

Approved March 2, 1987
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at
Chairperson

1:45 ~~xxx~~ p.m. on February 23, 1987 in room 531N of the Capitol.

All members were present except:

Senator Gaines

Senator Bogina

Senator Johnston

Committee staff present:

Julian Efird - Research

Jill Wolters - Revisor

Conferees appearing before the committee:

Meredith Williams - Legislative Post Audit

The Chairman called the meeting to order for the purpose of discussing SB 197 which would establish an efficiency in government hotline.

Meredith Williams addressed the committee to explain this bill stating that it was primarily for state employees and citizens. It would be a toll free line with an answering service staffed by auditors. All calls would be coded. There was a question and answer session but no action was taken on the bill.

Attention was then turned to SB 96 concerning the open records act. Senator Frey made a motion to amend the bill according to the balloon version. (See Exhibit A). This was seconded by Senator Hoferer. Motion carried.

Senator Winter then made a motion to amend the bill to specifically allow to keep confidential the name of any person who so requests. This motion was seconded by Senator Frey. Motion carried.

A motion was made by Senator Hoferer to recommend SB 96 favorable for passage as amended. Senator Francisco seconded this and the motion carried.

A motion to approve the minutes of the February 10 meeting was made by Senator Francisco and seconded by Senator Strick. Motion carried.

The meeting was then adjourned by the Chairman at 2:30 p.m.

GUEST LIST

COMMITTEE: Senate Governmental Organization

DATE: Feb. 23

NAME	ADDRESS	COMPANY/ORGANIZATION
Lee Curtis Smith	Lawrence	Intern
Meredith Williams	Post Audit	Topeka
Stephen Glue	KCC	Topeka
Sally Streff	Topeka	AP
Glen D Cogswell	Topeka	R L Pock & Co.
Marty Kennedy	Topeka	Budget

SENATE BILL No. 96

By Committee on Governmental Organization

1-28

0016 AN ACT concerning the open records act; amending K.S.A.
0017 74-2012 and repealing the existing section.

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

0019 Section 1. K.S.A. 74-2012 is hereby amended to read as fol-
0020 lows: 74-2012. (a) All records of the division of vehicles relating
0021 to the physical or mental condition of any person or to expunge-
0022 ment shall be confidential. Records of the division relating to
0023 diversion agreements for the purposes of K.S.A. 8-1567, 12-4415
0024 and 22-2908, and amendments thereto, shall be confidential and
0025 shall be disclosed by direct computer access only to: (1) A city,
0026 county or district attorney, for the purpose of determining a
0027 person's eligibility for diversion; (2) a municipal or district court,
0028 for the purpose of using the record in connection with any matter
0029 before the court; or (3) a law enforcement agency, for the purpose
0030 of supplying the record to a person authorized to obtain it under
0031 *provision* (1) or (2).

0032 All other records of the division of vehicles shall be subject to
0033 the provisions of the open records act ~~except as otherwise pro-~~
0034 ~~vided by this section and to rules and regulations adopted by the~~
0035 ~~secretary of revenue.~~

0036 (b) Lists of persons' names and addresses contained in or
0037 derived from records of the division of vehicles shall not be sold,
0038 given or received for the purposes prohibited by K.S.A. 1984
0039 1986 Supp. 21-3914, and amendments thereto, except that:

0040 (1) The director of vehicles may provide to a requesting
0041 party, and a requesting party may receive, such a list and ac-
0042 companying information from public records of the division
0043 upon written certification that the requesting party shall use the
0044 list ~~solely~~ for the purpose of: (A) Assisting manufacturers of

except as otherwise provided by this section

, other than motor vehicle title and
registration records,

0045 motor vehicles in compiling statistical reports or in notifying
 0046 owners of vehicles believed to (i) have safety-related defects, (ii)
 0047 fail to comply with emission standards or (iii) have any defect to
 0048 be remedied at the expense of the manufacturer; ~~or (B) assisting~~ or
 0049 an insurer authorized to do business in this state, or the insurer's
 0050 authorized agent, in processing an application for, or renewal or
 0051 cancellation of, a motor vehicle liability insurance policy; ~~or (C)~~
 0052 ~~such other lawful purposes as may be provided by the rules and~~
 0053 ~~regulations of the secretary of revenue.~~

0054 ~~(2)~~ Any law enforcement agency of this state which has
 0055 access to public records of the division may furnish to a request-
 0056 ing party, and a requesting party may receive, such a list and
 0057 accompanying information from such records upon written cer-
 0058 tification that the requesting party shall use the list solely for the
 0059 purpose of assisting an insurer authorized to do business in this
 0060 state, or the insurer's authorized agent, in processing an appli-
 0061 cation for, or renewal or cancellation of, a motor vehicle liability
 0062 insurance policy.

0063 (c) If a law enforcement agency of this state furnishes infor-
 0064 mation to a requesting party pursuant to subsection (b)(2), the
 0065 law enforcement agency shall charge the fee prescribed by the
 0066 secretary of revenue and approved by the director of accounts
 0067 and reports pursuant to subsection (c)(5) of K.S.A. 1984 Supp.
 0068 45-219, and amendments thereto, for any copies furnished and
 0069 may charge an additional fee to be retained by the law enforce-
 0070 ment agency to cover its cost of providing such copies. The fee
 0071 prescribed pursuant to subsection (c)(5) of K.S.A. 1984 Supp.
 0072 45-219, and amendments thereto, shall be paid monthly to the
 0073 secretary of revenue.

0074 (d) The secretary of revenue, the secretary's agents or em-
 0075 ployees, the director of vehicles or the director's agents or
 0076 employees shall not be liable for damages caused by any negli-
 0077 gent or wrongful act or omission of a law enforcement agency in
 0078 furnishing any information obtained from records of the division
 0079 of vehicles.

0080 (e) A fee in an amount fixed by the secretary of revenue and
 0081 approved by the director of accounts and reports pursuant to

or

(2) The director of vehicles may provide to a
 (3) requesting party, and a requesting party may
 receive, motor vehicle title and registration
 records from public records of the division for
 such purposes as provided by rules and regulations
 adopted by the secretary of revenue.

0082 subsection (c)(5) of K.S.A. ~~1984 Supp.~~ 45-219, and amendments
0083 thereto, for each request for information in the public records of
0084 the division concerning any vehicle or licensed driver shall be
0085 charged by the division, except that the director may charge a
0086 lesser fee pursuant to a contract between the secretary of reve-
0087 nue and any person to whom the director is authorized to furnish
0088 information under subsection (b), and such fee shall not be less
0089 than the cost of production or reproduction of any information
0090 requested.

0091 (f) The secretary of revenue may adopt such rules and regu-
0092 lations as are necessary to implement the provisions of this
0093 section.

0094 Sec. 2. K.S.A. 74-2012 is hereby repealed.

0095 Sec. 3. This act shall take effect and be in force from and
0096 after its publication in the statute book.