide-outfitter under former AS 08.54.300 - 08.54.590, in the state for a part of each  
29 of three years;

30 (7) is capable of performing the essential duties associated with  
31 guiding and outfitting;

1 (8) has been favorably recommended in writing by eight big game  
2 hunters whose recommendations have been solicited by the department from a list  
3 provided by the applicant, including at least two favorable recommendations for each  
4 year of any three years during which the person was a class-A assistant guide or  
5 assistant guide, or a class-A assistant guide-outfitter or assistant guide-outfitter under  
6 former AS 08.54.300 - 08.54.590;

7 (9) has provided proof of financial responsibility if required by the  
8 department under AS 08.54.680; and

9 (10) has applied for a registered guide-outfitter [GUIDE] license on a  
10 form provided by the department and paid the license application fee and the  
11 registered guide-outfitter [GUIDE] license fee.

12 (b) A master guide-outfitter [GUIDE] license authorizes a registered guide-  
13 outfitter [GUIDE] to use the title master guide-outfitter [GUIDE], but is for all other  
14 purposes under this chapter a registered guide-outfitter [GUIDE] license. A natural  
15 person is entitled to receive a renewable master guide-outfitter [GUIDE] license if  
16 the person

17 (1) is, at the time of application for a master guide-outfitter [GUIDE]  
18 license, licensed as a registered guide-outfitter [GUIDE] under this section;

19 (2) has been licensed in this state as a registered guide or a guide-  
20 outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or  
21 this chapter, for at least 12 of the last 15 years, including the year immediately  
22 preceding the year in which the person applies for a master guide-outfitter [GUIDE]  
23 license;

24 (3) submits a list to the department of at least 25 clients for whom the  
25 person has personally provided guiding or outfitting services and the person receives a  
26 favorable evaluation from 10 of the clients selected from the list by the department;  
27 and

28 (4) applies for a master guide-outfitter [GUIDE] license on a form  
29 provided by the department and pays the application fee, if any.

30 (c) A registered guide-outfitter [GUIDE] may contract to guide or outfit  
31 hunts for big game and may provide transportation services, personally or through an

1 assistant, to big game hunters who are clients of the registered guide-outfitter  
2 [GUIDE].

3 (d) A person who is licensed as a registered guide-outfitter [GUIDE] may be  
4 employed by another registered guide-outfitter [GUIDE] to perform the functions of  
5 a registered guide-outfitter [GUIDE] or class-A assistant guide in the game  
6 management unit for which the person is certified under AS 08.54.600 or of an  
7 assistant guide in any game management unit.

8 (e) A registered guide-outfitter [GUIDE] who contracts for a guided hunt  
9 shall be

10 (1) physically present in the field with the client at least once during  
11 the contracted hunt; and

12 (2) in the field and participating in the contracted hunt, unless the hunt  
13 is being conducted by a class-A assistant guide or a registered guide-outfitter  
14 [GUIDE] employed by the contracting registered guide-outfitter [GUIDE].

15 \* Sec. 9. AS 08.54.620 is amended to read:

16 **Sec. 08.54.620. Class-A assistant guide license.** (a) A natural person is  
17 entitled to a class-A assistant guide license if the person

18 (1) is 21 years of age or older;

19 (2) applies for a class-A assistant guide license on a form provided by  
20 the department and pays the license application fee and the license fee; [AND]

21 (3) possesses a current first aid card issued by the Red Cross or a  
22 similar organization; and

23 (4) either

24 (A) has

25 (i) been employed during at least three calendar years as  
26 any class of licensed guide in the game management unit for which the  
27 license is sought; and

28 (ii) at least 10 years' hunting experience in the state;  
29 military service outside of the state for not more than three years shall  
30 be accepted as part of the required 10 years' hunting experience; [OR]

31 (B) provides

1 (i) evidence that the person physically resides in the  
2 game management unit in which the person is to be employed;

3 (ii) evidence that the person has had at least 15 years'  
4 hunting experience in the game management unit in which the person is  
5 to be employed; military service outside of the state for not more than  
6 three years shall be accepted as part of the required 15 years' hunting  
7 experience; and

8 (iii) a written recommendation from a registered guide-  
9 outfitter [GUIDE, STATE TROOPER, STATE FISH AND  
10 WILDLIFE LAW ENFORCEMENT OFFICER, OR STATE FISH OR  
11 GAME BIOLOGIST WHO IS FAMILIAR WITH THE PERSON OR]  
12 who intends to employ the person as a class-A assistant guide; or

13 **(C) provides evidence that the person**

14 **(i) physically resides in the game management unit**  
15 **in which the person is to be employed;**

16 **(ii) has at least 10 years' hunting experience in the**  
17 **state; military service outside of the state for not more than three**  
18 **years shall be accepted as part of the required 10 years' hunting**  
19 **experience; and**

20 **(iii) has passed a class-A assistant guide training**  
21 **course approved by the board.**

22 (b) A class-A assistant guide

23 (1) may not contract to guide or outfit a big game hunt;

24 (2) shall be employed by and under the supervision of a registered  
25 guide-outfitter [GUIDE] who has contracted with the client for whom the class-A  
26 assistant guide is conducting the hunt;

27 (3) may take charge of a camp and provide [CONDUCT] guide  
28 services [ACTIVITIES] from the camp without the contracting registered guide-  
29 outfitter [GUIDE] being in the field and participating in the contracted hunt if the  
30 contracting registered guide-outfitter [GUIDE] is supervising the guiding activities;

31 (4) may not perform functions of a class-A assistant guide outside of

1 the game management unit for which the license is issued; and

2 (5) may be employed by a registered guide-outfitter [GUIDE] to  
3 perform the functions of an assistant guide in any game management unit.

