

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 17, 2003 in Room 313-S of the Capitol.

All members were present except:

Representative Dale Swenson - Excused

Representative Dan Williams - 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:

Senator John Vratil

Elwaine Pomeroy, Uniform Law Commission

Becky Endicott, Wichita State, Senior Associate Athlete Director

Bill Snyder, Kansas State Football Coach

Melissa Wangemann, Secretary of State

The hearing on **SB 61 - enacting the Uniform Athlete Act**, was opened.

Senator John Vratil, informed the committee that the Uniform Law Commissioners have adopted the proposed bill because, many professional athletes are highly compensated and the practices of many agents trying to obtain the right to represent an athlete who could gain from gifts, payments or gift to relatives & friends to influence the athlete to sign with them. This causes harm to not only the athletes who lose eligibility but to the universities & colleges which are sanctioned. Therefore, twenty-eight states have enacted legislation regulating athlete or sports agents, but the statutes differ greatly. (Attachment 1)

Elwaine Pomeroy, Uniform Law Commission, explained further, that because of the differences in each state laws, the Commission undertook the task of writing a uniform law (Attachment 2). Some of the provisions are as follows:

- all athlete agents must register before contacting a student-athlete
- if the student-athlete contacts the agent, the agent must register within seven days
- provides that a university or college has civil remedies against either the agent or former student-athlete

Becky Endicott, Wichita State, Senior Associate Athlete Director, appeared as a proponent of the bill. She commented that many student-athletes receive full scholarships which pay for the costs of attending college but not clothes, entertainment or other expenses and sometimes get into trouble by accepting, food, a ride and clothing from an agent. (Attachment 3)

Bill Snyder, Kansas State Football Coach, estimated that there are about 1,000 agents throughout and that of those probably only 25% are successful and honest and do not entice the student-athlete (Attachment 4).

Melissa Wangemann, Secretary of State, informed the committee that the Secretary of States office currently charges \$1,000 per year to register and they don't have very many agents do so. The proposed bill would make it \$500 bi-annual to encourage registration.

The hearing on **SB 61** was closed.

HB 2404 - mortgagee allowed to bid in sale of real estate for delinquent taxes

Representative Patterson made the motion to report HB 2404 favorably for passage. Representative Long seconded the motion.

Representative Long made a substitute motion to amend in the Kansas Bankers Association balloon (Attachment 5), and on page 3 the word "paragraph" should be changed to "subsection". Representative

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on March 17, 2003 in Room 313-S of the Capitol.

Patterson seconded the motion. The motion carried.

Representative Long made the motion to report **HB 2404** favorably for passage, as amended. Representative Yoder seconded the motion. The motion carried.

SB 71 - Kansas payment center; removal of sunset provision

Representative Pauls made the motion to extend the sunset provisions by two years. Representative Long seconded the motion. The motion carried.

Representative Loyd made the motion to abolish the Kansas Payment Center Oversight Committee. Representative Owens seconded the motion. The motion carried.

Representative Loyd made the motion to report **SB 71** favorably for passage, as amended. Representative Long seconded the motion. The motion carried.

SB 15 - warning to tenants relating to termination notices with new conditions not contained in rental agreement

Representative Jack made the motion to reinsert the language in subsection (e) & make the print on lines 18-23 bold faced & 10 point. Representative Long seconded the motion. The motion carried.

Representative Long made the motion to report **SB 15** favorably for passage, as amended. Representative Yoder seconded the motion. The motion carried.

Representative Long made the motion to approve the committee minutes from February, 10, 11, 12, 13, 17, 18, 19, 20, 24, & 25. Representative Patterson seconded the motion. The motion carried.

SENATE BILL 61
UNIFORM ATHLETE AGENTS ACT
Testimony of Sen. John Vratil Before House Judiciary Committee
March 17, 2003

I am Sen. John Vratil, one of the Kansas members of the National Conference of Commissioners on Uniform State Laws ("Uniform Law Conference"). I strongly support the adoption of the Uniform Athlete Agents Act in Kansas.

The interest in a uniform act on this subject started to develop in the early 1990s following a series of scandals involving student-athletes who continued to participate in intercollegiate athletics after they had secretly entered into contracts with agents, secretly accepting money or things of value from an agent, or through other intervention of agents, had terminated their eligibility.¹ The results of these activities included not only forfeiture of victories in athletic contests, but also:

- . There was loss of opportunity for student-athletes to complete their educations and to further hone skills important to professional careers.
- . Reputations of respected educational institutions were tarnished.
- . There were major distractions to the important work of administrators, athletic administrators and coaches at educational institutions.
- . In some instances. The educational institutions suffered financial losses.

