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Operator's Signature

10/2/03  
Date

2003 HOUSE JUDICIARY

HB 1168

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10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1168

House Judiciary Committee

Conference Committee

Hearing Date 1-27-03

Tape Number	Side A	Side B	Meter #
	XX		0-21
Committee Clerk Signature <i>Al Moore</i>			

Minutes: 12 members present, 1 member absent (Rep. Maragos)

**Chairman DeKrey:** We will open the hearing on HB 1168.

**Al Jaeger, Secretary of State:** (see attached testimony)

**Rep. Delmore:** What is the charge to become a notary?

**Mr. Jaeger:** It's \$25 to become a notary, with that they need to secure a bond through an insurance agency, purchase a notary seal, and the commission is good for 6 years.

**Rep. Wranham:** On Section 3, dealing with dating, what if a person left off the date by accident, he could lose his license for forgetting to put down the date? Isn't that a change.

**Mr. Jaeger:** It really isn't. You have to keep in mind that we do not automatically revoke an individual's commission. We can assess penalties from a hand slap all the way up to revocation.

Rep. Wranham: I guess I get a little nervous when we're putting these things into law, knowing that you would be fair judge of how bad the infraction was, but we don't know what the next

Secretary of State is going to be like.

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1/21/03  
Date

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**Mr. Jaeger:** You have to realize that the notary public is a lot of times considered kind of lax, and they don't really realize the importance of their job. What we have put in here, is nothing more than they should already be doing in their responsibilities as notary. We're trying to cover just the basics. If the notary does not complete their function correctly, it brings into question the entire process of their function.

**Rep. Klemin:** In the differences between section 1 and section 2; section 2 has the provision, my commission expires \_\_\_\_\_, and then section 1 says that you have to have the name and commission date on your stamp. Is this a separate requirement?

**Mr. Jaeger:** It is not a separate requirement, and perhaps the part in section 2 could have been deleted. We want to make sure that the notary stamp has their expiration on the stamp. We want the expiration date on the stamp, that way it is not forgotten when someone notarizes something.

**Rep. Klemin:** Section 1 doesn't talk about re-commission.

**Mr. Jaeger:** We treat each commission as a new one.

**Rep. Klemin:** If a person had an embosser, the next time they get their commission from you, they can't use it anymore.

**Mr. Jaeger:** That is really the intent. The embosser cannot leave an impression that can be copied or faxed.

**Rep. Delmore:** How do you become a notary?

**Mr. Jaeger:** We have a really nice website, where you can download all the forms, fill out the forms, \$25 fee, proof of bond from the insurance company, buy a stamp, and send copy to Secretary of State.

**Rep. Delmore:** How many notaries are in the state.

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**Mr. Jaeger:** We currently, as of November, have 11,600 notaries.

**Rep. Delmore:** In Section 4 you set up reasonable fees for travel, what will the reasonable fees be, or would that just be between the notary and whoever wants it done.

**Mr. Jaeger:** We want the fees to be determined between the notary and the person. We will not regulate what they charge.

**Rep. Kretschmar:** You envision the stamp to be a rubber stamp.

**Mr. Jaeger:** Yes.

**Rep. Kretschmar:** In Section 1, line 20, is the commission date - is that supposed to be the expiration date of the commission?

**Mr. Jaeger:** Probably should read as the commission expiration date.

**Rep. Galvin:** If the stamp becomes the property of the notary, do you have to turn it in, if not a notary anymore?

**Mr. Jaeger:** You can turn it in or destroy it, the notary has the responsibility of disposing of it.

**Rep. Delmore:** As I look at the violations, you've got several on your newsletter, where the document was not signed in the presence of the notary. How do you find out about those things.

**Mr. Jaeger:** Eight out of 10 come to our office on notary forms submitted to us. The other two might be reported by someone else, by bringing it to our attention

**Rep. Klemin:** I just have a comment on this issue, I've represented parties in two separate lawsuits in the past where one of the defendants who joined the action has been the notary, who notarized documents not signed in the presence of the notary. In both cases, they turned out to be forgeries.

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**Chairman DeKrey:** Thank you. Anyone wishing to testify in favor? Any wishing to testify in opposition. We will close the hearing.

(Re-opened later in the same session. Rep. Maragos now present)

**Chairman DeKrey:** Let's take a look at HB1168.

**Rep. Kretschmar:** Made a motion to amend the bill, to insert the word "expiration" after the word commission on line 20, page 1.

**Rep. Delmore:** Seconded.

Voice vote: All in favor.

**Rep. Grande:** Motion for Do Pass as amended.

**Rep. Delmore:** Seconded.

**Chairman DeKrey:** Any further discussion?

**Rep. Maragos:** Were any parts of this bill the result of the lottery initiative.

**Rep. Kretschmar:** He didn't say anything about the initiative of the lottery.

**Rep. Wrangham:** I have no problem with not using the embosser, I have a problem with the increased penalty - for putting on the wrong date or forgetting the date by accident. If it is done on purpose, they should lose their commission.

12 YES 0 NO 1 ABSENT DO PASS W/AMENDMENTS CARRIER: Rep. Klemin

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*Donna Galbraith*  
Operator's Signature

10/2/03  
Date

38248.0101  
Title.0200

Adopted by the Judiciary Committee  
January 27, 2003

VR  
1/27/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1168 JUD 1-28-03

Page 1, line 20, after "commission" insert "expiration"

Renumber accordingly

Page No. 1

38248.0101

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Deanna Hollenbach  
Operator's Signature

1/27/03  
Date

