

1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1126

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1126

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-7-1999

Tape Number	Side A	Side B	Meter #
1	X		5.8 to 18.0
Committee Clerk Signature <i>J. McWilliam</i>			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Representative Klein: Chairman of the GVA Committee opened the hearing on January 7, 1999.

Summary of the Bill: Relating to filing of notice of revocation of notary commission and prohibited acts of notary public.

Testimony in Favor:

Mr. Al Jaeger, Secretary of State, testified in favor of the bill. He submitted a written testimony which he read in it's entirety (**please refer to his testimony**).

Representative Klein, How many notaries are there in ND?

Jaeger, 11,000. They are commissioned for 6 years.

Representative Klein, Page 2, line 1. What does the word jurat mean for us nonlegals?

Jaeger, An acknowledgment.

Representative Cleary, When a person is do to apply, would they have to do a new form or reapply?

Jaeger, The notary needs to know that the person that is signing their name is in fact that person. They would just cross out the first signature and re-sign their name again. The notary is a commissioned officer of the state. We haven't had a lot of notaries who haven't witnessed the actual signature.

Representative Klemin, I had two lawsuits in my private practice in which the notary was brought in because they had notarized documents that they had not witnessed the signature. They turned out to be forgeries and then the notary was brought into the party of the law suit. They were legal documents as part of the lawsuit.

Jaeger, In a case like that, if we were made aware of it, we would have taken appropriate action.

Representative Thoreson, What is the appropriate action?

Jaeger, I have the option of a fine or to revoke the notary. Suspensions can range from 30 days to 6 months. We judge each case differently (leeway).

Representative Haas, How do you get to be a notary?

Jaeger, You come up to our office, fill out the forms and pay us your bond. Basically you apply.

Testimony in Opposition: None.

Representative Klein, Closed the hearing on HB 1126.

Committee Action:

Representative Winrich, Made a motion for a Do Pass. This was seconded by Representative Kroeber.

Motion Passes: 15-0-0.

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1126

Hearing Date 1-7-1999

Representative Haas, Is the carrier for the bill.

Date: 1-7-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1126

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken MOTION FOR DO PASS

Motion Made By WINRICH Seconded By KROEBER

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH	✓	
VICE-CHAIR KLINISKE	✓				
REP. BREKKE	✓				
REP. CLEARY	✓				
REP. DEVLIN	✓				
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment HAAS

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 7, 1999 12:49 p.m.

Module No: HR-03-0379
Carrier: Haas
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1126: Government and Veterans Affairs Committee (Rep. Klein, Chairman)
recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1126 was placed on the Eleventh order on the calendar.

1999 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1126

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1126

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date February 26, 1999

Tape Number	Side A	Side B	Meter #
1		X	261-2806
Committee Clerk Signature <i>James A. Rail</i>			

Minutes: VICE CHAIRMAN WARDNER opened the hearing on HB 1126 which relates to filing of notice of revocation of a notary commission and prohibited acts of a notary public.

Appearing before the committee was SECRETARY OF STATE, AL JAEGER. Written testimony which he presented is attached. Questions were offered by SENATORS STENEHJEM, DEMERS, WARDNER, and THANE. Also appearing with Mr. Jaeger was Mary Feist, Director of the Licensing Division of the Secretary of States Office. She responded to questions from SENATOR DEMERS. No other testimony was offered in support. No one appeared in opposition. No testimony was offered in neutral position. The hearing on HB 1126 was closed at this time.

COMMITTEE ACTION: MARCH 4, 1999, Tape 1, Side A, Meter #'s 5940-END and Side B, 0-180. SENATOR STENEHJEM reviewed proposed amendments from the Secretary of States Office. He indicated the amendments clarified the language he requested on the bill.

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number HB 1126 Minutes

Hearing Date February 26, 1999

They make the bill better. A brief discussion of the amendments took place. There was nothing further. A motion to adopt the amendment from the secretary of state's office was made by SENATOR WARDNER, seconded by SENATOR W. STENEHJEM. ROLL CALL VOTE indicated 7 YEAS, 0 NAYS, and 0 ABSENT OR NOT VOTING. A motion for DO PASS AS AMENDED was made by SENATOR STENEHJEM, seconded by SENATOR KILZER. ROLL CALL VOTE indicated 7 YEAS, 0 NAYS, and 0 ABSENT OR NOT VOTING. SENATOR STENEHJEM will carry the bill.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1126

Page 1, line 18, after "signed" insert "or re-signed" and after "public" insert ", in the case of a jurat, or was not acknowledged in the presence of the notary public, in the case of a certificate of acknowledgment"

Renumber accordingly

Date: 3/24/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1126

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendments

Motion Made By Sen. Wardner Seconded By Sen. Stenehjem

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM	✓				
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3/04/99
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1126

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Sen Stenehjem Seconded By Sen. Kilzer

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM	✓				
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Stenehjem

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1126: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1126 was placed on the Sixth order on the calendar.

Page 1, line 18, after "signed" insert "or re-signed" and after "public" insert ", in the case of a jurat, or in the case of a certificate of acknowledgment, was not acknowledged in the presence of the notary public"

Renumber accordingly

1999 TESTIMONY

HB 1126



SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 7, 1999

TO: Rep. Klein and Members – House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1126 – Notary Public

A notary public is an officer commissioned by the state to carry out notarial duties.

During the 1995 legislative session, with the passage of SB 2115, and during the 1997 legislative session, with the passage of HB 1353, Chapter 44-06 of the North Dakota Century Code pertaining to notary publics was greatly enhanced and clarified.

The intent of this bill is to make three rather minor, yet very important changes, to the current law.

The change in Section 1, page 1, lines 9 and 10, merely deletes wording that was inadvertently overlooked in the 1995 and 1997 revision efforts. The clerk of the district court has not had a role under notary law for many years. While other references were removed when that role was removed by the action of a previous legislative session many years ago, these twelve words have managed to remain even though they are not applicable anymore. The intent of this section is to remedy that long overdue oversight.

The two changes in Section 2 are intended to clarify prohibited notary acts and are the result of notary violations that have been reviewed by the Secretary of State's office during the past several years. These clarifications will make it easier to impose sanctions or, if necessary, revoke a notary's commission.

The first change on page 1, line 18 makes it very clear that a notary public must witness the signature of a person prior to his or her notarizing the document.

The second change on page 2, lines 1 and 2, is an added prohibited act to make it clear that a notary cannot use a date, in his or her act of notarization, that is different from the date on which they truly witness the act they are notarizing.



SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

February 26, 1999

TO: Senator Krebsbach and Members - Senate Government and Veterans Affairs Committee
FR: Al Jaeger, Secretary of State
RE: HB 1126 – Notary Public

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