MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

2196

2007 SENATE JUDICIARY

SB 2196

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2196**

Senate **Judiciary Committee**

☐ Check here for Conference Committee

Hearing Date: January 23, 2007

Recorder Job Number: 1675

Committee Clerk Signature Maria L Dolby

Minutes: Relating to notary commissions and to prohibited acts by a notary public.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of Bill:

Sen. Nick Hacker – Dist #42, Introduced the bill

Al Jaeger – ND Secretary of State (meter 2:03) Gave Testimony – Att. #1. Introduced his very capable staff. The notary has two jobs; to acknowledge and to be a jurrat. Mr. Jaeger discussed the process a person has to go through to become a notary.

Sen. Lyson questioned line 1-13 (meter 11:11) found the language troublesome. Wither this language is not already in law, was the discussion.

Mary Fiest, Staff member in the Secretary of states office. (meter 13:08) revered application process. If we find out a person lied on the application it is forwarded on to the Attorney Generals office and processed according to ND civil litigations division.

Sen Lyson stated that nothing in the current bill states that they are breaking any laws. Discussed making an amendment in "just or significant cause" language as being to broad.

Page 4 line 11. Discussion among committee.

Sen. Fiebiger questioned (meter 17:29) page 4, section 1a – conviction by a court, language is to broad, what if they are convicted of a D.W.I. This language would be too broad. Mr. Jaeger requested including that in the amendment.

Sen. Nelson (meter 18:50) questioned the process to notarize a birth certificate from a very long time ago in another state. Ms. Fiest reviewed the process of doing this.

Reviewed amendment (meter 21:00)

Testimony in Opposition of the Bill:

None

Testimony Neutral to the Bill:

None

Senator David Nething, Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2196**

Senate **Judiciary Committee**

☐ Check here for Conference Committee

Hearing Date: January 31, 2007

Recorder Job Number: 2431

Committee Clerk Signature Mona L Lollberg

Minutes: Relating to notary commissions and to prohibited acts by a notary public,

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Discussion of the amendment.

Sen. Nelson questioned validity of the bill. Committee reviewed there notes. Sen. Nething stated that this bill is to try to "shore" up the notary law. They discussed the coping of a birth certificate. Notary's only verify signature, not validity of a document.

Page 4 , the committee discussed the discrepancy of the Secretary to suspend or revoke.

Sen. Olafson Made the motion to do pass the amendments Att. #1 and **Sen. Nelson** seconded the amendments. All members were in favor and motion passes.

Sen. Olafson made the motion to Do Pass and **Sen. Lyson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Olafson**

Senator David Nething, Chairman closed the hearing

PROPOSED AMENDMENTS TO SENATE BILL NO. 2196

Page 4, line 3, after "offense" insert "related to the honesty, integrity, or trustworthiness of the notary"

Page 4, line 4, remove "determines to be of such a nature as to render" and insert immediately thereafter "renders"

Page 4, line 11, remove "Any just and sufficient cause that renders a notary or notary applicant unfit to"

Page 4, line 12, remove "serve the public as a notary, including engaging" and insert immediately thereafter "Engaging"

Renumber accordingly

Date: 1-31-07

Roll Call Vote # 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2194

Senate **Judiciary** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Amend Att #1 (1-31)

Motion Made By Sen. Olafson Seconded By Sen. Nelson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1-31-07
Roll Call Vote # 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2196

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass as Amended

Motion Made By Sen. Olafson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebiger	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Olafson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2196: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2196 was placed on the Sixth order on the calendar.

Page 4, line 3, replace "that" with "related to the honesty, integrity, or trustworthiness of the notary which"

Page 4, line 4, replace "to be of such a nature as to" with "would"

Page 4, line 11, replace "Any just and sufficient cause that renders a notary or notary applicant unfit to" with "Engaging"

Page 4, line 12, remove "serve the public as a notary, including engaging"

Renumber accordingly

2007 HOUSE JUDICIARY

SB 2196

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2196

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/27/07

Recorder Job Number: 3964

Committee Clerk Signature

Minutes:

Chairman DeKrey: We will open the hearing on SB 2196.

Al Jaeger, Secretary of State: (see attached testimony).

Rep. Delmore: On page 3, lines 16-25, you added language that wasn't in statute before.

Al Jaeger: Yes, lines 16-26 are new language. It is a result of what we've experienced and have gotten ourselves into a gray area in terms of how we deal with some of these situations and not really quite right, but we don't have anything on point to deal with it.

Rep. Delmore: You refer them to the right agency whenever they would need to go, in order to get that copy or certificate.

