

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1349
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 1349 entitled:

"A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify which types of authorized changes to notarized documents shall not constitute misrepresentation of a notarized document in the first or second degrees;
- (2) Clarify that it shall not be considered misrepresentation of a notarized document if alternations made to the document after notarization have been approved by all parties who signed it; and
- (3) Provide that for the purpose of the offense of failure to authenticate with a certification statement, if the number of pages of the document being notarized cannot be readily ascertained, the notary public is required to state that the number of pages is unknown.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Title Guaranty of Hawaii.

Your Committee finds that the processing of real estate transactions involves documentation that often requires the



participation of many parties, some of whom may be located in other states or countries. It also involves satisfying the requirements of lenders, and ultimately the documents must be acceptable to the Bureau of Conveyances and the Office of the Assistant Registrar of the Land Court. This measure would facilitate the processing and acceptance of such documents.

Your Committee has amended this measure by:

- (1) Deleting section 2, relating to the elements of failure to authenticate with a certification statement;
- (2) Adding Senate Bill No. 850, SD1, relating to notary seals, which require a notary public's commission number to be included on the notary public's official seal or stamp; and
- (3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1349, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1349, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,

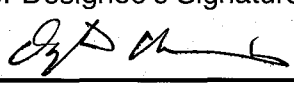


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 1349</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JGO</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/27/09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div><input type="checkbox"/> Pass, unamended <small>2312</small></div> <div><input checked="" type="checkbox"/> Pass, with amendments <small>2311</small></div> <div><input type="checkbox"/> Hold <small>2310</small></div> <div><input type="checkbox"/> Recommit <small>2313</small></div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓			
TOTAL	4	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**