4 \* Sec. 10. AS 08.54.630 is amended to read:

5 **Sec. 08.54.630. Assistant guide license.** (a) A natural person is entitled to an  
6 assistant guide license if the person

7 (1) is 18 years of age or older;

8 (2) has legally hunted big game in the state during two calendar years;

9 (3) possesses a first aid card issued by the Red Cross or a similar  
10 organization;

11 (4) either

12 (A) obtains a written recommendation from a registered guide-  
13 outfitter [GUIDE, STATE TROOPER, STATE FISH AND WILDLIFE LAW  
14 ENFORCEMENT OFFICER, OR STATE FISH OR GAME BIOLOGIST  
15 WHO IS FAMILIAR WITH THE PERSON OR] who intends to employ the  
16 person as an assistant guide; or

17 (B) provides evidence that the person passed an assistant  
18 guide training course approved by the board; and

19 (5) applies for an assistant guide license on a form provided by the  
20 department and pays the license application fee and the license fee.

21 (b) An assistant guide

22 (1) may not contract to guide or outfit a big game hunt;

23 (2) shall be employed by a registered guide-outfitter [GUIDE] and  
24 under the supervision of a registered guide-outfitter [GUIDE] or class-A assistant  
25 guide while the assistant guide is in the field on guided hunts; and

26 (3) may not take charge of a camp or provide [CONDUCT] guide  
27 services [ACTIVITIES] unless the contracting registered guide-outfitter [GUIDE] is  
28 in the field and participating in the contracted hunt or a registered guide-outfitter  
29 [GUIDE] or class-A assistant guide employed by the contracting guide is physically  
30 present and supervising the hunt.

31 \* Sec. 11. AS 08.54.640(a) is amended to read:

1 (a) Notwithstanding AS 08.54.610 - 08.54.630 and except as provided in (b)  
2 of this section, a person may not hold, or earn experience credits to apply for, a  
3 registered guide-outfitter [GUIDE] license under this chapter, while the person is a  
4 law enforcement officer and for three months after terminating the person's status as a  
5 law enforcement officer.

6 \* Sec. 12. AS 08.54.640(b) is amended to read:

7 (b) A registered guide-outfitter [GUIDE] license, class-A assistant guide  
8 license, or assistant guide license issued under this chapter, or under former provisions  
9 of AS 08.54.300 - 08.54.590, after May 16, 1992, is suspended if the person to whom  
10 the license is issued subsequently becomes a law enforcement officer. A person  
11 whose license is subject to suspension under this subsection shall notify the  
12 department that the person has become a law enforcement officer within 30 days after  
13 becoming a law enforcement officer. The suspension of a license under this  
14 subsection remains in effect until three months have elapsed from the date on which  
15 the licensee provides written notification to the department of the fact that the person  
16 is no longer a law enforcement officer. A person whose license is suspended under  
17 this subsection is not required to renew the license or pay license renewal fees for the  
18 period of suspension. Once a suspension of a license is terminated, the licensee may  
19 provide, without further payment of a guide license fee, the guide services authorized  
20 by the license for the remainder of the licensing period in which the suspension is  
21 terminated. Notwithstanding other provisions of this subsection, if a person whose  
22 license is suspended under this subsection fails to notify the department within one  
23 year after the person is no longer a law enforcement officer, the person's license lapses  
24 and the person is eligible for reissuance of the license only as provided in  
25 AS 08.54.670. The board [DEPARTMENT] may adopt regulations to implement this  
26 subsection.

27 \* Sec. 13. AS 08.54.650(c) is amended to read:

28 (c) A transporter shall provide an annual activity report on a form provided by  
29 the department. An activity report must contain all information required by the board  
30 [DEPARTMENT] by regulation.

31 \* Sec. 14. AS 08.54.660 is amended to read:

1           **Sec. 08.54.660. Renewal of guide and transporter licenses.** (a) An  
 2 applicant for renewal of a registered guide-outfitter [GUIDE], class-A assistant  
 3 guide, assistant guide, or transporter license shall submit

4                   (1) a request for renewal of the license on a form provided by the  
 5 department; and

6                   (2) the appropriate license fee for the next licensing period.

7           (b) The department may not renew a registered guide-outfitter [GUIDE]  
 8 license under this section unless all fees have been paid in full and the registered  
 9 guide-outfitter has signed an affidavit that all hunt records due during the term of  
 10 the current license have been filed with the department.

11           (c) The department may not renew a transporter license unless all fees have  
 12 been paid in full and the transporter has signed an affidavit that all activity reports  
 13 due during the term of the current license have been filed with the department.

14 \* **Sec. 15.** AS 08.54.670 is amended to read:

15           **Sec. 08.54.670. Failure to renew.** The department may not issue a license to  
 16 a person who held a registered guide-outfitter [GUIDE], class-A assistant guide, or  
 17 assistant guide license and who has failed to renew the license under this chapter for  
 18 four consecutive years unless the person again meets the qualifications for initial  
 19 issuance of the license.

20 \* **Sec. 16.** AS 08.54.680(b) is amended to read:

21           (b) If a registered guide-outfitter [GUIDE], class-A assistant guide, or an  
 22 assistant guide personally pilots an aircraft to transport clients during the provision of  
 23 big game hunting services, the registered guide-outfitter [GUIDE], class-A assistant  
 24 guide, or assistant guide shall have a commercial pilot's rating or a minimum of 500  
 25 hours of flying time in the state.

26 \* **Sec. 17.** AS 08.54.710(a) is amended to read:

27           (a) The board [DEPARTMENT] may impose a disciplinary sanction in a  
 28 timely manner under (c) of this section if the board [DEPARTMENT] finds after a  
 29 hearing, that a licensee

30                   (1) is convicted of a violation of any [A] state or federal statute or  
 31 regulation relating to hunting or to provision of big game hunting services or

1 transportation services; [OR]

2 (2) has failed to file records or reports required under this chapter;

3 (3) has negligently misrepresented or omitted a material fact on an  
 4 application for any class of guide license or a transporter license; or

5 (4) has breached a contract to provide big game hunting services  
 6 or transportation services to a client.

7 \* Sec. 18. AS 08.54.710(b) is amended to read:

8 (b) The board [DEPARTMENT] may impose a disciplinary sanction in a  
 9 timely manner under (c)(3) - (7) of this section if the board [DEPARTMENT] finds,  
 10 after a hearing, that a licensee has acted unethically [IS INCOMPETENT] as a  
 11 registered guide-outfitter [GUIDE], class-A assistant guide, assistant guide, or  
 12 transporter.

