

MINUTES OF THE Senate COMMITTEE ON Governmental OrganizationThe meeting was called to order by Senator Vidricksen at _____
Chairperson12:00 a.m./p.m. on April 3, 1985, 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:

Kim Dewey - Sedgwick County Board of Commissioners
Bob Keckeisen - Local Records Archivist, Kansas State Historical Society
Gerry Ray - Legislative Liaison, Johnson County Board of Commissioners
Jim Yonally - National Federation of Independent Business/Kansas (NFIB)
Joan Finney - State Treasurer

The Chairman called the meeting to order and introduced Kim Dewey who passed out an Amendment (Exhibit A) to H.B. 2228 authorizing the use of computer disks in keeping certain records. The Amendment would have state agencies and county offices give notice to the State Records Board rather than submit an application that they were going to put certain indexes on computer. Senator Francisco mentioned that this was a Wichita delegation bill and he would appreciate the support of the Committee. Bon Keckeisen indicated that the Historical Society would prefer authorization from the State Records Board rather than just informing the Board but they could live with the principle of the bill. Senator Francisco moved that the amendment to H.B. 2228 be adopted. Senator Frey seconded the motion. Mr. Dewey reiterated that original records would be made available to the public at all times just the indexes would be on computer. After further discussion, the motion passed. Senator Gaines then made a motion to adopt the clean-up Amendment previously presented by the Register of Deeds Association (Exhibit B). Senator Francisco seconded the motion and it passed. Gerry Ray also spoke in support of H.B. 2228. Senator Francisco made a motion that H.B. 2228 as amended be reported favorable for passage. The motion was seconded by Senator Gaines. Motion carried.

H.B. 2273 concerning rules and regulations affecting small businesses was then discussed. Senator Johnston made a motion that H.B. 2273 be amended to define a "small business" as one with fewer than 100 employees. Senator Francisco seconded the motion and it passed. Senator Strick made a motion that H.B. 2273 as amended be reported favorable for passage. Senator Gaines seconded the motion. Motion carried.

After a short discussion, Senator Frey made a motion that H.B. 2278 be reported favorable for passage. Senator Gaines seconded the motion and it passed.

Senator Vidricksen then again explained H.B. 2527 concerning unclaimed property lists. He indicated that we need to glean these lists. Joan Finney said that we would lose the essence of the Unclaimed Property Act if we remove names, also we are earning interest on the unclaimed money which is in the state general fund. Senator Winter offered an Amendment (Exhibit C) in which the names on the unclaimed property list would be removed after a certain time, depending on the amount of money or value of the property being held. After further discussion, Senator Frey made a motion to adopt this amendment to H.B. 2527. Senator Winter seconded the motion. Motion failed.

Senator Francisco made a motion to report H.B. 2355 favorable for passage. Senator Winter seconded the motion and it passed.

The minutes were approved. Meeting adjourned.

GUEST LIST

COMMITTEE: Senate Governmental Organization

DATE: April 3, 1985

NAME	ADDRESS	COMPANY/ORGANIZATION
Bob Kerkowen	Topeka	Ks. State Historical Society
Sto Paul	Topeka	Stat Treasurer
Joan Finney	"	"
Susan Alstrom	Topeka	"
Ron Green	"	Legis Post Audit
KC Gery	Wichita	Genesia Co
Sherry Day	Olath	In Co. Commissioner
Jim Yarbally	Topeka	NFIB/Kansas
Barbara Duncan	"	DOT
John Reber	Lawrence	Sen Johnsons Office

Substitute for HOUSE BILL NO. 2228

By Committee on Communication, Computers and Technology

AN ACT concerning records and recordation; relating to the method of making records or recording; authorizing the use of computer disks, tapes or other electronically accessed media; amending K.S.A. 19-1204, 19-1205, 19-1206, 19-1207, 19-1208 and 19-1209 and repealing the existing sections.

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

New Section 1. (a) Whenever any state agency or local agency is required by law to make a record or to record any transaction on any instrument, paper or document, making such record on computer disk, tape or other electronically accessed media in accordance with the provisions of this section, shall be deemed recording or the making of the record as required by law.

(b) When any such records are made on computer disk, tape or other electronically accessed media under this section, such records shall be maintained and adequate provisions shall be made for their preservation, examination and availability for ready use by those persons lawfully entitled to view them through the use of computer terminal displays, computer printouts, other computer-generated displays or other suitable facilities which may be made available at one or more locations designated by the state agency or local agency therefor. The capability to produce a computer printout or other printed version of such records stored on computer disk, tape or other electronically accessed media shall be maintained by the state agency or local agency at all times so that such a printed copy of such records may be made available to persons lawfully entitled to view the records, subject to any applicable fees for such printed copies from one or more locations designated by the state agency or local agency therefor. Each computer or other electronically accessed media system used to make records under this section shall include

adequate security procedures and other provisions for a permanent record of all persons who have access to and make, amend or delete any records or other data in such system.

(c) No state agency or local agency which records or stores information on computer disks, tapes or other electronically accessed media shall be required to satisfy the standards and procedures imposed under this section, unless such records and information are records required by law and such records are not also made or maintained in another manner required or permitted by law. Each state agency or local agency which makes records or stores information on computer tapes, disks or other electronically accessed media in accordance with this section and does not keep such records or information in another manner shall give written notice to the state records board, identifying all such records and information.

(d) As used in this section, the words and phrases set out in K.S.A. 1984 Supp. 45-402 and amendments thereto have the meanings ascribed to them in that section, unless the context requires a different meaning.

(e) This section shall be supplemental to existing statutes.

Sec. 2. K.S.A. 19-1204 is hereby amended to read as follows: 19-1204. 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~~ the register's office, ~~he~~. The register of deeds shall also record, or cause to be recorded, in a plain and ~~distinct-handwriting~~ legible manner, in suitable books to be provided and kept in ~~his~~ the register's office or shall make such record in another manner authorized by statute, all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in ~~his~~ the register's office and left with ~~him~~ the register of deeds for that purpose, and shall perform all other duties as are required of him by law.

Sec. 3. K.S.A. 19-1205 is hereby amended to read as follows: 19-1205. (a) Every register shall keep a general index, direct and inverted, in ~~his~~ the register's office. The general index,

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.

PROPOSED AMENDMENT

"Sec. . K.S.A. 58-3920 is hereby amended to read as follows: 58-3920. Any person claiming an interest in any property delivered to the state under this act ~~may~~ shall file a claim thereto or to the proceeds from the sale thereof within one year from the date of the publication of the last notice required under subsection (a) of K.S.A. 58-3913, and amendments thereto. If such claim is not filed within one year, the property delivered to the state under this act or the proceeds from the sale thereof shall escheat to the state. Such claim shall be filed on ~~the~~ a form prescribed by the state treasurer."