

February 5, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 106 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 106 is respectfully submitted to your committee.

SB 106 would enact the Revised Uniform Law on Notarial Acts (RULNA). The bill would update existing notary statutes, clarify notary duties and responsibilities, and make best practices, such as keeping a journal of all notarizations, a statutory requirement. The provisions of the bill would permit a notary to provide remote notary services and establishes the requirements that a notary must meet prior to performing these services, including notifying the Secretary of State of the audio/visual technology to be used to perform the remote notarization. The bill would establish a fee, not to exceed \$25, to be paid to the Secretary of State by a notary who chooses to provide remote notarizations. The bill would also require a notary performing a traditional, electronic, or remote notarization to complete a course of study and examination approved by the Secretary of State. The bill would include definitions for terms used in the RULNA. The bill would take effect and be in force from and after its publication in the statute book; however, the provisions of the individual sections of the bill would take effect on January 1, 2023.

According to the Secretary of State, enactment of SB 106 would cause the agency to incur costs to develop and provide a course of study and examination for notaries, update notary forms and develop any required rules and regulations. These expenditures could be covered with existing resources and revenue generated through notary commissions or registrations. Based on estimates from other states that have enacted remote notary legislation, it is expected that up to 1.0 percent of the 50,000 notaries commissioned in Kansas would initially register to provide remote notary services. In addition to the current fee of \$25, these notaries would pay an additional \$25 for a

total increase in revenues of approximately \$12,500 ($0.01 \times 50,000 = 500 \times \$25 = \$12,500$). The agency anticipates that the number of notaries choosing to provide remote services will increase in future years. Any fiscal effect associated with SB 106 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Lynn Robinson, Department of Revenue
Sandy Tompkins, Office of the Secretary of State