

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on February 13, 1998, in Room 521-S of the Capitol.

All members were present except: Representative Herman Dillon, Excused
Representative Lisa Benlon, Excused
Representative Larry Campbell, Excused
Representative Kenny Wilk, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Mike Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Representative Melvin Neufeld
Ms. Cyndi Beck, Shawnee County Clerk and Legislative
Chairperson, Kansas County Clerk's Association
Ms. Sara Ullmann, Register of Deeds

Others attending: See attached list

Chairperson Glasscock called the Committee's attention to the following fiscal notes: HB 2811 and HB 2786.

The Chair announced that the Committee would be holding hearings on the following bills: HB 2685, HB 2787 and HB 2786.

Chairperson Glasscock opened the Public Hearing on HB 2685.

HB 2685 - County clerks; relating to qualification for office

The Chair welcomed Representative Melvin Neufeld who spoke as a proponent for HB 2685. Representative Neufeld presented an amendment and said that Ms. Cyndi Beck would be speaking directly about the bill. (Attachment 1.)

Chairperson Glasscock welcomed Ms. Cyndi Beck, Shawnee County Clerk and Legislative Chairperson, Kansas County Clerk's Association, who spoke as a proponent for HB 2685. Ms Beck's testimony included copies of letters of support from Clerks from across Kansas. She stated that HB 2685 would end any speculation as to whether or not a County Clerk can notarize under the seal of the County. She stressed that it also would save the notarial fee. (Attachment 2.)

The Chair called attention to the written testimony of Mary K. Hull, Butler County Clerk. (Attachment 3.)

Chairperson Glasscock closed the Public Hearing on HB 2685.

The Chair opened the Public Hearing on HB 2786.

HB 2786 - Certain fees collected by the Register of Deeds

Chairperson Glasscock welcomed Ms. Sara Ullmann, Kansas Register of Deeds Association, who spoke as a proponent of HB 2786. Ms. Ullmann said that basically HB 2786 is trying to make uniform the changes for recording documents in the Register of Deeds office. She said that it would simplify the fee schedule for both the customer and their offices. She did mention one minor change on page 1, line 20, to simply insert another line that is a repeat of the same language from line 18, because it supports their original intent of making the fees uniform for all of their documents. She also pointed out that starting at line 40-42 there is obsolete language now that the whole process has changed with the Internal Revenue Service. (Attachment 4.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 13, 1998.

The Chair closed the Public Hearing on HB 2786.

Chairperson Glasscock opened the Public Hearing on HB 2787.

HB 2787 - Repealing K.S.A. 19-1214; register of deeds

The Chair recognized Ms. Sara Ullmann again who spoke in favor of HB 2787. She testified that HB 2787 would simply eliminate an obsolete requirement to stamp the back page of a document with a stamp that says "Original Compared to Record." Ms. Ullmann said that because of today's photocopiers, microfilm, and imaging processes, this is an unnecessary requirement. (Attachment 5.)

The Chair closed the Public Hearing on HB 2787.

Chairperson Glasscock asked the Committee to turn its attention back to HB 2685. The Chair asked for the Committee's pleasure.

Representative Wells made a motion to remove HB 2685 from the table, and Representative Horst seconded. Motion passed.

Representative Wells made a motion to accept the suggested balloon and pass HB 2685 with a favorable recommendation. Representative Horst seconded. Motion passed.

The Chair next addressed HB 2786 and summarized by saying that the bill raises the fees from \$5.00 to \$6.00 and establishes uniform fees for recording all documents.

Representative Tomlinson made a motion to amend the bill by eliminating the obsolete language in line 37 starting at "if" and continuing through the word "liens" on line 42. Representative Huff seconded, and motion passed.

Representative Tomlinson made a motion to pass out HB 2786 as amended marked favorable for passage, and Representative Sharp seconded. Motion passed.

The Chair directed the Committee's attention to HB 2787.

Representative Horst made a motion to pass HB 2787 out marked favorable for passage and being of a non controversial nature that it be placed on the Consent Calendar. Representative Ray seconded, and the motion passed.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for February 16, 1998.

