

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at
Chairperson

1:30 a.m./p.m. on March 25, 1985 in room 531-N of the Capitol.

All members were present except:

Committee staff present:

Julian Efird - Research
Bruce Kinzie - Revisor

Conferees appearing before the committee:

George Puckett - Kansas Restaurant Association
J. G. Hollowell - Director, Division of Health, Kansas Department of Health
and Environment
Bob Keckeisen - Local Records Archivist, Kansas State Historical Society
Gerry Ray - Legislative Liaison, Johnson County Board of Commissioners
Tom Groneman - Kansas Register of Deeds Association, Register of Deeds,
Wyandotte County
Kim Dewey - Sedgwick County Board of Commissioners
Fred Allen - Kansas Association of Counties
Jamie Schwartz - Secretary of Economic Development

The Chairman called the meeting to order and introduced George Puckett who addressed the committee on SB 342 which establishes the advisory committee on food service and lodging. (Exhibit A) Senator Vidricksen then showed the committee a picture of the signing of the original Food Service and Lodging Act in May 1939. Joe Hollowell also spoke in support of SB 342 giving the official position of the Kansas Department of Health and Environment. (Exhibit B) After a short discussion, Senator Winter made a motion to amend SB 342 to state that the advisory committee on food service and lodging should meet at least three (3) times a year instead of quarterly. The motion was seconded by Senator Hoferer and it passed. A motion was then made by Senator Winter to recommend SB 342 as amended favorably for passage. This was seconded by Senator Hoferer. Motion carried.

The Chairman then introduced Bob Keckeisen who reviewed the State Historical Society's position on HB 2228 which concerns records; authorizing the use of computer disks, tapes or other electronically accessed media. He stated that although the Historical Society supports HB 2228, they believe several changes should be made, he then passed out a balloon version of HB 2228. (Exhibit C) Gerry Ray then spoke in support of HB 2228. (Exhibit D) Tom Groneman spoke in support of HB 2228 but he also had amendments to present. (Exhibit E) He indicated that he was in favor of putting only the indexes on computer, not the actual instrument. Kim Dewey also spoke in favor of HB 2228 (Exhibit F) as did Fred Allen.

The Chairman then introduced Jamie Schwartz who answered questions concerning SB 177 which would reorganize the department of economic development. Since there have already been hearings on this bill, no testimony was heard. A conceptual motion was made by Senator Bogina to make the Office of Minority Business Affairs a part of the Small Business Development Division instead of a separate Division, seconded by Senator Frey. After further discussion, the Chairman indicated that we would take SB 177 up first thing at tomorrow's meeting.

Senator Winter made a motion to approve the minutes of the March 19 meeting. Senator Strick seconded the motion and it passed.

The meeting was then adjourned by the Chairman.

GUEST LIST

COMMITTEE: Senate Governmental Organization

DATE: March 25, 1985

NAME	ADDRESS	COMPANY/ORGANIZATION
Gerry Ray	Olathe	Johnson Co. Commissioner
Harold Harrison	Wichita	Sedgewick County
Clyde Topley	Wichita	Sedgewick County
KENNETH KEEN	WICHITA	SEDEWICK COUNTY
GEORGE PUCKETT	WICHITA	KS. RESTAURANT ASSOCIATION
Kim C. Dewey	WICHITA	SEDEWICK COUNTY
J G Hollowell	Topeka	KDHE
Bob Keckeisen	Topeka	Ks state Historical Society
Al Ward	Topeka	Kans Restaurant Assn.
PAT SCHAFER	TOPEKA	DIVISION OF BUDGET
Jackie Dehry	"	KDED
Dan Schwanitz	"	KDEB
Susan Shuff	"	Budget
Tom Groneman	K.C., ks	ks. Registrar of Deeds Assn.
Fred Allen		Assoc. of Cos.

The Honorable Ben Vidricksen, Chairperson
Committee on Governmental Organization
Senate Chamber
Third Floor, Statehouse

143-N

Dear Senator Vidricksen:

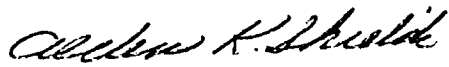
SUBJECT: Fiscal Note for Senate Bill No. 342 by Committee
on Federal and State Affairs

In accordance with K.S.A. 75-3715a, the following fiscal note concerning Senate Bill No. 342 is respectfully submitted to your committee.

Senate Bill No. 342 establishes a seven member advisory committee on food service and lodging, and repeals K.S.A. 75-5629 which authorizes a nine member advisory committee on food service and lodging standards.

