

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./~~p.m.~~ on April 3, 1985 in room 254-E of the Capitol.

All members were present except: Senators Anderson, Daniels and Ehrlich were excused.

Committee staff present:

Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
June Windscheffel, Committee Secretary

Conferees appearing before the committee:

The Chairman called the Committee's attention to 5 RS 1375, (Attachment #1), proposed legislation concerning counties and election of county commissioners. Senator Morris moved that the legislation be introduced as a Committee Bill and to be held in Committee. 2d by Senator Martin. Motion carried.

The Minutes of the meetings of March 18, 26 and 27, 1985, were considered by the Committee. Senator Morris moved that the Minutes be approved. 2d by Senator Martin. Motion carried.

Senator Hoferer requested the Committee introduce legislation (5 RS 1385) concerning amendments to statutes authorizing cities to (Attachment #2) issue certain bonds. Senator Hoferer moved the introduction of the legislation. 2d by Senator Arasmith. Motion carried.

SB319 - disclosure of vital records to genealogical societies and others.

The Chairman requested the Chairman of the Subcommittee which has been studying SB319 to make a report. Senator Walker, the Subcommittee Chairman, explained 5 RS 1381, which is a Substitute for SB319, which is being recommended by the Subcommittee. Senator Walker moved that the Committee adopt the Subcommittee Report, and that a Substitute Bill be introduced, and that the Chairman send a letter to the L.C.C. to request an interim study on the vital statistics act. Senator Arasmith seconded the Motion. Motion carried. (Attachment #3.)

Senator Arasmith moved that the Substitute Bill for SB319 be recommended favorably for passage. 2d by Senator Martin. Motion carried.

SB341 - concerning alcoholic liquor and relating to licensure and regulation of farm wineries.

The Committee discussed SB341, following which Senator Morris moved that SB341 be recommended favorably for passage. 2d by Senator Martin. Motion carried.

SB364 - prohibiting the sale on credit or exchange of cigarettes and tobacco products.

The Chairman called the Committee's attention to SB364. There was Committee discussion, but no action was taken.

A prohibition amendment similar to SCR1612 was discussed by the Committee members. Senator Morris moved it be introduced. 2d by Vidricksen. Motion carried. Senator Martin voted "no."

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m.~~p.m.~~ on April 3, 1985

The Chairman called the Committee's attention to a proposed bill concerning point of sale advertising materials in retail liquor stores. Committee discussion followed. Senator Martin moved that the Committee conceptually introduce such legislation. 2d by Senator Vidricksen. Motion failed.

The meeting was adjourned.

SENATE BILL NO. _____

By Committee on Federal and State Affairs

AN ACT relating to counties; concerning the election of county commissioners in certain counties; amending K.S.A. 19-201, 19-202, 19-204 and 19-219 and repealing the existing sections.

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

Section 1. K.S.A. 19-201 is hereby amended to read as follows: 19-201. (a) Except as otherwise hereinafter provided, each county in the state of Kansas shall have three {3}, five {5} or seven {7} commissioner districts, which shall be designated numerically and serially beginning with number 1.

(b) From and after the second Monday in January 1987, the county of Leavenworth shall have five commissioner districts which shall be designated numerically and serially beginning with number 1.

(c) The provisions of this section may be modified by the adoption of a charter for county government in shall not apply to any county which has established a charter commission pursuant to law and has adopted a charter for the government of such county.

Sec. 2. K.S.A. 19-202 is hereby amended to read as follows: 19-202. (a) Except as otherwise hereinafter provided, the board of county commissioners of each county shall consist of three {3}, five {5} or seven {7} qualified electors.

(b) One {1} county commissioner shall reside in and represent each commissioner district within the county.

(c) Terms of office for the board of county commissioners shall be staggered in such a way that, except when it is necessary to fill a vacancy as provided in K.S.A. 19-203, and amendments thereto, or to effectuate a change in the number of commissioner districts, no more than a simple majority of commissioners is elected at any general election.