**GOVERNMENTAL ORGANIZATION & ELECTIONS
COMMITTEE GUEST LIST**

DATE: FRIDAY, FEBRUARY 13, 1998

NAME	REPRESENTING
Cindi Beck, Shawnee Club	KAC
Judy Miller	Ks. Assn of Counties
Diana Martin	KAC
Maggie L. Nichols	Reg. of Roads / Shawnee Co.
Jana F Ullmann	Reg. of Roads Assoc.
Kathy Olsen	KBA
Ann Durkes	DOB
Brad Bryant	Sec. of State
Melissa Wangemann	Sec of State

Session of 1998

HOUSE BILL NO. 2685

By Representative Neufeld

AN ACT concerning County Clerks; Office; special duties. Amending K.S.A. 19-304. And an act concerning Notarial Acts; Notarial acts in this state. Amending K.S.A. 53-504.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 19-304 is hereby amended to read as follows: 19-304

(a) The county clerk shall keep his office at the county seat; shall attend the sessions of the board of county commissioners, either in person or by deputy; keep the seals, records and papers of the said board of commissioners; and shall sign the records of the proceedings of the board of commissioners, and attest the same with the seal of the county.

(b) *The county clerk shall have the general powers of a notary public in the performance of all notarial acts.*

Section 2. This act shall take effect and be in force from and after its publication in the statute book.

Section 1. K.S.A. 53-504 is hereby amended to read as follows: 53-504

(a) A notarial act may be performed within this state by the following persons:

- (1) A notary public of this state,
- (2) a judge, clerk or deputy clerk of any court of this state,
- (3) *a county clerk or deputy county clerk, or*
- (4) any other person authorized to perform the specific act by the law

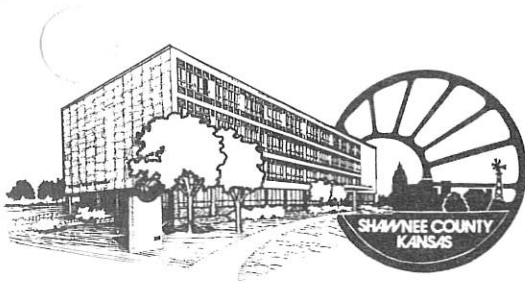
of this state.

(b) Notarial acts performed within this state under federal authority as provided in K.S.A. 53-506 have the same effect as if performed by a notarial officer of this state.

(c) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Section 2. This act shall take effect and be in force from and after its publication in the statute book.

House GO and E
2-13-98
Attachment 1



Shawnee County
Office of County Clerk
CYNTHIA A. BECK

233-8200
Ext. 4155 Main
Ext. 4159 Accounting

Courthouse - Room 107
Topeka, Kansas 66603-3963

Date: February 13, 1998

To: Chairman Kent Glasscock
Vice-Chairman Ted Powers
Rep. Gwen Welshimer, Ranking Minority Member
Members of the Committee

From: Cyndi Beck, Shawnee County Clerk
Legislative Chairperson, Kansas County Clerk's Association

Re: HB 2685

The Kansas County Clerk's Association fully supports House Bill 2685 and amendments. I have supplied you with copies of letters of support from Clerks across Kansas.

All Clerks are faced with requests to notarize a wide variety of documents. It has been a natural assumption for many years that the County Clerk can notarize under the seal of the County. The passage of this bill would end any speculation as to whether or not this practice is allowed under statute.

Another basis for support is from the financial aspect. In these days of tax lids and strapped budgets, the thought of spending another \$60 (\$50 notarial fee, \$10 for bond) to become a notary is not welcomed by any County Clerk.

We ask your support through this Committee and further support when voting before the full House.

Thank you.

House GO and E
2.13.98
Attachment 2



FEBRUARY 10, 1998

HONORABLE KENT GLASSCOCK
 CHAIRMAN GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE
 STATE HOUSE
 300 S.W. 10TH AVE. ROOM 183 W.
 TOPEKA, KS. 66603-3963

HONORABLE KENT GLASSCOCK,

RE: HOUSE BILL NO. 2685- REQUIRES COUNTY CLERK TO BE NOTARY PUBLIC.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

SECTION 1. K.S.A. 19-304 (B) THE COUNTY CLERK SHALL HAVE THE
 GENERAL POWERS OF A NOTARY PUBLIC IN THE PERFORMANCE OF ALL
 NOTARIAL ACTS.