The Department of Health and Environment indicates that passage of Senate Bill No. 342 would have minimal impact on expenditures. The FY 1986 Governor's Budget Report includes \$2,450 in state general funds for travel and per diem reimbursement to members of the existing advisory committee on food service and lodging standards. There could be a slight reduction in expenditures if seven members are reimbursed rather than nine members.

Any reduction in expenditures from the State General Fund as a result of passage of Senate Bill No. 342 would be a change from the amounts contained in the FY 1986 Governor's Budget Report.


Alden K. Shields
Director of the Budget

AKS:PS:dh

MY NAME IS GEORGE PUCKETT, AND I REPRESENT THE KANSAS RESTAURANT ASSOCIATION, A STATEWIDE GROUP OF FOOD SERVICE MANAGERS AND OWNERS REPRESENTING THE FOOD SERVICE INDUSTRY.

SENATE BILL 342 WOULD REORGANIZE THE ADVISORY COMMITTEE ON FOOD SERVICE AND LODGING WHICH HAS FAILED TO FUNCTION FOR THE PAST SEVERAL YEARS DUE TO APPOINTMENTS NOT BEING MADE TO THE POSITIONS, AND APPOINTMENTS MADE TO MEMBERS WHO ARE NO LONGER ACTIVE IN THE KANSAS FOOD SERVICE INDUSTRY.

THE DEPARTMENT OF HEALTH HAS INTRODUCED SENATE BILL 132 THIS YEAR TO ABOLISH THE PRESENT NINE MEMBER BOARD, SINCE ONLY THREE PEOPLE ARE CURRENTLY APPOINTED TO THE BOARD AND A QUORUM IS NOT POSSIBLE. SENATE BILL 132 WAS REPORTED UNFAVORABLY BY THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

IN THE PAST, THIS COMMITTEE CONSULTED WITH AND ADVISED THE SECRETARY OF HEALTH AND ENVIRONMENT ON MATTERS RELATING TO FOOD SERVICE AND LODGING STANDARDS, THE ADMINISTRATION OF THE FOOD SERVICE AND LODGING ACT, AND ON OTHER SUCH IMPORTANT MATTERS. THIS BROUGHT ABOUT A STRONG COOPERATION BETWEEN THE DEPARTMENT AND THE OVER 10,000 LICENSED FOOD SERVICE OPERATORS IN KANSAS. OUTSTANDING OPERATORS HAVE SERVED ON THIS BOARD IN THE PAST AND WISH, ONCE AGAIN, TO MAKE THE COMMITTEE A USEFUL AND PRODUCTIVE ONE.

THE ORIGINAL BOARD WAS CREATED IN 1939, AND FUNCTIONED EXTREMELY WELL UNTIL RECENTLY. AS PROPOSED, THE COMMITTEE WOULD BE COMPOSED OF A STRONG CROSS SECTION OF MEMBERS OF THE FOOD SERVICE AND LODGING INDUSTRIES IN KANSAS. THE FOOD SERVICE INDUSTRY STRONGLY URGES YOUR FAVORABLE ACTION ON SENATE BILL 342.

EXHIBIT A 3/25/85

March 25, 1985

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON SB 342

PRESENTED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION - March 25, 1985

This is the official position taken by the Kansas Department of Health and Environment on SB 342.

BACKGROUND INFORMATION:

Coincidental to the passage of the Food Service and Lodging Act in 1975, the legislature created the Advisory Committee on Food Service and Lodging Standards as an extension of the Food Service and Lodging Board abolished that same year. The Advisory Committee on Food Service and Lodging Standards was created to consult with and advise the Secretary on matters relating to implementation of the Food Service and Lodging Inspection and Licensing Program. For several years after it's creation the Advisory Committee on Food Service and Lodging Standards was very active and played an important part in regard to the implementation of the Food Service and Lodging Act. The committee members actively dealt with issues concerning legislation, budgeting, regulation development and adoption and other matters.

In recent years the workload of the committee has decreased substantially as the Food Service and Lodging Licensing and Inspection Program has become established within KDHE. As a result of this reduced workload, committee members have become inactive and scheduled meeting are frequently cancelled due to lack of a quorum.

STRENGTHS: Maintains Agency contact with industry.

WEAKNESSES: Demands significant amounts of staff time and committee meetings are frequently cancelled due to lack of quorum.

DEPARTMENT'S POSITION:

The agency does not oppose this legislation.

