

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

10856 HOUSE JUDICIARY

HB

439

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
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House Judiciary Committee

Memorandum

To: Terri Bannister, Leg. Legal

From: Vanessa Tondini, Committee Aide
House Judiciary Committee

Date: March ³¹25, 2004

Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-GH2022\S, HB 439, incorporating the attached two amendments. The bill was passed out of committee today.

If you have any questions, please call me at 4990. Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

AMENDMENT #1 - PASSED

OFFERED IN THE HOUSE
JUDICIARY COMMITTEE
TO: CSHB 439(STA)

BY Rep. Ginnenberg

1 Page 16, following line 30:

2 Insert a new bill section to read:

3 "** Sec. 12. AS 44.50.068(e) is repealed and reenacted to read:

4 (e) If the lieutenant governor finds that formal disciplinary action may be
5 warranted, the lieutenant governor shall refer the matter to the office of administrative
6 hearings for a hearing."
7

8 Renumber the following bill sections accordingly.
9

10 Page 17, line 25, following "Sec. 15.":

11 Insert "(a)"
12

13 Page 17, following line 27:

14 Insert the following new material:

15 "(b) AS 44.50.068(f) is repealed."
16

17 Page 18, line 2:

18 Delete "secs. 1- 14"

19 Insert "secs. 1 - 11 and 13 - 15(a)"
20

21 Page 18, line 7:

1 Delete "secs. 1- 14"

2 Insert "secs. 1- 11 and 13 - 15(a)"

3

4 Page 18, following line 16:

5 Insert new bill sections to read:

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

8 **CONDITIONAL EFFECT.** Sections 12 and 15(b) of this Act take effect only if a bill is
9 passed by the Second Session of the Twenty-Third Alaska State Legislature, and enacted into
10 law, that establishes procedures for administrative hearings conducted by an office of
11 administrative hearings in the Department of Administration.

12 *** Sec. 19.** If secs. 12 and 15(b) of this Act take effect under sec. 18 of this Act, they take effect
13 on the effective date of the provisions described in sec. 18 of this Act."

14

15 Renumber the following bill sections accordingly.

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17 Page 18, line 17:

18 Delete "Section 16"

19 Insert "Section 17"

20

21 Page 18, line 18:

22 Delete "sec. 17"

23 Insert "secs. 19 and 20"

AMENDMENT NO. 2 - PASSED

OFFERED TO HB CS439

BY REPRESENTATIVE GRUENBERG

Page ____, line ____: Insert new bill section to read:

*Sec. ____ AS 44.50 is amended by adding a new section:

Sec. 44.50.____. Unauthorized practice. (a) A notary who is not an attorney may complete but may not select notarial certificates, and may not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act.

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

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

AMENDMENT

OFFERED IN THE HOUSE
JUDICIARY COMMITTEE
TO: CSHB 439(STA)

BY _____

- 1 Page 16, following line 30:
2 Insert a new bill section to read:
3 **** Sec. 12.** AS 44.50.068(e) is repealed and reenacted to read:
4 (e) If the lieutenant governor finds that formal disciplinary action may be
5 warranted, the lieutenant governor shall refer the matter to the office of administrative
6 hearings for a hearing."
7
8 Renumber the following bill sections accordingly.
9
10 Page 17, line 25, following "Sec. 15.":
11 Insert "(a)"
12
13 Page 17, following line 27:
14 Insert the following new material:
15 "(b) AS 44.50.068(f) is repealed."
16
17 Page 18, line 2:
18 Delete "secs. 1- 14"
19 Insert "secs. 1 - 11 and 13 - 15(a)"
20
21 Page 18, line 7:

1 Delete "secs. 1- 14"

2 Insert "secs. 1- 11 and 13 - 15(a)"

3

4 Page 18, following line 16:

5 Insert new bill sections to read:

6 **"* Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **CONDITIONAL EFFECT.** Sections 12 and 15(b) of this Act take effect only if a bill is
9 passed by the Second Session of the Twenty-Third Alaska State Legislature, and enacted into
10 law, that establishes procedures for administrative hearings conducted by an office of
11 administrative hearings in the Department of Administration.

12 *** Sec. 19.** If secs. 12 and 15(b) of this Act take effect under sec. 18 of this Act, they take effect
13 on the effective date of the provisions described in sec. 18 of this Act."

14

15 Renumber the following bill sections accordingly.

16

17 Page 18, line 17:

18 Delete "Section 16"

19 Insert "Section 17"

20

21 Page 18, line 18:

22 Delete "sec. 17"

23 Insert "secs. 19 and 20"


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Lieutenant Governor Loren Leman

MEMO

TO: Representative Lesil McGuire, Chairman
House Judiciary Committee

FROM: Lieutenant Governor Loren Leman 

DATE: March 22, 2004

RE: House Judiciary Committee hearing on
CS HB 439(STA): Oaths, Notaries Public, State Seal

Please schedule a hearing on House Bill 439 at your earliest possible convenience. The House State Affairs Committee moved a Committee Substitute on March 19, 2004. CS HB 439(STA) 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.

Attached are a copy of Governor Murkowski's transmittal letter, 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.

CS FOR HOUSE BILL NO. 439()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL
FOR AN ACT ENTITLED

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

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1. AS 09.63.010 is amended to read:**

7 **Sec. 09.63.010. Oath, affirmation, and acknowledgment. The following**
8 **persons may take an oath, affirmation, or acknowledgment in the state:**

- 9 (1) a justice, judge, or magistrate of a court of the State of Alaska or of
- 10 the United States;
- 11 (2) a clerk or deputy clerk of a court of the State of Alaska or of the
- 12 United States;
- 13 (3) a notary public;
- 14 (4) a United States postmaster;

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- (5) a commissioned officer under AS 09.63.050(4); [OR]
- (6) a municipal clerk carrying out the clerk's duties under AS 29.20.380;
- (7) the lieutenant governor when carrying out the lieutenant governor's duties under AS 24.05.160;
- (8) the presiding officer of each legislative house when carrying out the officer's duties under AS 24.05.170.

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

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

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

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

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

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

and

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

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

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

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

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

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

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

and

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

1 * Sec. 4. AS 09.63.090 is amended to read:

New Section ④.

2 Sec. 09.63.090. Certificate of acknowledgment. The words "acknowledged
3 before me" mean that

4 (1) the person acknowledging

5 (A) appeared before the person taking the acknowledgment;

6 (B) acknowledged that the person executed the instrument;

7 (C) in the case of

8 (i) a natural person, acknowledged that the person
9 executed the instrument for the purposes stated in it;

10 (ii) an officer or agent of a corporation, acknowledged
11 that the person held the position or title set out in the instrument and
12 certificate, acknowledge that the person signed the instrument on
13 behalf of the corporation by proper authority, and acknowledge that
14 the instrument was the act of the corporation for the purposes stated in
15 it;

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

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

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

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

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

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

* Sec. 5. AS 09.63.100 is amended to read: *New Section 5*

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

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

State of _____ Judicial

District (or County of _____)

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

Signature of Person Taking
Acknowledgment

Title or Rank

Serial Number, if any

(2) For a corporation:

State of _____ Judicial

District (or County of _____)

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

Signature of Person Taking

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Acknowledgment

Title or Rank

Serial Number, if any

(3) For a limited liability company:

State of _____ Judicial

District (or County of _____)

The foregoing instrument was acknowledged before me this (date) by (name of member or manager), member (or manager) of (name of limited liability company acknowledging) a (state or place of organization) limited liability company, on behalf of the limited liability company.

Signature of Person Taking

Acknowledgment

Member (or Manager)

Serial Number, if any

(4) For a partnership:

State of _____ Judicial

District (or County of _____)

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a (partnership, ~~limited partnership, or limited liability partnership~~).

Signature of Person Taking

Acknowledgment

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Title or Rank

Serial Number, if any

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

State of _____ Judicial

District (or County of _____)

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

Signature of Person Taking

Acknowledgment

Title or Rank

Serial Number, if any

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

State of _____ Judicial

District (or County of _____)

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

Signature of Person Taking

Acknowledgment

Title or Rank

Serial Number, if any

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

(1) affix [ENDORSE AFTER THE NOTARY'S SIGNATURE THE

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DATE OF EXPIRATION OF THE NOTARY'S COMMISSION;

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

the

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

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

and

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

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

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

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

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

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

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

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

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

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

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

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person

- (1) shall submit an application under AS 44.50.032;
- (2) shall be at least 18 years of age;
- (3) shall have established residency in this state under AS 01.10.055;
- (4) shall reside legally in the United States;
- ~~(5) may not have been incarcerated in a correctional facility for a felony conviction within 10 years before the commission takes effect;~~
- (6) may not have had a notary public commission revoked in this state or another jurisdiction;
- (7) may not have committed acts for which a notary public commission may be denied or revoked under this chapter; and
- (8) shall meet the other requirements in this chapter to be commissioned as a notary public.