SECTION 1. K.S.A. 53-504 (A) IS HEREBY AMENDED TO READ AS FOLLOWS:
 (3) A COUNTY CLERK OR DEPUTY COUNTY CLERK.

I FULLY LEND MY SUPPORT ON THIS HOUSE BILL NO. 2685 CONCERNING
 COUNTY CLERKS. ON MANY OCCASIONS AS THE COUNTY CLERK FOR BUTLER
 COUNTY, KANSAS, I HAVE FOUND MYSELF IN THE POSITION OF NEEDING TO
 PERFORM A NOTARIAL ACT AND NOT HAVING THE ABILITY OR THE POWER TO
 DO SO. THUS CAUSING MY CUSTOMER ADDITIONAL TIME WAITING FOR ME TO
 FIND SOMEONE IN THE OFFICE TO NOTARIZE THE PAPERWORK. WE STRIVE IN
 THE COUNTY CLERKS OFFICE TO PROVIDE EXCELLENT CUSTOMER SERVICE.
 ENACTING THIS BILL WOULD ENABLE US TO TAKE ANOTHER STEP FORWARD.

SINCERELY,

MARY K. HULL
 BUTLER COUNTY CLERK

Mary K. Hull, County Clerk

House GO and E
 2.13.98
 Attachment 3



FEBRUARY 10, 1998

HONORABLE KENT GLASSCOCK
 CHAIRMAN GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE
 STATE HOUSE
 300 S.W. 10TH AVE. ROOM 183 W.
 TOPEKA, KS. 66603-3963

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 THE COUNTY CLERKS OFFICE TO PROVIDE EXCELLENT CUSTOMER SERVICE.
 ENACTING THIS BILL WOULD ENABLE US TO TAKE ANOTHER STEP FORWARD.

SINCERELY,

A handwritten signature in cursive script that reads "Mary K. Hull".

MARY K. HULL
 BUTLER COUNTY CLERK

Mary K. Hull, County Clerk

Joe Gaston, Cowley County Clerk:

Mr. Gaston is in full support of passage of H.B. 2685 with amendments.



REBECCA BOSSEMEYER
GEARY COUNTY CLERK

139 E. 8th St., PO Box 927 / Junction City, KS 66441-0927
PHONE (913) 238-3912 • FAX (913) 238-5419

February 9, 1998

Dear Members of the Governmental Organization and Election Committee:

This letter is in support of IIB 2685. It will allow County Clerks to provide an additional service to the citizens of Kansas.

There are documents filed in our office that statutorily require a notary (such as filing documents for precinct people). This legislation would make the requirement easier to carry out.

Please report HB 2685 favorably.

Sincerely,

Rebecca Bossemeyer
Geary County Clerk
Vice Chair Legislative Committee, County Clerk's Association



GRAY COUNTY

Box 487
Cimarron, Kansas 67835-0487

County Clerk
Bonnie Swartz
316-855-3618

County Commissioners
1st Dist: Stephen J. Irsik, Jr.
2nd Dist: W. Wiley McFarland
3rd Dist: Riley Winkler

CIMARRON CROSSING
OLD SANTA FE TRAIL

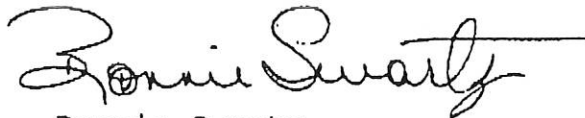
January 29, 1998

Re: House Bill No. 2685

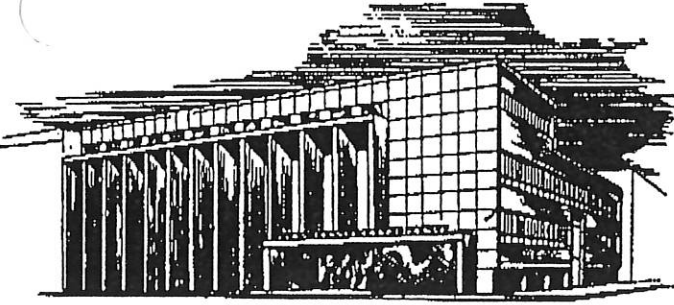
This is a letter in support of the changes to HB 2685 making the statutes clear that the County Clerk shall have the general powers of a notary public.

