

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 336

As Amended by House Committee on
Governmental Organization and Elections

Brief*

SB 336 would enact the Uniform Real Property Electronic Recording Act in Kansas.

The bill would provide the following:

- If a law requires, as a condition for recording, that a document be an original, paper document or other tangible medium, or be in writing, the requirement would be satisfied by an electronic document. Further, an electronic signature, would satisfy any law requiring, as a condition for recording, that a document be signed.
- A 15-member Electronic Recording Commission would be created to develop electronic recording standards as follows:
 - Three registers of deeds (representing a small, medium, and large county) appointed by the Kansas Register of Deeds Association;
 - Two persons representing the title industry, appointed by the Kansas Land Title Association;
 - One person representing the Kansas Bar, appointed by the Kansas Bar Association
 - One person representing the oil and gas industry, appointed by the Legislative Coordinating Council (LCC);
 - One person representing the mortgage brokers, appointed by the LCC;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- One person representing the banking industry, appointed by the LCC;
 - The State Historical Archivist or designee;
 - One person representing the surveyors/engineers, appointed by the LCC;
 - One person representing the realty industry, appointed by the LCC;
 - One person representing the agriculture industry, appointed by the Governor;
 - One person representing the construction industry, appointed by the Governor; and
 - One person representing the Kansas Secretary of State's Office, appointed by the Secretary of State.
- Any register of deeds or other recorder would be authorized to receive, index, store, archive, search, retrieve, and transmit electronic documents in accordance with standards established by the Electronic Recording Commission. Further, any fee or tax may be accepted electronically.

The bill would be effective upon publication in the *Kansas Register* thus allowing for the early creation of the Commission. The effective date for implementing the Act is set for July 1, 2007.

Background

The bill was recommended by the 2005 Special Committee on Judiciary. Those who testified at the hearing included the Kansas Secretary of State's Office, the Kansas Register of Deeds Association, the Kansas Bankers Association, and the Kansas Independent Oil and Gas Association.

The Senate Committee expanded the size of the Electronic Recording Commission to add a representative of the Secretary of State's Office and to add a second person to represent the title industry.

The House Committee expanded the size of the Electronic Recording Committee to add a representative of the agriculture industry and the State Archivist or designee.

The fiscal note states that the bill would have no fiscal impact on the state.