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

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

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

- (1) an affirmation that the applicant meets the qualifications set out in AS 44.50.020(2) - (7);
- (2) the applicant's mailing and physical addresses, the applicant's telephone number, if any, the applicant's employer or business, the physical address and telephone number of the applicant's employer or business at the location where the applicant works, and an electronic mailing address, if any, where the applicant can be contacted;
- (3) information concerning any denial, suspension, revocation, or restriction of the applicant's commission as a notary public in this state or another jurisdiction; that information must include
 - (A) identification of the jurisdiction;
 - (B) the date the jurisdiction issued the denial, suspension,

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revocation, or restriction;

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

(D) information concerning final resolution of the matter;

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

(5) the fee required by AS 44.50.033; and

(6) the bond required by AS 44.50.034.

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

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

(2) the applicant's mailing and physical addresses, the applicant's telephone number, if any, ^[copy] the applicant's employer, the name, address, and telephone number for the employer where the applicant works, and an electronic mailing address, if any, where the applicant can be contacted;

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

(4) the fee required by AS 44.50.033.

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

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

(b) The lieutenant governor shall keep a bond submitted under this section for ^[2] 10 years after the end of the term of the commission for which the bond was issued. Disposition of the bond after the end of the commission does not affect the time for ^[starting] commencing an action on the bond.

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

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

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

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

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

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

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

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

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

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

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

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

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services provided under this chapter.

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

Sec. 44.50.060. Duties. A notary public shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) perform a notarial act if the notary public

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

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

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

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

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

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

5 **Sec. 44.50.063. Official seal.** (a) A notary public shall keep an official seal,
6 ~~which~~ ^[del] is the exclusive property of the notary public, and shall ensure that another
7 person does not possess or use the official seal. ^(revised for clarity)

8 (b) A notary public's official seal

9 (1) must contain ^[the following]

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

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

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

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

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

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

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

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

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

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

31 (1) on the notarial certificate of each paper document notarized, near

1 the notary public's official signature; and

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

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

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

9 **Sec. 44.50.065. Notary public's status notification.** (a) Within ^[30]~~30~~ days after
10 change of a notary public's name, mailing address, or physical address, the notary
11 public shall, on a form provided by the lieutenant governor, submit written notification
12 of the change, signed by the notary public.

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

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

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

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

25 (2) ~~received a replacement certificate of commission reflecting the~~
26 ~~name change from the lieutenant governor; and~~ *(rewritten for clarity)*

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

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

31 **Sec. 44.50.066. Resignation.** (a) To resign a commission, a notary public

1 shall-notify the lieutenant governor in writing of the resignation and the date that it is
2 effective. The notary public shall sign the notification.

3 (b) A notary public who ^[no] does not any longer ^[s] meet the requirements of this
4 chapter to be a notary public shall immediately resign the commission.

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

- 8 (1) ^[cause] a ground on which an application for a commission may be denied;
- 9 (2) failure to comply with this chapter; and
- 10 (3) incompetence or malfeasance in carrying out the notary public's
11 duties under this chapter.

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

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

21 (c) If the lieutenant governor determines that the complaint alleges sufficient
22 facts to constitute good cause for disciplinary action, the lieutenant governor shall
23 ^[notify] serve the notary public with a copy of the complaint as provided in Rule 4, Alaska
24 Rules of Civil Procedure. The notary public may file a written response to the
25 complaint with the lieutenant governor within 20 days ^[Lt. Gov. sends complaint] after receipt of the complaint.
26 The lieutenant governor may extend the time for the notary public's response ^[A 2022 amend date]. The
27 lieutenant governor shall provide a copy of the notary public's response to the
28 complainant.

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

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disciplinary action, in which case the lieutenant governor may determine ^[to take no] not to take further action on the complaint or may determine to advise the notary public of the appropriate conduct and the applicable statutes and regulations governing the conduct. If the lieutenant governor determines that ^[is] formal disciplinary action is not warranted, the lieutenant governor shall provide the complainant and the notary public with a written statement of the basis for the determination.

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

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

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

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

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

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

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

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

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

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

~~Sec. 44.50.069. Handbook. The lieutenant governor may produce a handbook for commissioned notaries public on the Internet and shall, upon request, distribute the handbook to each person who is commissioned a notary public under this chapter. The handbook must contain a summary of the provisions of this chapter and the regulations adopted under this chapter.~~

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

telephonic or in person hearing

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1 **Sec. 44.50.071. Confidentiality.** (a) An address, telephone number, and
 2 electronic mail address of a notary public or an applicant that is submitted under
 3 AS 44.50.032 or 44.50.038 and that is designated by the notary public or applicant as ^{personal}
 4 confidential shall be kept confidential. However, ^{legally} a notary public shall provide a
 5 nonconfidential address and telephone number at which the notary public can be
 6 contacted.

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

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

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

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

19 **Sec. 44.50.200. Definitions.** In this chapter, unless the context otherwise
 20 requires, ^[acknowledgment]

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

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

25 * **Sec. 14.** AS 44.50.030, 44.50.040, 44.50.070, 44.50.080, 44.50.090, 44.50.100,
 26 44.50.110, 44.50.120, 44.50.130, 44.50.140, 44.50.170, ~~44.50.180(c)~~ and 44.50.190 are
 27 repealed.

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

30 **APPLICABILITY.** (a) AS 44.50.010, repealed and reenacted by sec. 7 of this Act,
 31 and AS 44.50.032, 44.50.033, 44.50.035, 44.50.036, 44.50.037, and 44.50.039, enacted by

1 sec. 9 of this Act, do not apply to a notary public whose commission is in effect on the day
2 before the effective date of secs. 1 - 14 of this Act until the notary public's term of office
3 expires under former AS 44.50.030, the notary public resigns under AS 44.50.066, enacted by
4 sec. 11 of this Act, or the notary public's commission is revoked under AS 44.50.067, enacted
5 by sec. 11 of this Act.

6 (b) Notwithstanding (a) of this section, if a notary public whose commission is in
7 effect on the day before the effective date of secs. 1 - 14 of this Act ~~has been incarcerated in a~~
8 ~~correctional facility for a felony conviction within 10 years before the notary public's term of~~
9 ~~office expires under former AS 44.50.030~~, the lieutenant governor may take an action under
10 AS 44.50.067, enacted by sec. 11 of the Act, against the notary public.

11 * Sec. 16. The uncoded law of the State of Alaska is amended by adding a new section to
12 read:

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

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

18 * Sec. 18. Except as provided in sec. 17 of this Act, this Act takes effect July 1, 2004.

Notary Statute Comparison – CS HB 439 (STA)

	Current	Proposed
Qualifications	<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>
Term	Current	Proposed
	<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>
Fees	Current	Proposed
	<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>
Bond	Current	Proposed
	<p>\$1,000 Notary Bond is required of all applicants.</p>	<p>\$1,000 Notary Bond required of all applicants except Limited Governmental Notaries. Lt. Gov. required to keep for 10 years.</p>
Commission Types	Current	Proposed
	<p>Notaries Public who serve four year commissions.</p> <p>Limited Governmental Notaries Public commissions available for State employees only.</p>	<p>Notaries Public who serve four year commissions.</p> <p>Limited Governmental Notaries Public commissions – Expanded to include Municipal and Federal employees in addition to State employees.</p>
Commission Revocation	Current	Proposed
	<p>Via Administrative Procedure Act. Act must be invoked to review all complaints against notaries, no matter how trivial.</p>	<p>By Lieutenant Governor for good cause via a formal disciplinary procedure. Appeals via the Administrative Procedure Act.</p>

Notary Data	Current	Proposed
	Each notary's name, mailing address, surety information and commission dates are available to the public.	<p>The notary information currently available remains unchanged. The notary's name, mailing address, surety information and commission dates continue to be publicly available.</p> <p>To facilitate training and communication the Lieutenant Governor may collect additional information from applicants and notaries that will not be available to the public.</p>
Non-Commissioned Notaries	Current	Proposed
	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.