This will address concerns the Secretary of State and the Kansas County Clerk's Association had concerning interpretation of current statutes on duties of the County Clerk.

Yours truly,



Bonnie Swartz
Gray County Clerk



LYON COUNTY CLERK

KAREN K. HARTENBOWER

LYON COUNTY COURTHOUSE

402 COMMERCIAL

EMPORIA, KANSAS 66801-4000

(316) 342-4950, Ext. 245

February 6, 1998

To Whom It May Concern:

I am writing in favor of amending KSA 19-304 concerning Notarial Acts. Section 1 (3) a county clerk or deputy clerk (may notarize a document).

We have a lot of people come into the County Clerk's Office looking for someone to notarize documents. The Motor Vehicle Department only notarizes vehicle titles. District Court only notarizes documents pertaining to their business. The Register of Deeds does not notarize. Some of the people do not have bank accounts and therefor cannot go to a bank to get documents notified.

I feel this would be a service to our county residents that would not cost very much to implement.

Sincerely,

Karen K. Hartenbower
Lyon County Clerk

Office of the County Clerk

MARY C. GILMORE - *Morton County Clerk*

1025 MORTON
ELKHART, KANSAS 67950
(316) 697-2157 FAX (316) 697-2159

February 4, 1998

Linda A. Scheer, President
Kansas County Clerk's Association
Leavenworth County Clerk
300 Walnut
Leavenworth, KS 66048

Dear Linda:

I am in receipt of HB 2685 and the proposed changes to KSA 19-304 and KSA 53-504.

Please relay to Cindy that I am IN FAVOR OF THE CHANGES -- very much needed changes. I fully support the actions by the Legislative Committee and sincerely appreciate the Committee's efforts.

Sincerely,



Mary C. Gilmore
Morton County Clerk

MCG:hs

Facsimile Cover Sheet

To: Cindy Beck
Company: Shawnee County Clerk
Phone: 785-233-4111
Fax: 785-291-4912

From: Kathy Peckman
Company: Miami County Clerk
Phone: (913) 294-3976
Fax: (913) 294-9515
Email: micoclrc@micoks.net

Date: February 4, 1998
Pages including this cover page: 1

Comments: Re: HB2685

Cindi - I am in support of the information on this bill as provided by KCCA president in fax dated 2-4-98. Miami County has night commission meetings. There is no notary available at that time and it is a big inconvenience to have the commissioners come back into the courthouse on another date to sign any instrument requiring a notary. Please accept my support for HB2685.

FAX

Date: Wednesday, February 11, 1998

Time: 2:39:09 PM

1 **Pages**

To: Cindy Beck

From: Karen Persinger
Osage County

Fax: 7852914912

Fax: 785-828-4749

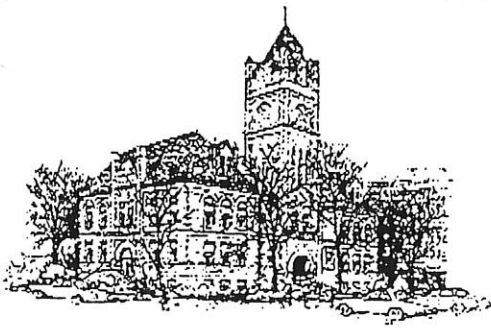
Voice:

Voice: 785-828-4812

Comments:

I feel the revised version of HB 2685 adequately answers any questions concerning a county clerk acting as a notary. Thank you for your work on this matter.

Karen Persinger
Osage County Clerk



Riley County Clerk's Office

110 Courthouse Plaza
Manhattan KS 66502

Rich Vargo, County Clerk

Telephone (785) 537-6300

Fax (785) 537-6394

February 11, 1998

Kent Glasscock
Representative of the 62nd District

Post-it* Fax Note	7671	Date	2-11-98	# of pages
To	Lindy Beck	From	Rich Vargo	
Co./Dept.	Co. Clerk	Co.		
Phone #	Cindy, Let me know if	Phone #		
Fax #	this is okay - soon as I hear from you I will send it.	Fax #		

Dear Kent,

I fully support House Bill No. 2685 amending K.S.A. 19-304 and K.S.A. 53-504. House Bill No. 2685 will benefit all 105 counties and be a significant benefit to the smaller counties that have a limited number of employees that are notaries. I feel that on all the documents in which Clerk's attest to County Commissioners signatures that Clerk's are assuming the same responsibilities as a notary. There have been many instances in which other county employees have asked me to notarize documents because they believed County Clerks were notaries. I appreciate your dedication and work for Riley County and the State of Kansas. I would appreciate your support on House Bill No. 2685.

