



COUNSELOR'S OFFICE

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February 6, 2013

The Honorable Jeff King, Chairman
Senate Judiciary Committee
State Capitol, Rm. 346-S
Topeka, KS 66612

Re: SB 81

Dear Chairman King and Members of the Committee:

I am the lawyer representing the Board of Riley County Commissioners. On behalf of my client, I would like to speak in favor of repeal of the underlying law which S.B. 81 amends, K.S.A. 2012 Supp. 45-221(a)(51) and (a)(52).

K.S.A. 2012 Supp. 45-221(a)(51) and (a)(52) required my client's staff to develop an internal process to ensure compliance. The Riley County Treasurer, Register of Deeds, County Clerk, Appraiser, along with Information Technology/Geographical Information Systems, were involved in developing that process. That was necessary because every one of these county offices maintains records bearing information "protected" by K.S.A. 2012 Supp. 45-221(a)(51) and (a)(52).

County staff developed a form request, to be used by any citizen invoking the statute and requesting that their home ownership information be protected (See attachment "A"). The second page of that form notified the requester of "Potential Consequences of Removing Name and Home Address/Home Ownership from Public Access" (See attachment "A"). Those potential detrimental consequences listed range from difficulty in "escrowing taxes" to title companies being unable to "provide title information to lenders for the refinancing of mortgage loans" (see attachment "A").

Only two citizens have filed with Riley County requests for the "protections" offered by K.S.A. 2012 Supp. 45-221(a)(51) and (a)(52). One of those two withdrew their request within a day, after reviewing the list of potential negative consequences listed on Attachment "A." With regard to the second citizen, Riley County was contacted February 4, 2013, by a real estate company on the citizen's behalf, requesting real estate information for a listing. Riley County complied with the terms of the existing statute and refused to provide that information.

My client believes that the practical impediments presented by K.S.A. 2012 Supp. 45-221(a)(51) and (a)(52) suggest it is not in the best interest of the public to seek the statute's protection. My client suggests current law therefore ought to be repealed.

Beyond the practical barriers which K.S.A. 2012 Supp. 45-221(a)(51) and (a)(52) can present to a taxpayer's ability to conduct their daily business, the current law does not provide the protection it was intended to offer. The Riley County Clerk has demonstrated to staff that with a simple, free, internet search, he can obtain my home address and other identifying information, along with that of the Assistant Director of the Riley County Police Department. That information was obtained upon us both in minutes, without access to any public records.

If K.S.A. Supp. 45-221 (a)(51) and (a)(52) is not repealed, my client can reluctantly support S.B. 81 as its replacement.

Thank you for allowing my client input on S.B. 81.

Sincerely,



Clancy Holzman
Riley County Counselor

cc: Board of Riley County Commissioners



REQUEST FOR REMOVAL OF NAME AND HOME ADDRESS/HOME OWNERSHIP FROM PUBLIC ACCESS PURSUANT TO K.S.A. 2012 SUPP. 45-221 (a)(51) and (52)

NAME: _____

PROPERTY ADDRESS OR LEGAL DESCRIPTION (One property per form):

For Internal Use Only:

Parcel ID _____

Taxpayer ID _____

I request the removal from public access of records of this agency which identify my home address or home ownership. (If I own multiple properties, I will disclose those on a separate form)

I certify that I am a:

- _____ Law Enforcement Officer as defined by K.S.A. 2011 Supp. 21-5111, and amendments thereto
- _____ Parole Officer
- _____ Probation Officer
- _____ Court Services Officer
- _____ Community Correctional Services Officer
- _____ Federal Judge
- _____ Justice of the Supreme Court
- _____ Judge of the Court of Appeals
- _____ District Court Judge
- _____ District Magistrate Judge
- _____ U.S. Attorney or Assistant U.S. Attorney for the district of Kansas
- _____ Attorney General or Assistant Attorney General for Kansas
- _____ District Attorney or Assistant District Attorney
- _____ County Attorney or Assistant County Attorney

Over for more information/signature

**POTENTIAL CONSEQUENCES OF REMOVING NAME
AND HOME ADDRESS/HOME OWNERSHIP FROM PUBLIC ACCESS**

Property Owner - - Please read and initial each informational statement below:

Initials

- _____ Problems may arise when escrowing taxes through a mortgage company or bank.
- _____ A simple internet search of your name and/or address may return information outside Riley County's ability to control.
- _____ You, your family, or any third-party (including contractors, bankers, real estate agents, etc.) will not be able to locate your property on the Riley County GIS Website or use other eGov services.
- _____ Riley County will not be able to give legitimate people information from otherwise "open records", such as insurance companies for property insurance, abstractors, title companies, credit card application verification, Social Security application verifications, etc. A person's ability to refinance a home, sell a home, etc. would be compromised by the inability to access records needed to carry out those tasks.
- _____ Title companies may not be able to provide title information to lenders for the refinancing of mortgage loans.
- _____ Title companies may not have access to real estate records to assist in preparing contracts for the sale of real estate.
- _____ You may not be notified of proposed land use changes in close proximity to your property.
- _____ There may be other unintended consequences not listed above.
- _____ If your employment status changes, you will notify Riley County, in writing, within 7 days of the change in employment status.
- _____ If your home address or home ownership changes after the date of this request, you will notify Riley County, in writing, within 7 days of that change.

I have read and understand the potential consequences of removing my name and home address/ home ownership from public access

SIGNATURE OF HOMEOWNER

DATE

HOME ADDRESS

PHONE NUMBER

EMAIL ADDRESS

SIGNATURE OF REQUESTOR (IF DIFFERENT FROM OWNER)

For office use only:

Public Access Removed

_____ Appraiser
_____ Counselor

_____ Information Technology
_____ GIS

_____ Register of Deeds
_____ Treasurer

Return to: _____ Clerk