SECTIONAL ANALYSIS
CS HB 439 (STA) ~~Version C~~

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. ~~(H) STA Version C~~

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 limited partnerships, and limited liability partnerships.

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

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 ~~(H) STA Version C~~

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.

Requires Lieutenant Governor to keep the bond for 10 years (was for two years) (H) STA Version Q

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 (H) STA Version Q
- 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 19-25) (H) STA Version Q

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. (H) STA Version Q

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.

New Section 44.50.069 codifies the Lieutenant Governor's move to a web-based notary assistance program as the revised handbook will be provided on the Notary website and provided in print format on request to commissioned notaries without access to the Internet.

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. ~~(H) STA Version C~~

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) ~~(H) STA~~
~~Version C~~
- 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. ~~(H) STA Version C~~
- 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.

Frequently Asked Questions – CS HB 439 (STA)

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 replacement commission certificates is being raised from \$2.00 to \$5.00. The fee for Lieutenant Governor Certificates (for authentication and bond sales) is being raised from \$2.00 to \$5.00.



United States
NOTARY
Association

March 3, 2004

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

OFFICE OF THE

MAR 09 2004

LIEUTENANT GOVERNOR

RE: Alaska House Bill 439

Dear Mr. Leman:

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

USNA is strongly in favor of this notarial regulation in that it gives notaries clear and unambiguous direction for the performance of their official duties. This direction protects both the notary and the public from the serious consequences of unintended error. Since AS 44.50 has not been comprehensively revised since being enacted in 1961, USNA gives its full support to House Bill 439 because the bill intends to repeal obsolete provisions, update antiquated language and add new provisions where they are needed.

USNA urges the Alaska House of Representatives 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 House Bill 439 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.



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Alaska Bankers Association
Anchorage, Alaska 99510-0600

OFFICE OF THE
FEB 17 2004
LIEUTENANT GOVERNOR

(907) 265-2920

February 17, 2004

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

Re: HB 439

Dear Lt. Governor Leman:

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

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

Sincerely,



Lisa J. Corrigan
President
Alaska Bankers Association

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 439
(H) Publish Date: 2/5/04

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

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	8.7	8.7	8.7	8.7	8.7	8.7
-------------------------------	------------	------------	------------	------------	------------	------------

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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)

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

Prepared by: Linda J. Perez, Director
Division: Administrative Services
Approved by: Lt. Governor Loren Leman
Agency: Office of the Lt. Governor

Phone 465-3876
Date/Time 1/29/04 2:40 PM
Date 1/29/2004

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 FILINGS
ALABAMA	70,000	No	Secretary of State Office
ALASKA	11,800	Not yet	Banking and Corporations Office
ARIZONA	86,000	Not yet	Business Services
ARKANSAS	Over 100,000	No	UCC Division
CALIFORNIA	154,000	No	UCC Division
COLORADO	90,000 - 100,000	Not yet	Division of Bus. Filings UCC Section
CONNECTICUT	52,000	No	Commercial Recording Division
DELAWARE	10,000	No	Corporations Division
D.C.	12,000 - 15,000	No	—
FLORIDA	350,000	Yes	Department of State, Division of Corporations
GEORGIA	240,000 - 250,000	No	UCC Division
HAWAII	7,000	Not yet	—
IDAHO	—	No	UCC Division
ILLINOIS	184,000	Not yet	Business Services
INDIANA	90,000	Not yet	UCC Division
IOWA	50,000	Not yet	Corporations Division
KANSAS	80,000	Not yet	UCC Division
KENTUCKY	80,000 (records kept 4 years only)	No	UCC Division
LOUISIANA	—	No	UCC Division
MAINE	—	No	UCC Division
MARYLAND	94,000	No	Assessment And Taxation Department
MASSACHUSETTS	100,027	No	Corporations Division
MICHIGAN	150,000	No	Business Licenses
MINNESOTA	83,000	No	—
MISSISSIPPI	50,948	No	UCC Division
MISSOURI	71,122	No	UCC Division
MONTANA	18,300	No	UCC Division
NEBRASKA	22,000	No	Secretary of State Office
NEVADA	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	11,574	No	Central Indexing
OHIO	85,000	No	—
OKLAHOMA	84,000	No	Through each county
OREGON	45,000	Not yet	Corporations Division
PENNSYLVANIA	91,490	Not yet	Corporations Bureau
RHODE ISLAND	47,860	No	UCC Division
SOUTH CAROLINA	150,000 - 200,000	No	UCC Division
SOUTH DAKOTA	17,000	No	UCC Division
TENNESSEE	143,069	No	Secretary of State Office
TEXAS	352,294	Not yet	UCC Division
UTAH	28,000	No	Division of Corporations & Commercial Code
VERMONT	20,000	Not yet	Division of Corporations
VIRGINIA	200,000	Not yet	State Corporation of Commercialization
WASHINGTON	75,000	No	UCC Office in the Department of Licensing at the Business and Profession Division
WEST VIRGINIA	42,000	No	UCC Division
WISCONSIN	20,000	No	Department of Financial Institutions
WYOMING	15,000	Not yet	Corporations Division

— Information not available.

Appointment Process – Qualifications

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

Term of Office & Appointment Fees

TERM OF OFFICE	APPOINTMENT FEES	COMMENTS
4 years	\$11-\$15, varies by county	Notaries are appointed by county judges 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.
10 years	\$20	
4 years	\$100	
4 years	\$10 plus \$2 admin fee for change of address, name change, etc.	
5 years	\$60	
2 years (new) or 4 years	\$53 \$78	
5 years	\$50	
4 years	\$39	Notaries in FL are authorized to perform marriage ceremonies.
4 years	\$15	
4 years	\$40	
6 years	\$30	
4 years	\$10	
8 years	\$5	
3 years (resident) 1 year (non-resident)	\$30	
4 years	\$10	Notaries are <u>not</u> considered public officers.
4 years	\$10	There are two types of notaries in KY: notaries state-at-large and notaries under special commission.
Lifetime	Varies from parish to parish - up to \$1,000, includes education and examination, state fees, background checks, bonding, filing with parish, etc. LA notaries are civil law notaries with more involved duties than common law notaries. LA's requirements for notaries reflect this difference.	
7 years	\$25	Each new notary must swear an oath in front of a Dedimus Justice before acting as a notary. Notaries in ME are authorized to perform marriage ceremonies.

Appointment Process – Qualifications

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

Term of Office & Appointment Fees

TERM OF OFFICE	APPOINTMENT FEES	COMMENTS
4 years	\$10	
7 years	\$25	
4 years	\$35	
5 years	\$40	Dept of Commerce oversees notary commissions.
4 years	\$25	Notaries are <u>not</u> 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 years after July 18, 2001	\$30 (\$60 after July 18, 2001)	
5 years	\$30	
6 years	\$25	
5 years	\$5-6	Notaries apply in the counties they reside in through the local bar association.
4 years	\$25	
4 years	\$20	
4 years	\$25	
4 years	\$80	
10 years	\$25	SC notaries are authorized to perform marriage ceremonies.
6 years	\$10	
4 years	\$12	\$7 for the County Court Clerk and \$5 for the Secretary of State.

Appointment Process – Qualifications

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

Term of Office & Appointment Fees

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

Notary Exam & Class Requirements

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

Stamp/Embossed Requirements & Fees

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

* New legislation enacted requiring use of stamp or seal.

