



KANSAS BAR
ASSOCIATION

TO: The Honorable Tim Owens
And Members of the Senate Judiciary Committee

FROM: Joseph N. Molina
On Behalf of the Kansas Bar Association

RE: SB 45 – Removing the Tax Identification number requirement from
K.S.A. 58a-1013

DATE: February 10, 2011

Good morning Chairman Owens and Members of the Senate Judiciary Committee. I am Joseph Molina and I appear on behalf of the Kansas Bar Association in support of SB 45 which amends K.S.A. 58a-1013 by removing the Tax identification number.

Originally it was necessary, under K.S.A. 58a-1013, to use the TAX ID number as a way to identify the Trust. However, when a Certification of Trust is filed it becomes a public record available to third parties. While the Tax ID number can still be used for this purpose more secure options are now available that increase privacy while decreasing the possibility of identity theft. It is the KBA's position that the TAX ID number of the trust is no longer necessary to identify the trust and should not be in a document that is placed in the public record.

Also, most register of deeds have a policy to remove or redact personal identifying information, such as social security numbers or TAX ID numbers, that appear in a filed document. By eliminating the Tax ID number in K.S.A. 58a-1013 Register of Deeds will no longer need to concern themselves with concealing this information, thereby saving time and resources.

In addition, many attorneys, abstracters or title insurance companies already request the TAX ID number of the trust in a separate affidavit that is required for IRS purposes. These affidavits are maintained privately by the particular attorney, abstracter or title insurance company.

By amending K.S.A. 58a-1013 to remove the TAX ID requirement we protect the privacy of the trusts and trustees while maintaining the ability of interested parties to ascertain the nature and property held in trust..

Senate Judiciary
2-10-11
Attachment 2

On behalf of the Kansas Bar Association, I thank you for the opportunity to appear before the committee in support of SB 45.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 7,000 members, including lawyers, judges, law students, and paralegals. www.ksbar.org