

Approved March 25, 1987
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Don Montgomery at
Chairperson

9:14 a.m. on March 23, 1987 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Arden Easley, Emalene Correll and Lila McClaflin

Conferees appearing before the committee:

Patsy A. McDonald, Shawnee County Clerk, Legislative Chairman
of the County Clerks Association.

H.B. 2441 - concerning fees to be charged by county clerks
for certain services.

H.B. 2442 - relating to county clerks fees for certified
copies of records.

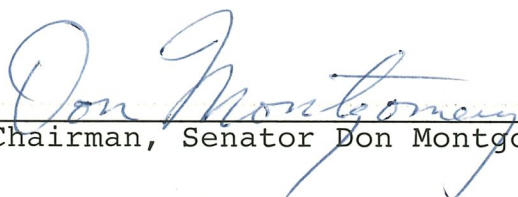
The hearing on both bills was opened.

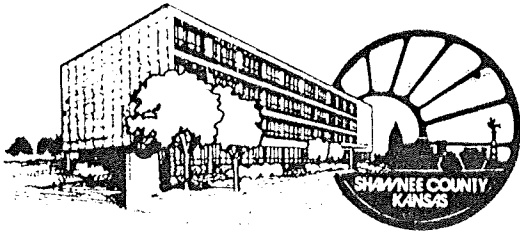
Patsy A. McDonald stated these bills were requested by the
Kansas County Clerk Association. They feel these changes are necessary
so that county clerks may charge the necessary fees to cover expenses.
(ATTACHMENT I) She responded to questions.

Senator Salisbury moved H.B. 2441 be passed. The motion was
seconded by Senator Langworthy. The motion carried.

Senator Salisbury moved H.B. 2442 be passed. The motion
was seconded by Senator Langworthy. The motion carried.

The meeting adjourned at 9:29 a.m., next meeting will be
at 9:00 a.m., on March 24, 1987.


Chairman, Senator Don Montgomery



Shawnee County
Office of County Clerk

PATSY A. "PAT" McDONALD

295-4155 Main
295-4159 Accounting

Courthouse - Room 107
Topeka, Kansas 66603

March 23, 1987

Senator Don Montgomery
Chairman and Members
Local Government Committee
State Capitol Building, 531-N
Topeka, KS 66612

RE: H.B. 2441 and H.B. 2442

Dear Senator Montgomery & 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,

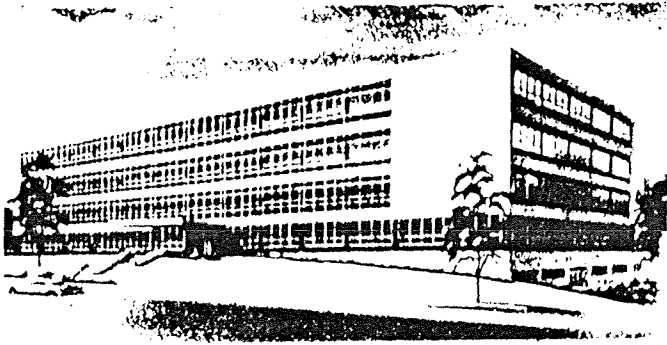
A handwritten signature in cursive script that reads "Patsy A. McDonald".

Patsy A. McDonald
Shawnee County Clerk

PAM:clh

Attachments

(ATTACHMENT I) LOCAL GO
3/23/87



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
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