Bond & Recordbook Requirements/Penalties for Wrongdoing

STATE	RECORDBOOK	BOND	PENALTIES/ACTION
ALABAMA	X	\$10,000	— Discipline done through probate office/local DA office.
ALASKA	Recommended	\$1,000	X Complaint required in writing and verified by Attorney General. An administrative hearing can be followed by the suspension or revocation of commission.
ARIZONA	X	\$5,000	X Attorney General determines whether commission is revoked or renewal is denied.
ARKANSAS	Recommended	\$7,500*	X The complaint must be in writing to the staff attorney who has the power to revoke the commission if necessary.
CALIFORNIA	X	\$15,000	X Commission can be suspended or revoked, or application for commission can be denied.
COLORADO	X	None	X Secretary of State has the option to revoke commission.
CONNECTICUT	Recommended	None	X A disciplinary hearing is followed by reprimand, suspension, or revocation of commission.
DELAWARE	—	None	X Complaints referred to Attorney General. Commission can be revoked.
D. C.	X	\$2,000	X A written complaint must be filed with the Notary Commission Section Chief who decides what action to take. The most severe action is revocation of commission.
FLORIDA	Recommended	\$7,500	X Notary commissions can be suspended or revoked and the notary can be subject to fines and/or criminal penalties.
GEORGIA	—	None	Each county handles disciplinary action.
HAWAII	X	\$1,000	X Issues are solved verbally. State has the ability to revoke a commission but never has.
IDAHO	—	\$10,000	— —
ILLINOIS	—	\$5,000	— —
INDIANA	—	\$5,000	— There is a complaint form, but no official disciplinary procedure.
IOWA	Recommended	None	X State code encourages informal settling of disciplinary issues. If that is not possible, the commission is revoked.
KANSAS	—	\$7,500	X After review by an attorney, revocation of the commission is the ultimate penalty.
KENTUCKY	Recommended	Varies per county	— —
LOUISIANA	X (Orleans Parish only)	\$5,000	— Notaries are not governed by the state. No bond required for attorneys.
MAINE	Recommended (Required for marriages 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 Notices of Proceed 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 Notices of Protest 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 Ryals, 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 99811-00015
ARIZONA	Connie Copeland, Director	Notary Section, 1700 West Washington, 7 th Floor, State Capitol Executive Tower, Phoenix, AZ 85007
ARKANSAS	Claudia Counts, 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	Gerri 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, Suite 3, Dover, DE 19901
D. C.	Roslyn Brown, Section Chief	Notary Commission & Authentication Section, 441 4 th St., Room 1C-090, Washington, DC 20001
FLORIDA	Jennifer Bertsch, Notary Education Coordinator Charles Canady	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	Ann Yuuki, 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 Works, Notary Division Supervisor	Index Department, 111 East Monroe Street, Springfield, IL 62756
INDIANA	Pam Neff, Notary Public Deputy	Notary Department, State House, Rm 201, Indianapolis, IN 46204
IOWA	Rob Bernisen, Director of Business Services	Corporations Division, Lucas Office Building, 1 st Floor, Des Moines, IA 50319
KANSAS	Georgia Lott, Notary Administrator	Office of the Secretary of State, First Floor Memorial Hall, 120 SW 10 th 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. Poulin, Notary Public Officer	Bureau of Corporations, Elections & Commissions, 101 State House Station, Augusta, ME 04333-0101
MARYLAND	Debbie Elliott, Notary Public Officer	Notary Division, Office of the Secretary of State, State House, Annapolis, MD 21401
MASSACHUSETTS	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	Julie Leithauser, Licensing Analyst	Licensing Division, 85 7 th Place East, Suite 600, St. Paul, MN 55101-3165
MISSISSIPPI	Nan Ainsworth, Records Analyst	Enforcement/Regulation Notaries, PO Box 136, Jackson, MS 39205 or 202 N. Congress St., Jackson, MS 39201
MISSOURI	Brenda Rieke, Division Director	Commissions Division, PO Box 784, Jefferson City, MO 65102-0784
MONTANA	Lisa Thompson, Notary Compliance Specialist	Office of the Secretary of State, State Capitol, PO Box 20281, Helena, MT 59620
NEBRASKA	Debbie Peste, DOC/Notary Administrator	Notary Division, PO Box 95104, Lincoln, NE 68509
NEVADA	Laura "Bru" Ehrhridge, 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 Jakovitz, 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 th Floor, Columbus, OH 43215
OKLAHOMA	Mary Anne Watts, Notary Supervisor	Notary Public Department, 2300 N. Lincoln Blvd., Suite 101, Oklahoma City, OK 73105
OREGON	Tom Wrosch, Notary Public Supervisor	Office of the Secretary of State, 255 Capitol St. NE, Suite 151, Salem, OR 97310-1327
PENNSYLVANIA	Robin Cole, Notary Administrator	Bureau of Commissions, Elections & Legislation, 303 N. Office Building, Harrisburg, PA 17120
RHODE ISLAND	Justine Santoro 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 th 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 Watters, 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 Frerotte, Executive Assistant	Office of the Secretary of State, State Capitol, Suite 157-K, Charleston, WV 25305-0775
WISCONSIN	Marjorie Ulman, 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	—	www.sos.state.al.us/notary/index.htm
(907) 465-3509	notary@gov.state.ak.us	www.gov.state.ak.us/itgov/notarynews/Index2.html
(602) 542-4758	notary@mail.sosaz.com/www.sosaz.com/notary/	www.sosaz.com/notary/
(501) 682-3409	business@sosmail.state.ar.us	www.sosweb.state.ar.us/business.html
(916) 653-3595	notaries@ss.ca.gov	www.ss.ca.gov/business/notary/notary.htm
(303) 894-2680	—	www.sos.state.co.us/pubs/info_center/contact.html
(860) 509-6230	peter.bartucca@po.state.ct.us	www.sots.state.ct.us/RecordsLegislativeServices/RLSIndex.html#Notary
(302) 739-4111	—	www.state.de.us/sos/nphome.htm
(202) 727-3117	—	os.dc.gov/info/notary/notary.shtm
(850) 922-6400	fl_gov_notary@eog.state.fl.us	www.myflorida.com/myflorida/government/learn/notary/index.html
(850) 488-7521	—	—
(404) 327-6023	mike.smith@gsccca.org	www.gsccca.org
(808) 586-1218	—	www.state.hi.us/ag/notary/content.htm
(208) 332-2810	dlarswo@idsos.state.id.us	www.idsos.state.id.us/notary/nindex.htm
(217) 782-7017	—	www.sos.state.il.us/departments/index/division.html
(317) 232-6542	—	www.state.in.us/sos/bus_service/notary/
(515) 281-5204	ribernsen@sos.state.ia.us	www.sos.state.ia.us/
(785) 296-2239	kssos@kssos.org	www.kssos.org/
(502) 564-3490 ext. 413	kbagwell@mail.state.ky.us	www.sos.state.ky.us/ADMIN/NOTARY/NOTARY.HTM
(225) 342-4981	notaries@sec.state.la.us	www.notaries@sec.state.la.us.htm
(207) 287-4181	cec_notaries@state.me.us	www.state.me.us/sos/cec/rcn/notary/not.htm
(410) 974-5520	notaries@sos.state.md.us	www.sos.state.md.us/sos/admin2/html/notary.html
(617) 727-2836	pre@sec.state.ma.us	www.state.ma.us/sec/pre/prenot/nothow.htm
(517) 373-2531	notary@sos.state.mi.us	www.sos.state.mi.us/grease/notaries/notaries.html
(651) 296-6319	Licensing.Commerce@state.mn.us	www.commerce.state.mn.us/pages/NotaryMain.htm
(601) 359-1615	notarymail@sos.state.ms.us or mainsworth@sos.state.ms.us	www.sos.state.ms.us/busserv/notaries/notaries.html
(573) 751-4756	riekeb@sosmail.state.mo.us	most.sos.state.mo.us/bus-ser/soscom.html
(406) 444-5379	sos@state.mt.us	www.state.mt.us/sos/Notaries/Instructions/instructions.html
(402) 471-2558	sos07@no1.org	www.no1.org/80/home/SOS/Notary/notary-r.htm
(775) 684-5708	nvnotary@govmail.state.nv.us or bethrid@govmail.state.nv.us	www.sos.state.nv.us/notary/notary_info.htm
(603) 271-3242	elections@sos.state.nh.us	www.state.nh.us/sos/notary.htm
(609) 633-8257	—	www.state.nj.us/treasury/revenue/dcr/programs/notary.html
(505) 827-3600/800-477-3632	stpetery@state.nm.us	www.sos.state.nm.us/notary-open.htm
(518) 473-2728	licensing@dos.state.ny.us	www.dos.state.ny.us/cms/notary1.html
(919) 807-2131	notaries@mail.sec.state.nc.us	www.secretary.state.nc.us/notary
(701) 328-2000	sosadlic@state.nd.us	www.state.nd.us/sec/Notary/notarymnu.htm
(614) 644-4559	—	—
(405) 521-2516	marya.watts@sos.state.ok.us	www.sos.state.ok.us/notary/notary_welcome.htm
(503) 986-2200	oregon.notary@state.or.us	www.sos.state.or.us/corporation/notary/notary.htm
(717) 787-5280	—	www.dos.state.pa.us/bcel/notaries/
(401) 222-1487	notaries@sec.state.ri.us	www.corps.state.ri.us/notaries/notaries.htm
(803) 734-2119	—	www.scsos.com/notaryduties.htm
(605) 773-5666	keawarne@state.sd.us	www.state.sd.us/sos/Notaries/notarycover.htm
(615) 741-3699	—	www.state.tn.us/sos/service.htm#notary
(512) 463-5705	ckramer@sos.state.tx.us	www.sos.state.tx.us/staidoc/index.shtml
(801) 530-4849	fish@br.state.ut.us	www.commerce.state.ut.us/corporat/notarypublic.htm
(802) 828-2308	kwalters@sec.state.vt.us	vermont-archives.org/notaryinfo.html
(804) 786-1441	mford@gov.state.va.us	www.soc.state.va.us/notary.htm
(360) 664-1550	info@notarie@dol.wa.gov	www.wa.gov/dol/bpd/notifront.htm
(304) 558-6000	cfrotte@secretary.state.wv.us	www.state.wv.us/sos/notary/default.htm
(608) 266-5594	—	badger.state.wi.us/agencies/sos/notary.htm
(307) 777-5407	jmelsn@state.wy.us	soswy.state.wy.us/notary/notary.htm

