

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 30-176(COR)

Introduced by:

Adolpho B. Palacios, Sr.



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AN ACT TO REPEAL AND REENACT §33106, §33214 AND §33556 OF TITLE 5, GUAM CODE ANNOTATED, TO ESTABLISH A SEPARATE NOTARY PUBLIC REVOLVING FUND; TO ESTABLISH NEW FEES COLLECTED BY THE GOVERNMENT OF GUAM FOR NOTARY APPLICATIONS, AND FOR ISSUING CERTIFICATES OF AUTHENTICITY AND APOSTILLES, AND TO CLARIFY THAT APOSTILLES ARE ISSUED BY THE DIRECTOR OR DEPUTY DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 P.L. No. 23-81 which established a Notary Public Revolving Fund, has had funds
4 originally intended for the administration of the Notary Program by the Office of the
5 Attorney General, was somehow deemed to be a special revenue fund that under
6 subsequent laws like Public Laws 24-59, 25-03, 25-72, 25-164, and 26-155 authorized
7 the Department of Administration to transfer said funds directly to the General Fund.

8 This not only prevented the Office of the Attorney General from recovering any
9 costs associated with its administration of the program, but also defeated the original
10 purpose of the fund, which *I Liheslaturan Guåhan* seeks to redress.

1 Therefore it is the intent of *I Liheslaturan Guåhan* to reestablish the Notary
2 Public program of Office of the Attorney General by repealing and reenacting §33106,
3 §33214 and §33556 of Title 5, Guam Code Annotated, to establish a separate Notary
4 Public Revolving Fund; to establish new fees collected by the Government of Guam for
5 notary applications, and for issuing certificates of authenticity and apostilles, and to
6 clarify that apostilles are issued by the Director or Deputy Director of the Department of
7 Administration.

8 **Section 2. Section 33106 of Title 5, Guam Code Annotated, is repealed and**
9 **reenacted to read:**

10 “§ 33106. Notary Public Revolving Fund. *Notwithstanding any law to the*
11 *contrary*, there is established a fund to be known as the "Notary Public Revolving Fund,"
12 (the "Fund") which shall be maintained separate and apart from other funds of the
13 government of Guam. All funds generated from fees under this Chapter for application,
14 authentication, copying, and any other government fee required by this Chapter shall be
15 deposited into the Fund. The Fund shall be used by the Attorney General for the purpose
16 of the administration of the notary program, including personnel costs for training, notary
17 educational programs and conferences, and any administrative and equipment costs.”

18 **Section 3. Section 33214 of Title 5, Guam code Annotated, is repealed and**
19 **reenacted to read:**

20 “§33214. Fees. Every application for a notary commission, except for applicants
21 who are government employees, shall pay to the Treasurer of Guam a non-refundable fee
22 of One Hundred Dollars (\$100). All fees shall be deposited into the Notary Public
23 Revolving Fund and used according to §33106 of this Chapter.”

1 **Section 4. Section 33556 of Title 5, Guam Code Annotated, is repealed and**
2 **reenacted to read:**

3 “§33556. Evidence of authenticity of notarial act. (a) The authenticity of the
4 official notarial seal and signature of a notary of Guam may be evidenced by:

5 (1) A Certificate of Authority from the Attorney General, authenticated as
6 necessary; or

7 (2) An Apostille in the form prescribed by the Hague Convention Abolishing the
8 Requirement of Legalization for Foreign Public Documents of October 5, 1961.

9 (3) An Apostille as specified by the Hague Convention must be attached to any
10 document requiring authentication that is sent to a nation that has signed and ratified the
11 Convention and, within the government of Guam, may only be issued by the Director or
12 Deputy Director of the Department of Administration, with the Great Seal of Guam
13 affixed thereto by the Lieutenant Governor. When issuing an Apostille, the Department
14 of Administration shall verify the authenticity of the notary’s commission and signature
15 with the Attorney General.

16 (b) The Attorney General may charge a Fifty Dollar non-refundable fee for a
17 Certificate of Authority. The Department of Administration may charge a Fifty Dollar
18 non-refundable fee for an Apostille. Such fees shall be deposited into the Notary Public
19 Revolving Fund.