(d) All county commissioners not filling a vacancy on the commission as set forth in K.S.A. 19-203 and not holding office for a shorter term in compliance with subsection (c) or (e), shall hold office for a term of four ~~(4)~~ years from the second Monday of January next after their election and until their successors are qualified.

(e) At the general election held in November 1986, and at the general election held in each fourth year thereafter, two county commissioners shall be elected in the county of Leavenworth for terms of four years and until their successors are elected and qualified. At the general election held in November 1986, one county commissioner shall be elected in the county of Leavenworth for a term of two years and until such commissioner's successor is elected and qualified. At the general election held in November 1988, and at the general election held in each fourth year thereafter, three county commissioners shall be elected in the county of Leavenworth for terms of four years and until their successors are elected and qualified.

~~(e)~~ (f) The provisions of subsections (a), (c) and (d) of this section ~~may--be--modified--by--the--adoption--of--a--charter--for--county--government~~ shall not apply in any county which has established a charter commission pursuant to law and adopted a charter for the government of such county.

Sec. 3. K.S.A. 19-204 is hereby amended to read as follows:
19-204. (a) The board of county commissioners shall, on the day of the organization of the board or as soon thereafter as may be possible, meet and divide the county into ~~three--commissioner districts--or~~ such number of districts as ~~is--prescribed--by resolution--of--the--board~~ the county has county commissioners, as compact and equal in population as possible, and number them, subject to alteration at least once every three years.

(b) The board of county commissioners of any county may, by resolution, divide the county into three, five or seven commissioner districts, as compact and equal in population as possible, but no such resolution which would effect a change in

the number of commissioner districts shall take effect until it has been approved by a majority of the qualified electors of the county voting thereon at the next general election, except as provided in subsections (e) and (f), following not less than 60 days the adoption of such resolution, in which all the qualified electors of the county are entitled to vote. Upon the presentation of a petition to the board of county commissioners, signed by electors equal in number to 5% of the qualified electors of the county and verified by the county election officer, requesting that the number of commissioner districts be changed, the board of county commissioners shall cause such proposition to be submitted to the voters of the county at the next general election, following not less than 60 days the presentation of such petition, in which all of the qualified electors of the county are entitled to vote. In the event that more than one such petition is presented to the board of county commissioners prior to a general election, and any of such petitions conflicts with any other such petition with respect to the number of commissioner districts requested, the board of county commissioners shall decide, by majority vote thereon, which of said such propositions shall be submitted to the voters at the next such general election. If a majority of the electors voting at such election shall be in favor of changing the number of commissioner districts, the board of county commissioners shall provide for the division of the county into commissioner districts as hereinabove provided, except as provided in subsections (e) and (f).

(c) No change in the number of commissioner districts shall become effective in any county within four years of the effective date of any previous change in the number of commissioner districts in such county.

(d) The provisions of this section ~~may-be-modified-by-the~~ adoption-of-a-charter-for-county-government shall not apply in any county which has established a charter commission pursuant to law and has adopted a charter for the government of such county.

(e) In any county having a population of more than 350,000, the board of county commissioners may submit the question authorized by subsection (b) at a special election held on the first Tuesday in April, 1981, by adoption of a resolution not less than 45 days before such Tuesday. If a majority of the electors voting at such election shall be in favor of changing the number of county commissioners, the board of county commissioners shall provide for the division of the county into commissioner districts as compact and equal in population as possible by resolution adopted not later than six months after such election. At the election in 1982, the commissioners from the two additional commissioner districts shall be elected for four-year terms, and such two additional commissioners so elected shall be the first commissioners to serve from such two additional districts.