Lieutenant Governor contacts re: SB 302 and HB 439

Card for Smith, Kevin

Display Name: Kevin Smith
kevins@amljia.org

Phone
Work: 586-3222

Work
AML JIA

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.)

Card for Shaub, Thyes

Display Name: Thyes Shaub
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.

Card for Bitney, John

Display Name: John Bitney
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

Card for Ritchie, Kevin

Display Name: Kevin Ritchie
kevin@akml.org

Phone

Work: 586-1325

Other

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

Work

Lobbyist
Alaska Municipal
League

Card for Miller, Charlie

Display Name: Charlie Miller
cmiller@alaskanational.com

Phone

Work: 563-2698

Other

Emailed bill information on 2-17-04.

Work

Lobbyist
Alaska National Insurance

Card for Reinwand, Jerry

Display Name: Jerry Reinwand
reinwand@ptialaska.net

Phone

Work: 586-8966

Other

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

Work

Lobbyist
Allstate Insurance

Card for Hutchinson, Kim

Display Name: Kim Hutchinson
trust@ptialaska.net

Phone

Work: 586-1776

Work

Lobbyist
American Insurance Association

Other

Emailed bill info 2-17-04.

Card for Winters, Sheldon

Display Name: Sheldon Winters
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.

Card for ak-notary

Display Name: Notary Listserv
ak-notary@list.state.ak.us

Other

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

Card for Faerber, Chuck

Display Name: Chuck Faerber
cfaerber@nationalnotary.org

Phone

Work: 800.876.6827

Work

Vice President of Notary Affairs
National Notary Association

Other

Emailed bill info 2-18-04

Card for Verbocy, Don

Display Name: Don Verbocy
don@notaries.org

Other

Emailed bill info on 4-11-04.

Work

American Society of Notaries

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.

Card for Teachworth, Bob

Display Name: Bob Teachworth
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.

Card for Wooliver, Douglas

Display Name: Douglas Wooliver
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.

Card for Aronson, Marc

Display Name: Marc Aronson
usna@enotary.org

Phone

Work: 412-281-7871

Other

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

Work

President
United States Notary
Association

HB

447

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: March 18, 2004
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1377I, HB 447, incorporating the attached two amendments (23-LS1377I.1 and I.2). The bill was passed out of committee today.

If you have any questions, please call me at 4990.

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

AMENDMENT #2 - PASSED

OFFERED IN THE HOUSE
TO: CSHB 447(STA)

1 Page 12, following line 3:

2 Insert a new bill section to read:

3 ** Sec. 24. AS 39.50.030(g) is amended to read:

4 (g) The requirements in this section for disclosures related to a person's
5 domestic partner [SPOUSAL EQUIVALENT] do not apply to an elected or
6 appointed municipal officer."
7

8 Renumber the following bill sections accordingly.
9

10 Page 18, line 3:

11 Delete "sec. 38"

12 Insert 'sec. 39'
13

14 Page 19, line 3:

15 Delete "sec. 38"

16 Insert "sec. 39"
17

18 Page 19, lines 22, 24, 25, 26, 28, 29, and 31:

19 Delete "sec. 25"

20 Insert "sec. 26"
21

22 Page 20, line 1:

23 Delete "sec. 25"

- 1 Insert "sec. 26"
- 2
- 3 Page 20, line 5:
- 4 Delete "SECTION 25. Section 25"
- 5 Insert "SECTION 26. Section 26"
- 6
- 7 Page 20, line 8:
- 8 Delete "sec. 41"
- 9 Insert "sec. 42"
- 10
- 11 Page 20, line 13:
- 12 Delete "sec. 25"
- 13 Insert "sec. 26"
- 14
- 15 Page 20, line 14:
- 16 Delete "sec. 41"
- 17 Insert "sec. 42"
- 18
- 19 Page 20, line 17:
- 20 Delete "sec. 51"
- 21 Insert "sec. 52"

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

March 11, 2004

SUBJECT: Amendments I.1 and I.2 to CSHB 447(STA), 2004 Revisor's Bill

TO: Representative Lesil McGuire
Chair, House Judiciary Committee
Attn: Vanessa Tondini

FROM: Pam Finley 
Revisor of Statutes

Enclosed are two amendments to CSHB 447(STA), the 2004 revisor's bill, which is scheduled to be heard by the House Judiciary Committee on March 18. I would appreciate it if the Judiciary Committee would adopt these two amendments. Both concern matters that have come to our attention since the bill passed out of the House State Affairs Committee.

Amendment I.1 further amends bill section 11 to conform AS 16.43.160(e) to the Alaska Supreme Court's decision in Carlson v. C.F.E.C., 65 P.3d 851 (Alaska 2003)(Carlson III), as suggested by Assistant Attorney General Stephen White. Mr. White's letter is attached. Since AS 16.43.160(e) was enacted to support the State's position in Carlson, it seems appropriate to conform the statute as requested by the Attorney General's office and in light of the Court's decision.

Amendment I.2 adds a bill section amending AS 39.50.030(g) to substitute "domestic partner" for "spousal equivalent". This change in terminology was made in other subsections of AS 39.50.030 by ch. 108, SLA 2003, but we overlooked AS 39.50.030(g). This amendment corrects that error.

Thank you for your consideration of these amendments.

PF:med
04-286.med

Enclosure

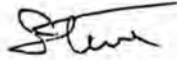
MEMORANDUM

State of Alaska Department of Law

To: Jack Chenoweth
Assistant Revisor of Statutes

DATE: February 13, 2004

FILE NO.: 663-04-0125



TELEPHONE NO.: 465-3600

FROM: Stephen M. White
Assistant Attorney General
Natural Resources Section -
Juneau

SUBJECT: HB 447 (2004 - Revisor's Bill)

Section 11 of the bill makes changes to legislation governing annual fishing permit fees that are assessed by the Commercial Fisheries Entry Commission ("CFEC"). The section of the CFEC statute being revised is a section that was adopted by the legislature in 2002 as a result of court decisions in *Carlson v. CFEC*. I see no problems with the proposed revisor's changes. However, I am wondering whether there should also be changes that reflect a subsequent court decision, one handed down in 2003.

The statutory subsections in section 11 of the bill set out a list of different expenditure categories that CFEC may use when it computes the annual differential between permit fees charged to resident and nonresident fishers. When the legislature adopted this list in 2002, it included every type of category that the state had proposed to the courts. Even at that time, a superior court had rejected several of the categories. The state had appealed to the Alaska Supreme Court, and that appeal was pending when the legislature acted.

Subsequently, the Supreme Court ruled on the expenditure categories. That decision, found at *Carlson v. CFEC*, 65 P.3d 851 (Alaska 2003), is often called *Carlson III*. I am attaching a copy of the decision. In it, the Court allowed three of the categories, limited one of the categories, and unequivocally rejected two of them.

The three categories that were allowed by the Court should remain as they are in the statute. Those are the state's "direct operating expenditures," its "indirect operating expenditures," and its "hatchery loan fund subsidy." (See pp. 865-867 of the opinion.) Those categories are currently expressed in AS 16.43.160(e)(2)(A), AS 16.43.160(e)(2)(B), and AS 16.43.160(e)(2)(E).