13 \* Sec. 19. AS 08.54.710(c) is amended to read:

14 (c) The board [DEPARTMENT] may impose the following disciplinary  
 15 sanctions, singly or in combination:

16 (1) permanently revoke a license;

17 (2) suspend a license for a specified period;

18 (3) censure or reprimand a licensee;

19 (4) impose limitations or conditions on the professional practice of a  
 20 licensee;

21 (5) impose requirements for remedial professional education to correct  
 22 deficiencies in the education, training, and skill of the licensee;

23 (6) impose probation requiring a licensee to report regularly to the  
 24 board [DEPARTMENT] on matters related to the grounds for probation;

25 (7) impose a civil fine not to exceed \$5,000 [\$1,000].

26 \* Sec. 20. AS 08.54.710(d) is amended to read:

27 (d) The board [DEPARTMENT] shall permanently revoke a transporter  
 28 license or any class of guide license if the board [DEPARTMENT] finds after a  
 29 hearing that the license was obtained through fraud, deceit, or [INNOCENT]  
 30 misrepresentation.

31 \* Sec. 21. AS 08.54.710(e) is amended to read:

1           (e) The **board** [DEPARTMENT] shall suspend or permanently revoke a  
 2 transporter license or any class of guide license without a hearing if the court orders  
 3 the **board** [DEPARTMENT] to suspend or permanently revoke the license as a  
 4 penalty for conviction of an unlawful act [UNDER AS 08.54.720]. If the **board**  
 5 [DEPARTMENT] suspends or permanently revokes a license under this subsection,  
 6 the **board** [DEPARTMENT] may not also impose an administrative disciplinary  
 7 sanction of suspension or permanent revocation of the same license for the same  
 8 offense for which the court ordered the suspension or permanent revocation under  
 9 AS 08.54.720.

10 \* Sec. 22. AS 08.54.710(h) is amended to read:

11           (h) If the **board** [DEPARTMENT] revokes a license under this section, the  
 12 person whose license has been revoked shall immediately surrender the license to the  
 13 department.

14 \* Sec. 23. AS 08.54.710(i) is amended to read:

15           (i) The **board** [DEPARTMENT] may summarily suspend a licensee from  
 16 practice of the profession under this chapter, for a period of not more than 30 days,  
 17 before a final hearing is held or during an appeal if the **board** [DEPARTMENT] finds  
 18 that the licensee poses a clear and immediate danger to the public health and safety. A  
 19 person is entitled to a hearing before the **board** [DEPARTMENT] to appeal the  
 20 summary suspension within seven days after the order of suspension is issued. A  
 21 person may appeal an adverse decision of the **board** [DEPARTMENT] on an appeal  
 22 of summary suspension to a court of competent jurisdiction.

23 \* Sec. 24. AS 08.54.720(a) is amended to read:

24           (a) It is unlawful for a

25                   (1) person who is licensed under this chapter to knowingly fail to  
 26 promptly report, unless a reasonable means of communication is not reasonably  
 27 available, to the Department of Public Safety, [DIVISION OF FISH AND  
 28 WILDLIFE PROTECTION,] and in no event later than 20 days, a violation of a state  
 29 or federal wildlife or game, guiding, or transportation services statute or regulation  
 30 that the person reasonably believes was committed by a client or an employee of the  
 31 person;

1 (2) person who is licensed under this chapter to intentionally obstruct  
2 or hinder or attempt to obstruct or hinder lawful hunting engaged in by a person who  
3 is not a client of the person;

4 (3) class-A assistant guide or an assistant guide to knowingly guide a  
5 big game hunt except while employed and supervised by a registered guide-outfitter  
6 [GUIDE];

7 (4) person who holds any class of guide license or transporter license  
8 to knowingly enter or remain on private, state, or federal land without prior  
9 authorization during the course of providing big game hunting services or  
10 transportation services;

11 (5) registered guide-outfitter [GUIDE] to knowingly engage in  
12 providing big game hunting services outside of

13 (A) a game management unit for which the registered guide-  
14 outfitter [GUIDE] is certified; or

15 (B) a use area for which the registered guide-outfitter  
16 [GUIDE] is registered under AS 08.54.750 unless the registration requirement  
17 for the area has been suspended by the Department of Fish and Game;

18 (6) person to knowingly guide without having a current registered  
19 guide-outfitter [GUIDE], class-A assistant guide, or assistant guide license and a  
20 valid Alaska hunting license in actual possession;

21 (7) registered guide-outfitter [GUIDE] to knowingly fail to comply  
22 with AS 08.54.610(e);

23 (8) person who is licensed under this chapter to knowingly

24 (A) commit or aid in the commission of a violation of this  
25 chapter, a regulation adopted under this chapter, or a state or federal wildlife  
26 or game statute or regulation; or

27 (B) permit the commission of a violation of this chapter, a  
28 regulation adopted under this chapter, or a state or federal wildlife or game  
29 statute or regulation that the person knows or reasonably believes is being or  
30 will be committed without

31 (i) attempting to prevent it, short of using force; and

- 1 (ii) reporting the violation;
- 2 (9) person without a current registered guide-outfitter [GUIDE]  
3 license to knowingly guide, advertise as a registered guide-outfitter [GUIDE], or  
4 represent to be a registered guide-outfitter [GUIDE];
- 5 (10) person without a current master guide-outfitter [GUIDE] license  
6 to knowingly advertise as, or represent to be, a master guide-outfitter [GUIDE];
- 7 (11) person without a current registered guide-outfitter [GUIDE]  
8 license to knowingly outfit a big game hunt, provide outfitting services, advertise as  
9 an outfitter of big game hunts, or represent to be an outfitter of big game hunts;
- 10 (12) person to knowingly provide transportation services to big game  
11 hunters without holding a current registered guide-outfitter [GUIDE] license or  
12 transporter license;
- 13 (13) person without a current transporter license to knowingly  
14 advertise as, or represent to be, a transporter;
- 15 (14) class-A assistant guide or an assistant guide to knowingly contract  
16 to guide or outfit a hunt;
- 17 (15) person licensed under this chapter to knowingly violate a state  
18 statute or regulation prohibiting waste of a wild food animal or hunting on the same  
19 day airborne;
- 20 (16) person to knowingly provide big game hunting service or  
21 transportation services during the period for which the person's license to provide that  
22 service is suspended or revoked;
- 23 (17) registered guide-outfitter [GUIDE], except in the defense of life  
24 or property, to knowingly personally take
- 25 (A) big game while accompanying a client in the field; or  
26 (B) a species of big game if the registered guide-outfitter  
27 [GUIDE] is under contract with a client to provide a guided hunt for that  
28 species of big game and the client is in the field;
- 29 (18) person who is licensed as a registered guide-outfitter [GUIDE], a  
30 class-A assistant guide, or an assistant guide, except in the defense of life or property,  
31 to knowingly personally take big game while a client of the registered guide-outfitter

