

Approved March 17, 1987  
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at  
Chairperson

1:40 ~~xxx~~ p.m. on March 16, 1987 in room 531N of the Capitol.

All members were present except:

Senator Winter  
Senator Bogina  
Senator Johnston

Committee staff present:

Julian Efird - Research  
Jill Wolters - Revisor

Conferees appearing before the committee:

John Wine, Jr. - Assistant Secretary of State

The Chairman called the meeting to order and introduced John Wine to testify on behalf of SB 350 which concerns notaries public. Mr. Wine distributed testimony to the Committee (Exhibit A) and explained some of the changes in this bill. He pointed out that 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 are not required to pursue a claim against the state. The second section insures that the Secretary of State's Office will learn about notaries who fail to properly perform their duties. The bill would also clean up several existing sections of the notary laws.

Attention was then turned to SB 346 which concerns transferring certain assets and liabilities to the state library fund. No one was present to testify on this bill and after brief discussion Senator Frey made a motion to recommend SB 346 as favorable for passage. This was seconded by Senator Gaines. Motion carried.

The Chairman then asked the Committee to take action on SB 350. Senator Francisco made a motion to recommend SB 350 as favorable for passage. Senator Gaines seconded this and motion carried.

A motion to approve the minutes of the March 9th meeting was made by Senator Gaines and seconded by Senator Frey. Motion carried.

There being no other business the Committee was adjourned at 2:00 p.m.

GUEST LIST

COMMITTEE: Senate Governmental Organization

DATE: Mar. 16, 1987

NAME	ADDRESS	COMPANY/ORGANIZATION
John Wine	Tapeka	Sec. of State



Bill Graves  
Secretary of State

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## STATE OF KANSAS

TESTIMONY BEFORE THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION  
ON SB 350

BY JOHN R. WINE, JR.- ASSISTANT SECRETARY OF STATE

MARCH 16, 1987

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 are not required to pursue a claim against 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 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 will 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.

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.