Al Jaeger: The main thing that we want to do is, we've had an occasion where the notary has made a copy of the document and basically in some wording have said this is an official record. You can't do that. When we discovered it, we don't accept it, so they have to go back and do whatever it is that they need to do, like in the case of adoption or whatever they have to do to whomever needs that particular document, they have to go back. We haven't had a means of going back to the notary and saying, you're not supposed to be doing that. It is just to get it on point, so that we have a little bit stronger means to go back and let them know.

When they become a notary, they take an oath to uphold the laws of the state. Actually a notary is considered an officer of the state. We really want to educate them on the process.

Rep. Delmore: How many notaries do we have.

Al Jaeger: There are 12,166 as of today.

Rep. Delmore: What would be a lesser sanction that you would give. Obviously someone made a legitimate mistake, what would be a lesser sanction you would give someone. Then is there recourse beyond your office if someone felt that they should not have lost their notary.

Al Jaeger: First of all, what we do, is when we have something that we consider a violation, we refer it to the civil litigation division of the AG's office and then a letter goes out basically saying that is what you have done, you have a right to a hearing...but if you don't want to go through that, we can do a settlement. Basically, that's all the things that we do. We have come up with some standard things, for instance, I very strongly believe that our discipline should be consistent, so if you do notarize your own signature, it's $150.00 fine, we can suspend them for three months with $75 fine, or we do a suspension of six months with no fine. So we can vary that. There are some things where I just write out a letter. We've had quite a rash of notaries not putting in the year that the document was notarized. I just send them a letter and let them know that they made a mistake and we could have done more, but please be careful in the future. They have the option to pursue it through the administrative hearing process, before a judge. We've only had one case in the entire time I've been here, and it was an attorney from Grand Forks, and the district court ultimately upheld exactly what I did.

Rep. Charging: of 12,166 notaries, how many documents do you see.

Al Jaeger: We don't see them, the notaries do the work out there, and only when the documents are submitted to our office, where we find the mistakes. It's pretty hard when you

administer the law and somebody sends you a document that they did something wrong on, to say, oh well we'll just ignore that. We don't ignore it. We try, in the process, to be educational in what we do. We do a newsletter every year, I instituted that. I was a notary many years ago, and the only time you ever heard from the Secretary of State's office was once every six years. Our notaries hear from us at least once a year, with the mailing of the newsletter and information and they are encouraged to go to our website. Everything we have is on our website. It's really neat, the law is there, and examples are there.

Rep. Koppelman: You have added quite a bit to the Century Code. I'm wondering, if you talked about on page 4, the procedure for someone filing a complaint and they have to do it under oath. What happens now, somebody just calls you or send you a note, saying this happened.

Al Jaeger: It is an informal process, what we've done here we want to formalize this part. This is working with the Civil Litigation Division of the AG's office; just so that we have good procedures in place so that it makes what we do more solid. Actually, this is actually a relatively small bill.

Rep. Koppelman: At the end of the bill, you talk about a person who's commission has been revoked or suspended and apply to be reinstated. But you don't have any procedures for how you handle that. How do you do that.

Al Jaeger: We don't really have anything at the moment, that's why this whole section is being created so spells out what I can do and what I can't do. It's kind of scattered around and it's not really very solid.

Rep. Koppelman: But this doesn't do that.

Al Jaeger: A letter, whatever.

Rep. Koppelman: Do you have procedures that you follow.

Al Jaeger: First of all, the only way that I can suspend them is that we would have a settlement in place and that's a legal document that the Civil Litigation department would have written, and the person being suspended would have had to agree to it; the terms of when they can come back in.

Rep. Koppelman: Or revocation is a better example.

Al Jaeger: Right, it's pretty much in there. Again, when we do revoke somebody, the revocation would take place with a legal document and after that time is up, they could just reapply.

Rep. Koppelman: So the revocation would include a time period. You can't apply again for ___ time.

Al Jaeger: Yes.

Rep. Klemin: On page 4, line 16, imposition of a reasonable civil fine, I'm trying to think but I don't that I have ever seen this particular language in the statute, where an agency having authority to levy a fine of any amount, and having its own ability to determine what's reasonable. Typically it would be where civil penalties are authorized, not to exceed $___ of dollars. Would you have any feeling about it if we did put it in that kind of language, to call it a civil penalty, rather than a civil fine because I think that's difficult language.

