

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by Representative Robert H. Miller at  
Chairperson

1:30 a.m./p.m. on February 6, 1984 in room 526S of the Capitol.

All members were present except:

Committee staff present:

Russ Mills, Research Department  
Mary Torrence, Revisor of Statute's Office

Conferees appearing before the committee:

Representative Ben Foster  
John Wine, Secretary of State's Office  
Chuck Simmons, Department of Corrections

The meeting was called to order by Chairman Miller.

Harley Duncan, Department of Revenue, explained a bill concerning records of the division of vehicles which he asked the committee to introduce. Attach C

Representative Aylward made a motion, seconded by Representative Runnels, to introduce the bill concerning records of division of vehicles. The motion carried.

HB2602 - Concerning the Kansas general corporation code

Representative Ben Foster explained HB2602 and why it was introduced. This bill would exempt incorporated churches from using a "corporation word" in their name.

John Wine, Secretary of State's Office, gave testimony in support of the bill and offered an amendment which would insert "churches" on line 22. See attachment A. Representative Foster agreed with this amendment.

Hearings on HB2602 were concluded.

Representative VanCrum made a motion, seconded by Representative Ott, that the minutes of the February 2 meeting be approved. The motion carried.

HB2791 - Concerning confidentiality of certain records relating to inmates of correctional institutions.

Chuck Simmons, Department of Corrections, explained that under current statute certain records obtained by the Kansas Adult Authority be considered confidential. The same records are also obtained by employees of the department of corrections and are maintained in their files. The existing statute is a carryover from the period when parole officers were assigned to the Adult Authority. This bill amends that statute to include reference to records obtained by employees of the department and gives the secretary authority to release these records. See attachment B.

Hearings on HB2791 were concluded.

HB2779 - Concerning the Secretary of Revenue; relating to the adoption and promulgation of rules and regulations concerning alcoholic beverages

Representative Matlack made a motion, seconded by Representative Grotewiel, to adopt the amendments recommended by Tom Kennedy, Alcohol Beverage Control.

CONTINUATION SHEET

Minutes of the F&SA Committee on February 6, 1984

There was discussion about Mr. Kennedy's amendments and whether these were in agreement with those of Tuck Duncan's. Also discussed was who was to have final approval of rules and regulations.

Representative Matlack's motion was withdrawn.

Representative Aylward made a motion, seconded by Representative Hensley, to adopt Tom Kennedy's amendments except the second page. The motion carried.

Representative Aylward made a motion, seconded by Representative Hensley, that the revisor make the cleanup amendments in sections concerning 75 and 55. The motion carried.

Representative Fuller made a motion, seconded by Representative Ramirez, to omit Sec.2, subsection (b). The motion carried.

Representative Ott made a motion, seconded by Representative Alyward, to remove language referring to "board" in Sec. 17. The motion carried.

Representative Alyward made a motion, seconded by Representative Eckert, to report HB2779 favorably as amended. The motion carried.

HB2630 - Disposition of revenue derived from tax on alcoholic beverages

Representative Vancrum explained to the committee that he felt that the additional revenue which was provided for community alcohol safety programs was clearly a mistake.

Representative Vancrum made a motion, seconded by Representative Hensley, to delete New Sec. 2.

Representative Roe made a substitute motion, seconded by Representative Ott, to report HB2630 favorably. A division was called. The motion carried.

The meeting was adjourned.

HOUSE BILL No. 2602

By Representative Foster

12-5

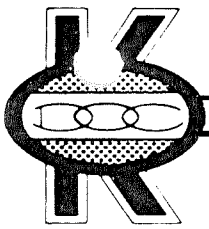
0015 AN ACT concerning the Kansas general corporation code; relat-  
0016 ing to the names of certain corporations; amending K.S.A.  
0017 17-6002 and repealing the existing section.

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. K.S.A. 17-6002 is hereby amended to read as fol-  
0020 lows: 17-6002. (a) The articles of incorporation shall set forth:

0021 (1) The name of the corporation which, except for banks ~~and~~ "church,"  
0022 ~~churches~~, shall contain one of the words "association," "col-  
0023 lege," "company," "corporation," "club," "foundation," "fund,"  
0024 "incorporated," "institute," "society," "union," "syndicate" or  
0025 "limited," or one of the abbreviations "co.," "corp.," "inc.,"  
0026 "ltd.," or words or abbreviations of like import in other lan-  
0027 guages if they are written in Roman characters or letters, and  
0028 which shall be such as to distinguish it upon the records in the  
0029 office of the secretary of state from the names of other corpora-  
0030 tions and partnerships organized, reserved or registered under  
0031 the laws of this state, unless ~~there shall be obtained~~ the written  
0032 consent of such other corporation *is obtained*, executed, ac-  
0033 knowledged and filed in accordance with K.S.A. 17-6003. The  
0034 name of every corporation heretofore organized, except for  
0035 banks, may be changed to conform to the provisions of this  
0036 section, but such change of name for existing corporations shall  
0037 not be required, and nothing herein shall be construed as re-  
0038 quiring any corporation which is subject to special statutory  
0039 regulation to include any of such names or abbreviations in the  
0040 name of such corporation if such name or abbreviation would be  
0041 inconsistent or in conflict with such special statutory regulation;  
0042 (2) The address, which shall include the street, number, city  
0043 and county of the corporation's registered office in this state, and

