

Date: Monday, March 11, 2013

To: Lance Kinzer, Chairman  
House Judiciary Committee

Subject: Support for SB 81

Chairman Kinzer, members of the House Judiciary Committee, thank you for the opportunity to submit testimony on behalf of the Kansas Land Title Association in support of SB 81. My name is Doug Simmons and I am legislative chair for the Kansas Land Title Association.

Late in the 2012 session the Kansas Legislature passed Substitute for HB 2427, a bill intended to protect law enforcement officers, judges, district attorneys and other similar individuals by preventing the general public from obtaining their home addresses. The initial intent of the legislation was to prevent harassment of these individuals at their homes, but after passage unintended consequences began to emerge. Local county officials began to receive requests to remove the information of law enforcement officers. With no direction how these requests were to be handled and because the statute reads that the information was to be "removed from public access" it was unclear whether this required information to be removed from public websites, or whether judicial, real estate, tax and a myriad of other records needed to be redacted or deleted. The public record and constructive notice created by this information is the foundation of the financial and real estate industries. With record keeping, and web availability of information, varying greatly among the 105 Kansas counties we felt it was necessary to quickly address concerns arising from this new law.

During the summer and fall of 2012 an informal working group consisting of the Kansas Land Title Association, the Kansas Association of Police Chiefs, Kansas Sheriff's Association, Kansas Peace Officers Association, Kansas Association of Counties, Kansas Bankers Association, Kansas Register of Deeds Association and the Kansas Bar Association met multiple times to address the concerns of each group and ensure that we preserved the protection measures enacted in the 2012 legislation. The result of these meetings is the language contained in SB 81. We believe this language restores the intent of the original legislation by ensuring that the identifying information of the protected individuals will be removed from publicly accessible websites at their request. It allows county officials an appropriate amount of time to comply with such requests and preserves the records necessary to obtain financing and to ensure proper chain of title.

I thank the committee again for their time and ask you to support SB 81. I am happy to stand for questions at the appropriate time.