Presented by: Barbara J. Sabol, Secretary
Kansas Department of Health
and Environment

cr/15A

EXHIBIT B

3/25/85

COMMENTS ON HOUSE BILL NO. 2228

Presented to the Senate Governmental Organization Committee
by Bob Keckeisen, Local Records Archivist

March 25, 1985

Although the Kansas State Historical Society supports passage of House Bill No. 2228, we nevertheless believe several changes should be made in the version amended by the House Committee of the Whole.

Our primary objection is the language in New Section 1 (line 66 on page 2) which empowers the state records board to approve only procedures to be implemented by a state or local agency when utilizing computers. The state historical society believes the state records board should have the authority to approve the use of computer disks, tapes, or other electronically accessed media. Merely approving procedures will not permit adequate safeguards for permanently valuable records which may be placed on computers. Our concerns are well illustrated by subsection (b) of Section 2 (lines 147 - 152 on page 4) which would authorize registers of deeds to place almost any records directly on computer. We have serious doubts that computerized copies of records such as deeds would be admissible legal documents. Signatures on computerized documents easily could be questioned as to their authenticity or admissibility in court. A microphotographic copy of a computerized record would present the same problems. In other words, we believe that there are certain records which, at this time, should not be placed on computers as the sole means of recording the information. Empowering the state records board, therefore, to approve only the procedures to be utilized in placing records with enduring value on computers would not prevent a state or local agency from using computers for permanent records storage. Empowering the state records board to authorize the use of computers would provide reasonable oversight for the

various types of records which may be placed on disks, tapes, or other electronically accessed media.

The changes suggested in our balloon version of the bill would address our concerns. We appreciate the committee's consideration of our comments.

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 1985

HOUSE BILL No. 2228

By Representatives Spaniol, Aylward, Baker, Blumenthal, Bowden, Brown, Cloud, Fox, Francisco, Fuller, Grotewiel, Hoy, Kline, Mayfield, D. Miller, Patrick, Pottorff, Snowbarger, Vancrum, Webb and Williams

2-7

0024 AN ACT concerning records and recordation; relating to using
0025 the method of making records or recording; authorizing the
0026 use of computer disks, tapes or other electronically accessed
0027 media; prescribing powers, duties and functions for the state
0028 records board; amending K.S.A. 58-2224 19-1204, 19-1205,
0029 19-1206, 19-1207, 19-1208 and 19-1209 and repealing the
0030 existing section sections.

0031 *Be it enacted by the Legislature of the State of Kansas:*

0032 Section 1. K.S.A. 58-2224 is hereby amended to read as fol-
0033 lows: 58-2224. Wherever the statutes require court records,
0034 deeds, patents, plats, charters of corporations, certificates of
0035 decrease of capital stock or other instruments, papers, or docu-
0036 ments, to be recorded by any city, county or state officer, the
0037 making of photographic copies of such instruments, papers or
0038 documents, or the making of microphotographed copies or the
0039 making of copies on computer disk, tape or other electronically
0040 accessed media, shall be deemed recording. Photographic copies
0041 may be bound, paged and indexed wherever it is so provided for
0042 instruments, papers, or documents, recorded by hand, and such
0043 photographic copies when bound together shall be deemed
0044 record books. Microphotographed copies shall be placed in con-
0045 veniently accessible files with provisions made for their preser-
0046 vation, examination and ready use by those persons lawfully
0047 entitled to view them and when such conditions are met they
0048 shall be deemed record books. Copies stored on computer disk,

0049 *tape or other electronically accessed media shall be maintained*
 0050 *with provisions made for their preservation, examination and*
 0051 *availability for ready use by those persons lawfully entitled to*
 0052 *view them through the use of computer terminal displays, com-*
 0053 *puter printouts or other computer-generated displays. The ca-*
 0054 *pability to produce a computer printout or other printed version*
 0055 *of such copies stored on computer disk, tape or other electroni-*
 0056 *cally accessed media shall be maintained at all times that such*
 0057 *copies are required to be available to persons lawfully entitled*
 0058 *to view them. When such conditions are met for copies stored on*
 0059 *computer disk, tape or other electronically accessed media, they*
 0060 *shall be deemed record books. This act shall be supplemental to*
 0061 *existing statutes.*

0062 New Section 1. (a) Whenever any state agency or local
 0063 agency is required by law to make a record or to record any
 0064 transaction or any instrument, paper or document, the making of
 0065 such record on computer disk, tape or other electronically ac-
 0066 cessed media, ~~in accordance with a procedure approved by the~~
 0067 state records board under this section, shall be deemed to be
 0068 recording or the making of the record as required by law.

