

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Michael R. O'Neal at 3:30 p.m. on March 13, 2003 in Room 313-S of the Capitol.

All members were present except:

Representative Ward Loyd - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Jill Wolters, Revisor of Statutes

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Kathy Olsen, Kansas Bankers Association

Joe Eaton, Intrust Bank of Wichita

Senator Derek Schmidt

Chris Biggs, Geary County Attorney

Steve Obermeier, Johnson County District Attorneys Office

Eric Rucker, Office of Attorney General

The hearing on **HB 2404 - mortgagee allowed to bid in sale of real estate for delinquent taxes**, was opened.

Kathy Olsen, Kansas Bankers Association, explained that the proposed bill would allow a mortgagee to be a bidder at a foreclosure sale. Current law prohibits this practice. In 1995 language was struck that prohibited the mortgagees from bidding, however, at a later time it was discovered that another provision existed. She proposed an amendment which would clarify that the exception apply to a mortgagee or assignee, as a successor to the security interest, and clarify that the mortgagees who are allowed to bid at the tax sale be those who filed their security interest of record and who are on record at the time of the county's sale. She also requested an amendment which would remove mortgagees from the provisions in Section (c) so that if the mortgagees buy the property, they are not liable for the owner's taxes for up to ten years plus interest. (Attachment 1)

Joe Eaton, Intrust Bank of Wichita, wasn't sure why the current statute was ever enacted because the mortgagee is never the owner of the property, rather a holder of a lien. (Attachment 2)

The hearing on **HB 2404** was closed.

The hearing on **SB 15 - warning to tenants relating to termination notices with new conditions not contained in rental agreements**, was opened.

Senator Derek Schmidt requested the bill be introduced to address situations where a notice of intent to vacate could cause the tenant to be financially responsible for items not included in the original contract. (Attachment 3)

CONTINUATION SHEET

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The hearing on **SB 15** was closed.

The hearing on **SB 206 - one year time limitation on writs of habeas corpus**, was opened.

Chris Biggs, Geary County Attorney, reminded the committee that the proposed bill passed the House in 2000 by a vote of 108-10. The time limits proposed in the bill would start to run after the direct appeal is over. Several other states have time limits. Under current law inmates can appeal through our state appellate courts and then to the United States Supreme Court, after which they can start the action over again by filing it under K.S.A. 60-1507. (Attachment 4)

Steve Obermeier, Johnson County District Attorneys Office, appeared as a proponent to the bill because it would give closure to the victim and/or victim's family for the criminal case to finally come to an end. (Attachment 5)

Eric Rucker, Office of Attorney General, suggested that the proposed bill would allow the courts to deal with the more serious questions of law rather than tying up their time with frivolous lawsuits. (Attachment 6)

Written testimony in support of the bill was provided by Michelle Brown (Attachment 7), Donna Heintze (Attachment 8), Senator Lana Oleen (Attachment 9).

The hearing on **SB 206** was closed.