The category that the court limited is expressed in AS 16.43.160(e)(2)(D). The *Carlson III* opinion makes the current statutory language no longer correct. The current

February 13, 2004

Page 2

Re:

language is "capital expenditures to support the commercial fishing industry as measured by annual depreciation of public facilities and infrastructure." A more accurate description, derived from *Carlson III*, would be "capital costs directly supporting the commercial fishing industry."

The two rejected categories are the state's "general governmental expenditures" and its "foregone revenues" (See pp. 866 & 868 of the opinion.) Those categories are expressed in AS 16.43.160(e)(2)(C) and in AS 16.43.160(e)(3). To reflect the *Carlson III* decision, those subsections should be deleted in their entirety.

STATE OF ALASKA

FRANK H. MURKOWSKI,
GOVERNOR

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2075

March 11, 2004

Honorable Lesil McGuire, Chair
House Judiciary Committee
State Capital, Room 118
Juneau, AK 99811

Re: CSHB 447(STA) -- (2004 Revisor's Bill)

Dear Representative McGuire:

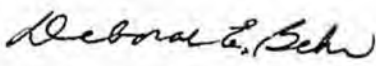
The Department of Law has reviewed CSHB 447(STA) (2004 revisor of statutes bill). The bill makes technical changes to improve Alaska statutes.

We appreciate the revisor's excellent efforts in preparing this necessary legislation.

We find no legal issues with CSHB 447(STA).

Sincerely,

GREGG D. RENKES
ATTORNEY GENERAL

By: 
Deborah E. Behr
Assistant Attorney General

DEB:pvp

cc: Pam Finley
Revisor of Statutes

David Márquez, Chief Assistant Attorney General
Dept. of Law

Mike Tibbles, Legislative Director
Office of the Governor

LEGAL SERVICES

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

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FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

February 26, 2004

SUBJECT: CSHB 447(STA) (2004 Revisor's Bill)

TO: Representative Lesil McGuire
Chair, House Judiciary Committee

FROM: Pam Finley *VA*
Revisor of Statutes

Enclosed is a sectional analysis for CSHB 447(STA) (the 2004 revisor's bill), which has been referred to your committee. I would appreciate it if you would schedule a hearing on the bill at your earliest convenience. If you have any questions, please do not hesitate to call me. Thank you for your attention.

PF:med
04-228.med

Enclosure

LEGAL SERVICES

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

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


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

MEMORANDUM

February 25, 2003

SUBJECT: CSHB 447(STA) (2004 Revisor's Bill)

TO: Representative Lesil McGuire
Chair of House Judiciary Committee

FROM: Pam Finley 
Revisor of Statutes

The following is a sectional analysis of HB 447, the 2004 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

...shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 6, 7, 11, 46, and 47 amend or repeal provisions that have become obsolete through other legislative action.

Sections that correct errors or oversights: Sections 1 - 5, 8 - 10, 12 - 17, 20, 23, 25 - 45, and 48 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 18, 19, 21, 22, and 24 propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL ANALYSIS

Bill section 1. Chapter 46, SLA 2003 amended the definition of "emission" in AS 46.14.990 to change "air contaminants" to "air pollutants." This amendment arguably triggered the provisions of AS 09.45.230(d). According to the Department of Law and the Department of Environmental Conservation (chapter 46 was a Governor's bill), it was not the Governor's intent to trigger AS 09.45.230(d), and the failure to amend it to conform to the amendment in ch. 46 was an oversight. That oversight is corrected here.

Bill section 2 corrects an error in AS 09.65.235, added by ch. 117, SLA 1998, by substituting a reference to the article governing negotiated regulation making committees for a reference to the chapter governing immunities in general. As currently written, the language makes no sense because there are no official duties of the committee under AS 09.65; the duties are set by AS 44.62.710 - 44.62.800.

Bill sections 3 and 4 correct an error in Executive Order 108. Executive Order 108 repealed AS 14.37, but failed to delete cross-references to AS 14.37. These bill sections delete those cross-references in AS 11.61.195(a) and 11.61.220(a). The remaining language is adequate because Executive Order 108 moved the child care licensing provisions from AS 14.37 to AS 47.35, and AS 47.35 is already mentioned in AS 11.61.195(a)(2)(B) and AS 11.61.220(a)(4)(A).

Bill section 5 corrects an error in AS 12.55.125(l) by substituting "subsection" for "section." AS 12.55.125(f) and (g) already apply the limitations found in AS 12.55.125(l)(1) - (3) to other applicable subsections. This corrects an error in sec. 7, ch. 7, SLA 1996.

Bill section 6 amends AS 13.26.015(1) by deleting a reference to a minor having attained 18 years of age. Since, under AS 25.20.010, people 18 years of age are not minors, this provision no longer makes sense. At the time AS 13.26.015 was enacted, the age of majority was 19, but it was lowered to 18 in 1977. The legislature may, in another bill where substantive changes are more appropriate, want to consider amending AS 13.26.015(1) and AS 13.26.280(a) (which is amended by the next bill section) to include minors that are emancipated under AS 09.55.590, or to harmonize the references to married minors with AS 25.20.020, or both.

Bill section 7 amends AS 13.26.280(a) to remove another reference to a "minor under the age of 18 years." See explanation for bill section 6.

Bill section 8 corrects an error in Executive Order 108. Executive Order 108 repealed AS 14.37, but failed to delete cross-references to AS 14.37. This bill section deletes a cross-reference in AS 14.43.148(h)(1)(B)(iii). The remaining language is adequate because Executive Order 108 moved the child care licensing provisions from AS 14.37 to AS 47.35, and AS 47.35 is already mentioned in AS 14.43.148(h)(1)(B)(iii).

Bill section 9 amends AS 15.13.040(j) to correct a drafting error in ch. 108, SLA 2003 (SB 119). The Senate State Affairs Committee substitute was supposed to delete, throughout the bill, the requirement of disclosing a contributor's principal occupation and employer unless the aggregate contributions exceeded \$250 per year. This change was made in AS 15.13.040(a) and (b), but not in AS 15.13.040(j). This bill section amends AS 15.13.040(j) to conform to the committee's instructions for what became ch. 108, SLA 2003.

Bill section 10 amends AS 15.13.110(f)(2) by changing "primary election" to "general election." Chapter 103, SLA 2001 amended AS 15.25.140 - 15.25.200 so that nominating petitions are to apply to general elections, not primary elections. This bill section conforms AS 15.13.110(f)(2) to the change made by ch. 103, SLA 2001.

Bill section 11 amends the list of programs that may be considered in setting limited entry permit fees for non-residents as set out in AS 16.43.160(e)(2)(A). AS 16.43.160(e)(2)(A)(iii) and (vi) are amended to reflect the transfer of habitat programs from the Department of Fish and Game to the Department of Natural Resources in Executive Order 107. AS 16.43.160(e)(2)(A)(viii) is amended to reflect the addition of the salmon fishery assessment program and the permit buy-back assessment program in the Department of Revenue; this change should have been made when these programs were added.

Bill sections 12 - 14 amend AS 21.36.360(i), (j), and (k) by substituting "AS 21.89.090" for "AS 21.89.070". Chapter 62, SLA 1995 amended AS 21.36.360 (i), (j), and (k) to refer to a risk retention group or purchasing group "registered under AS 21.89.070". However, it is AS 21.89.090, added by ch. 62, SLA 1995, that requires registration of risk retention groups and purchasing groups. AS 21.89.070 relates to tax credits for gifts to colleges and does not mention registration. To correct this error in ch. 62, SLA 1995, these bill sections, substitute "AS 21.89.090" for "AS 21.89.070".

Bill section 15 deletes the requirement that sets of the Alaska Statutes be recorded as items of property on the records of agencies and the central property records of the state. According to the legislative supply officer, the current minimum value for recording state property is \$1,000. Now that the sets of Alaska Statutes are published in softbound editions, their value is considerably below that.

Bill section 16 corrects an error in Executive Order 108. Executive Order 108 repealed AS 14.37, but failed to delete cross-references to AS 14.37. This bill section deletes a cross-reference in AS 25.27.244(s)(2)(B)(ii). The remaining language is adequate because Executive Order 108 moved the child care licensing provisions from AS 14.37 to AS 47.35, and AS 47.35 is already mentioned in AS 25.27.244(s)(2)(B)(ii).

