



KANSAS BAR
ASSOCIATION

TO: The Honorable Lance Kinzer
And Members of the House Judiciary Committee

FROM: Joseph Molina
On Behalf of the Kansas Bar Association

RE: SB 81 – Kansas Open Records Act

DATE: March 11, 2013

Good afternoon Chairman Kinzer and Members of the House Judiciary Committee. I am Joseph Molina and I provide this written testimony on behalf of the Kansas Bar Association in support of SB 81 concerning amendments to the Kansas Open Records Act.

As way of background, this issue was first discussed late in the 2012 session. Rep. Pat Colloton introduced Sub. for HB 2427 which created an exception to the Kansas Open Records Act for records held by a public agency on a public website that identified the home ownership or home address of specific law enforcement officials. In addition, Sub. for HB 2427 allowed any law enforcement officer to file a request with the custodian of records to have their home information “removed” from the website within seven days of receiving such a request. The public agency was required to “remove” the information.

Sub. for HB 2427 was supported by the Kansas Association of Chiefs of Police, Kansas Sheriffs’ Association, Kansas Peace Officers Association and the Kansas Fraternal Order of Police.

While Sub. for HB 2427 provided added protection for our law enforcement community it created uncertainty with the legal community, specifically the real estate and title insurance community. Sub. for HB 2427 required that important real property information be removed from databases across Kansas. This removal would have made it virtually impossible for the home owners to transfer or refinance real estate. By requiring the custodian of records (County Clerks) to “remove” home ownership information it becomes unmanageable for title insurance companies to complete title insurance reports. Without these reports lenders would be hesitant to enter into contracts for the sale of homes.

After Sub. for HB 2427 was signed into law these unintended consequences came to light. At this point the Kansas Bar Association joined a group of interested parties to amend Sub. for HB 2427. This group, comprised of the Kansas Peace Officer Association, the Kansas Association of Counties, the Kansas Register of Deeds, the Kansas Bankers Association, the Kansas Bar Association and the Kansas Land Title Association, endeavored to craft language that maintained the original intend of Sub. for HB 2427, which was to provided added protection to law

enforcement personnel while allowing real estate transactions to continue unimpeded. Over several months this group reviewed numerous proposals and came to a final agreement prior to the start of the 2013 legislative session. The group believes that SB 81 will provide the security measures sought under Sub for HB 2427 and create the necessary flexibility needed to ensure consistent real estate transactions.

On behalf of the Kansas Bar Association, I thank you for the opportunity to provide this written testimony to the committee in support of SB 81.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 7,000 members, including lawyers, judges, law students, and paralegals. www.ksbar.org