{ when authorized

0069 (b) Each local agency or state agency may make written
 0070 application to the state records board for ~~approval of proposed~~
 0071 ~~procedures~~ to make records, which are required by law, on
 0072 computer disks, tapes or other electronically accessed media.
 0073 The board shall prescribe the form for such application and the
 0074 information required therein. Upon receipt of each such appli-
 0075 cation, the state records board shall review the proposed pro-
 0076 cedures for the use of computer disks, tapes or other electroni-
 0077 cally accessed media to assure that such use will be in
 0078 accordance with the requirements under this section. In judging
 0079 the merits of any such application, the board shall consider,
 0080 among other factors that the board deems appropriate, (1) the
 0081 nature and potential uses of the records to be made on computer
 0082 disks, tapes or other electronically accessed media and (2) the
 0083 quality of the computer or other electronically accessed media
 0084 system, including the quality of the storage media, to be utilized.
 0085 If the board fails to act upon any such application within 90 days

{ authority

0086 after receipt thereof by approving the application or by disap-
0087 proving the application, ~~and specifying the changes or additions~~
0088 ~~in the proposed procedures required for approval by the board,~~ } delete
0089 the application shall be deemed to be approved by the board.

0090 (c) When any such records are made on computer disks, tapes
0091 or other electronically accessed media under this section, such
0092 records shall be maintained and adequate provisions shall be
0093 made for their preservation, examination and availability for
0094 ready use by those persons lawfully entitled to view them
0095 through the use of computer terminal displays, computer print-
0096 outs, other computer-generated displays or other suitable facili-
0097 ties which may be made available at one or more locations
0098 designated by the state agency or local agency therefor. The
0099 capability to produce a computer printout or other printed ver-
0100 sion of such records stored on computer disks, tapes or other
0101 electronically accessed media shall be maintained by the state
0102 agency or local agency at all times so that such a printed copy of
0103 such records may be made available to persons lawfully entitled
0104 to view the records, subject to any applicable fees for such
0105 printed copies, from one or more locations designated by the
0106 state agency or local agency therefor. Microphotographic copies,
0107 which meet the standards approved by the state records board
0108 therefor, shall be made of all records made on computer disks,
0109 tapes or other electronically accessed media under this section
0110 when such records are deemed by the state records board to be
0111 government records with enduring value. Each computer or
0112 other electronically accessed media system used to make records
0113 under this section shall include adequate security procedures
0114 and other provisions for a permanent record of all persons who
0115 have access to and make, amend or delete any records or other
0116 data in such system.

0117 (d) The state records board may adopt rules and regulations
0118 prescribing standards and procedures for preservation, examina-
0119 tion and availability of records made on computer disks, tapes or
0120 other electronically accessed media under this section.

0121 (e) No state agency or local agency which records or stores
0122 information on computer disks, tapes or other electronically

0123 accessed media shall be required to receive approval therefor
 0124 under this section or to satisfy the standards and procedures
 0125 imposed under this section, unless such records and information
 0126 are records required by law and such records are not also made
 0127 or maintained in another manner required or permitted by law.
 0128 (f) As used in this section, the words and phrases set out in
 0129 K.S.A. 45-402 and amendments thereto have the meanings
 0130 ascribed to them in that section, unless the context requires a
 0131 different meaning.

0132 (g) This section shall be supplemental to existing statutes.
 0133 Sec. 2. K.S.A. 19-1204 is hereby amended to read as follows:
 0134 19-1204. [(a)] The register of deeds shall have custody of and
 0135 safely keep and preserve all the books, records, deeds, maps,
 0136 papers and microphotographs deposited or kept in ~~his~~ the office;
 0137 ~~he~~ of the register of deeds. The register of deeds shall also
 0138 record, or cause to be recorded, in a plain and distinct handwrit-
 0139 ~~ing~~ [distinct handwriting or in another] legible manner, in suit-
 0140 able books to be provided and kept in ~~his~~ the office of the
 0141 register of deeds ~~or shall make such record in another manner~~
 0142 ~~authorized by statute~~, all deeds, mortgages, maps, instruments
 0143 and writings authorized by law to be recorded in ~~his~~ the office of
 0144 the register of deeds and left with ~~him~~ the register of deeds for
 0145 that purpose, and shall perform all other duties ~~as are required of~~
 0146 ~~him~~ by law.