Bill section 17 corrects an error in Executive Order 108. Executive Order 108 abolished the division of alcoholism and drug abuse, but did not delete a reference to the division in AS 28.35.032(l). This bill section corrects that error.

Bill sections 18 and 19 substitute "tenancy by the entirety" for "tenancy by the entireties" in AS 32.05.020(2) and AS 32.06.202(c). The former is the correct term.

Bill section 20 corrects an error in Executive Order 108 by substituting "AS 47.25.001 - 47.25.009" for "AS 47.25.007 - 47.25.009" in AS 36.30.850(b)(11), which lists subjects not covered by the Procurement Code. Because executive orders must reorganize executive functions without otherwise changing the law, when Executive Order 108

Representative Lesil McGuire

February 25, 2004

Page 4

deleted "AS 14.38.100" it should have inserted a reference to the statute enacted by E.O. 108 that was equivalent to AS 14.38.100. AS 14.38.100 referred to agreements with providers of services under AS 14.38.100 - 14.38.199, which corresponds to AS 47.25.001 - 47.25.009 in E.O. 108. Therefore the appropriate spanned reference to substitute for "AS 14.38.100" was "AS 47.25.001 - 47.25.009," not "AS 47.25.007 - 47.25.009." This bill section corrects the reference. The Department of Law agrees that this amendment is appropriate.

Bill section 21 amends AS 37.05.180 by inserting "former" before "AS 39.37." AS 39.37 was rejected by referendum in 1976.

Bill section 22 corrects the style of AS 37.05.318. Because this section is within AS 37.05, it should refer to "other provisions of this chapter" instead of "AS 37.05." Also, the current style of the Alaska Statutes requires the statutory reference ("AS 44.62" in this case) to precede the description ("Administrative Procedure Act" in this case.)

Bill section 23 amends AS 37.14.270(2) because the term that is actually defined in AS 47.17.290 is "child abuse or neglect."

Bill section 24 adds a short title to AS 41.17, which has come to be known as the Forest Resources and Practices Act. This bill section will make that name official.

Bill section 25. This section corrects an error in Executive Order 108. E.O. 108 repealed AS 44.21.120 and enacted the same language as AS 44.29.520. However, E.O. 108 failed to address contingent amendments to AS 44.21.120 that were made by secs. 1 and 2, ch. 4, SSSLA 2002. The contingency on which sec. 2, ch. 4, SSSLA 2002 depended (the establishment of the Alaska Veterans Advisory Council) has already occurred, but nevertheless, under sec. 13(a), ch. 4, SSSLA 2002, the effective date of sec. 2, ch. 4, SSSLA 2002 has not arrived because the agreement to allow a pilot project, which is described in sec. 10, ch. 4, SSSLA 2002, has not been executed. Under secs. 12(b) and 13(b), that agreement also controls the effective date of sec. 1, ch. 4, SSSLA 2002. In order to integrate secs. 1 and 2, ch. 4, SSSLA into E.O. 108, this bill section amends AS 44.29.520 (enacted by E.O. 108) to include the changes made by secs. 1 and 2, ch. 4, SSSLA 2002. However, this bill section is made contingent on execution of the agreement described in sec. 10, ch. 4, SSSLA 2002, and the effective date of this bill section is the date the agreement described in sec. 10, ch. 4, SSSLA 2002 is signed by all parties.

Bill section 26 corrects an error in Executive Order 108. E.O. 108 repealed AS 44.21.200 and enacted in its stead AS 47.44.200, but failed to amend cross-references to AS 44.21.200. This bill section corrects the cross-reference in AS 44.66.010(a)(10).

Bill sections 27 - 29 correct errors in ch. 46, SLA 2003. Section 15 of that Act (CSHB 160(FIN)) renumbered the paragraphs of AS 46.14.140(a), but failed to conform cross-references. These bill sections correct cross-references in AS 46.14.120(b) and (c) and

46.14.170(a). These amendments are proposed after consultation with the Department of Environmental Conservation because ch. 46, SLA 2003 was a Governor's bill.

Bill section 30 corrects an error in ch. 99, SLA 1998, which renumbered paragraphs in AS 47.10.093(b), but failed to conform a cross-reference in AS 47.10.093(g). This bill section corrects that error.

Bill sections 31 and 32 correct errors in Executive Order 108. E.O. 108 repealed AS 44.21.200 and enacted in its stead AS 47.44.200, but failed to amend cross-references to AS 44.21.200. These bill sections correct the cross-reference in AS 47.24.070 and AS 47.30.016(b)(2)(D).

Bill section 33 corrects an error in Executive Order 108. E.O. 108 repealed AS 44.21.230 and enacted in its stead AS 47.44.230, but failed to amend cross-references to AS 44.21.230. This bill section corrects the cross-reference in AS 47.30.036(3).

Bill section 34 corrects errors in Executive Order 108. Executive orders may not change substantive legal requirements. However, when E.O. 108 repealed AS 14.37.020 and amended AS 47.35.010 to include provisions from former AS 14.37.020, it failed to include references to "certification" that had been in AS 14.37.020. It also, by applying AS 47.35.010(a)(5) to child care facilities, added provisions that did not exist in AS 14.37.020. Accordingly, "certification" is added to AS 47.35.010(a)(2) and (3), and child care facilities are excepted from AS 47.35.010(a)(5). The Department of Law agreed that these changes are appropriate.

Bill section 35 involves an error in ch. 58, SLA 1999, which was carried forward in Executive Order 108. Chapter 58, SLA 1999 transferred the child care facility licensing to the Department of Education and Early Development, but was not intended to change the substantive requirements for licensing those facilities. Before 1999, the facilities were licensed under AS 47.35 and applicants were required to submit fingerprints for background checks. When the requirement was moved to AS 14.37, the fingerprint requirement was inadvertently omitted (although the background check requirement was moved to AS 14.37). Because the Department of Education and Early Development had broad regulation-making authority, it required fingerprints by regulation. However, when E.O. 108 moved the licensing of child care facilities back to AS 47.35, it excepted child care facilities from the fingerprint provision unless regulations were adopted that required them. While this may have been the proper procedure for an executive order, the effect was to continue the error in ch. 58, SLA 1999. This bill section takes the language back to what it was before ch. 58, SLA 1999, so that fingerprints will be required, even absent regulations.

Bill section 36 corrects an error in Executive Order 108. AS 47.35.021 allows discretionary denial of initial licenses. AS 14.37, repealed by E.O. 108, did not contain similar provisions. Because AS 47.35.021 was enacted in 2002, after child care licensing had been moved to AS 14.37, it appears that the omission of a similar provision for child

care licensing was deliberate. So, when E.O. 108 moved regulation of child care facilities from AS 14.37 to AS 47.35, it should have excepted those facilities from AS 47.35.021, but did not do so. This bill section corrects that error.

Bill section 37 corrects an error in Executive Order 108. AS 47.35.140 allows certain persons licensed under AS 47.35 to continue operating under certain circumstances even if an employee has committed certain offenses. AS 14.37, repealed by E.O. 108, did not contain a similar provision. Because AS 47.35.140 was enacted in 2002, after child care licensing had been moved to AS 14.37, it appears that the omission of a similar provision for child care licensing was deliberate. So, when E.O. 108 moved regulation of child care facilities from AS 14.37 to AS 47.35, it should have excepted those facilities from AS 47.35.140, but did not do so. This bill section corrects that error.

Bill sections 38 - 45 and 48 amend ch. 4, SSSLA 2002 to conform to the changes made by Executive Order 108. Sections 38, 39, 41, 42, and 44 amend secs. 5, 8, 10, 12(b), and 13(b), respectively, of ch. 4, SSSLA 2002 to substitute "health and social services" for "administration" because E.O. 108 moved the responsibility for these provisions from the Department of Administration to the Department of Health and Social Services. Bill section 40 amends sec. 9, ch. 4, SSSLA 2002 to reflect the fact that AS 47.55.010(e) is being amended by bill section 38. Bill sections 42 and 44 also remove sec. 1, ch. 4, SSSLA 2002 from the condition and delayed effective date of secs. 12(b) and 13(b), ch. 4, SSSLA 2002; the amendments of sec. 1, ch. 4, SSSLA 2002 are incorporated in bill section 25 and provisions similar to secs. 12(b) and 13(b), ch. 4, SSSLA 2002 are found in bill sections 50 and 51. Because the provisions of secs. 1 and 2, ch. 4, SSSLA 2002 are also incorporated into bill section 25, both secs. 1 and 2, ch. 4, SSSLA 2002 and the conditional and effective dates for sec. 2 that are found in secs. 12(a) and 13(a), ch. 4, SSSLA 2002 are also repealed by bill section 48.

