

Sean Miller, Kansas Land Title Association
Senate Committee on Judiciary
Testimony in support of Senate Bill 106
Tuesday, February 9, 2021

Chairwoman Warren, Members of the Senate Judiciary committee, I appreciate the opportunity to appear before you today in support of SB 106. While other conferees will discuss the policy reasons and need to allow for a more modern system of notarization I wanted to briefly focus on the process that we used to develop this legislation and remind the committee of the work they did last legislative session on HB 2713 (2020).

Kansas first adopted the Uniform Law on Notarial Acts in 1984. In the 35+ years since that adoption the legislature has made small changes but has not attempted any substantive rewrite of the Act. With the continued increase of technology integration in business several states began to allow remote notarizations. With the Revised Uniform Law on Notarial Acts of 2018 (RULONA) the Uniform Law Commission provided a roadmap for states to accept remote notarizations and to modernize their notary statutes.

In 2019 members of the Kansas Land Title Association (KLTA) began working with the Kansas Secretary of State, Uniform Law Commission (ULC) and a number of statewide associations including the Kansas Bar Association and the Kansas Bankers Association to develop a revised law for Kansas which ultimately became HB 2713. The House Judiciary committee made technical conforming amendments to the bill that were suggested by the Revisor. These sections often contained a single reference to the Kansas notarial act but needed to be included to capture the updated definitions found in the revised act. HB 2713, as amended, passed the House with a vote of 122-3.

Following House passage of the bill we were contacted by an advisor to the ULC and a member of the National Notary Association to request an amendment to the bill. That amendment helped clarify that notarial acts performed in other jurisdictions would be recognized under the Kansas act and further defined the term “official stamp” to also include an “official notary seal.” This was needed due to the transition from the historic “in person” physical stamp to the electronic seal allowed for remote notarizations. These revisions were considered and approved by KLTA and other the other organizations that helped draft HB 2713. These amendments were requested by conferees during the Senate hearing and were adopted by the Senate Judiciary committee. Ultimately, as was the case with many bills in 2020, HB 2713 failed to clear the full Senate due to the Covid related early conclusion of the 2020 session.

It is important to note that remote notarizations were allowed by Executive Order (EO 20-20 and subsequent extensions) during the Covid-19 emergency, and the House and Senate validated remote notarizations performed under this authority during the special session last summer (Sec. 17 of HB 2016). While the Covid emergency powers bill provided a stop gap for remote notarizations, passage of SB 106 is necessary to provide the Secretary of State with rule and reg authority to properly implement the act, and to ensure the development of a comprehensive framework for the modernization of the Kansas notary act.