



**Johnson County Kansas • Department of Records and Tax Administration**

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John A. Bartolac, Director

To: Chairman Jeff King  
Honorable Members of the Senate Judiciary Committee  
From: John A. Bartolac  
Director, Johnson County Records and Tax Administration  
Date: Wednesday, February 6, 2013  
  
RE: SB 81

Good Morning:

This testimony is in regards to Senate Bill 81, concerning public officers'/employees' identifying information per K.S.A. 45-221. I am not speaking in general opposition to this bill; rather I am seeking clarifying language for the management of the process prescribed by the statute.

Sections 51 and 52 of K.S.A. 45-221(a) provide for the opportunity of selected classes of employees to have their identifying information blocked from public websites. The sections further state that requests for restricting the identifying information may come from the agency head/employer or such individual officer/employee. Given that the restriction is only applicable for the officer/employee home address and it pertains to them individually, the request must come from the individual officer/employee themselves. It is not appropriate for a public agency, in this case the department director or employer, to authorize or request the blocking of access to their employees' personal property. There is no requirement for an officer or employee to restrict their personal information and the public agency should not assume such a requirement and ask for a restriction on their behalf. This will preclude large blanket requests which may be incomplete and require additional processing time.

Additionally, since the original legislative change in 2012, most counties, Johnson included, have created forms specific to the request process. The form requires the requestor to specifically provide their home address as well as proof that they are a member of such department or agency that is eligible for the restriction. This should be required information to protect both the officer/employee and county. Additionally, requiring the requestor to provide their home address will prevent confusion when a requestor owns multiple properties or when they share the same name as another property owner.

The bill is silent on what happens when an officer/employee moves, dies, transfers/sells their property or is no longer employed. This bill should expressly provide for an automatic removal of the restriction upon occurrence of these events. Of course, if an officer/employee moves, a new request for the new home address can be submitted. It should be the responsibility of the

officer/employee, not the public agency, to provide change of address information. Another solution would be that the restriction be allowed for a defined period of time, 3 years for example.

The restriction process provided in K.S.A. 45-221 has not been a welcome addition to busy records managers. The clarification requested above will help greatly with the restriction process and provide a necessary oversight protection for the office/employee and public agency.

Thanks you for your time and attention on this critical matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "John A. Bartolac".

John A. Bartolac  
Director