

Kansas Register of Deeds Association, Inc.



March 11, 2013

Senate Standing Committee on Federal and State Affairs

RE: Senate Bill 10

Dear Senators,

I would like to thank you for the opportunity to address your committee. I am testifying on behalf of the Kansas Register of Deeds Association in opposition to Senate Bill 10 concerning open records.

As Registers, we take our duties as important and strive for complete and accurate records. The Registers of Deeds across the state have numerous statutory duties, but our first and most important duty is the recording of documents and the preservation of our state's land records. Kansas is still a right-to-rush state and our statutes tell us to promptly record. We all receive multiple requests for open records on a daily basis. We have a lot of walk-ins, faxed requests, email requests, and phone requests. The majority of these offices are open 40 to 45 hours weekly. All of these counties have their records open for public inspection during these hours. The issue with the proposed legislation of changes to the current open records act would cause a great fiscal distress to our landowners and tax constituents. The Registers of Deeds all have budgets that are set almost a half a year in advance. Most of these offices are minimally staffed with an average of two employees per office including the elected Register, and some with only one full time. Unfortunately when we get large volumes of requests it creates a juggling act with trying to comply as quickly as possible. The majority of these offices are out of space so they have to store the records off site. There are only a few counties that have all of their records digitized and in many cases where they are using microfilm for the older images, there is only one microfilm reader/printer available for use. If these counties are like mine with multiple researchers, many times we cannot gain access to these records for copying until after hours when the books and machines are not in use. The next problem with compliance on a fiscal basis is that in most of Kansas there are no temporary work staff places that we can call for additional temporary help. I am not aware of any county that has budget or staff set aside just for the sole purpose of copying records requests.

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Over the past two years many of our offices have been overwhelmed with large quantities of documents for recording and multiple requests for copies of records. In my case we were outnumbered and were one to two months behind in filling open records request. I was very fortunate that one of my sister counties is Sedgwick. Bill Meek, Register for Sedgwick County, offered us some of his employees that had volunteered to come on the weekends after working their 40 hours for Sedgwick County. The down side was that we paid these employees their hourly wage and also gas mileage for their travel. I did not have budget or the time to hire and train new employees to help us fulfill our requests. We experienced a large amount of overtime.

As far as written requests or call-ins, we fill those orders as soon as possible and always in the order that they come in. We charge the same to all, with no exceptions. In my county we provide copies for Kingman County landowners free of charge (with the exception of certified copies as prescribed in KSA 28-115). The problem is that we get a large volume of outside and out-of-state companies that call and want us to send them a copy of everything we have. We have over a hundred years' worth of documents that are not digital; therefore, you have to go to vaults and safes to locate the books and then the documents have to be copied or digitized. In a small county such as mine, I would have to hire a professional company to come in to fill the order and pay the fee that they charge. I do not feel as though my tax constituents should have to pay for these companies to do business. The business's can factor the charges into their cost of doing business; my tax constituents and land owners should not have to absorb this cost. In the past two years my office has been completely overrun with oil and gas and wind energy land men and researchers. My county incurred the cost of all the extra postage, toner, envelopes, copy and fax machine maintenance etc.... The additional labor needs to be shared by the requester.

As you can see, this is not a black and white issue, but has many shades of gray. While we understand the need for some uniformity of fees across the state, we also need to take into consideration that not all counties have enough staff or budgets to comply with this proposed legislation. Simply put, the majority of the counties do not have the resources available without additional cost for providing these services. The proposed SB10 will not provide the revenue that is required to fulfill the duties of the Register of Deeds and meet the standards of open government. These services cost time and money to provide, so if the requester does not pay for these services, then the taxpayer will.

Respectfully,

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Register for Kingman County
Legislative Committee member for Kansas Register of Deeds

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