1 [GUIDE] by whom the person is employed is in the field unless the person is not  
 2 participating in, supporting, or otherwise assisting in providing big game hunting  
 3 services to a client of the registered guide-outfitter [GUIDE] by whom the person is  
 4 employed; or

5 (19) person who is licensed as a transporter, or who provides  
 6 transportation services under a transporter license, to knowingly accompany or remain  
 7 in the field with a big game hunter who is a client of the person except as necessary to  
 8 perform the specific duties of embarking or disembarking big game hunters, their  
 9 equipment, or big game animals harvested by hunters: this paragraph does not apply to  
 10 a person who holds both a transporter license and a registered guide-outfitter [ANY  
 11 CLASS OF GUIDE] license issued under this chapter when the person has a  
 12 contract to provide guiding services for the client.

13 \* Sec. 25. AS 08.54.720(f) is amended to read:

14 (f) In addition to the penalties set out in (b) - (e) of this section and a  
 15 disciplinary sanction imposed under AS 08.54.710,

16 (1) the court may order the board [DEPARTMENT] to suspend the  
 17 guide license or transporter license of a person who commits a misdemeanor offense  
 18 set out in (a)(1), (3) - (5), (7), (17), (18), or (19) of this section for a specified period  
 19 of not more than three years;

20 (2) the court shall order the board [DEPARTMENT] to suspend the  
 21 guide license or transporter license of a person who commits a misdemeanor offense  
 22 set out in (a)(2) or (8) - (14) of this section for a specified period of not less than one  
 23 year and not more than five years;

24 (3) the court shall order the board [DEPARTMENT] to suspend the  
 25 guide license or transporter license for a specified period of not less than three years,  
 26 or to permanently revoke the guide license or transporter license, of a person who  
 27 commits an offense set out in (a)(15) or (16) of this section; and

28 (4) all guns, fishing tackle, boats, aircraft, automobiles, or other  
 29 vehicles, camping gear, and other equipment and paraphernalia used in, or in aid of, a  
 30 violation of (a) of this section may be seized by persons authorized to enforce this  
 31 chapter and may be forfeited to the state as provided under AS 16.05.195.

1 \* Sec. 26. AS 08.54.730 is amended to read:

2           **Sec. 08.54.730. Injunction against unlawful action.** When in the judgment  
3 of the board [DEPARTMENT], a person has engaged in an act in violation of  
4 AS 08.54.620(b), 08.54.630(b), 08.54.650(b), 08.54.710(g), or 08.54.720(a) or the  
5 regulations adopted under these statutes, the board [DEPARTMENT] may apply to  
6 the appropriate court for an order enjoining the action. Upon a showing by the board  
7 [DEPARTMENT] that the person is engaging in the act, the court shall grant  
8 injunctive relief or other appropriate order without bond.

9 \* Sec. 27. AS 08.54.740 is amended to read:

10           **Sec. 08.54.740. Responsibility of guide or transporter for violations.** (a) A  
11 registered guide-outfitter [GUIDE] who contracts to guide or outfit a big game hunt  
12 is equally responsible under AS 08.54.710 for a violation of a state or federal wildlife  
13 or game or [,] guiding [, OR TRANSPORTATION SERVICES] statute or regulation  
14 committed by a person while in the course of the person's employment for the  
15 registered guide-outfitter [GUIDE].

16           (b) A transporter who provides transportation services is equally responsible  
17 under AS 08.54.710 for a violation of a state or federal wildlife or game, guiding, or  
18 transportation services statute or regulation committed by a person while in the course  
19 of the person's employment for the transporter.

20 \* Sec. 28. AS 08.54.750 is amended to read:

21           **Sec. 08.54.750. Use area registration.** (a) At least 30 days before  
22 conducting big game hunting services within a guide use area, a registered guide-  
23 outfitter [GUIDE] shall inform the department, in person or by registered mail on a  
24 registration form provided by the department, that the guide-outfitter [GUIDE] will  
25 be conducting big game hunting services in the use area. A registered guide may not  
26 withdraw or amend a guide use area registration during the calendar year in  
27 which the registration was submitted to the department.

28           (b) A registered guide-outfitter [GUIDE] may not register for, or conduct big  
29 game hunting services in,

30                   (1) more than three guide use areas during a calendar year; or

31                   (2) a guide use area that is outside of a game management unit for

1 which the registered guide-outfitter [GUIDE] is certified under AS 08.54.600.

2 (c) Notwithstanding (a) and (b) of this section, a registered guide-outfitter  
3 [GUIDE] may register to conduct big game hunting services within a guide use area at  
4 any time before beginning operations in the guide use area and may conduct big game  
5 hunting services in a guide use area, or for a big game species in a guide use area, that  
6 is not one of the three guide use areas for which the registered guide-outfitter  
7 [GUIDE] has registered under (b) of this section if the Department of Fish and Game  
8 has determined by regulation that it is in the public interest to suspend the registration  
9 requirements for that guide use area or for all guide use areas in a game management  
10 unit or game management subunit for a big game species within those guide use areas.

11 (d) Notwithstanding (b) of this section, a registered guide-outfitter [GUIDE]  
12 who is registered in three guide use areas may also register for and conduct big game  
13 hunting services in a portion of one additional guide use area on federal land adjacent  
14 to a guide use area in which the registered guide-outfitter [GUIDE] is already  
15 registered if the board [DEPARTMENT] finds that the portion of the adjacent guide  
16 use area for which the registered guide-outfitter [GUIDE] is seeking to be registered  
17 would otherwise remain unused by a registered guide-outfitter [GUIDE] because the  
18 boundaries of guide use areas do not coincide with boundaries of federal big game  
19 guide concession or permit areas.

