

Approved Thomas F. Walker
Date 3/30/87

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Thomas F. Walker at
Chairperson

9:00 a.m./p.m. on March 27, 1987 in room 522-S of the Capitol.

All members were present except:

Representative Peterson

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research
Mary Galligan - Legislative Research
Jackie Breymeyer - Secretary

Conferees appearing before the committee:

Duane Johnson - State Librarian
John Wine - Assistant Secretary of State

The meeting of the House Governmental Organization Committee was called to order by Representative Thomas F. Walker, Chairman. The minutes will stand approved if no corrections or additions are brought forward.

The Chairman called on Duane Johnson, State Librarian, who was present to give input on SB 346, relating to the State Library. Mr. Johnson said the objective of the bill was a consolidation of accounts for bookkeeping purposes. There will be no new activity or new authority or responsibility created. The objective is simply the consolidation to make the fund accounting of the library more efficient. It is strictly a housekeeping measure. (See Attachment 1)

As there was no one else present who wished to address SB 346, the Chairman declared the hearing closed on the bill.

SB 350 - Concerning notaries public.

John Wine, Assistant Secretary of State, distributed copies of his testimony and addressed the bill. (See Attachment 2)

Two new sections would be added, benefiting a third party with claim against a notary. A second section insured the office will learn about notaries who might be failing to properly perform their duties. This bill also cleans up several existing sections of notary law. There are a couple of other technical amendments. Mr. Wine drew attention to the Section 5 amendment which is a clean-up to eliminate the word "commission" and replace it with "appointment". In ending his talk, Mr. Wine stated his office encourages favorable passage of SB 350. Mr. Wine answered questions from the committee.

The Chairman asked for action on both bills.

Representative Harder moved that SB 346 be passed favorably and placed on the Consent Calendar. Representative Sprague gave a second to the motion. The motion carried.

Representative Sprague moved that SB 350 be passed favorably and placed on the Consent Calendar. Representative Sughrue gave a second to the motion. The motion carried.

Committee Discussion turned to SB 197 - Efficiency in Government Hotline. Many members expressed dissatisfaction with the wording of the bill. Several questioned the value of this legislation when so many hotlines are already in place to serve the public. Some members asked if more input was needed from informed sources.

Representative Hassler moved to amend SB 197 by removing Subsection 1 of Section 1. Representative Barr gave a second to the motion. The motion carried.

Representative Weimer moved to change the date of Sunset to July 1, 1989. Representative Sebelius gave a second to the motion. The motion was defeated. The meeting was adjourned as the House had 10:00 session.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

27 March 1987

TO: **Representative Tom Walker, Chair, and members of the House
Governmental Organization Committee**

FROM: Duane Johnson, State Library

RE: **Senate Bill 346**

1. S.B. 346 would amend current law relating to the State Library, K.S.A.'s 75-2540 and 75-2563, and would repeal K.S.A. 75-2564 which would no longer be necessary as a result of the amendments noted here.
2. The objective of this bill is a consolidation of accounts for bookkeeping purposes. The library's "Duplicate Book Fund" (75-2540) and "Computerized Library Services Fund" (75-2563) would be consolidated into the single "State Library Fund".
3. No new activity will result from this consolidation of accounts.
4. No new authority or responsibility is created with this consolidation.
5. The objective of the consolidation is to make the fund accounting of the library more efficient. Any transaction through the State Library Fund will be individually itemized and subject to the same accounting control and audit which transactions of the accounts would have received prior to consolidation.
6. In effect, this is a housekeeping measure relating to fund accounts authorized in current law.

ATTACHMENT 1
G.O. COMM.
3/27/87

Bill Graves
Secretary of State



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STATE OF KANSAS

TESTIMONY BEFORE THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION
ON SB 350

BY JOHN WINE, JR.- ASSISTANT SECRETARY OF STATE

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

Senate Bill No. 350 would make several common sense changes to Kansas notary law. Two new sections would be added that would benefit a third party with a claim against a notary. The first section clarifies that claimants make their claims directly to a surety and not through the state. The Attorney General's office recommended this clarification.

The second new section insures that our office will learn about notaries who may be failing to properly perform their duties. North Dakota first adopted this requirement that sureties who receive claims on notary bonds must notify the Secretary of State so that the office can investigate.

This bill will also clean up several existing sections of the notary laws. The requirements to become a notary are being amended to respond to several United States Supreme Court decisions. The first change is to delete the citizenship requirement as required by *Bernal vs. Fainter*. The second change permits residents of bordering states who work in Kansas to become Kansas notaries. The Supreme Court has not addressed the issue of residency requirements for notaries but recently rejected residency requirements for attorneys in *New Hampshire vs. Piper*.

The 180 day residency requirement is also deleted. In part because we are not certain that it would withstand judicial scrutiny, and also because it seems inconsistent to require residents a waiting period not required of nonresidents.

Two other technical amendments are also contained in this bill. The amendment in Section 4 would give the Secretary of State some discretion in accepting notary seals that do not contain exactly the words mentioned in the statute. A recent Attorney General Opinion (85-137) indicated that the failure of a seal to have the exact words should not affect the validity of a document, but that the statute should not be ignored.

ATTACHMENT 2
G.O. COMM.
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The amendment in Section 5 concerning the statutory short form of acknowledgment is a clean-up amendment to eliminate the word "commission" and replace it with "appointment." In Kansas notaries are appointed rather than commissioned.

Our office encourages members of this committee to favorably recommend SB 350 for passage.

I am available if there are any questions.