

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 03:58 p.m.