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SENATE CHAMBER

DAVID B. HALEY
SENATOR
DISTRICT 4
WYANDOTTE COUNTY

March 14, 2022

BEFORE THE SENATE ASSESSMENT AND TAXATION COMMITTEE
RE: SENATE BILL 319

“Requiring Judicial Foreclosure Tax Sales By Public Auction To Be Held In Person At A Physical Location In The County”

PROPONENT

Madam Chair & Members of the Committee ... THANK you for your mindful consideration of this measure.

Succinctly, the questions this legislation intends to resolve include “Shouldn’t all delinquent property tax sales held by a county government be held in public?” and “Doesn’t ‘public’ mean ‘physically in person?’”

Regarding delinquent property tax sales, a long-established Kansas statute (KSA 79-2801) speaks to “...the real estate and that the same be sold at public sale for the satisfaction of the lien ...” Several now traditional phrases have been associated with this passage. (For example, these “sheriff’s sales” can be conducted and “sold on the courthouse steps,” etc.) In most governmental practices, be they legislative or judicial in nature, the concept of openness and general public surveillance meshes with candor and transparency and should be encouraged.

Before the pandemic (Covid 19), which essentially began approximately two (2) years ago this month, no public or private buildings or gatherings were summarily shut down to prevent regularly prescribed business from commencing due towards easing the spread of an airborne transferrable virus. Accordingly, no local (county) government ever dreamt of altering the plain-meaning definition in KSA 79-2801 *et seq.* of the word “public” to shift from the obvious statutory intent of an in-person, physical presence in an open and transparent gathering to an online, or virtual, electronically-oriented only “meeting.”

The resulting deprivation of whole portfolios of land, only from one jurisdiction in the State, often from people who do not have the requisite skill and/or service and/or equipment to access this warped definition of “public” participation has been devastating. Further, although all government functions have long returned to actual in-person meetings (including all court proceedings) with the acceptable hybrid of an online capacity *too*, some local governments intend to conduct online access only delinquent property tax sales with no option for the tangible “courthouse steps” gatherings. SB 319 contends that the definition of “public” be affirmed as was originally intended, pre pandemic, and that the conduct of governmental business be held in a physical space accessible by actual people.

Thank you again. I will be pleased to stand for questions, Madam Chair, when you deem the time appropriate.

Respectfully Submitted,

- David Haley, J.D. (WY)
- Senator / Kans

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