20 (e) In this section, "guide use area" means a geographic area of the state  
21 identified as a guide-outfitter use area by the former Big Game Commercial Services  
22 Board established under former AS 08.54.300 and described on a set of maps titled  
23 Guide-Outfitter Use Area Maps, dated June 22, 1994, as amended by the board as  
24 the board considers necessary.

25 \* **Sec. 29.** AS 08.54.750 is amended by adding new subsections to read:

26 (f) Notwithstanding (b) of this section, a registered guide who is registered in  
27 three guide use areas may also register for and conduct big game hunting services for  
28 wolf, black bear, brown bear, or grizzly bear in guide use areas within a game  
29 management unit or portion of a game management unit where the Board of Game has  
30 identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the  
31 depletion of a big game prey population or a reduction of the productivity of a big

1 game prey population that is the basis for the establishment of an intensive  
 2 management program in the game management unit or portion of the game  
 3 management unit or for the declaration of the biological emergency in the game  
 4 management unit or portion of the game management unit. A registered guide may  
 5 only conduct hunts in a guide use area under this subsection for the big game species  
 6 identified by the Board of Game as the cause of the depletion or reduction of  
 7 productivity a big game prey population.

8 (d) At least 60 days before providing transportation services to, from, or in an  
 9 area as may be determined by the board, a transporter shall inform the department, in  
 10 person or by registered mail on a registration form provided by the department, that  
 11 the transporter will be providing transportation services to, from, or in the use area.  
 12 The board may establish transporter use areas and adopt regulations to implement this  
 13 subsection as the board considers necessary.

14 \* **Sec. 30.** AS 08.54.760 is amended to read:

15 **Sec. 08.5.760. Hunt records; confidentiality of hunt records and activity**  
 16 **reports.** (a) The department shall collect and maintain hunt records provided by a  
 17 registered guide-outfitter [GUIDE]. A registered guide-outfitter [GUIDE] shall  
 18 submit to the department a hunt record for each contracted hunt within 60 [30] days  
 19 after the completion of the hunt. A hunt record must include a list of all big game  
 20 hunters who used the guiding or outfitting services of the registered guide-outfitter  
 21 [GUIDE], the number of each big game species taken, and other information required  
 22 by the board [DEPARTMENT]. The department shall provide forms for reporting  
 23 hunt records.

24 (b) The department shall make hunt records received under this section, and  
 25 activity reports received under AS 08.54.650, available to state agencies, [AND]  
 26 federal law enforcement agencies and other [FISH AND WILDLIFE] law  
 27 enforcement agencies [CHARGED WITH THE ENFORCEMENT OF STATUTES  
 28 AND REGULATION RELATING TO GUIDING, OUTFITTING,  
 29 TRANSPORTATION SERVICES, OR GAME OR WITH MANAGEMENT OF  
 30 GAME] if requested [FOR GAME MANAGEMENT OR LAW ENFORCEMENT  
 31 PURPOSES]. Aggregated data compiled from hunt records and activity reports may

1 be included in reports by the department. For all other purposes, the hunt records and  
2 activity reports are confidential and are not subject to inspection or copying under  
3 AS 40.25.110 - 40.25.125.

4 \* Sec. 31. AS 08.54.770 is amended to read:

5 **Sec. 08.54.770. License and examination fees.** (a) The department shall set  
6 fees under AS 08.01.065 for each of the following:

- 7 (1) registered guide-outfitter [GUIDE] license;
- 8 (2) class-A assistant guide license;
- 9 (3) assistant guide license;
- 10 (4) transporter license;
- 11 (5) license application fee.

12 (b) The license fee for the registered guide-outfitter [GUIDE], class-A  
13 assistant guide, or assistant guide license is in addition to the fee required for a hunting  
14 license issued by the Department of Fish and Game under AS 16.05.340.

15 (c) An applicant for a qualifying examination for a registered guide-outfitter  
16 [GUIDE] license shall pay a fee established by regulations adopted under  
17 AS 08.01.065.

18 (d) The fee for the transporter license must be equal to the fee for the  
19 registered guide-outfitter [GUIDE] license.

20 (e) The [FOR LICENSES ISSUED UNDER THIS CHAPTER FOR 1997  
21 AND SUBSEQUENT YEARS, THE] amount of the license fee for a nonresident shall  
22 be two times the amount of the license fee for a resident.

23 \* Sec. 32. AS 08.54.790 is amended to read:

24 **Sec. 08.54.790. Definitions.** In this chapter,

25 (1) "big game" means brown bear, grizzly bear, caribou, moose, black  
26 bear, bison, Sitka blacktail deer, elk, mountain goat, musk-ox, and mountain or Dall  
27 sheep; "big game" includes wolf and wolverine when taken under hunting regulations;

28 (2) "big game hunting service" means a service for which the provider  
29 of the service must obtain a registered guide-outfitter [GUIDE], class-A assistant  
30 guide, or assistant guide license; "big game hunting service" includes guiding services  
31 and outfitting services;

1                   (3) "board" means the Big Game Commercial Services Board;

2                   (4) "compensation" means payment for services including wages or  
3 other remuneration but not including reimbursement for actual expenses incurred;

4                   (5) [(4)] "department" means the Department of Community and  
5 Economic Development;

6                   (6) [(5)] "field" means an area outside of established year-round  
7 dwellings, businesses, or other developments [USUALLY] associated with a city,  
8 town, or village; "field" does not include permanent hotels or roadhouses on the state  
9 road system or state or federally maintained airports;

10                  (7) [(6)] "game management unit" means one of the 26 geographic  
11 areas defined by the Board of Game for game management purposes;

12                  (8) [(7)] "guide" means to provide, for compensation or with the intent  
13 or with an agreement to receive compensation, services, equipment, or facilities to a  
14 big game hunter in the field by a person who accompanies or is present with the big  
15 game hunter in the field either personally or through an assistant; in this paragraph,  
16 "services" includes

17                               (A) contracting to guide or outfit big game hunts;

18                               (B) stalking, pursuing, tracking, killing, or attempting to kill  
19 big game;

