

Sean Miller, Kansas Land Title Association
House Committee on Judiciary
Testimony in support of Senate Bill 106
Thursday, March 18, 2021

Chairman Patton, Members of the House 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. The continued increase of technology integration in business led several states to allow remote notarizations early last decade. 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 and HB 2713, as amended, passed the House by 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 who requested an amendment to the bill. That amendment helped clarify that notarial acts performed in other jurisdictions would be recognized in Kansas 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 amendments were supported by KLTA and the other conferees during the Senate hearing and were adopted by the Senate Judiciary committee. Ultimately HB 2713 failed to clear the full Senate due to the early conclusion of the session.

It is important to note that while remote notarizations were allowed by Executive Order (EO 20-20 and subsequent extensions) during the Covid-19 emergency that was a bare bones emergency measure. Passage of SB 106 is necessary to provide the Secretary of State with rule and regulatory authority to properly implement the act, and to ensure the development of a comprehensive framework for the modernization of the Kansas notary act.

This year, after the Senate Judiciary committee recommended passage of SB 106, the full Senate accelerated the effective date by one year to January 1, 2022. In consultation with the Secretary of State’s office, they believe this is enough time to allow them to promulgate rules and regulations so we are comfortable with that change.