¹I wish to emphasize that there are many reputable, knowledgeable, honorable athletic agents who provide valuable, perhaps indispensable, services for athletes endowed with the ability to embark upon lucrative professional careers. The problems we are discussing arise from a minority of agents, or would be agents, who are interested only in feathering their own nests.

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Attachment: 1

The Uniform Law Conference was initially reluctant to undertake a project to draft an act on this subject, mainly because of a high priority it was then placing on commercial law projects. However, the conference was encouraged by some very persuasive people to reconsider. As an example, I quote from a letter received from the general counsel of the University of Southern California:

The University of Southern California ("USC") is in the midst of responding to actions resulting from an unscrupulous sports agent providing improper benefits to a number of our football players. This has given us firsthand experience in the lack of legislative recourse at the state level, and we know that we are not the only university to be affected by such agents. For too many years, agents have been able to act without any deterrents to their actions, while it is the athletes and the universities who are penalized.

I would urge you to take whatever action is necessary to begin the process of formulating a uniform state law in regard to the actions of agents and their interaction with intercollegiate athletes. Enactment of a uniform law is vital to successfully combat this form of improper conduct. (Emphasis supplied)

After receiving similar encouragement from a number of universities, the Uniform Law Conference appointed a drafting committee in 1996. The drafting project was not completed until 2000. During the four years it took to complete the drafting task, the conference sought and received input and advice from many interested sources. This included representatives of a number of universities, the Sports Agents Association, the Players Associations of the National Football League, the National Hockey League and Major League Baseball, the Texas Secretary of State's office, and a nationally prominent football coach. Members of the drafting committee included professors from several major universities with strong athletic programs. These included a professor who was the Florida State University faculty representative to the

Southeastern Athletic Conference and a professor who has recently become Chancellor of the University of Nebraska.

Before the drafting of the Uniform Athlete Agents Act was complete, twenty-seven states, including Kansas, had enacted laws regulating the activities of athlete agents. While those laws had a common purpose and a common goal, they were not uniform and lacked provisions for reciprocity. Many were criticized for loopholes in certain enforcement provisions and clearly unconstitutional features.

Since the Uniform Act became available for consideration by state legislatures, it has been adopted in seventeen states and is currently pending on the legislative calendars of eight other legislatures. Of the seventeen states which have adopted the Uniform Act, ten repealed prior nonuniform acts. Of the eight states which are now considering the Uniform Act, four have existing nonuniform acts. Considering the fact that it usually takes five to ten years to get uniform acts adopted by most states, adoption of the uniform act is moving rapidly.

Under the Uniform Act:

- Important terms are defined.
- Registration of athlete agents is required.
- Information which must be submitted by an applicant for registration is set out specifically.
- The grounds upon which the Secretary of State may deny registration are listed.
- The required form of an agency contract is set forth.
- Notice must be given to educational institutions that a student-athlete has entered into an agency contract.

- . Certain conduct by an athlete agent is prohibited.
- . Criminal, civil and administrative penalties are authorized.

Provisions for reciprocity are found in the sections of the act relating to registration.

Administrators are permitted to accept copies of applications for registration filed in other states which adopt the Uniform Act and to consider actions taken in another state which adopted the Uniform act in deciding whether to deny, suspend, revoke or refuse to renew registration.

Many of the provisions of the Uniform Act are very similar to provisions found in the Kansas Act and other existing acts. Complete uniformity, however, is desirable and advantageous to the reputable agent. When uniformity is established, an agent will no longer be required to be knowledgeable about and comply with the diverse provisions found in the many existing laws. The reciprocity provisions will ease the burden of administrators and simplify the problems now involved in enforcement.

I will be glad to try to answer any questions that you have.



A Few Facts About
UNIFORM ATHLETE AGENTS ACT

PURPOSE: This act provides for the uniform registration, certification, and background check of sports agents seeking to represent student athletes who are or may be eligible to participate in intercollegiate sports. The act also imposes specified contract terms on these agreements to the benefit of student athletes, and provides educational institutions with a right to notice along with a civil cause of action for damages resulting from a breach of specified duties.

ORIGIN: Completed by the Uniform Law Commissioners in 2000.