(f) In any county which has been designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas, in which the board of county commissioners has heretofore submitted the question authorized by subsection (b), and the majority of the electors voting at the election favored increasing the number of commissioner districts, all resolutions and actions so adopted and taken by the board of county commissioners and the election so held are hereby validated. Any resolution adopted by the board of county commissioners of such county dividing the counties into commissioner districts and providing for the time of election of the commissioners from each district is hereby validated. The commissioners elected from the additional commissioner districts shall be the first commissioners to serve from such additional districts.

Sec. 4. K.S.A. 19-219 is hereby amended to read as follows: 19-219. It shall be the duty of the board of county commissioners to meet on the second Monday in January of each year, or within ~~thirty-(30)~~ 30 days thereafter, and organize by electing one of their number chairman for a term of one ~~(1)~~ year

who shall preside at that meeting and at all other meetings during such year, if present; but in case of the chairman's absence, a temporary chairman may be elected from the members present; and in case of the death or resignation of the chairman of the board, the board may, at any regular or special meeting after such vacancy, elect one of their number chairman to fill the vacancy.

The provisions of this section ~~may--be--modified--by--the adoption--of--a--charter--for--county--government~~ shall not apply in any county which has established a charter commission pursuant to law and has adopted a charter for the government of such county.

Sec. 5. K.S.A. 19-201, 19-202, 19-204 and 19-219 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

SENATE BILL NO. _____

By Committee on Federal and State Affairs

AN ACT concerning cities; relating to business improvement districts; amending K.S.A. 12-1786, 12-1789 and 12-1793 and repealing the existing sections.

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

Section 1. K.S.A. 12-1786 is hereby amended to read as follows: 12-1786. Upon receiving the recommendation and report of the district planning committee, the governing body of the city may initiate the formation of a business improvement district by the adoption of a resolution of intent. Such resolution of intent shall contain the following: (1) A description of the boundaries of the proposed district; (2) a general description of the services which are proposed to be provided within the district pursuant to this act; (3) the estimated annual cost of providing such services during the next three years and, if bonds or notes are to be issued to pay the cost of providing such services, the estimated levy necessary to pay the principal thereof and interest thereon and the estimated term of the bonds or notes; (4) the proposed method or methods by which the city proposes to raise the revenue to finance such services; (5) such other information as deemed advisable by the governing body; and (6) the time and place of a public hearing to be held by the governing body to consider establishment of the district.

Sec. 2. K.S.A. 12-1789 is hereby amended to read as follows: 12-1789. Following publication of an ordinance passed under K.S.A. 12-1788, and amendments thereto, the owners of businesses located within the district may file with the governing body of the city a petition in opposition to the continuation of the district. Upon a finding that the petition

was signed by not less than a majority of the number of businesses located within the district, the district shall be voided and the governing body shall by ordinance repeal the ordinance which established the district and return any unused moneys collected and distribute such moneys back to the businesses on a pro rata basis in the same percentage as such moneys were collected. The ordinance repealing the ordinance establishing the district shall provide for the continuing levy and collection of fees sufficient to pay the principal of and interest on any bonds or notes issued to pay the cost of providing services within the district which remain outstanding at the time the district is voided.

Sec. 3. K.S.A. 12-1793 is hereby amended to read as follows: 12-1793. Any modification of the area included within a district shall be made by ordinance following a public hearing, preceded by at least 30 ~~days~~ days' written notice to all businesses within the existing and proposed district, served by first class mail notice. Any district may be abolished by ordinance following a public hearing, preceded by at least 30 ~~days~~ days' written notice to all businesses within the district by first class mail. The ordinance repealing the ordinance establishing the district shall provide for the continuing levy and collection of fees sufficient to pay the principal of and interest on any bonds or notes issued to pay the cost of providing services within the district which remain outstanding at the time the district is abolished.

Sec. 4. K.S.A. 12-1786, 12-1789 and 12-1793 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

SUBSTITUTE FOR SENATE BILL NO. 319

By Committee on Federal and State Affairs

AN ACT concerning the uniform vital statistics act; disclosure of certain records; rules and regulations of the secretary of health and environment; amending K.S.A. 65-2402, 65-2406, 65-2407 and 65-2422 and repealing the existing sections.