20                               (C) packing, preparing, salvaging, or caring for meat, except  
21 that which is required to properly and safely load the meat on the mode of  
22 transportation being used by a transporter;

23                               (D) field preparation of trophies, including skinning and  
24 caping;

25                               (E) selling, leasing, or renting goods when the transaction  
26 occurs in the field;

27                               (F) using guiding or outfitting equipment, including spotting  
28 scopes and firearms, for the benefit of a hunter; and

29                               (G) providing camping or hunting equipment or supplies that  
30 [WHICH] are already located in the field;

31                   (9) [(8)] "outfit" means to provide, for compensation or with the intent

1 to receive compensation, services, supplies, or facilities to a big game hunter in the  
 2 field, by a person who neither accompanies nor is present with the big game hunter in  
 3 the field either personally or by an assistant;

4 (10) [(9)] "transportation services" means the carriage for  
 5 compensation of big game hunters, their equipment, or big game animals harvested by  
 6 hunters to, from, or in the field; "transportation services" does not include the carriage  
 7 by aircraft of big game hunters, their equipment, or big game animals harvested by  
 8 hunters

9 (A) on nonstop flights between airports listed in the Alaska  
 10 supplement to the Airmen's Guide published by the Federal Aviation  
 11 Administration; or

12 (B) by an air taxi operator or air carrier for which the carriage  
 13 of big game hunters, their equipment, or big game animals harvested by  
 14 hunters is only an incidental portion of its business; in this subparagraph,  
 15 "incidental" means transportation provided to a big game hunter by an air taxi  
 16 operator or air carrier who does not

17 (i) charge more than the usual tariff or charter rate for  
 18 the carriage of big game hunters, their equipment, or big game animals  
 19 harvested by hunters; or

20 (ii) advertise transportation services or big game  
 21 hunting services to the public; in this sub-subparagraph, "advertise"  
 22 means soliciting big game hunters to be customers of an air taxi  
 23 operator or air carrier for the purpose of providing air transportation to,  
 24 from, or in the field through the use of print or electronic media,  
 25 including advertising at trade shows, or the use of hunt broker services  
 26 or other promotional services.

27 \* Sec. 33. AS 16.05.407(a) is amended to read:

28 (a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly  
 29 bear, mountain goat, or sheep in this state, unless personally accompanied by

30 (1) a person who is licensed as

31 (A) a registered guide-outfitter [GUIDE] or a master guide-

1 outfitter [GUIDE] under AS 08.54 and who is providing big game hunting  
2 services to the nonresident under a contract with the nonresident; or

3 (B) a class-A assistant guide or an assistant guide under  
4 AS 08.54 and who is employed by a registered guide-outfitter [GUIDE] or a  
5 master guide-outfitter [GUIDE] who has a contract to provide big game  
6 hunting services to the nonresident; or

7 (2) a resident over 19 years of age who is

8 (A) the spouse of the nonresident; or

9 (B) related to the nonresident, within and including the second  
10 degree of kindred, by marriage or blood.

11 \* Sec. 34. AS 16.05.407(f) is amended to read:

12 (f) An applicant for a nonresident hunt permit for the taking of an animal  
13 specified in (a) of this section shall, if requested by the department, first furnish to the  
14 department proof of prior authorization to use federal, state, or private land where the  
15 permit hunt will occur. The authorization shall be provided to the applicant by the  
16 registered guide-outfitter [GUIDE] or master guide-outfitter [GUIDE] with whom  
17 the applicant has contracted to guide the permit hunt.

18 \* Sec. 35. AS 16.05.408(a) is amended to read:

19 (a) It is a class A misdemeanor for a nonresident alien to hunt, pursue, or take  
20 a big game animal as defined by the Board of Game unless personally accompanied by

21 (1) a registered guide-outfitter [GUIDE] or a master guide-outfitter  
22 [GUIDE] licensed under AS 08.54 who is providing big game hunting services to the  
23 nonresident alien under a contract with the nonresident alien; or

24 (2) a class-A assistant guide or a assistant guide licensed under  
25 AS 08.54 who is employed by a registered guide-outfitter [GUIDE] or a master  
26 guide-outfitter [GUIDE] who has a contract to provide big game hunting services to  
27 the nonresident alien.

28 \* Sec. 36. AS 16.05.408(c) is amended to read:

29 (c) Before obtaining a nonresident hunt permit for the taking of an animal  
30 specified in (a) of this section, a nonresident alien shall, if requested by the  
31 department, first furnish to the department proof of prior authorization to use federal

1 or private land where the permit hunt will occur. The authorization shall be provided  
 2 to the nonresident alien by the registered guide-outfitter [GUIDE] or master guide-  
 3 outfitter [GUIDE] with whom the nonresident alien has contracted to guide the permit  
 4 hunt.

5 \* Sec. 37. AS 23.10.055 is amended to read:

6 **Sec. 23.10.055. Exemptions.** The provisions of AS 23.10.050 - 23.10.150 do  
 7 not apply to

8 (1) an individual employed in agriculture, which includes farming in  
 9 all its branches and, among other things, includes the cultivation and tillage of the soil,  
 10 dairying, the production, cultivation, growing, and harvesting of any agricultural or  
 11 horticultural commodities, the raising of livestock, bees, fur-bearing animals, or  
 12 poultry, and any practices, including forestry and lumbering operations, performed by  
 13 a farmer or on a farm as an incident to or in conjunction with the farming operations,  
 14 including preparation for market, delivery to storage or to market or to carriers for  
 15 transportation to market;

16 (2) an individual employed in the catching, trapping, cultivating, or  
 17 farming, netting or taking of any kind of fish, shellfish, or other aquatic forms of  
 18 animal and vegetable life;

19 (3) an individual employed in the hand picking of shrimp;

20 (4) an individual employed in domestic service, including a baby-  
 21 sitter, in or about a private home;

22 (5) an individual employed by the United States or by the state or  
 23 political subdivision of the state, except as provided in AS 23.10.065(b), including  
 24 prisoners not on furlough detained or confined in prison facilities;