Al Jaeger: Well, I guess several sessions ago, we didn't have anything. It was all or nothing and there was an opinion written by the AG which we have that kind of allowed us to do something less. In a session or two ago, we asked for language that would allow us to do a lesser thing. We were kind of in an uncomfortable area. When the AG's office contacts the person, it's made very clear that they have a right to alternate procedures, etc. They basically need to agree to the finding, and they are told that they can have legal counsel. Their rights are pretty much spelled out, and I also believe that this is done in a few other cases, but I'm

not sure exactly where. Again, this is something that we work with the AG's office. I have to say that its worked very well.

Rep. Klemin: I guess, if you did have specific authority allowing you to levy a civil penalty, not to exceed a certain dollar amount that would help instead of leaving it wide open.

Al Jaeger: Well, I guess that wouldn't be a problem.

Rep. Klemin: What dollar amount would you use.

Al Jaeger: I don't know what the largest sum we've had, I think there have been a couple of cases where I think we had, the other thing we match it with, is a misdemeanor fine, and in some of my letters I say that if we had to refer this to a state's attorney it could have been fined up to $500.00.

Rep. Klemin: A $1,000 for a B misdemeanor.

Al Jaeger: Or it is an infraction. I can't remember which. I think the only time we have gone to $500 because there was a forgery involved.

Rep. Klemin: So you would have to decide that, if you said $500 that would be consistent with the maximum penalty for that level.

Al Jaeger: It would be. I'm a little concerned if there would be a case that would really be flagrant and we had our hands tied.

Rep. Klemin: Of course, we are talking about a lesser sanction here now. If there's really a flagrant case, you could always seek the other penalty. Secondly, on the same subject, the letter of reprimand. Are we talking about a private reprimand or a public reprimand or either.

Al Jaeger: Essentially what we have done to date, is in the newsletter that we send out, we do not list the names of the violator, and we just list the incident. In the letter of reprimand, I just address the situation, I let them know that it is a part of their file, which is a public record. But we have not, at this point, chosen to go our and say that someone breaks the notary law or

something like that. We haven't done that. The letter of reprimand is essentially a letter to the notary and it's one on one between us and the notary.

Rep. Klemin: I noticed that there are other licensing authorities, you can get a public reprimand and you can get a private reprimand.

Al Jaeger: Well, if it is something more than a reprimand, I refer it to the AG's office and they deal with it with a settlement agreement. Again, we've chosen not to go public with that information, although it is a public record.

Rep. Klemin: On your hearing procedure, with a complaint, etc. Is the Secretary of State's office an administrative agency, under the administrative agency act.

Al Jaeger: Yes, we are under that. The person is told in correspondence from the AG's office, that they have an option for a hearing.

Rep. Klemin: So in this new subsection 3, if we made a reference to the administrative agency practices act there, that sets out the whole procedure that's followed, for hearings and appeals.

Al Jaeger: It may not be in the bill...

Rep. Klemin: On page 3, lines 26-28, it says, you may institute a hearing. All I'm suggesting is that we contain a reference there to the administrative agency practices act which sets out the procedure.

Al Jaeger: Well, if it isn't there, I guess that was our intent that that was the option there.

Rep. Meyer: This was brought to me by a county recorder, in small rural county, and she had a lot of concerns on documents that were being notarized, that she knew were not a legitimate document. The document was legitimate, but the signature was not. I see this only happening in rural counties, where people know other's signatures. When she talked to me, she asked about reporting this, what would happen. I told her that he would lose notary stamp. But more

importantly for the documents, when you are talking oil leases and royalties, huge amount of dollar figures. She said that nothing else happened, is that document still legitimate. Is that ever addressed and he said to her, go ahead and challenge it, I'll lose my notary seal, big deal. In that case, she was asking, does it have to go to court in order for that document that he had notarized, to be withdrawn and considered not a legal document at that time.

Al Jaeger: I guess we would address in our office, would be whatever the notary was involved in that was illegal. If there was a forgery or something of that nature involved, then we do refer that to the state's attorney and forgery is a criminal matter, that's handled other sections of the law. We're not involved with those other areas. If it becomes apparent that there was some kind of, and we were able to establish that there was a forgery, which we have had on occasion, then that's given to the state's attorney and it's their call as to what they do with it from that point on. I guess if there is a document that is recorded, again that would be beyond what our office could do. We would just be looking at the notary and how the notary was involved.

Rep. Charging: On page 2, section 2, the endorsement expiration date, is that when they replace their stamp.

Al Jaeger: Yes, they have to replace their stamp every six years, because the expiration date of their commission is different. That's already in law. You can only order the stamp if the vendor receives an authorization from our office.

Rep. Charging: At present, you have to be recommissioned, what happens to the stamp.