0147 ~~[(b) The register of deeds shall have the option of recording~~
 0148 ~~all such deeds, mortgages, maps, instruments and writings under~~
 0149 ~~this section: (1) In books as provided in subsection (a), (2) on~~
 0150 ~~computer disks, tapes or other electronically accessed media in~~
 0151 ~~accordance with section 1, or (3) in another manner authorized~~
 0152 ~~by statute in accordance with the provisions thereof.]~~

0153 Sec. 3. K.S.A. 19-1205 is hereby amended to read as follows:
 0154 19-1205. (a) Every register of deeds shall keep a general index,
 0155 direct and inverted, in ~~his~~ the office of the register of deeds. The
 0156 general index, direct, shall be divided into seven columns, with
 0157 heads to the respective columns as follows; to wit:

delete

0158	Time	Names	Names	Nature	Volume		
0163	of	of	of	of	and		
0170	Recep-	Grant-	Grant	Instru-	Page		Description
0184	tion.	ors.	ees.	ment.	Where	Recorded.	of
							Tract.

0191 He *The register of deeds* shall make correct entries, in such
 0192 general index, of every instrument recorded, under the appro-
 0193 priate headings, by entering the names of the grantors in an
 0194 alphabetical form.

0195 (b) The general index, inverted, shall be divided into seven
 0196 columns, as follows; to wit:

0197	Time	Names	Names	Nature	Volume		
0202	of	of	of	of	and		
0207	Recep-	Grant-	Grant	Instru-	Page		Description
0214	tion.	ors.	ees.	ment.	Where	Recorded.	of
0221							Tract.

{ switch "Grantors" and "Grantees" }

0228 He *The register of deeds* shall make, in such general index,
 0229 correct entries of every instrument required by law to be entered
 0230 in the general index, direct, by entering the names of the grant-
 0231 ors in alphabetical order; and.

0232 (c) Whenever any mortgage, bond or other instrument has
 0233 been released or discharged from record, whether by written
 0234 release upon the margin of the record or by recording a deed or
 0235 release, the register of deeds shall immediately note, in both
 0236 general indexes, under the column headed "Remarks," and
 0237 opposite to the appropriate entry or in another manner which
 0238 provides appropriate cross-referencing of such information, that
 0239 such instrument has been satisfied.

0240 (d) The indexes required by this statute may be kept in
 0241 bound paper books or in another manner authorized by statute.

0242 Sec. 4. K.S.A. 19-1206 is hereby amended to read as follows:
 0243 19-1206. He *The register of deeds* shall also keep a receiving
 0244 book, each page of which shall be divided into five columns, as
 0245 follows; to wit:

0246	Time of	Name of	Name of	To Whom	Fees
0251	Reception.	Grantor.	Grantee.	Delivered.	Received.

0256 Whenever any instrument has been received by him the register
 0257 of deeds for record, he the register of deeds shall immediately
 0258 endorse upon such instrument his the certificate of the register
 0259 of deeds, noting the day, hour and minute of its reception; and
 0260 the fees received for recording the same; and instrument. The
 0261 date of record of such instrument shall be from the date of filing.

0262 Whenever any instrument has been filed as ~~aforsaid~~ *required*
0263 *by this section*, the register of deeds shall immediately make an
0264 entry of the ~~same~~ *filing* in ~~his~~ *the* receiving book of the register
0265 of deeds, under the appropriate heading, with the amount paid as
0266 fee for recording the ~~same~~; ~~and~~ *filing*. After such instrument has
0267 been recorded ~~he~~, *the register of deeds* shall deliver it to the
0268 person authorized to receive the same, writing the name of the
0269 person to whom it is delivered in the appropriate column. *The*
0270 *receiving records required under this section may be kept in*
0271 *bound paper books or in another manner authorized by statute.*

0272 Sec. 5. K.S.A. 19-1207 is hereby amended to read as follows:
0273 19-1207. (a) The register of deeds shall also keep a large, well-
0274 bound book, in which shall be platted all maps of towns, villages
0275 or additions to the same within the county, together with the
0276 description acknowledgment or other writing thereon. The reg-
0277 ister shall keep an index to such book of plats, which index shall
0278 contain the name or names of the proprietor or proprietors of
0279 such town ~~or~~, village, or addition and the name of the town,
0280 village or addition. No register of deeds shall be bound to
0281 perform any of the duties required to be performed by this act,
0282 for which a fee is allowed, unless such fee has been paid or
0283 tendered.

0284 (b) The register of deeds shall not record any plat unless such
0285 plat is accompanied by a receipt from the county treasurer for all
0286 real estate taxes due and owing on land to be platted.

