
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4237 (Substitute H-2 as passed by the House)

Sponsor: Representative Mary Schroer

House Committee: Regulatory Affairs

Senate Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 5-20-97

CONTENT

The bill would amend Chapter 14 of the Revised Statutes of 1846 ("Of county officers") to allow the appointment of nonresident notaries public and specify the term of office as notaries public for licensed attorneys.

Specifically, the bill would allow people who do not reside in Michigan to become notaries public in the State as long as their principal place of business was in the county in which they requested appointment and they were engaged in an activity that likely would require them to perform notarial acts as defined in the Uniform Recognition of Acknowledgments Act. Further, the bill specifies that the term of office of attorneys licensed by the State Bar of Michigan who received a notary public appointment and who were otherwise in compliance with the Revised Statutes would expire at such time as membership in the State Bar of Michigan was suspended, revoked, relinquished, or otherwise terminated.

Currently, the law allows the Secretary of State to appoint one or more notaries public in each county of Michigan. Applicants for appointment must be at least 18 years old, Michigan citizens, and residents of the county for which they seek to be appointed. Notaries are appointed for four-year terms, with their term expiring on their birthday four years after appointment.

(The Uniform Recognition of Acknowledgments Act defines "notarial acts" as the administering of oaths and affirmations, taking proof of execution and acknowledgment of instruments, and attesting documents.)

MCL 55.107 et al.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would result in reduced revenue to the State General Fund in relation to the provision that would extend the term of office for attorneys. The Department of State reports that between 35,000 and 37,000 notaries public are appointed annually. Revenue from the \$3 application fee totaled \$108,614 for FY 1995-96. There are approximately 160,000 active notaries public in Michigan. However, the number of attorneys who currently have appointments as notaries public is not available.

Fiscal Analyst: B. Bowerman

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