Al Jaeger: I think you are misreading something here. It's already in the law, so passage of this bill will not do anything with anybody's stamp. This is mainly housekeeping, making the reference correct and what it should be when you perform a jurat, which says that you sign

your name and affix your stamp, which has the expiration date on it. That's already in place. This is just the wording.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2196

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 3/5/07

Recorder Job Number: 4368

Committee Clerk Signature Pamela Renner

Minutes:

Chairman DeKrey: We will take a look at SB 2196.

Rep. Klemin: Explained the amendments. I move the amendments.

Rep. Griffin: Second.

Chairman DeKrey: Voice vote, motion carried. We now have the bill before us as amended.

What are the committee's wishes.

Rep. Wolf: I move a Do Pass as amended.

Rep. Kretschmar: Second.

14 YES 0 NO 0 ABSENT **DO PASS AS AMENDED** **CARRIER: Rep. Klemin**

Prepared by the Legislative Council staff for
Representative Klemin
February 28, 2007

House Amendments to Engrossed SB 2196 (78261.0202) - Judiciary Committee 03/06/2007

Page 1, line 10, replace "Prior to" with "Before"

House Amendments to Engrossed SB 2196 (78261.0202) - Judiciary Committee 03/06/2007

Page 2, line 20, after the second boldfaced period, insert:

"1."

Page 2, line 22, overstrike "1." and insert immediately thereafter "a."

Page 2, line 25, overstrike "2." and insert immediately thereafter "b."

Page 2, line 27, overstrike "3." and insert immediately thereafter "c."

Page 2, line 28, overstrike "4." and insert immediately thereafter "d."

House Amendments to Engrossed SB 2196 (78261.0202) - Judiciary Committee 03/06/2007

Page 3, line 1, overstrike "5." and insert immediately thereafter "e."

Page 3, line 4, overstrike "6." and insert immediately thereafter "f."

Page 3, line 6, overstrike "7." and insert immediately thereafter "g."

Page 3, line 9, overstrike "8." and insert immediately thereafter "h."

Page 3, line 13, replace "9." with "i."

Page 3, line 16, replace "10." with "j."

Page 3, line 17, replace "a." with "(1)"

Page 3, line 19, replace "b." with "(2)"

Page 3, line 21, replace "c." with "(3)"

Page 3, line 23, replace "No" with "2. A" and after "may" insert "not"

Page 3, line 25, replace "this" with "subdivision j of" and after "subsection" insert "1"

Page 3, after line 25, insert:

"3."

House Amendments to Engrossed SB 2196 (78261.0202) - Judiciary Committee 03/06/2007

Page 4, line 13, replace "A commission may be denied, revoked, or suspended for the reasons set forth in" with "The"

Page 4, line 14, remove "subsection 1, or the" and replace "as" with "for a violation of subsection 1 if"

Page 4, line 16, replace ", including" with ". A lesser sanction includes", remove "reasonable", and replace "fine" with "penalty not to exceed five hundred dollars"

Page 4, line 20, remove "complaint must be in a form prescribed by the" and replace "and" with "shall provide a complaint form. The complainant shall use that form and the form"

Page 4, line 24, replace "institute" with "initiate"

Page 4, line 25, after "the" insert "secretary of state may dismiss the"

Page 4, line 26, remove "may be dismissed" and replace "institute" with "initiate"

Page 4, line 29, remove "Any person may be permitted to intervene and participate in secretary of state"

Page 4, remove lines 30 and 31

House Amendments to Engrossed SB 2196 (78261.0202) - Judiciary Committee 03/06/2007

Page 5, line 1, remove "5."

Page 5, line 2, replace "vacation" with "termination"

Renumber accordingly

Date: 3/5/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2196

House JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Wolf Seconded By Rep. Kretschmar

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 14 No 0

Absent _____

Floor Assignment Rep. Klemin

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2196, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2196 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "Prior to" with "Before"

Page 2, line 20, after the second boldfaced period, insert:

"1."

Page 2, line 22, overstrike "1." and insert immediately thereafter "a."

Page 2, line 25, overstrike "2." and insert immediately thereafter "b."

Page 2, line 27, overstrike "3." and insert immediately thereafter "c."

Page 2, line 28, overstrike "4." and insert immediately thereafter "d."

Page 3, line 1, overstrike "5." and insert immediately thereafter "e."

Page 3, line 4, overstrike "6." and insert immediately thereafter "f."

Page 3, line 6, overstrike "7." and insert immediately thereafter "g."

Page 3, line 9, overstrike "8." and insert immediately thereafter "h."

Page 3, line 13, replace "9." with "i."

Page 3, line 16, replace "10." with "j."

