



FILE COPY

TRINIDAD NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 176-30 (COR) "AN ACT TO REPEAL AND REENACT §§33106, 33214 AND 33601 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," was on the 10th day of November, 2009, duly and regularly passed.

Judith T. Won Pat, Ed. D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 13th day of NOV, 2009, at 1:30 o'clock P.M.

Assistant Staff Officer
Maga'laha's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____
Public Law No. _____

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

Bill No. 176-30 (COR)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.
T. C. Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
v. c. pangelinan
M. J. Rector
R. J. Respicio
Ray Tenorio
Telo Taitague
Judith T. Won Pat, Ed.D.

AN ACT TO REPEAL AND REENACT §§33106, 33214 AND 33601 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
3 that P.L. No. 23-81 which established a Notary Public Revolving Fund, with the
4 funds originally intended for the administration of the Notary Program by the
5 Office of the Attorney General, was somehow deemed to be a Special Revenue
6 Fund, and that under subsequent laws, including Public Laws 24-59, 25-03, 25-72,
7 25-164, and 26-155, authorized the Department of Administration to transfer said
8 funds directly to the General Fund.

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

12 Therefore, it is the intent of *I Liheslaturan Guåhan* to reestablish the Notary
13 Public program of the Office of the Attorney General by *repealing* and *reenacting*
14 §§33106, 33214 and 33601 of Title 5, Guam Code Annotated, to establish a
15 separate Notary Public Revolving Fund; to establish new fees collected by the
16 government of Guam for notary applications; and for issuing certificates of
17 authenticity and apostilles, and to clarify that apostilles are issued by the Director
18 *or* Deputy Director of the Department of Administration.

19 **Section 2.** §33106 of Title 5, Guam Code Annotated, is *repealed* and
20 *reenacted* to read:

21 “**§33106. Notary Public Revolving Fund.** Notwithstanding any
22 law to the contrary, there is established a fund to be known as the “Notary
23 Public Revolving Fund” (the Fund), which *shall* be maintained separate and
24 apart from other funds of the government of Guam. All funds generated
25 from fees under this Chapter for application, authentication, copying, and
26 any other government fee required by this Chapter *shall* be deposited into
27 the Fund. The Fund *shall* be used by the Office of the Attorney General for

1 the purpose of the administration of the notary program, including personnel
2 costs for training, notary educational programs, conferences and any
3 administrative and equipment costs, subject to appropriation by *I*
4 *Liheslaturan Guåhan*.”

5 **Section 3.** §33214 of Title 5, Guam Code Annotated, is *repealed* and
6 *reenacted* to read:

7 “§33214. **Fees.** Every applicant for a notarial commission, except
8 for applicants who are government employees, *shall* pay to the Treasurer of
9 Guam a non-refundable fee of One Hundred Dollars (\$100). All fees *shall*
10 be deposited into the Notary Public Revolving Fund and used according to
11 §33106 of this Chapter.”

12 **Section 4.** §33601 of Title 5, Guam Code Annotated, is *repealed* and
13 *reenacted* to read:

14 “§33601. **Evidence of Authenticity of Notarial Act.** (a) The
15 authenticity of the official notarial seal and signature of a notary of Guam
16 may be evidenced by:

17 (1) A Certificate of Authority from the Attorney General,
18 authenticated as necessary;

19 (2) An Apostille in the form prescribed by the Hague
20 Convention Abolishing the Requirement of Legalization for Foreign
21 Public Documents of October 5, 1961; *or*

22 (3) An Apostille as specified by the Hague Convention must
23 be attached to any document requiring authentication that is sent to a
24 nation that has signed and ratified the Convention and, within the
25 government of Guam, may *only* be issued by the Director *or* Deputy
26 Director of the Department of Administration, with the Great Seal of
27 Guam affixed thereto by *I Segundu na Maga’lahi* (the Lieutenant

1 Governor). When issuing an Apostille, the Department of
2 Administration *shall* verify the authenticity of the notary's
3 commission and signature with the Attorney General.

4 (b) The Attorney General may charge a Fifty Dollar (\$50) non-
5 refundable fee for a Certificate of Authority. The Department of
6 Administration may charge a Fifty Dollar (\$50) non-refundable fee for an
7 Apostille. Such fees *shall* be deposited into the Notary Public Revolving
8 Fund.”