APPROVED BY: American Bar Association

SUPPORTED BY: National Collegiate Athletic Association

STATE ADOPTIONS:	Alabama	Minnesota	
	Arizona	Mississippi	
	Arkansas	Nevada	
	Delaware	Pennsylvania	
	District of Columbia	Tennessee	
	Florida	U.S. Virgin Islands	
	Idaho	Utah	
	Indiana	Washington	
		West Virginia	
2003 INTRODUCTIONS:	Connecticut	Missouri	
	Georgia	Montana	
	Idaho	New Jersey	
	Illinois	New Mexico	
	Kansas	North Dakota	
	Kentucky	Oklahoma	
	Maine	Rhode Island	
	Maryland	Texas	

For any further information regarding the Uniform Athlete Agents Act (2000), please contact Michael Kerr, John McCabe, or Katie Robinson at 312-915-0195.

(3/7/03)

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SENATE BILL 61
UNIFORM ATHLETE AGENTS ACT
Testimony of Richard C. Hite Before Senate Judiciary Committee
February 13, 2003

I am Richard C. Hite of Wichita. I am one of the Kansas members of the National Conference of Commissioners on Uniform State Laws ("Uniform Law Conference"). I served as the Chair of the Committee of the Uniform Law Conference which drafted the Uniform Athlete Agents Act. I strongly support the adoption of the Act in Kansas.

The interest in a uniform act on this subject started to develop in the early 1990s following a series of scandals involving student-athletes who continued to participate in intercollegiate athletics after they had secretly entered into contracts with agents, secretly accepted money or things of value from an agent, or through other intervention of agents, had terminated their eligibility.¹ The results of these activities included not only forfeiture of victories in athletic contests, but also:

- There was loss of opportunity for the student-athletes to complete their educations and to further hone skills important to professional careers.
- Reputations of respected educational institutions were tarnished.
- There were major distractions to the important work of administrators, athletic administrators and coaches at educational institutions.
- In some instances, the educational institutions suffered substantial financial losses.

¹ I wish to emphasize that there are many reputable, knowledgeable, honorable athletic agents who provide valuable, perhaps indispensable, services for athletes endowed with the ability to embark upon lucrative professional careers. The problems we are discussing arise from a minority of agents, or would be agents, who are interested only in feathering their own nests.

The Uniform Law Conference was initially reluctant to undertake a project to draft an act on this subject, mainly because of a high priority it was then placing on commercial law projects. However, the conference was encouraged by some very persuasive people to reconsider. As an example, I quote from a letter received from the general counsel of the University of Southern California:

The University of Southern California (“USC”) is in the midst of responding to actions resulting from an unscrupulous sports agent providing improper benefits to a number of our football players. This has given us firsthand experience in the lack of legislative recourse at the state level, and we know that we are not the only university to be affected by such agents. For too many years, agents have been able to act without any deterrents to their actions, while it is the athletes and the universities who are penalized.

I would urge you to take whatever action is necessary to begin the process of formulating a uniform state law in regard to the actions of agents and their interaction with intercollegiate athletes. Enactment of a uniform law is vital to successfully combat this form of improper conduct. (Emphasis supplied)

After receiving similar encouragement from a number of universities, the Uniform Law Conference appointed a drafting committee in 1996. The drafting project was not completed until 2000. During the four years it took to complete the drafting task, the conference sought and received input and advice from many interested sources. This included representatives of a number of universities, the Sports Agents Association, the Players Associations of the National Football League, the National Hockey League and Major League Baseball, the Texas Secretary of State’s office, and a nationally prominent football coach. Members of the drafting committee included professors from several major universities with strong athletic programs. These included a professor who was the Florida State University faculty representative to the

Southeastern Athletic Conference and a professor who has recently become Chancellor of the University of Nebraska.

Before the drafting of the Uniform Athlete Agents Act was complete, twenty-seven states, including Kansas, had enacted laws regulating the activities of athlete agents. While those laws had a common purpose and a common goal, they were not uniform and lacked provisions for reciprocity. Many were criticized for loopholes in certain enforcement provisions and clearly unconstitutional features.

Since the Uniform Act became available for consideration by state legislatures, it has been adopted in seventeen states and is currently pending on the legislative calendars of eight other legislatures. Of the seventeen states which have adopted the Uniform Act, ten repealed prior nonuniform acts. Of the eight states which are now considering the Uniform Act, four have existing nonuniform acts. Considering the fact that it usually takes five to ten years to get uniform acts adopted by most states, adoption of the uniform act is moving rapidly.

Under the Uniform Act:

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Provisions for reciprocity are found in the sections of the act relating to registration.

Administrators are permitted to accept copies of applications for registration filed in other states which adopt the Uniform Act and to consider actions taken in another state which adopted the Uniform Act in deciding whether to deny, suspend, revoke or refuse to renew registration.