0287 (c) *The record of plats and indexes required by this section*
0288 *may be kept in bound paper books or in another manner autho-*
0289 *rized by statute.*

0290 Sec. 6. K.S.A. 19-1208 is hereby amended to read as follows:
0291 19-1208. ~~He~~ *The register of deeds* shall also keep an index of
0292 each volume of records kept in ~~his~~ *the* office; ~~showing on one~~
0293 ~~page~~ *of the register of deeds. The index shall be prepared by*
0294 *listing the names of the grantors in alphabetical order; and on the*
0295 ~~other page~~ *shall contain a cross-index listing of the names of the*
0296 *grantees in alphabetical order. The index required by this sec-*
0297 *tion may be kept in bound paper books or in another manner*
0298 *authorized by statute.*

0299 Sec. 7. K.S.A. 19-1209 is hereby amended to read as follows:
0300 19-1209. Whenever the *board of county commissioners of any*
0301 *county shall deem deems it necessary, they the board may order*
0302 *the register of deeds to furnish for the use of said the county, in*
0303 *addition to the books above specified other records and indexes*
0304 *required by law, a numerical index containing the name of the*
0305 *instrument, the name of the grantor, the name of the grantee, a*
0306 *brief description of the property and the volume and page in*
0307 *which each instrument indexed is recorded. A numerical index*
0308 *required under this section may be kept in bound paper books or*
0309 *in another manner authorized by statute.*

0310 Sec. 2 8. K.S.A. ~~58-2224~~ is 19-1204, 19-1205, 19-1206, 19-
0311 1207, 19-1208 and 19-1209 are hereby repealed.

0312 Sec. 3 9. This act shall take effect and be in force from and
0313 after its publication in the state book.

JOHNSON COUNTY KANSAS

Office of the Board of County Commissioners

JOHNSON COUNTY COURTHOUSE
OLATHE, KANSAS 66061
782-5000

SENATE GOVERNMENT ORGANIZATIONS COMMITTEE

HEARING ON HOUSE BILL 2228

MONDAY, MARCH 25, 1985

TESTIMONY OF GERRY RAY, LEGISLATIVE LIAISON
JOHNSON COUNTY BOARD OF COMMISSIONERS

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE. MY NAME IS GERRY RAY, LEGISLATIVE LIAISON FOR THE JOHNSON COUNTY BOARD OF COMMISSIONERS. I WOULD LIKE TO THANK YOU FOR THIS OPPORTUNITY TO APPEAR AS A PROPONENT OF HOUSE BILL 2228.

THE COMMISSIONERS BECAME CONCERNED LAST YEAR WITH THE STATUTORY LIMITATIONS PLACED ON COMPUTERIZED RECORDS. THE PROPOSAL PUT FORTH BY SEDGWICK COUNTY WAS MADE A PART OF JOHNSON COUNTY'S 1985 LEGISLATIVE PROGRAM AND DELEGATES FROM JOHNSON AND SEDGWICK AGREED TO CO-SPONSOR THE REQUEST.

IN THE OPERATION OF OUR COUNTY, COMPUTERS ARE VIEWED AS AN EFFICIENT MEANS BY WHICH TO CAPTURE AND STORE INFORMATION FOR SEVERAL REASONS:

1. THE MARGIN FOR ERROR IS REDUCED BECAUSE INFORMATION IS ENTERED ONLY ONCE AND THEN AUTOMATICALLY ENTERED ELSEWHERE AS REQUIRED. THERE ARE COUNTY OFFICES, DUE TO EXISTING STATUTE, THAT MUST ENTER THE SAME INFORMATION IN THREE OR FOUR DIFFERENT PLACES.
2. THE INFORMATION CAN BE RETRIEVED MUCH EASIER AND FASTER, WHICH NOT ONLY BENEFITS THE COUNTY OPERATION BUT THE PUBLIC ACCESS AS WELL.
3. COMPUTER STORAGE IS LESS EXPENSIVE THAN OTHER METHODS. SAVINGS CAN BE EXPERIENCED IN BOTH SPACE REQUIREMENTS AND PERSONNEL TIME.
4. SECURITY IS INCREASED AGAINST LOSS OF RECORDS BY FIRE OR OTHER DISASTER.

IN A COUNTY WITH A POPULATION APPROACHING 300,000, RECORDS MANAGEMENT IS A MAJOR ISSUE. WE ARE CURRENTLY IN THE PROCESS OF DEVELOPING A RECORDS MANAGEMENT PROGRAM AND WOULD LIKE TO HAVE THE LATITUDE TO UTILIZE ALL OF THE TECHNOLOGY THAT IS AVAILABLE TO PUT IN PLACE AN EFFICIENT AND COST EFFECTIVE PROGRAM. YOUR HELP IS NEEDED TO UPDATE THE STATUTES TO ALLOW LOCAL OFFICIALS THAT ABILITY. JOHNSON COUNTY ASKED YOUR SUPPORT OF HOUSE BILL 2228.

