

Approved: 2/25/09
Date

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on February 2, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Jim Ward- excused
Representative Jason Watkins- excused

Committee staff present:

Melissa Doeblin, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the committee:

Janet Chubb, Asst Secretary of State

Others attending:

See attached list.

The hearing on **HB 2042-Uniform electronic transactions act: failure to register unlawful**, was opened.

Janet Chubb, Asst Secretary of State (Attachment 1) offered testimony explaining the Kansas Uniform Electronic Transactions Act (KUETA) was adopted by the Kansas Legislature in 2000 and authorized businesses, state agencies and citizens to transact business electronically using a variety of electronic signatures. This bill specifically addresses the digital signature. A digital signature is issued by a third-party provider known as a certification authority.

The KUETA provision currently states that “Any person before entering upon the duties of a registered certification authority, shall” (Paraphrased) register with the Secretary of State and meet the requirements of regulations adopted by the secretary, among other. This bill would clarify (paraphrased) that it is unlawful for any person to sell or service digital signatures before being approved and registered with the Secretary of State.

In response to questions by Representatives Patton, Brooking, Klebb, Pauls and Chairman Kinzer, Janet Chubb affirmed this issue was raised when appearing before the Rules and Regulations Committee and particularly addresses digital signatures issued by a provider, known as a “certification authority” to other than state agencies. It does require an annual filing fee of \$1000 and would enforce the requirement to register rather than “volunteer” to register if they decide to follow the rules.

The next meeting is scheduled for February 4, 2009.

The meeting was adjourned at 3:58 p.m.

JUDICIARY COMMITTEE GUEST LIST

DATE: 2-2-09

NAME	REPRESENTING
SEAN MILLER	CAPITOL STRATEGIES
LAW WILSON	Judicial Branch
JOE MOLINA	KS BAR ASSOC.
Callie Coco	Kearney + Associates, Inc.
Wigh Keck	Main Law Firm
J Chubb	SOP.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS

Testimony – Secretary of State

February 2, 2009
House Judiciary Committee
HB 2042

by the Joint Committee on Administrative Rules and Regulations

The Kansas Legislature adopted the Kansas Uniform Electronic Transactions Act (KUETA) in the spring of 2000, KSA 16-1601 *et seq.* The KUETA authorized businesses, state agencies and citizens to transact business electronically using a variety of electronic signatures. The specific electronic signature addressed by HB 2042 is the digital signature.

A digital signature is issued by a third-party provider known as a certification authority. The KUETA provision being amended by HB 2042 currently states that "Any person before entering upon the duties of a registered certification authority, shall" (paraphrased) register with the Secretary of State and meet the requirements of regulations adopted by the secretary, among other.

HB 2042 would clarify (paraphrased) that it is unlawful for any person to sell or service digital signatures before being approved and registered with the Secretary of State.

If it is the Legislature's intention that any certification authority must be registered with the Secretary of State before selling or servicing digital signatures in Kansas, this amendment is desirable, because it will clarify that registration is required.

The Secretary of State believes it was the Legislature's original intention to require all certification authorities to file with the Secretary of State before selling and servicing digital signatures, and, for that reason, our office supports HB 2042.

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Janet Chubb
Asst. Sec. of State