Many of the provisions of the Uniform Act are very similar to provisions found in the Kansas Act and other existing acts. Complete uniformity, however, is desirable and advantageous to the reputable agent. Uniformity is essential to reciprocity. Uniformity encourages registration. When uniformity is established, an agent will no longer be required to be knowledgeable about and comply with the diverse provisions found in the many existing laws. The reciprocity provisions will ease the burden of the administrators and simply the problems now involved in enforcement.

There are many examples of how reciprocity eases problems experienced in enforcement of existing laws. One example is that an unscrupulous agent makes a secret payment destroying the eligibility of an athlete in Alabama and has his registration suspended or revoked in that state, the Kansas Secretary of State may then deny registration or suspend or revoke registration in this state. It would then be a crime for the person involved to contact student-athletes in this state.

I am providing to each member of the committee a copy of the Uniform Act with official comments, which explain in greater detail than is possible in my brief remarks the purpose of the various provisions. I am also distributing to members of the committee a copy of my remarks that I would like to have included in the committee records.

I will be glad to try to answer any questions that you have.

Testimony
Senate Bill No. 61 – The Uniform Athlete Agent Act
By
Becky Endicott
Senior Associate Athletic Director
Wichita State University
Monday, March 17, 2003

Introduction

Good Morning! My name is Becky Endicott and I am the Senior Associate Athletic Director at Wichita State University. I appreciate the opportunity to testify here today on behalf of the university in regard to our strong support of Senate Bill No. 61, the Uniform Athlete Agents Act.

Professional Background

I have been a member of the Wichita State University Athletic staff for the past ten years and the Senior Associate Athletic Director for the past three years. Prior to coming to WSU, I was a junior college coach for ten years, and have taught and coached in the Kansas public school system. Throughout my entire professional career, one of my main focuses has been in the area of student-athlete welfare and making sure that student-athletes receive not only a quality education but also an opportunity to participate in athletics in the state of Kansas.

Importance of Passing the Law

In 1996 the Kansas Legislature enacted the Kansas Athlete Agents legislation K.S.A. 44-1506. This legislation was the first step in protecting our student-athletes and universities against illegal athlete agent conduct. Now it is imperative that we take the next step and enact the Uniform Athlete Agents Act.

How does the legislation impact student-athlete welfare?

A significant number of student-athletes at WSU come from low-income backgrounds prior to being introduced to our middle-class culture and values of our college campus. Although many such athletes receive "full" scholarships, the awards do not, in fact, cover all the costs of attending college. Tuition, books, room and board scholarships do not provide money for clothes, entertainment, personal travel or other incidental expenses. Therefore, it is easier for agents to prey on our young men and women who are surrounded by affluence and for them to convince these young athletes that there is really nothing wrong with accepting a little spending money or having access to a car.

Wichita State University also has numerous athletes who only receive partial scholarships to participate in our other nationally known sport programs such as baseball. These student-athletes at times are faced with financial issues in regard to just finding ways to fund the remainder of their education. Since 1980, Wichita State University has had 108 student-athletes in the sport of baseball sign professional contracts with the assistance of agents. Out of these 108 individuals, 51 of them were drafted after their junior year of college.

What happens when student-athletes accept benefits prior to completing their eligibility?

The acceptance of these benefits violate NCAA Rules and may result in a student-athlete being declared ineligible for NCAA participation, or cause a team and/or university to incur harsher penalties, such as forfeiture of contest or repayment on monies received from NCAA championships. Any of these actions are detrimental to a university and our student-athletes educational welfare.

Why adopt the UAAA?

The purpose of the UAAA is to protect the interest of student-athletes and institutions by providing for a uniform regulation of athlete agents. The enactment of the UAAA would provide a uniformity of state laws, a reciprocal registration provision and a reasonable free schedule making agents more likely to register. The act will also provide important consumer information for student-athletes, parents, and institutions, as they will have access to detailed information contained in the agent's application. By enacting this legislation we will be providing Kansas student-athletes protection along with providing universities the ability to pursue civil lawsuits against an agent who causes unjust problems for a student-athlete or university.

Conclusion

In conclusion, I urge the State of Kansas legislature to adopt Senate Bill No. 61, the Uniform Athlete Agent Act. The act is strongly supported by the NCAA and its 1,000 member institutions. On behalf of all our universities and student-athletes who participate in collegiate athletics in the State of Kansas I strongly urge you to take the next step in protecting our young men and women. I urge you to support the passage of Senate Bill 61. Thank you for your time, and I would be happy to stand for questions.