Bill sections 43 and 45 correct an error in ch. 4, SSSLA 2002. Under sec. 15, ch. 4, SSSLA 2002, secs. 8 and 9 of that Act take effect July 1, 2005. However, there is no need for secs. 8 and 9, ch. 4, SSSLA 2002 unless sec. 5 (which adds the subsection sec. 9 repeals) and sec. 11 (which changes the name of the Home and thereby requires the amendment made by sec. 8) of that Act take effect. Therefore, bill section 43 adds that condition and bill section 45 amends the effective date in sec. 15, ch. 4, SSSLA 2002 to take the condition into account.

Bill section 46 repeals AS 39.25.110(21) which places in the exempt service employees of the Citizens' Advisory Commission on Federal Areas in Alaska. However, there are no longer employees of that Commission because AS 41.37, which created the Citizens' Advisory Commission on Federal Areas in Alaska, was repealed June 30, 2003, under sec. 3, ch. 81, SLA 1981, as amended by sec. 1, ch. 25, SLA 1988 and sec. 1, ch. 71, SLA 1998.

Representative Lesil McGuire
February 25, 2004
Page 7

Bill section 47 repeals sec. 71(1), ch. 106, SLA 1980, an uncodified law section that reads as follows:

After July 1, 1981,

(1) no further loans may be made under AS 16.10.310 and AS 16.10.320(a) except for loans authorized under AS 16.10.333 [for purchase of limited entry permits] pursuant to AS 16.10.310 and 16.10.320(a)....

However, since 1981, the legislature has authorized loans under AS 16.10.310 for things other than entry permits, e.g., for the upgrade of existing vessels and gear and to pay past due federal tax obligations (sec. 1, ch. 62, SLA 1994 and sec. 1, ch. 127, SLA 2000) and for quota shares (sec. 2, ch. 73, SLA 1994). Clearly sec. 71(1), ch. 106, SLA 1980 has been repealed by implication. This bill section makes the repeal explicit.

Bill section 48. See explanation for bill sections 38 - 45.

Bill section 49 provides transitional provisions for the appointments to the Alaska Pioneers' Homes Advisory Board authorized by AS 44.29.520, as amended by bill section 25. Bill section 25 is derived from secs. 1 and 2, ch. 4, SSSLA 2002. Although ch. 4, SSSLA 2002 had no transitional provisions, sec. 2 of that Act (which added the member who is chair of the Alaska Veterans Advisory Council) was to take effect after sec. 1 of that Act (which added the member described in AS 44.29.520(a)(2), as amended by bill section 25). See sec. 13(a), ch. 4, SSSLA 2002. Accordingly, in the transitional provision, the person described in AS 44.29.520(a)(2) is to be appointed before the person described in AS 44.29.520(a)(4) becomes a member.

Bill section 50 makes bill section 25 conditional on the agreement described in sec. 10, ch. 4, SSSLA 2002, as amended by bill section 41. This bill section replaces the references to secs. 1 and 2, ch. 4, SSSLA 2002 in secs. 12 and 13, ch. 4, SSSLA 2002.

Bill section 51 gives bill section 25 the effective date that the equivalent provisions had under sec. 13(b), ch. 4, SSSLA 2002.

Bill section 52 gives the remainder of this bill an immediate effective date.

Please give me a call if you have any questions about the above.

PF:med
04-229.med

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 447(STA)
(H) Publish Date: 2/26/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
Title "An Act making corrective amendments to BRU Legislative Council
the Alaska Statutes as recommended by the revisor..." Component: Council and Subcommittees
Sponsor House Rules by Request of Leg Council
Requestor House State Affairs Component No. 783

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	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2004) cost: 0.0

Check 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 legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
Division: Administrative Services
Approved by: Pamela Varni, Executive Director
Agency: Legislative Affairs Agency

Phone 465-6626
Date/Time 2/23/04 10:08 AM
Date 2/23/2004

HB

451

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB451-LAW-Third-02-29-
 Bill Version: HB451
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAV
 Title "An Act relating to therapeutic courts; and providing RDIJ CRIMINAL
for an effective date." Component Third Judicial District
 Sponsor House Rules Committee
 Requester House Judiciary Component No. _____

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 extends the pilot programs for therapeutic courts established in Anchorage and Bethel for alcohol- and drug-addicted offenders out to June 30, 2006. The criminal division was appropriated \$198.9 beginning in FY 2002 for the therapeutic court pilot. Additional funds will not be needed as a result of the date extension.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division: Administrative Services Date/Time 2/29/04 2:25 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/29/2004
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB451-DOC-P&P-02-26-
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title "An Act relating to therapeutic courts..." RDU Probation & Parole
 Component: _____
 Sponsor Rules by Request
 Requester House Judiciary Finance Component No. _____

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	0.0	0.0				
Travel	0.0	0.0				
Contractual	0.0	0.0				
Supplies	0.0	0.0				
Equipment	0.0	0.0				
Land & Structures	0.0	0.0				
Grants & Claims	0.0	0.0				
Miscellaneous	0.0	0.0				
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0				
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CHANGE IN REVENUES ()	0.0	0.0				
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FUND SOURCE (Thousands of Dollars)

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

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	0	0				
Part-time	0	0				
Temporary	0	0				

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would extend the pilot project for therapeutic courts that was originally established through HB172 in FY2002. Passage of this legislation would have no fiscal impact to the Department of Corrections. Positions and funding were received in FY2002 which would be maintained within the Department's FY2006 Operating Base.

The pilot project established therapeutic courts in Anchorage and Bethel to handle alcohol and drug addicted offenders. The stated purpose of therapeutic courts are lasting sobriety of offenders, protection of society from alcohol related and drug related crimes, prompt payment of restitution to victims of crimes,

(continued)

Prepared by: Jerry D. Burnett, Director Phone (907) 465-3339
 Division: Administrative Services Date/Time 2/27/04 4:03 PM
 Approved by: Portia C.K. Parker, Deputy Commissioner Date 2/27/2004
 Agency: Department of Corrections

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB451-DOC-P&P-02-26-

ANALYSIS CONTINUATION

(continued)

effective interactions and use of resources among criminal justice and community agencies, and hopefully, a long-term reduction in costs relating to arrest, trial and incarceration.

House Bill 451 will extend the program through FY2006. This bill proposes to allow for the pilot program to continue in FY2006 at the current funding level while the legislature reviews the evaluation of services and determines an appropriate course of action.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB451-DHSS-DBH-02-26-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____
 Title RELATING TO THERAPEUTIC COURTS Dept. Affected: Health & Social Services
 RDU Behavioral Health
 Component Behavioral Health Grants

Sponsor (RL) BY REQUEST
 Requester HOUSE (JUD) Component No. 2669

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: _____
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill extends the pilot project for therapeutic courts that was originally established in through HB 172 for FY2002. The pilot project established therapeutic courts in Anchorage and Bethel to handle alcohol and drug-addicted offenders. The purposes of the courts are lasting sobriety of offenders, protection of society from alcohol-related and drug related crime, prompt payment of restitution to victims of crimes, effective interaction and use of resources among criminal justice and community agencies, and long-term reduction of costs relating to arrest, trial, and incarceration.

Continued on next page -

Prepared by: Shawnda Brooks Phone 907-465-3167
 Division Behavioral Health Date/Time _____
 Approved by: Joel S. Gilbertson, Commissioner Date 02/26/2004
 Agency Department of Health and Social Services

FISCAL NOTE

FN #

**STATE OF ALASKA
2004 LEGISLATIVE SESSION**

BILL NO. HB451-DHSS-DBH-02-26-04

ANALYSIS CONTINUATION

House Bill 451 will extend the program through FY2006. A break in the service being provided as a result of the programs' scheduled conclusion in FY04 and FY05 would result in a delay in services and inefficiencies. This bill proposes to allow for the pilot program to continue in FY06 at the current funding level while the legislature reviews the evaluation of services and determines an appropriate course of action.

Funding for this program is in the Governor's FY2005 budget.