



BOARD OF COMMISSIONERS

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February 6, 2013

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

Re: S.B. 81

Dear Chairman King and Members of the Committee:

The Board of Riley County Commissioners would like to offer its preference that the existing law which S.B. 81 amends, K.S.A. 2012 Supp. 45-221(a)(51) and (a)(52) (attached) be repealed.

Those two subsections of K.S.A. 2012 Supp. 45-221 were passed by the 2012 legislature in an effort to protect law enforcement and judicial personnel from having their home address information exposed too publicly. The rationale behind that legislation was that such information is too easily available from public records.

We believe K.S.A. 2012 Supp. (51) and (52) have potentially significant unintended detrimental consequences to those law enforcement and judicial personnel. First, removing such information from public records can interfere with, even stop, an attempt to refinance a home mortgage, or to obtain a first mortgage. After all, title companies rely, in part, upon public records containing that identifying information in order to do their job. Second, the "protection" offered by the existing law is illusory. Even if such identifying information were deleted from all public records, a simple, free internet search can easily provide the home identification information any requester wants.

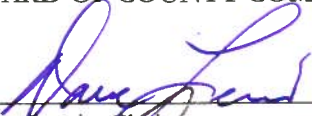
The fact is, the existing law causes practical problems for those it was intended to protect, without actually providing identity protection. For those reasons, the Board of Riley County Commissioners prefers that K.S.A. 2012 Supp. 45-221(a)(51) and (a)(52) be repealed in their entirety.

If these two existing subsections are not repealed, then the Board can support S.B. 81. While the identified defects in the legislation will remain, at least S.B. 81 has the virtue of limiting its scope to electronic records maintained by local government. That more limited scope will at least reduce the administrative burden upon counties.

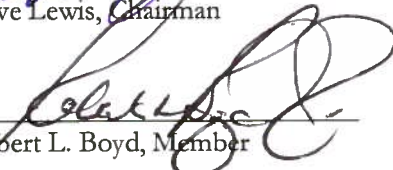
Thank you for allowing us to provide you with Riley County's view on S.B. 81.

Sincerely,

BOARD OF COUNTY COMMISSIONERS



Dave Lewis, Chairman



Robert L. Boyd, Member



Ronald E. Wells, Member

acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(51) Records of a public agency which identify the home address or home ownership of a law enforcement officer as defined in K.S.A. 2012 Supp. 21-5111, and amendments thereto, parole officer, probation officer, court services officer or community correctional services officer. The agency head of such law enforcement office, parole office, probation office, court services office or community correctional services office or such individual officer shall file with the custodian of such record a request to have such officer's identifying information removed from public access. Within seven days of receipt of such requests, the public agency shall remove such officer's identifying information from such public access.

(52) Records of a public agency which identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, the United States attorney for the district of Kansas, an assistant United States attorney, the attorney general, an assistant attorney general, a district attorney or county attorney or an assistant district attorney or assistant county attorney. Such person or such person's employer shall file with the custodian of such record a request to have such person's identifying information removed from public access. Within seven days of receipt of such requests, the public agency shall remove such person's identifying information from such public access.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

History: L. 1984, ch. 187, § 7; L. 1984, ch. 282, § 4; L. 1986, ch. 193, § 1; L. 1987, ch. 176, § 4; L. 1989, ch. 154, § 1; L. 1991, ch. 149, § 12; L. 1994, ch. 107, § 8; L. 1995, ch. 44, § 1; L. 1995, ch. 257, § 6; L. 1996, ch. 256, § 15; L. 1997, ch. 126, § 44; L. 1997, ch. 181, § 15; L. 2000, ch. 156, § 3; L. 2001, ch. 211, § 13; L. 2002, ch. 178, § 1; L. 2003, ch. 109, § 22; L. 2004, ch. 171, § 30; L. 2005, ch. 126, § 1; L. 2008, ch. 121, § 4; L. 2009, ch. 83, § 27; L. 2009, ch. 125, § 1; L. 2010, ch. 112, § 2; L. 2011, ch. 30, § 192; L. 2011, ch. 84, § 23; L. 2012, ch. 147, § 1; July 1.

Revisor's Note:

Section was amended three times in the 2004 session, see also 45-221g and 45-221h.
Section was amended twice in the 2009 session without reconciliation, see also 45-221i. Section was also amended by L. 2009, ch. 109, § 2, but that version was repealed by L. 2009, ch. 143, § 37 and L. 2009, ch. 125, § 2.

Section was amended three times in the 2012 session, see also 45-221j and 45-221k.