Att. h. A



# KANSAS DEPARTMENT OF CORRECTIONS

JOHN CARLIN — GOVERNOR

MICHAEL A. BARBARA — SECRETARY

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TO: HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
FROM: MICHAEL A. BARBARA, SECRETARY OF CORRECTIONS  
RE: H.B. 2791  
DATE: February 6, 1984

BILL SUMMARY:

H.B. 2791 provides that:

1. Certain records and reports obtained by members of the Kansas Adult Authority or employees of the department of corrections be confidential.
2. The records may be released by the court, adult authority, or secretary of corrections when the best interests or welfare of the inmate or defendant would be served.

BACKGROUND:

The current statute provides that certain records obtained by Kansas Adult Authority be considered confidential. The same records are also obtained by employees of the department of corrections and are, in fact, maintained in files which are in the custody of the department. The existing statute is a carryover from the period when parole officers were assigned to the Adult Authority.

DEPARTMENT POSITION:

The department believes the statute should be amended to include reference to records obtained by employees of the department. The records are the same and should be handled consistently. Additionally, since the records are contained in files which are in the custody of the department, the secretary should have authority to release those records.

MAB:CES/pa

HOUSE BILL NO. \_\_\_\_\_

By Committee on Federal and State Affairs

AN ACT concerning records of the division of vehicles of the state department of revenue; amending K.S.A. 1983 Supp. 74-2012 and section 11 of 1984 House Bill No. 2668, and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1983 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) All records of the division of vehicles pertaining to title, registration, licenses, dealers, drivers' licenses and accident reports shall be public records and open to inspection by the public. Other records relating to the physical or mental condition of any person, or to expungement or diversion agreements, shall be confidential. Copies of information contained in public records relating to any person shall be provided by the division to such person upon request. Copies of such information shall be provided to any person, firm, corporation, partnership or association either upon the written authorization of the person to whom such information relates or upon the requesting party's written certification that:

(a) The requesting party has a security interest in a motor vehicle owned by such person, or such person has offered to pledge such motor vehicle to the requesting party as security for a loan; or

(b) the requesting party is an employer or prospective employer of such person who, as a condition of such employment, will be engaged in the operation of motor vehicles owned by the requesting party; or

(c) the information relates to an application for or renewal or cancellation of a casualty insurance policy issued by the requesting party or through its authorized agent, and that

~~the requesting party and any such agent is fully licensed by the~~  
~~Kansas insurance department.~~ All other records of the division  
of vehicles shall be subject to the provisions of 1984 House Bill  
No. 2668 except as otherwise provided by this section.

(b) Copies of records of the division of vehicles shall not  
be released, or information contained therein divulged, to any  
person unless the person provides written certification to the  
division that the person does not intend to, and will not, sell,  
give or receive any list of names and addresses contained in or  
derived from the records or information for the purpose of  
selling or offering for sale any property or service to persons  
listed therein. Any person who uses a name or address which the  
person knows was derived from a public record obtained under the  
provisions of this section to sell or offer for sale any property  
or service, or who provides such a name or address to another  
person for that purpose, is guilty of a class C misdemeanor.

~~in addition,~~ (c) The director of vehicles may furnish  
information in any of its public records to a requesting party  
who submits proof satisfactory to the director that the  
information requested is to be used by the requesting party for  
the purpose of providing information to a manufacturer of motor  
vehicles registered in this state purposes of assisting  
manufacturers of motor vehicles in notifying owners of vehicles  
believed to have safety-related defects and compiling statistical  
reports.

(d) A fee in an amount fixed by the secretary of revenue  
and approved by the director of accounts and reports under K.S.A.  
45-204 pursuant to subsection (c)(5) of section 5 of 1984 House  
Bill No. 2668, for each request for information in the public  
records of the division concerning any vehicle or licensed driver  
shall be charged by the division, except that the director may  
charge a lesser fee pursuant to a contract between the secretary  
of revenue and any person to whom the director is authorized or  
required to furnish information under this section subsection  
(c), and such fee shall not be less than the cost of production

reproduction of any information requested.

(e) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 2. Section 11 of 1984 House Bill No. 2668 is hereby amended to read as follows: Sec. 11. (a) Except to the extent otherwise authorized by law, no person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records other than from public records of the division of vehicles obtained for the exclusive purpose of providing information to manufacturers of motor vehicles registered in this state under K.S.A. 74-2012 and amendments thereto.

(b) Violation of this section is a class C misdemeanor.

Sec. 3. K.S.A. 1983 Supp. 74-2012 and section 11 of 1984 House Bill No. 2668 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.