

Honolulu, Hawaii

FEB 19 2015

RE: S.B. No. 1129
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1129 entitled:

"A BILL FOR AN ACT RELATING TO COMMISSIONERS OF DEEDS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the laws
relating to the time share commissioner of deeds program by:

- (1) Clarifying the Lieutenant Governor's rulemaking authority to implement chapter 503B, Hawaii Revised Statutes (HRS);
- (2) Authorizing the Lieutenant Governor to assess fees and impose administrative fines;
- (3) Establishing the commissioner of deeds revolving fund into which fees and administrative fines, appropriations made by the Legislature, and earned interest are to be deposited and making conforming amendments to reflect the establishment of this fund;
- (4) Granting immunity from liability to the Lieutenant Governor and employees of the office for good faith conduct in carrying out the duties of chapter 503B, HRS;
- (5) Authorizing the Lieutenant Governor to appoint and remove commissioners of deeds; and



- (6) Increasing the surety bond requirement from \$1,000 to \$10,000.

Your Committee received testimony in support of this measure from the Office of the Lieutenant Governor and American Resort Development Association-Hawaii.

Your Committee finds that Act 277, Session Laws of Hawaii 2013, established the commissioners of deeds program within the Office of the Lieutenant Governor. The program includes a process for the Governor to appoint individuals to serve as Commissioners of Deeds to administer oaths, take acknowledgements, and take proofs of execution outside of the United States in connection with the execution of conveyance documents relating to a time share interest, any property subject to a time share plan, or the operation of a time share plan covering any property located within Hawaii. This measure addresses issues raised by a working group established to assist in implementing the program and provides the Office of the Lieutenant Governor the necessary authority and clarification to effectively implement the law.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the American Resort Development Association-Hawaii that:
 - (A) Adds a fee for the reinstatement of a suspended commission;
 - (B) Adds an administrative fine for the theft of the commissioner's seal or record book, or both, and establishes reporting requirements regarding the theft; and
 - (C) Clarifies the location from which a commissioner may administer oaths and take acknowledgements and the location in which an instrument or writing may be executed;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1129, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1129, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,




GILBERT S.C. KEITH-AGARAN

Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB1129	Committee Referral: JDL, WAM	Date: 2/9/15			
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____					
The Recommendation is:					
<input type="checkbox"/> Pass, unamended 2312			<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)		✓			
SHIMABUKURO, Maile S.L. (VC)		✓			
ESPERO, Will		✓			
GABBARD, Mike		✓			
IHARA, Jr., Les		✓			
THIELEN, Laura H.		✓			
SLOM, Sam		✓			
TOTAL		7			
Recommendation:			<input checked="" type="checkbox"/> Adopted	<input type="checkbox"/> Not Adopted	
Chair's or Designee's Signature: 					
Distribution:					
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy		

*Only one measure per Record of Votes

Revised: 11/12/14