Chairman Vidrickson, members of the Senate Governmental Organization Committee, my name is Tom Groneman, I am the Register of Deeds from Wyandotte County and chairman of the Legislative Committee of the Kansas Register of Deeds Association. I am here today to speak on H.B. 2228. The Register of Deeds Association is in favor of H.B.2228 but would like to offer several changes for your consideration. The amended version of H.B. 2228, which is much broader in scope than the original bill introduced, was drafted by a sub-committee of the House Communications, Computer and Technology Committee. The bill came out of the sub-committee and was voted on the same day. This precluded any review of the proposed amended version. Since then, I, along with members of the Register of Deeds Legislative Committee have reviewed the bill and would like to offer the following changes:

1) line 138-149 "...in a plain and distinct handwriting or in another legible manner, in suitable books [or other accessible format] to be provided and kept in the ..."

2) line 202-231 ".... NAMES
of
[GRANTEES]...."

The Register of Deeds shall make, in such general index, correct entries of every instrument required by law to be entered in in the general index, [inverted] by entering the names of the [grantees] in alphabetical order."

3) line 287-289 "(c) the record of plats and indexes required by this section may be kept in bound paper books, [plat cabinets], or in another manner authorized by statute."

4) line 290-298 [Repealed]

Thank you for allowing me the opportunity to testify concerning H.B. 2228 and if I can answer any questions I will be happy to do so at this time.



SEDGWICK COUNTY, KANSAS

BOARD OF COUNTY COMMISSIONERS

DONALD E. GRAGG
CHAIRMAN
FIRST DISTRICT

BUD HENTZEN
CHAIRMAN PRO-TEM
THIRD DISTRICT

TOM SCOTT
COMMISSIONER
SECOND DISTRICT

COUNTY COURTHOUSE • SUITE 320 • WICHITA, KANSAS 67203-3759 • TELEPHONE (316) 268-7411

Senate Governmental Organization Committee
House Bill 2228
March 25, 1985

Testimony of Kim C. Dewey
Sedgwick County, Kansas

The statutes pertaining to county record keeping have long been in need of a complete overhaul. A significant step was taken last session with the passage of House Bill 2391, which allowed more input from the counties in the retention requirements for county records.

Throughout the statutes relating to the responsibilities of counties and county officers are antiquated references to the keeping of "handwritten records" in "bound paper books". A recent Attorney General's opinion (84-42) has stated that when the statutes are specific about the manner in which a record is to be kept, no other method may be substituted. The implication of this, if taken to a comical extreme, is that even records which are typewritten may not meet the statutory requirement of a "handwritten record".

This opinion has emphasized the need to provide a legal basis for counties in Kansas to computerize their record keeping. The bill as amended by the House is significantly different than the original bill. The original intent was to provide general statutory direction for counties in the use of computerized record keeping. The primary concerns were:

1. That all computerized records be easily accessible for the public.
2. That adequate provisions be made for their preservation.

3. That the ability to produce a hard copy of all computerized records be maintained at all times.

The amendments provide a procedure for counties or State agencies to make application for approval of any application of computerized record keeping. It is a potentially lengthy procedure, to say the least. The power to promulgate rules and regulations is also granted to the Records Board.

The basic concern which prompted this amendment was one relating to the permanence of the type of technology used to store the records. Permanent storage of records on computer tape or disk is not acceptable, since the tape or disk have a life of ten to fifteen years. On the other hand, computer produced microfiche is generally considered appropriate for permanent storage. The Historical Society wanted the ability to review specific applications of computer record keeping to insure that an acceptable technology was being employed.

We feel the concern is valid, but that the House amendment may be an over-response. An alternative was considered by House Committee which would have simply required notice to the State Records Board. This would allow them to review any use of computerized record keeping and recommend to the local or State agency and changes in procedure or technology which they felt were not appropriate.

