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STATE OF KANSAS

Testimony: HB2713 (Proponent)

Senate Judiciary Committee
Monday, May 18, 2020

Chairman Wilborn and members of the Committee:

The Kansas Secretary of State appreciates the opportunity to offer proponent testimony on HB2713. Many of the notary statutes have been in place since the mid-1980s and this bill provides needed updates to modernize notary law in Kansas.

The bill provides guidance to notaries about their authority as a notary, what services they can provide, guidelines for accepting identification documents, and under what circumstances they should not notarize a document. The bill also provides that notaries complete a course of study and pass an examination administered or approved by the Office Secretary of State to help them better understand state law and their responsibilities as a notary.

HB2713 recognizes that technology advancements provide the ability to perform notarizations and permits remote notarizations. Approximately half of all states have enacted remote notary legislation and are at various stages of implementation.

Finally, the bill implements best practices for notaries, including requirement that notaries maintain a journal of all notarial acts and requires a notary to notify the Secretary of State's office if their stamp is lost or stolen.

We respectfully ask for your consideration of including a provision contained in SB424 that would delay the effective date of certain Series LLC provisions enacted in 2019 as part of HB2039. The legislation passed the Senate unanimously and the House Commerce Committee in March. The bill is below the line in the House. Our office is working on migrating off an antiquated computer system (AS400), as part of an overall technology upgrade, and onto a new business filing system. The migration is expected to be complete in 2022.

On behalf of the Office of Secretary of State, we support this effort to modernize the notary statutes and provide additional resources for notaries about their responsibilities under the law.

Respectfully submitted,

Clay Barker
Deputy Assistant Secretary of State