Page 3, line 17, replace "a." with "(1)"

Page 3, line 19, replace "b." with "(2)"

Page 3, line 21, replace "c." with "(3)"

Page 3, line 23, replace "No" with "2. A" and after "may" insert "not"

Page 3, line 25, replace "this" with "subdivision j of" and after "subsection" insert "1"

Page 3, after line 25, insert:

"3."

Page 4, line 13, replace "A commission may be denied, revoked, or suspended for the reasons set forth in" with "The"

Page 4, line 14, remove "subsection 1, or the" and replace "as" with "for a violation of subsection 1 if"

Page 4, line 16, replace ", including" with ". A lesser sanction includes", remove "reasonable", and replace "fine" with "penalty not to exceed five hundred dollars"

Page 4, line 20, remove "complaint must be in a form prescribed by the" and replace "and" with "shall provide a complaint form. The complainant shall use that form and the form"

Page 4, line 24, replace "institute" with "initiate"

Page 4, line 25, after "the" insert "secretary of state may dismiss the"

Page 4, line 26, remove "may be dismissed" and replace "institute" with "initiate"

Page 4, line 29, remove "Any person may be permitted to intervene and participate in secretary of state"

Page 4, remove lines 30 and 31

Page 5, line 1, remove "5."

Page 5, line 2, replace "vacation" with "termination"

Renumber accordingly

2007 TESTIMONY

SB 2196

AH #1
1-23-07

ALVIN A. JAEGER
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SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 23, 2007

TO: Senator Nething, Chairman, and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2196 -- Notary Public

Section 1, page 1, lines 9 thru 11: This addition allows the Secretary of State to request proof of an applicant's legal name before issuing a notary commission

Section 2, page 2, lines 5 and 6: Inserts a reference to the Century Code Chapter where the various forms of acceptable acknowledgements are listed

Section 2, page 2, lines 9 thru 17: Inserts an example of a jurat

Section 3, page 3, lines 9 thru 25: Inserts additional prohibited notarial acts

Section 3, page 3, lines 26 thru 28: Deletes penalty provision because of creation of new section specifically dedicated to disciplinary proceedings

Section 3, page 3, line 31 and continuing on pages 4 and 5: New section created for disciplinary proceedings

- Page 4, lines 1 thru 17: Details the procedures the Secretary of State under which the Secretary of State can deny, revoke, or suspend a notary's commission or impose a lesser sanction
- Establishes the right of a person to file a complaint with the Secretary of State to seek denial, revocation, or suspension of a notary's commission;
- Allows a person to intervene and participate in hearings related to the denying, revocation, or suspension of a notary's commission provided they have a legitimate interest;
- and establishes the procedures for reinstatement

A# 1
1-31-07

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SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 31, 2007

TO: Senator Nething, Chairman, and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2196 – Notary Public – Amendments

I shared the concerns of the committee with our legal counsel. As I understand it, the Attorney, who heads the Civil Litigation Division of the Attorney General's office, suggested 43-53-10 be used as a model for Section 4 of this bill. This section is included in a new chapter on Marriage and Family Therapy Practice adopted last session.

Nevertheless, to address the concerns of the committee expressed at the hearing, I have attached amendments for your consideration.

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SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

February 27, 2007

TO: Rep. DeKrey, Chairman, and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2196 -- Notary Public

Section 1, page 1, lines 9 thru 11: This addition allows the Secretary of State to request proof of an applicant's legal name before issuing a notary commission

Section 2, page 2, lines 5 and 6: Inserts a cross reference to the Century Code Chapter where the various forms of acceptable acknowledgements are listed

Section 2, page 2, lines 9 thru 17: Inserts an example of a jurat

Section 3, page 3, lines 9 thru 12: Deletes text moved to Section 4 of this bill

Section 3, page 3, lines 12 thru 25: Inserts additional prohibited notarial acts

Section 3, page 3, lines 26 thru 28: Deletes penalty provision because of the creation of a new section of law in section 4 of this bill specifically dedicated to disciplinary proceedings

Section 4 creates new section of Century Code related to disciplinary proceedings

- Page 4, lines 1 thru 12: Details the reasons under which the Secretary of State can deny, revoke, or suspend a notary's commission
- Page 4, lines 13 thru 17: Allows Secretary of State to deny, revoke, or suspend a notary's commission or impose a lesser sanction
- Page 4, lines 18 thru 28: Establishes the right of a person to file a complaint with the Secretary of State to seek denial, revocation, or suspension of a notary's commission;
- Page 4, lines 29 thru 31: Allows a person to intervene and participate in hearings related to the denying, revocation, or suspension of a notary's commission provided they have a legitimate interest;
- Page 5, lines 1 thru 3: Establishes the procedures for reinstatement