

Approved 3-4-87 Ivan Sand  
Date

MINUTES OF THE House COMMITTEE ON Local Government

The meeting was called to order by Representative Ivan Sand at  
Chairperson

1:30 ~~am~~ p.m. on March 3, 1987 in room 521-S of the Capitol.

All members were present except:

Representative Baker, Excused                      Representative Schauf, Excused  
Representative Graeber, Excused                  Representative Dean, Excused  
Representative Holmes, Excused                  Representative Francisco, Excused

Committee staff present:

Mike Heim, Legislative Research Dept.  
Bill Edds, Revisor of Statutes' Office  
Sharon Green, Committee Secretary

Conferees appearing before the committee:

Pat McDonald, Chairman, County Clerks Association

Chairman Sand called the meeting to order.

Chairman Sand turned the committee's attention to HB 2180.

Motion was made by Representative Miller and seconded by Representative Empson to favorably pass HB 2180 as amended on February 18, 1987. The motion carried.

Chairman Sand called HB 2357 to the committee's attention.

Motion was made by Representative Acheson and seconded by Representative Beauchamp to amend HB 2357 by striking "disorganized" in line 31, and inserting "dissolved". The motion carried.

Motion was made by Representative Acheson and seconded by Representative Miller to favorably pass HB 2357 as amended. The motion carried.

Chairman Sand turned the committee's attention to HB 2360.

Representative Beauchamp reported on the sub-committee's amendments to HB 2360.  
(Attachment 1)

Motion was made by Representative Acheson and seconded by Representative Kennard to adopt the amendments to HB 2360, except for line 123, by not changing the July 1 date to August 1. The motion carried.

Motion was made by Representative Acheson and seconded by Representative Beauchamp to favorably pass HB 2360 as amended. The motion carried.

Chairman Sand turned the committee's attention to HB 2441.

Mike Heim gave the committee an overview of HB 2441, stating that the bill strikes language regarding fees for bonds, making tax deeds, recording reports, and issuing licenses and specific fees for these items. The bill also adds language providing fees for access to or copying public records shall be in accord with the Open Records Law, he stated.

Mike Heim briefed the committee on HB 2442, stating that this bill amends a statute dealing with county clerks providing records of accounts to provide fees for copies shall be in accord with the Open Records Law.

Pat McDonald left written testimony in support of HB 2441 and HB 2442.  
(Attachment 2)

Motion was made by Representative Mollenkamp and seconded by Representative Sawyer to favorably pass HB 2441. The motion carried.

Motion was made by Representative Mollenkamp and seconded by Representative Sawyer to favorably pass HB 2442. The motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Local Government,  
room 521-S, Statehouse, at 1:30 ~~am~~ p.m. on March 3, 1987

The minutes of March 2 were approved as presented.

Meeting adjourned.

## HOUSE BILL No. 2360

By Representatives Smith, Acheson, Barr, Hensley,  
Laird, Mainey, Roy, Sebelius and Wagnon

2-11

Shawnee county

0018 AN ACT providing for the establishment of a fair association ~~in~~  
19 ~~Shawnee county~~; providing for election of a board of directors  
0020 and executive board; authorizing a county tax levy to fund the  
0021 operations of the fair association.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. A meeting shall be held at 7:00 p.m. on December  
0024 8, 1987, at the Kaw Valley cooperative building at 5715 West 21st  
0025 Street in Topeka, Kansas, for the purpose of electing the initial  
0026 members of the board of directors of the Shawnee county fair  
0027 association established under the provisions of this act. The  
0028 qualified electors residing in each township in Shawnee county  
0029 may participate in such meeting to elect from among the resi-  
0030 dents of that township one director of the fair association. The  
0031 qualified electors residing in the city of Topeka may participate  
0032 in such meeting to elect from among the residents of the city  
0033 three directors of the fair association. Upon assembling at such  
0034 meeting the qualified electors of each such township and the  
0035 qualified electors of the city shall separate into their individual  
0036 groups and make such election.

0037 Of the members first elected to the board of directors by the  
0038 qualified electors of the city of Topeka at such election meeting,  
0039 one director shall serve for a term of one year, one director shall  
0040 serve for a term of two years and one director shall serve for a  
0041 term of three years. Of the members first elected to the board of  
0042 directors by the qualified electors of the various townships at  
0043 such election meeting, directors elected from Auburn, Dover,  
0044 Grove and Menoken townships shall serve for a term of one year,  
0045 directors elected from Monmouth, Mission, Rossville and Silver

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0046 Lake shall serve for a term of two years, and directors elected  
0047 from Soldier, Tecumseh, Topeka and Williamsport townships  
0048 shall serve for a term of three years. The directors so elected  
0049 shall constitute the Shawnee county fair association.

