

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0082/P1dn

ARG:amn

August 28, 2019

Please review the attached draft carefully. This draft reflects the drafting instructions provided, but changes to the draft are necessary to achieve internal consistency in the draft. The provisions of 2019 Assembly Bill 293 were drafted as an alternative approach to achieve objectives similar to those underlying the Revised Uniform Law on Notarial Acts (2018) (RULONA). As two alternatives intended to achieve a similar objective, AB-293 and RULONA contain provisions with similar purposes that, combined, become incompatible. This draft incorporates the provisions of AB-293 and RULONA identified in the drafting instructions. In various ways, these provisions are mutually exclusive but I have no way of choosing one approach over the other where they are inconsistent. For example, the instructions specify that the electronic seal provisions of AB-293 should be retained. However, RULONA deals with this issue in a different way, replacing the term “seal” with “official stamp” and defining an official stamp to include an electronic image. Similarly, the instructions specify the inclusion of created s. 137.01 (11) in AB-293, but similar content is also included in RULONA under created s. 140.18 relating to stamping devices. The instructions specify an intent to marry AB-293 and RULONA, but there are a host of large and small ways in which AB-293 and RULONA have irreconcilable differences. I am hopeful that seeing the provisions laid out together, in one document, will make these inconsistencies apparent and allow for redraft instructions identifying which approach (for example, the RULONA official stamp or the AB-293 electronic seal) should be retained in the next draft. In a few places, I have also included embedded notes with specific comments in the attached draft. These notes are not intended to comprehensively flag all the inconsistencies between AB-293 and RULONA. Please let me know if you have any questions or would like to discuss this further.

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