

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB398

Hearing Date: Friday January 28, 2011
Committee On: Judiciary
Introducer: Lathrop
One Liner: Change provisions relating to notaries public

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Ashford, Coash, Council, Harr, Larson, Lathrop, Lautenbaugh
Nay:		
Absent:	1	Senator McGill
Present Not Voting:		

Proponents:

SEN. STEVE LATHROP
COLLEEN BYELICK
SUE DEVETTER
KORBY GILBERTSON

Representing:

INTRODUCER
SECRETARY OF STATE
SELF
NEBRASKA REALTORS

Opponents:

JILL ALBRACHT

Representing:

NE COURT REPORTERS

Neutral:

RICHARD HEDRICK

Representing:

SELF

Summary of purpose and/or changes:

Legislative Bill 398 would amend current statute sections related to notaries public and other public officers. The bill includes the following provisions:

- Election commissioners would have the authority to administer oaths and affirmations and to take acknowledgments of deeds, mortgages and all other instruments in writing.
 - A notary public may be appointed in spite of a conviction for felony or other crime involving fraud or dishonesty if it was prior to the five years previous to the application.
 - A person would have to reside in or have a regular place of work or business in the state in order to be appointed a notary public.
 - Would modify application requirements.
 - Would disqualify a notary public from notarizing if they have a financial or beneficial interest in the transaction, is a party in the transaction or does not understand the certification method used in the transaction.
 - Would remove powers and authorizations of notaries public related to acceptance and payment and foreign laws.
 - Would amend the procedure for removal of notaries public.
 - Would authorize the Secretary of State to promulgate rules and regulations.
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Explanation of amendments:

Committee Amendment AM 1789 would address opposition to the provisions regarding appointment of non-resident

notaries public. The amendment would strike the new language on page 3, lines 13 and 15 and insert new language that would allow the Secretary of State to appoint someone who resides in a border state. The appointment would be allowed if that person is employed in or has a regular place of work or business in Nebraska and the Secretary of State has evidence of such employment or place of work or business.

Brad Ashford, Chairperson