Sincerely a Friend,

Rich Vargo, Riley County Clerk

Phone conversation 2/4/98 from Lou Kern, Washington County Clerk:

I support H.B. 2685 and amendments. I like the clarification this will bring for all County Clerks concerning notarizing documents.

Feb 10, 1998

CYNDI BECK, CHAIRPERSON KCCA LEGISLATIVE COMMITTEE
FAX 785-291-4912

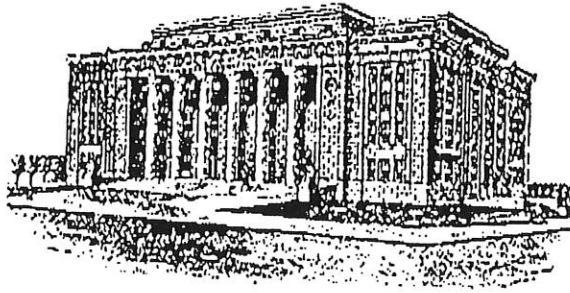
CINDY, I AM NOT SURE WHAT TO SAY OTHER THAN YOU HAVE WILSON COUNTY
CLERK'S SUPPORT IN BACKING HB 2685.

I AM SORRY THAT I CANNOT ATTEND THE HEARING, HOWEVER IF YOU NEED
ANYTHING ELSE PLEASE LET ME KNOW.

SINCERELY .

MAURINE BURNS, WILSON COUNTY CLERK
FAX-=316-378-3841

Maurine Burns



PHONE (913) 573-2876

FAX (913) 321-0237

OFFICE OF
EDWARD J. MAYFIELD
COUNTY CLERK
WYANDOTTE COUNTY COURT HOUSE
KANSAS CITY, KANSAS 66101

MEMO:

JANUARY 29, 1998

TO: Cyndi Beck, Shawnee County Clerk
Chairperson, KCCA Legislative Committee

FROM: Edward J. Mayfield, Member Legislative Committee

Handwritten signature of Edward J. Mayfield.

RE: HB 2685

I have reviewed the revised House Bill No. 2685, I am in total support of the revised Bill.

H.B. 2786

I am here today on behalf of the Kansas Register of Deeds Association. We thank you for addressing this issue and for the opportunity to provide input during your decision making process. The Register of Deeds Association has requested this bill and is asking that it be passed out of committee favorably.

The bill is requested on the basis of trying to make uniform the charges for recording documents in the Register of Deeds office. The rational is to simplify the fee schedule for both the customer and our offices. The majority of our recordings are deeds, mortgages, and release and assignment of mortgages. This bill would make uniform the charges for all of these documents.

There is one minor change that we believe needs to be made. First page, Line 20, we would like to insert another line that is simply a repeat of the same language from Line 18. This supports our original intent of making the fees uniform for all of these documents.

I would also note and I apologize for not seeing this earlier, that starting at Line 40- 42, is obsolete language. That whole process has changed with the Internal Revenue Service.

I would be happy to stand for any questions.

House GO and E
2.13.98
Attachment \$

H.B. 2787

I am here today on behalf of the Kansas Register of Deeds Association. We thank you for addressing this issue and for the opportunity to provide input during your decision making process. The Register of Deeds Association has requested this bill and is asking that it be passed out of committee favorably.

This bill would simply eliminate an obsolete requirement to stamp the back page of a document with a stamp that says "Original Compared To Record". Today's photocopiers, microfilm and imaging processes make this an unnecessary requirement. It is my understanding that this was put into the statutes to assure that when documents were hand or typewriter transcribed that they would be proof read for errors.

I would be happy to stand for any questions.