

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Purpose.** The purpose of this Act is to add the city of Seward to a class of cities which the legislature has determined require community center-armories, and to provide reimbursement to the named cities for certain monies already expended to provide matching funds with the United States Government for the construction of the community center-armories.

Sec. 2. Ch. 166, SLA 1957, is amended by adding a new Section 11, renumbering old Sec. 11 as 12:

Sec. 11. Upon completion of the armories under construction by the provisions of this Act, the Department of

Military Affairs is authorized to partially or fully reimburse Anchorage, Juneau, Fairbanks, Ketchikan, Nome, Bethel, Homer, Kodiak, Sitka, Hoonah and Seward, Alaska for municipal expenditures made in providing matching funds with the United States Government for the construction, altering, and equipping of community center-armories, and the acquisition and installation of personal property required to equip the armories with necessary facilities and utilities. After the effective date of this Act, the City of Seward armory shall be equally entitled to assistance the same as other city armories mentioned in this Act.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 15, 1961

CHAPTER 99

AN ACT

Relating to notaries public and repealing prior laws relating thereto; and providing for an effective date.

(H.B. 34)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Appointment and Commission by Secretary of State.** The Secretary of State may appoint and commission notaries public for the State.

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

Sec. 3. **Term of Office.** The term of office of a notary public is four years from and after the date of his commission.

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

Sec. 5. **Duties.** It is the duty of a notary public:

(1) When requested, to demand acceptance and payment of foreign and in-

land bills of exchange, or promissory notes, to protest them for nonacceptance and nonpayment, and to exercise such other powers and duties as 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) To take the acknowledgment or proof of powers of attorney, mortgages, deeds, grants, transfers, and other instruments of writing executed by any person, and to give a certificate of such proof or acknowledgment, endorsed on or attached to the instrument. Such certificate shall be signed by him in his own handwriting.

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

Sec. 6. Presence Required; Identification. A notary public shall require oaths and affirmations to be given in his presence and require persons appearing before him to produce identification.

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

Sec. 8. Notice of Bill or Note for Non-acceptance or Nonpayment. The protest of a notary public, under his hand and official seal, of a bill of exchange or promissory note for nonacceptance or nonpayment, specifying:

- (a) The time and place of presentment;
- (b) The fact that presentment was made and the manner thereof;
- (c) The cause or reason for protesting the bill;
- (d) The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found; is prima facie evidence of the facts recited therein.

Sec. 9. Death, Resignation, Disqualification, or Removal of a Notary. If any notary public dies, resigns, is disqualified, removed from office, or removes from the State, all his public papers shall be delivered to the Secretary of State. The procedures found in the Administrative Procedure Act shall be followed in the revocation of the commission of a notary public.

Sec. 10. Bond, Amount, Approval. Every person appointed a notary public after the effective date of this Act shall execute an official bond in the sum of One Thousand Dollars (\$1,000), approved by the Clerk of the Superior Court. The person to be appointed a notary public shall forward with his official bond to the Secretary of State his notarized oath of office, signed by the person to be appointed with his own proper signature. Upon receipt of the bond, the Secretary of State shall keep the bond for one year following the expiration of the term of the commission for which the bond is issued after which said bond may be disposed of. Such

disposition does not affect the time for commencement of actions on the bond. A certified copy of the record of the official bond with all affidavits, acknowledgments, endorsements, and attachments, may be read in evidence with like effect as the original thereof, without further proof.

Sec. 11. Misconduct or Neglect. For the misconduct or neglect of a notary public, he and the sureties on his official bond are liable to the persons injured thereby for the damages sustained.

Sec. 12. State Employees as Notaries.

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

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

(3) Any fees collected or obtained by any notary public whose documents have been filed without charge and for whom bond premiums have been paid by a State agency shall be remitted by him to the State department by which he is employed and paid into the General Fund of the State. Notwithstanding Sec. 3 of this Act, the termination of employment shall revoke the commission of any notary whose documents have been filed without charge and for whom bond premiums have been paid by a State agency.

Sec. 13. Postmasters as Notaries.

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

(2) Each official act of a postmaster as notary public shall be signed by the

postmaster, with a designation of his title as postmaster, shall have affixed the cancellation stamp of the post office, and shall state the name of the post office and the date on which such act was done.

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

Sec. 14. Saving Clause. This Act shall not be construed as to effect the release or extinguishment of any liability or forfeiture incurred or right accruing under any previous law regulating notaries. All commissions presently in effect continue until they expire or are terminated by death, disqualification, resignation, re-

moval from the State, or until the notary is removed from office by the Secretary of State pursuant to the Administrative Procedure Act.

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

Sec. 16. Effective Date. The effective date of this Act is July 1, 1961.

Approved April 15, 1961

CHAPTER 100

AN ACT

Transferring funds between line item appropriations made to the Department of Commerce and the Division of Tourism and Economic Development; and providing for an effective date.

(H.B. 282)

Be it enacted by the Legislature of the State of Alaska:

Section 1. The sum of \$18,000 is transferred from the line item appropriation for Personal Services under Departmental Operations for the Department of Commerce for the fiscal year ending June 30,

1961, to the line item appropriation for the division of tourism and economic development, Department of Commerce, for the fiscal year ending June 30, 1961.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 15, 1961

CHAPTER 101

AN ACT

Establishing standards of weights and measures; providing for a state director of weights and measures and defining his powers and duties; providing for city sealers of weights and measures; providing for the inspection, testing, and sealing of appliances used for weighing and measuring; providing for the marking of packages containing commodities; providing penalties for violations of the provisions of this Act; repealing Secs. 35-5-1 through 35-5-11; ACLA 1949, as amended by Ch. 94, SLA 1951, Ch. 85, SLA 1955, and Ch. 143, SLA 1957; and providing for an effective date.

(H.B. 50)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Short Title.** This Act shall be known and may be cited as the "Alaska Weights and Measures Act."

Sec. 2. **Meaning of Terms.** When used in this Act:

a. "Person" means both the plural and singular, as the case demands, and shall include individuals, partnerships, corpora-