

**Neutral Testimony on Senate Bill 136**  
**House Committee on Veterans, Military and Homeland Security**

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Mr. Chairman and members of the committee, thank you for the opportunity to speak on SB136. KDHE's sole intent today is to ensure the data privacy of veterans and other driver's license holders is protected. We are concerned that the current bill unintentionally may open birth certificate records to open records requests. However, we propose this issue may be fixed with a simple amendment.

The bill states that:

*Sec. 3. K.S.A. 2012 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 74-2022, and amendments thereto.*

Further, the definition in Sec. 3(a)(2) defines "motor vehicle records" as:

*any record that pertains to a motor vehicle drivers license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.*

Because individuals often provide their birth certificate to the Department of Revenue for proof of residency and a copy of this birth certificate is retained by the Department, we believe that these records could be subject to the Kansas Open Records Act. The release of individual birth certificates would constitute a serious breach of individual privacy and could lead to identity theft.

Therefore, we ask the committee to amend SB136 to include a reference to the Uniform Vital Statistics Act at the beginning of section 3:

*Sec. 3. K.S.A. 2012 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section, ~~and by~~ K.S.A. 74-2022 and K.S.A. 2012 Supp. 65-2422d, and amendments thereto.*

This simple amendment will protect individual's birth certificates from KORA requests, and ensure that Kansans' identities remain safe and secure. Thank you and I will stand for questions at the appropriate time.