25 (6) an individual engaged in the nonprofit activities of a nonprofit  
 26 religious, charitable, cemetery, or educational organization or other nonprofit  
 27 organization where the employer-employee relationship does not, in fact, exist, and  
 28 where services rendered to the organization are on a voluntary basis and are related  
 29 only to the organization's nonprofit activities; for purposes of this paragraph,  
 30 "nonprofit activities" means activities for which the nonprofit organization does not  
 31 incur a liability for unrelated business income tax under 26 U.S.C. 513, as amended;

1 (7) an employee engaged in the delivery of newspapers to the  
2 consumer;

3 (8) an individual employed solely as a watchman or caretaker of a  
4 plant or property that is not in productive use for a period of four months or more;

5 (9) an individual employed in a bona fide executive, administrative, or  
6 professional capacity or in the capacity of an outside salesman or a salesman who is  
7 employed on a straight commission basis;

8 (10) an individual employed in the search for placer or hard rock  
9 minerals;

10 (11) an individual under 18 years of age employed on a part-time basis  
11 not more than 30 hours in a week;

12 (12) employment by a nonprofit educational or child care facility to  
13 serve as a parent of children while the children are in residence at the facility if the  
14 employment requires residence at the facility and is compensated on a cash basis  
15 exclusive of room and board at an annual rate of not less than

16 (A) \$10,000 for an unmarried person; or

17 (B) \$15,000 for a married couple;

18 (13) an individual who drives a taxicab, is compensated for taxicab  
19 services exclusively by customers of the service, whose written contractual  
20 arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch  
21 services are based upon flat contractual rates and not based on a percentage share of  
22 the individual's receipts from customers, and whose written contract with owners of  
23 tax cab vehicles, taxicab permits, or radio dispatch services specifically provides that  
24 the contract places no restrictions on hours worked by the individual or on areas in  
25 which the individual may work except to comply with local ordinances;

26 (14) a person who holds a license under AS 08.54 and who is  
27 employed by a registered guide-outfitter [GUIDE] or master guide-outfitter  
28 [GUIDE] licensed under AS 08.54, for the first 60 work days in which the person is  
29 employed by the registered guide-outfitter [GUIDE] or master guide-outfitter  
30 [GUIDE] during a calendar year;

31 (15) an individual engaged in activities for a nonprofit religious,

1 charitable, civic, cemetery, recreational, or educational organization where the  
 2 employer-employee relationship does not, in fact, exist, and where services are  
 3 rendered to the organization under a work activity requirement of AS 47.27 (Alaska  
 4 temporary assistance program); or

5 (16) an individual who

6 (A) provides emergency medical services only on a voluntary  
 7 basis;

8 (B) serves with a full-time fire department only on a voluntary  
 9 basis; or

10 (C) provides ski patrol services on a voluntary basis.

11 \* Sec. 38. AS 39.50.200(b) is amended by adding a new paragraph to read:

12 (58) Big Game Commercial Services Board (AS 08.54.591).

13 \* Sec. 39. AS 41.23.420(d) is amended to read:

14 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

15 (1) the Department of Fish and Game, the Board of Fisheries, the  
 16 Board of Game, or the Big Game Commercial Services Board [DEPARTMENT OF  
 17 COMMUNITY AND ECONOMIC DEVELOPMENT] under AS 08.54, AS 16, or  
 18 AS 41.99.010;

19 (2) the Department of Environmental Conservation under AS 46.03; or

20 (3) state agencies and municipalities under AS 46.39.010 and  
 21 AS 46.40.100.

22 \* Sec. 40. AS 44.62.330(a)(35) is amended to read:

23 (35) Big Game Commercial Services Board [DEPARTMENT OF  
 24 COMMUNITY AND ECONOMIC DEVELOPMENT UNDER AS 08.54 AS TO  
 25 LICENSING AND RELATED FUNCTIONS FOR BIG GAME GUIDES AND  
 26 TRANSPORTERS];

27 \* Sec. 41. The uncodified law of the State of Alaska is amended by adding a new section to  
 28 read:

29 INITIAL APPOINTMENT OF MEMBERS OF THE BIG GAME COMMERCIAL  
 30 SERVICES BOARD. (a) Notwithstanding AS 08.54.591, added by sec. 3 of this Act, and  
 31 AS 39.05.055, the initially appointed members of the Big Game Commercial Services Board

1 shall be appointed by the governor to terms as follows: one member serves for one year, two  
2 members serve for two years, two members serve for three years, and two members serve for  
3 four years.

4 (b) The governor shall appoint the initial members of the Big Game Commercial  
5 Services Board, as provided for under AS 08.54.591(a), added by sec. 3 of this Act, before  
6 December 1, 2004.

7 (c) The governor shall appoint persons who are active, licensed registered guides at  
8 the time of appointment to fill the initial registered guide-outfitter positions on the Big Game  
9 Commercial Services Board.

10 \* **Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to  
11 read:

12 **TRANSITION: LICENSES.** (a) Notwithstanding AS 08.54.610(a), as amended by  
13 sec. 8 of this Act, a person who holds a registered guide license in good standing on the day  
14 before the first meeting of the Big Game Commercial Services Board established under  
15 AS 08.54.591, added by sec. 3 of this Act, shall, after the effective date of sec. 8 of this Act,  
16 be considered to hold a registered guide-outfitter license issued under AS 08.54.610, as  
17 amended by sec. 8 of this Act and may renew the license as a registered guide-outfitter license  
18 under AS 08.54.660, as amended by sec. 14 of this Act.

19 (b) Notwithstanding AS 08.54.610(b), as amended by sec. 8 of this Act, a person who  
20 holds a master guide license in good standing on the day before the first meeting of the Big  
21 Game Commercial Services Board established under AS 08.54.591, added by sec. 3 of this  
22 Act, shall, after the effective date of sec. 8 of this Act, be considered to hold a master guide-  
23 outfitter license issued under AS 08.54.610, as amended by sec. 8 of this Act and may renew  
24 the license as a master guide-outfitter license under AS 08.54.660, as amended by sec. 14 of  
25 this Act.