We do feel that the Bill is important and of timely necessity. While we would prefer a less lengthy and arduous procedure, we could certainly live with the procedure outlined in the current form of the bill.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

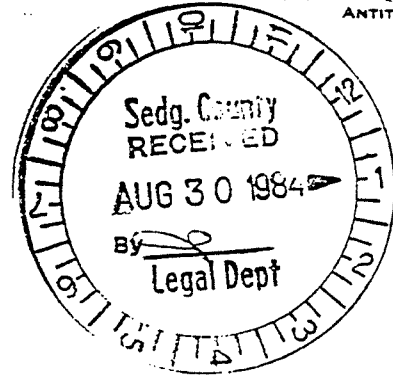
ROBERT T. STEPHAN
ATTORNEY GENERAL

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May 30, 1984

ATTORNEY GENERAL OPINION 84- 42

Lyndus A. Henry
County Counselor
Johnson County Courthouse
Olathe, Kansas 66061



Re: Counties and County Officers -- Register of Deeds -- Custody and Recordation of Documents; Computerization of Records

Synopsis: K.S.A. 19-1204 requires a Register of Deeds to maintain certain handwritten record books. Although K.S.A. 58-2224 provides that certain other forms of record keeping will satisfy this requirement, it does not authorize the exclusive use of computerized recording. Thus, while a Register of Deeds may use a computer to aid in the recording functions of the office, he or she must also maintain the books required by K.S.A. 19-1204 until the legislature specifically allows computerized record keeping to be substituted for the handwritten records. Cited herein: K.S.A. 19-1204, 58-2224.

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Dear Mr. Henry:

As Johnson County Counselor and on behalf of the Johnson County Register of Deeds, you have requested an opinion from this office on matters related to computerization of certain records in the Register of Deeds office.

Your specific question asks whether the Register of Deeds may eliminate the handwritten grantor-grantee indexes if a computer

is installed to maintain those records. It is your opinion and the opinion of your staff that, in view of K.S.A. 19-1204, the Register may utilize a computer to aid in the record keeping functions of the office but must also maintain the handwritten books.

K.S.A. 19-1204 provides:

"The register of deeds shall have custody of and safely keep and preserve all the books, records, deeds, maps, papers and microphotographs deposited or kept in his office, he shall also record, or cause to be recorded, in a plain and distinctive handwriting, in suitable books to be provided and kept in his office, all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in his office and left with him for that purpose, and shall perform all other duties required of him by law." (Emphasis added.)

As you point out, this statute clearly imposes a duty upon the Register of Deeds to record, "in plain and distinct handwriting, in suitable books" all instruments authorized by law to be recorded in the office. We agree with your conclusion that the language of the statute precludes dispensing with the handwritten books in favor of a computerized system.

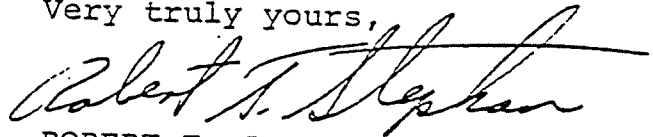
The language of K.S.A. 19-1204 does not contemplate the use of a computer to maintain records in the office of the Register of Deeds. The statute does not, however, prohibit the use of a computer to maintain the records. The purpose of the "plain and distinct handwriting" requirement is to insure that the documents and instruments which, by law, must be recorded by the Register of Deeds are accessible to those entitled to them. The statute does not provide for other forms of access to records, such as a computer printout, and clearly requires the Register of Deeds to maintain the handwritten books. Thus even though, as you inform us in your letter of April 2, 1984, access to the computerized records will be available, K.S.A. 19-1204 precludes dispensing with the handwritten books.

We note that in K.S.A. 58-2224 the legislature has provided that, as to documents which must be recorded in city, county or state offices, the making of photographic or microphotographic copies is deemed to constitute recording of those documents. That statute also provides that when microphotographs are placed in an accessible file which is available to those entitled to its use, such microfilms shall be deemed record books. This statute recognizes that preferred methods of record keeping may change

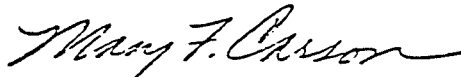
and that as long as access to the records is preserved, the methods used to keep the records may vary, at least so far as to include photocopies and microphotographs. In our opinion, however, this statute is not presently worded to recognize computerized record keeping as a substitute for the handwritten records required by K.S.A. 19-1204.

It is our opinion that K.S.A. 19-1204 requires a Register of Deeds to maintain certain handwritten record books. Although K.S.A. 58-2224 provides that certain other forms of record books may be utilized that statute does not authorize the exclusive use of computerized recording. Thus, while a Register of Deeds may use a computer to aid in the recording functions of the office, he or she must also maintain the books required by K.S.A. 19-1204 until the legislature specifically allows computerized record keeping to be substituted for the handwritten records.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Mary F. Carson
Assistant Attorney General

RTS:BJS:MFC:crw