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

Section 1. K.S.A. 65-2402 is hereby amended to read as follows: 65-2402. The secretary shall:

{1} (a) Establish within the division of health suitable offices properly equipped for the preservation of official records.

{2} (b) Maintain a complete cross-index on all records filed under the provisions of this act.

{3} (c) Install a statewide system of vital statistics.

~~{4} Make and may amend after notice and hearing necessary~~
{4} (d) Adopt rules and regulations for filing, maintaining and disclosing vital statistics and give instructions and prescribe forms for collection, transcribing, compiling and preserving vital statistics.

{5} (e) Enforce this act and ~~the~~ rules and regulations made adopted pursuant thereto.

Sec. 2. K.S.A. 65-2406 is hereby amended to read as follows: 65-2406. The state registrar, under the supervision of the secretary, shall have charge of the collection of vital statistics and be the custodian of all files and records, and perform the duties prescribed by the secretary. ~~He~~ The state registrar shall enforce this act and the rules and regulations of the secretary and have supervisory power over local registrars and any other person having custody or control of any vital statistics records, except those of one's own family. ~~He~~ The

state registrar shall submit to the secretary an annual report of the administration of this act. Local registrars or any other person having custody or control of any vital statistics records (except those of one's own family) may permit inspection of vital statistics records only in accordance with rules and regulations of the secretary.

Sec. 3. K.S.A. 65-2407 is hereby amended to read as follows: 65-2407. Local registrars of vital statistics shall be appointed by the state registrar of vital statistics. The city clerk of an incorporated city within each registration district shall ordinarily be designated by the state registrar of vital statistics as the local registrar of vital statistics for such district, but the state registrar of vital statistics may at his discretion appoint some other competent person as local registrar. The state registrar may remove a local registrar. The state registrar of vital statistics may also appoint deputy local registrars of vital statistics.

Sec. 4. K.S.A. 65-2422 is hereby amended to read as follows: 65-2422. (a) The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of this act and regulations of the secretary; but it shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this act and the secretary and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in such records, except as authorized by law.

(b) No disclosure of illegitimacy of birth or of information from which illegitimacy can be ascertained shall be made, except upon order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose, but the state registrar shall open the records of any person whose birth has been listed as illegitimate who has attained legal age and

demands the opening.

(c) The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he ~~is~~ is satisfied that the applicant therefor has a direct interest in the matter recorded and that the information ~~therein-contained~~ inspected or for which a certified copy is issued is necessary for the determination of personal or property rights. ~~His~~ The secretary shall adopt rules and regulations concerning the interpretation and administration of this section, and such rules and regulations shall specify when state held or locally held vital statistics records may be disclosed, the manner of disclosure and to whom disclosure may be made. The state registrar's decision in any particular case shall be subject, however, to review by the secretary or a court under the limitations of this section.

(d) The secretary shall permit the use of data contained in vital statistical records for research purposes only, but no identifying use thereof shall be made.

(e) Subject to the provisions of this section the secretary may direct local registrars to make a return upon the filing of birth, death and stillbirth certificates with them of certain data shown thereon to federal, state or municipal agencies. Payment by such agencies for such services may be made through the state registrar to local registrars as the secretary shall direct.

(f) On or before the ~~twentieth~~ 20th day of each month the state registrar shall furnish to the county election officer of each county, without charge, a list of deceased residents of such county who were at least ~~eighteen-(18)~~ 18 years of age, for whom death certificates have been filed in the office of the state registrar during the preceding calendar month, which list shall include the name, age or date of birth, address and date of death of each of such deceased persons, and shall be used solely by such election officer for the purpose of correcting records of their offices.

(g) No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a certificate of birth, death, or fetal death, except as authorized in this act or regulations adopted hereunder.

Sec. 5. K.S.A. 65-2402, 65-2406, 65-2407 and 65-2422 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.