

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on March 16, 2004 in Room 313-S of the Capitol.

All members were present except:
Representative Dan Williams- excused

Committee staff present:
Jill Wolters, Revisor of Statutes
Diana Lee, Revisor of Statutes
Jerry Ann Donaldson, Kansas Legislative Research Department
Cindy O'Neal, Secretary

Conferees appearing before the committee:
Melissa Wangemann, Office of Kansas Secretary of State
Marilyn Nichols, Register of Deeds Association

The hearing on **SB 357 - Kansas Notary Public Act**, was opened.

Melissa Wangemann, Office of Kansas Secretary of State, appeared as the sponsor of the bill which would modernize the statutes governing notaries public. The Model Act was drafted in 2002 and was not intended to create a uniform law from state to state. The proposed bill recommends that the current bond of \$7,500 be raised to \$25,000 but the Senate lowered that amount to \$10,000. The increase was suggested to cover potential losses caused by notary misconduct. It also gives clear and precise directions to notaries for the performance of notarial acts and requires education and training prior to taking the examination. Ms. Wangemann provided the committee with a list of technical amendments which were clarifying in nature. (Attachment 1)

Marilyn Nichols, Register of Deeds Association, appeared as a proponent of the bill and suggested that the committee might want to make the penalties for deliberate fraud stronger. (Attachment 2)

Written testimony in support of the bill was provided from the National Notary Association (Attachment 3)

The hearing on **SB 357** was closed.

House Substitute SB 18 - Reassignment of District Magistrate Judges

Representative Patterson made the motion to strike the provisions of House Substitute SB 18 and replace them with the provisions of HB 2678 - increasing claim limit in small claims court from \$1,800 to \$4,000. Representative Jack seconded the motion. The motion carried.

Representative Loyd made the motion to change the limit dollar amount to \$3,200. Representative Swenson seconded the motion. The motion carried.

Representative Loyd made the motion to report House Substitute for House Substitute SB 18 favorably for passage. Representative Swenson seconded the motion. The motion carried.

SB 315 - requiring a \$20 domestic post-decree motion fee on any domestic post-decree motion

While the committee understood the clerks problems of having to read each motion to see a if fee needed to be charge, they felt that this issue could be addressed by court rule requiring that the caption specify exactly what is being filed. Therefore, the committee took no action on the bill.

The Chairman appointed the following member on a subcommittee on **SB 19 - mandatory retirement age of 75 for judges and justices**: Representatives Jack, Goering, Loyd, Mast, Pauls & Davis.

The committee adjourned. The next meeting was scheduled for March 18, 2004.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on March 16, 2004 in Room 313-S of the Capitol.