0050 An annual election meeting shall be held on the first Tuesday  
0051 of December in 1988 and each year thereafter at which meeting  
0052 the qualified electors of the city and the qualified electors of  
0053 each township shall elect from among the residents of such city  
0054 or township a successor to serve for a term of three years for each  
0055 director whose term expires on such date. The executive board,  
0056 as provided for in section 2, shall fix the time and place of such  
0057 annual election meeting and shall cause a notice of the election  
0058 meeting to be published once in a newspaper of general cir-  
0059 culation in the county at least 10 days prior to the date fixed for  
0060 such election meeting.

0061 Elections of directors at such annual election meetings shall  
0062 be conducted in the same manner as the elections conducted at  
0063 the 1987 meeting were required to be conducted, except that the  
0064 city shall elect only one director to succeed the director whose  
0065 term has expired and only those townships having directors  
0066 whose terms have expired shall elect directors to succeed such  
0067 directors.

0068 Directors shall be eligible to serve for two consecutive terms.  
0069 Vacancies in the membership of the board of directors shall be  
0070 filled by appointment by the executive board of the fair associa-  
0071 tion for the unexpired term of office.

0072 The fair association established under the provisions of this act  
0073 shall be given recognition by the state board of agriculture  
0074 without having lands or buildings of an appraised value of at  
0075 least \$5,000 or without paid-up stock subscriptions in its treasury  
0076 in the amount of \$5,000 appropriated to the purchase of lands or  
0077 buildings or both.

0078 Sec. 2. The board of directors of the Shawnee county fair  
0079 association shall meet annually on the first Tuesday of De-  
0080 cember immediately following the election meeting provided for  
0081 in section 1 and shall elect from among its own members an  
0082 executive board consisting of a chairperson, a vice-chairperson, a

0120 disbursed and on deposit.

0121 Sec. 4. The board of directors shall prepare and approve an  
0122 annual budget for the operations of the fair association and  
0123 certify the same to the county not later than August 1 of any year.

0124 Sec. 5. The board of county commissioners of Shawnee  
0125 county may levy an annual tax of not to exceed  $\frac{2}{10}$  of one mill  
0126 upon all the taxable tangible property within the county for the  
0127 purpose of funding the budget of the Shawnee county fair asso-  
0128 ciation to pay the costs of renting facilities within the county for  
0129 the conduct of fairs, purchasing supplies and equipment, and  
0130 paying premiums and other reasonable expenses of 4-H fairs and  
0131 grange fairs sponsored by the fair association, and to pay a  
0132 portion of the principal and interest on bonds issued under the  
0133 authority of K.S.A. 12-1774, and amendments thereto, by cities  
0134 located in the county. No levy shall be made for such purposes  
0135 until a resolution authorizing the making of such levy has been  
0136 adopted by the board of county commissioners and published for  
0137 two consecutive issues in the official county paper. Whereupon,  
0138 such levies may be made unless a petition in opposition thereto  
0139 signed by not less than 5% of the qualified electors of the county,  
0140 as determined by the vote for secretary of state at the last  
0141 preceding election, is filed with the county election officer  
0142 within 60 days following the last publication of the resolution of  
0143 the board. In the event such a petition is filed, it shall be the duty  
0144 of the board of county commissioners to submit the question to  
0145 the voters at an election called for such purpose or at the next  
0146 general election. If no protest petition is filed or if the question is  
0147 submitted on a question submitted ballot and those voting on the  
0148 question shall vote in favor of such tax levy, the board of county  
0149 commissioners shall make such tax levies. Taxes levied under  
0150 the authority of this act shall be exempt from the limitations  
0151 imposed under the provisions of K.S.A. 79-5001 to 79-5016,  
0152 inclusive, and amendments thereto. The amounts collected by  
0153 the county for the purposes hereinbefore specified from tax  
0154 levies, except for an amount to pay a portion of the principal and  
0155 interest on bonds issued under the authority of K.S.A. 12-1774,  
0156 and amendments thereto, by cities located in the county, shall be

The initial members of the board of directors of the fair association shall adopt bylaws and rules and regulations governing the fair association in its activities of conducting a fair. Thereafter such bylaws may be amended or repealed by a two-thirds majority vote of the members of the board of directors of the association.

