



Kansas Register of Deeds Association Inc

House Committee on Local Government

February 9, 2023

HB 2376

Re: Proponent Testimony

Chairman Bergquist & members of the committee:

Thank you for allowing the Kansas Register of Deeds Association to offer testimony regarding HB 2376 prohibiting the recording of unlawful restrictive covenants and authorizing the removal thereof.

We appreciate you giving us the opportunity to give feedback prior to the submission of this bill as it directly affects recordings in our offices. Who better to ask how to accomplish this solution than the Register of Deeds who deal with recordings every day and understand the framework of the office. The Register of Deeds Offices are tasked with the responsibility of preserving and maintaining records of land transactions forever. Not only do our constituents rely on our records, but private businesses, oil and gas, banking, title insurance companies etc. frequent our offices across the state. Unfortunately, some documents recorded throughout history show forms of discrimination that are unacceptable. Although this language is unenforceable it can still show up on documents which may lead to confusion. We feel like it's important to give the landowner a means of releasing the restriction without the hassle of going through the political process which could take several days. As the law states now the real estate owner is not able to individually release such restriction from their real estate. HB 2376 gives this power to our constituents to release their restriction on their own accord. It also states requirements needed to make sure this release is tied to the original recorded document so that it is easily accessible for eternity.

We also fully support the release being subject to KSA-28-115. We feel keeping all documents consistently subject to our fee schedule leads to consistency and equality across the board.

Kind Regards!

Wendy Weiss

Legislative Committee Chair

Kansas Register of Deeds Association

on behalf of the of the Executive Board