26 \* **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to  
27 read:

28 **SAVING CLAUSE.** Litigation, hearings, investigations, and other proceedings  
29 pending under a law amended or repealed by this Act, or in connection with functions  
30 transferred by this Act, continue in effect and may be continued and completed  
31 notwithstanding a transfer or amendment or repeal provided for by this Act. Regulations

1 adopted under authority of a law amended or repealed by this Act remain in effect for the term  
2 adopted or until repealed or otherwise amended under the provisions of this Act.

3 \* **Sec. 44.** Sections 3 and 41 - 43 of this Act take effect immediately under  
4 AS 01.10.070(c).

5 \* **Sec. 45.** Except as provided in sec. 44 of this Act, this Act takes effect on the day on  
6 which the Big Game Commercial Services Board convenes its first meeting. The  
7 commissioner of community and economic development shall inform the revisor of statutes  
8 and the lieutenant governor of the date on which the Big Game Commercial Services Board  
9 convenes its first meeting.

# **LEGISLATIVE BUDGET & AUDIT COMMITTEE**

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REPRESENTATIVE RALPH SAMUELS, CHAIR

## **CSSB 303 (RES) Sponsor Statement**

**“An Act relating to the Big Game Commercial Services Board and to the regulation of big game hunting services; and providing for an effective date.”**

This bill would re-establish the Big Game Commercial Services Board to oversee an important industry that exists largely on the basis of a healthy wildlife population. The board was allowed to sunset a decade ago, and in the following years, professional hunters, wildlife biologists, public and private land managers and the hunting public themselves have discovered the problems associated with a decentralized, uncoordinated system of licensing and regulating guides and transporters.

An audit commissioned by the 23<sup>rd</sup> Alaska Legislature and released in December, 2003, recommends the board be re-established. Auditors concluded after extensive interviews with affected agencies, land owners and hunters that wildlife populations would benefit from more coordinated enforcement of existing laws, and that consumer protection and hunter-client safety could be improved. The Alaska Board of Game has also asked repeatedly that a guide licensing board be re-established.

This bill would create a seven-member board within the Department of Community and Economic Development. Two members would represent active registered guides, one member would represent a licensed transporter, one member would be assigned by the Board of Game, two members would represent private landholders, and one member would represent the public. The bill also increases from \$1,000 to \$5,000 the maximum civil penalty for disciplinary purposes.

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**Public Testimony  
CS For Senate Bill 303  
03/05/2004**

**Senate Resource Committee Hearing**

Thankyou Mr. Chairman:

I will make my comments as brief as possible. I apologize to the committee for not being able to attend the last hearing, as I was in Washington DC at the time lobbying on behalf of state's wildlife grants and appropriations.

I would like to encourage the committee to consider other possibilities with which to regulate and control the big-game commercial service provider industry, than through the current legislation which creates just another public board. The legislation before you does not address the real and present issue of user-conflicts which are the central focus relating to problems occurring in the field, and that are associated with an aggressive expansion and capitalization by the industry.

A means of controlling the industry through joint effort between the Department of Commerce and the Department of Fish & Game, need be considered. By crafting tools under statute that could limit the aggregate number of big-game commercial service providers by area - only as deemed necessary by a determination made through the Board of Game process - would go much further toward arresting user-conflicts in the field. The legislation at present does not take that step. There is no measure within the current legislation that would effectively control the industry, or the conflicts its expansion creates.

However, if this committee chooses to move this bill forward, I would like to see several changes made:

- I have a real concern as to the overly competitive nature that **Sec. 29 (Pg 18, Lines 23-31, and Pg 19, Lines 1-5)** create. In my guide use area - Game Management Unit 13, The Nelchina Basin - where I am both a subsistence user and an active registered big-game guide, virtually all that we have left to hunt are bears. Moose and caribou are off limits to non-resident hunters and sheep are at very low density. Increasing competition among guides for the one specie that is the mainstay of our commercial viability, is unacceptable. There are other ways

within the Board of Game process to address an abundance of bears within a management unit, rather than increasing competition among commercial operators which already experience an overly competitive situation.

- Slight modifications to the members portion of the Big-Game Commercial Services Board; **Pg 2, Lines 6 and 9. Line 6**, change from [one] to **two members which are licensed transporters** (especially in consideration of equitable ownership considering the Board's authority over Transporter Use Areas – Pg 19, Line 10). **Page 2, Line 9**, change from [two] to **one representative of private landholders, and define the term "landholder"**.
- Authorizing the Department to request a copy of a contractual agreement between parties (**Pg 4, Lines 8-10**), then becomes part of the public record and could be made available to the public and/or media per stipulations of the *Administrations Act*. This may be in violation of the federal *Privacy Act*. I would like to know Department of Law's interpretation.
- **Pg 12, Lines 4 and 5** need clear definition. What exactly does **"breached a contract"** mean? Who is the arbitrator, the Big-Game Commercial Service Board or the State and/or Federal judicial system? I see huge problems with this.
- **Pg 13, Line 26** relating to reporting time of violations committed; this needs further amendment to reduce the time frame to **ten days**. In this day of satellite phones, cellular phones, VHF surface-to-air radios, and High Frequency over-the-horizon radio capabilities now available, a contracting and participating, supervising registered or master guide should be able to make communication with the State and/or Federal agencies within 24 hours. I am sure that if a bodily accident were to occur, especially to the guide, communication would be made available almost immediately. I know that in my operation, I have several communications devices at my disposal that will function no matter my location. ***Communications equipment such as that or similar to that which I operate, should be manadatory of every guide in Alaska!***
- **Pg 17, Line 28** should be amended from [one] calendar year, to **five calendar years**. The one calendar year registration requirement per use area, per operator does not provide incentive for stewardship of the resource. Stewardship of resources is lacking under the current sytem and a Big-Game Commercial Service Board will not fix that. However, by changing the registration to five calendar years, the "pilage and plunder" concept held by the industry will cease in some degree.
- **Pg 18, Lines 21 and 22** should not be included in the legislation. By allowing the Big-Game Commercial Service Board jurisdiction over the draft and creation of Guide Use Area boundaries (expansion of area size, or the shrinking of area size) is fraut with complications, misuse and likely to create civil unrest. I would encourage the committee to delete this portion of the legislation.

With all of that said, I would like to thank the Chairman for his time and also that of the committee, and for hearing my concern.

Sincerely,

Rob Hardy

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