



To: House Judiciary

From: Nathan Eberline – Associate Legislative Director & Legal Counsel

Date: March 11, 2013

Re: Senate Bill 81 (Kansas Open Records Exceptions)

The 2012 Kansas Legislature acted to improve safety for law enforcement, prosecutors, and judges by passing House Bill 2427. The bill became law in July 2012, and it expands the open-records exemptions for civil servants. The original bill intended to restrict access to information on websites. But the eventual law's broad scope unfortunately caused significant administrative and practical challenges.

The Kansas Association of Counties received a glut of requests for guidance on implementing the law. We heard reports of permanent land records receiving redaction treatment, which caused great concern for us and even more for title companies and banks who rely on the records to facilitate real-estate transactions. We sent guidance to our State's county counselors, clerks, and treasurers, but we also began working with interested parties to improve the current law.

After we heard from concerned individuals, we began meeting with the Kansas Land Title Association, the Kansas Association of Police Chiefs, Kansas Sheriff's Association, Kansas County Officials Association, Kansas Bankers Association, Kansas Register of Deeds Association, and the Kansas Bar Association. Our goal was to maintain the enhanced safety for law enforcement while also eliminating confusion on proper implementation of the law.

The result of our meetings is the bill before the committee today with a few modifications from the Senate Judiciary Committee. The bill would return the law to the original intent of HB 2427 and specify the need to restrict information on public websites. This should eliminate any confusion on treatment of permanent records and allow for continued access by entities that rely on county records for business transactions. KAC believes this is a significant improvement from the current law, and we encourage this committee to pass SB 81 favorably. We are happy to provide any additional information.