

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
369-35 (COR)	Mary Camacho Torres	AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 33 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PERFORMANCE OF NOTARIAL ACTS BY A REMOTE ONLINE NOTARY PUBLIC; AND TO FURTHER ADD A NEW ARTICLE 11 TO CHAPTER 33 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE RECORDING OF AN ELECTRONIC RECORD; AND TO AMEND §33512 OF CHAPTER 33, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CRIMINAL PROSECUTION OF A NOTARY OFFICE; AND TO ADD A NEW CHAPTER 3 TO TITLE 31, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO IMPLEMENTING RULES FOR REMOTE ONLINE NOTARIZATION.	6/17/20 4:53 p.m.	7/27/20	Committee on General Government Operations, Appropriations, and Housing			Request: 7/27/20 7/29/20	Exhibit A

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telen Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

July 29, 2020

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Member and Chair, Subcommittee on Protocol

MEMO

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Régine Biscoe Lee**
Chair, Committee on Rules

Re: **Fiscal Note for Bill No. 369-35 (COR)**

Buenas yan Håfa adai.

Attached, please find the fiscal note for the following bill:

Bill No. 369-35 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 369-35 (COR)

AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 33 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PERFORMANCE OF NOTARIAL ACTS BY A REMOTE ONLINE NOTARY PUBLIC; AND TO FURTHER ADD A NEW ARTICLE 11 TO CHAPTER 33 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE RECORDING OF AN ELECTRONIC RECORD; AND TO AMEND §33512 OF CHAPTER 33, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CRIMINAL PROSECUTION OF A NOTARY OFFICE; AND TO ADD A NEW CHAPTER 3 TO TITLE 31, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO IMPLEMENTING RULES FOR REMOTE ONLINE NOTARIZATION.

Department/Agency Appropriation Information	
Dept./Agency Affected: Office of the Attorney General (OAG)	Dept./Agency Head: Leevin Camacho, Attorney General
Department's General Fund (GF) appropriation(s) to date:	\$15,015,134
Department's Other Fund appropriation(s) to date: N/A	\$0
Total Department/Agency Appropriation(s) to date:	\$15,015,134

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2019 Unreserved Fund Balance	\$0	\$0	\$0
FY 2020 Adopted Revenues	\$0	0	0
FY 2020 Appro. (P.L. 35-36)	\$0	0	0
Sub-total:	\$0	0	0
Less appropriation in Bill	\$0	0	0
Total:	\$0	0	0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2020 (if applicable)	FY 2021	FY 2022	FY 2023	FY 2024
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Notary Public Revolving Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
 If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
 If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
 If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
 Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
 /X/ Requested agency comments not received by due date: OAG / / Other:

Analyst: <u>Raymond Rieta, BMA II</u>	Date: <u>7/28/2020</u>	ms Director: <u>Lester L. Carlson, Jr., Director</u>	Date: <u>JUL 29 2020</u>
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Notes:
 1/: See attached Comments.

Bureau of Budget & Management Research
Comments on Bill No. 369-35 (COR)

The proposed legislation intends to add a new Article 10 to Chapter 33 of Title 5, Guam Code Annotated (GCA), relative to authorizing the performance of Notarial Acts by a Remote Online Notary Public and to add a new Article 11 to Chapter 33 of Title 5, GCA relative to authorizing the recording of an electronic record. The Bill further amends §33512 of Chapter 33, Title 5, GCA relative to criminal prosecution of a notary office; and adds a new Chapter 3 to Title 31, Guam Administrative Rules and Regulations, relative to implementing rules for Remote Online Notarization (RON).

Referencing information from the National Notary Association website, RON is where a signer personally appears before the Notary at the time of the notarization using audio-visual technology over the internet instead of being physically present in the same room. RON is also called webcam notarization, online notarization or virtual notarization.

The Bill basically implements RON on Guam, establishes the rules for RON and amends penalties for failure to perform the notarizations as mandated by law.

To perform RON services, one must be a commissioned Notary meeting the qualifications for becoming a traditional Notary. In addition to this, a course of instruction to perform electronic notarial acts, approved by the Attorney General (AG), must be completed and an examination must be passed based on the course. Notaries who perform RON services are required to have access to a computer, webcam, microphone and secure connection to the internet which must all be identified to the AG and must conform to the Rules for RON. The Bill also requires Notaries who perform RON must secure electronic journals, electronic signatures, and electronic seals. The costs for the additional requirements to perform RON is the responsibility of the Notary.

The fiscal impact of this Bill is dependent on the extent to which the additional regulations and requirements established by RON translates into increased training and responsibilities of existing OAG personnel. Any additional Notarial fees generated from performing RON services, as with traditional Notarial services, shall be deposited into the Notary Public Revolving Fund for use by the Office of the Attorney General (OAG) for the purpose of the administration of the notary program, including personnel costs for training, notary educational programs, conferences and any administrative and equipment costs, subject to appropriation by the Guam Legislature.

A request for fiscal comment was sent to the OAG relative to the subject bill with an extension granted for the response, however, none have been received to date. Absent additional information from the OAG and due to the unknown variable regarding the number of RONs that may arise, the Bureau is unable to determine an appropriate financial impact at this time.