~~July~~

0157 paid to the fair association, upon request of the treasurer.

0158 Sec. 6. This act shall take effect and be in force from and

0159 after its publication in the Kansas register.



Shawnee County  
Office of County Clerk

PATSY A. "PAT" McDONALD

295-4155 Main  
295-4159 Accounting

Courthouse - Room 107  
Topeka, Kansas 66603

March 3, 1987

Rep. Ivan Sand, Chairman & Members  
Local Government Committee  
State Capitol Building, 521-S  
Topeka, KS 66612

Re: H.B. 2441 and H.B. 2442

Dear Rep. Sand & Members:

As Legislative Chairman of the County Clerks Association, I would request your favorable consideration of these two bills.

We have stricken some language from K.S.A. 28-103 which is requiring fees to be collected for services that are either no longer required by the County Clerk or which are not collected for various reasons.

Both of these bills are repealing existing language in the statutes for charges of "Ten cents per folio". This language is outdated and impractical. Please see the attached opinion from our former County Counselor for more information.

The new language proposed in both bills refers to a section in the "Open Records Act" which was passed by the legislature in 1984. I feel that these amendments are necessary so the County Clerks may charge the necessary fees to cover expenses, which cannot be accomplished at "ten cents per folio".

The County Clerks would appreciate your favorable consideration of these two bills. Thank you for your assistance in this matter.

Sincerely,

*Patsy A. McDonald*  
Patsy A. McDonald  
Shawnee County Clerk *LN*

PAM/llh

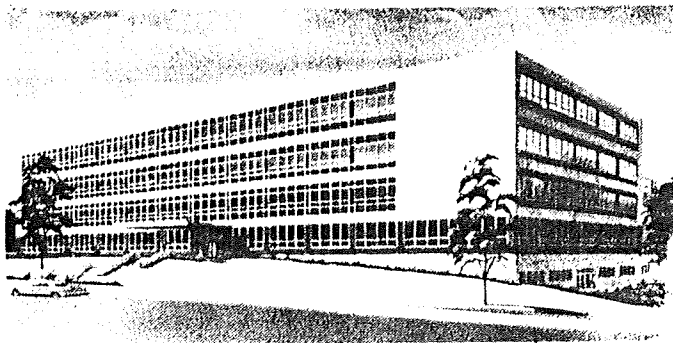
Attachments

cc:

*Attachment 2*

*3-3-87*

# Shawnee County Office of County Counselor



DONNA VOTH  
County Counselor  
JOSEPH W. ZIMA  
Asst. County Counselor

Shawnee County Courthouse  
Room 203 • 200 E. 7th  
Topeka, Kansas 66603  
(913) 295-4042

November 12, 1982

## MEMORANDUM

TO: Winifred L. Kingman  
Shawnee County Clerk

FROM: Donna Voth *D.V.*  
Shawnee County Counselor

RE: Charge for Copies Made by County Clerk's Office

You have inquired about the amount your office may charge the public for making copies of records kept in your office.

K.S.A. 19-306 states:

"It shall be the duty of such clerk to designate, upon every account which shall be audited and allowed by the board, the amount so allowed; and he shall also deliver to any person who may demand it, a certified copy of any record in his office, or any account on file therein, on receiving from such person ten cents for every folio contained in such copy."

This general statute would apply to any copies made of records which are kept in your office.



K.S.A. 28-128 defines the term "folio" as:

"A folio shall consist of one hundred words,  
and two figures shall be counted as one  
word."

Because K.S.A. 19-306 applies uniformly to all counties, we cannot charter out from it. Therefore, your charge should be ten cents for each 100 words copied. Because this statute has not been changed since 1923 and because it requires counting the number of words of each document copied, I would advise you to urge the legislature to either repeal this statute or at least to change it.

You have also inquired about K.S.A. 28-103 regarding fees to be charged by the county clerks for certain services. K.S.A. 28-101 limits the provisions of all of K.S.A. Chapter 28, Article 1 to counties having a population of under 90,000. Therefore, K.S.A. 28-103 does not apply to Shawnee County and you can set fees for those services covered by K.S.A. 28-103 as you determine reasonable.

DV/tjd

cc: Joseph W. Zima  
Robert F. Kelley