Kansas State University Athletic Department



Administration
785-532-6910

Academics
785-532-5190

Business Office
785-532-6586

Development
785-532-7932

Promotions
785-532-7933

Sports Information
785-532-6735

Ticket Office
785-532-7606

Training Room
785-532-5880

Baseball
785-532-5723

Men's Basketball
785-532-6531

Women's Basketball
785-532-6970

Equestrian
785-532-1256

Football
785-532-5876

Men's Golf
785-532-7931

Women's Golf
785-532-7799

Women's Rowing
785-532-7027

Women's Tennis
785-532-7198

Track/Cross Country
785-532-6567

Volleyball
785-532-5935

Testimony
Senate Bill No. 61
House Judiciary Committee
Monday, March 17, 2003
House Judiciary 313 South-Capitol Building

I. Introduction.

On behalf of the Kansas State University Athletic Department, I appreciate the opportunity to testify and to express our strong support for Senate Bill No. 61, the Uniform Athlete Agent Act.

The Kansas State University Athletic Department in cooperation with the University of Kansas, Wichita State University and many other institution's of higher learning in the State of Kansas propose to the State of Kansas to adopt the Uniform Athlete Agent Act.

II. Why are coaches and Universities Concerned about the Athlete Agents?

1. In today's society, professional athletes are highly compensated and most have agents that perform valuable services.
2. Unfortunately, the illicit practices of some of these agents, would-be agents and their runners have caused serious problems for student-athletes and educational institutions as these agents aggressively pursue the substantial fees that accompany the representation of professional athletes.
3. These agents, motivated largely by financial considerations, are willing to use any means necessary to represent a student-athlete who has even a remote chance of playing professional sports. They frequently employ tactics that involve secret payments or gifts (goods, autos, cash, clothing) to the athlete, undisclosed payments to friends and relatives who may be in a position to influence the athlete, unrealistic promises, and considerable arm-twisting.
4. There can be significant damage that results from these impermissible and oftentimes illegal practices. Impermissible benefits provided by agents violate NCAA rules and may result in the following:

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- a. Student-athlete ineligibility for participation in NCAA competition.
- b. Harsh penalties on the team and the University (including the imposition of NCAA sanctions that have resulted in the repayment of monies received from NCAA championship competition, forfeiture of contests and other penalties).
- c. Student-athletes may be enticed to pursue a professional career and leave school early only to later realize that their agent gave them bad advice.

III. Why we need to adopt Senate Bill No. 61, the Uniform Athlete Agent Act in the State of Kansas.

Bill No. 61 has many important features:

1. The adoption of the Act will help achieve a uniform set of athlete agent regulations that will establish a clear, single set of standards for agent conduct.
2. The Act is designed to provide protection for student-athletes (act outlines improper agent conduct) and institutions (act provides institutions with the right to pursue a civil lawsuit against an agent who causes a school to suffer damages as a result of the agent's violation of the act).
3. The Act will provide important consumer information for student-athletes, parents and institutions, as they will have access to the detailed information contained in the agent application.
4. The Act provides for strong penalties. Bill No. 61 contains criminal, civil and/or administrative penalties that can be imposed against those who violate provisions of the Act.

IV. History of Athlete Agent Acts.

The original Athlete Agent Act in the State of Kansas was adopted in 1996. Since the adoption of the Act the Secretary of State has been very helpful and cooperative.

Since 1981, at least 28 states have had some type of statutes regulating athlete agents. The UAAA will provide an athlete agent one uniform process for each state. The National Conference of Commissioners on Uniform State Laws drafted the Act and approved and recommended for the enactment in all states at its Annual Conference meeting.

In 2001, the first legislative cycle in which the NCAA and NCCUSL sought state introduction and adoption of the UAAA, 27 states introduced the legislation and 12 jurisdictions adopted it, including Alabama, Arizona, Arkansas, Delaware, Idaho, Indiana, Mississippi, Nevada, Tennessee, U.S. Virgin Islands, Utah and West Virginia.

In 2002, the District of Columbia already has adopted the act, and it has been introduced in 12 more states, including California, Florida, Georgia, Hawaii, Illinois, Iowa, Maryland, Michigan, Minnesota, South Carolina, Washington and Wisconsin. The legislation also is pending in several other states.

In February 2002, the UAAA has seen substantial movement within state legislative bodies. In Michigan, the bill passed through a house subcommittee unanimously after strong testimony from Deana Garner of the NCAA's agent, gambling and amateurism activities staff, and in Illinois and Wisconsin, the bill also moved quickly through committees and seems headed toward passage.

In February 2003, the institutions of higher learning in the State of Kansas would like to join the many other State's in the adoption of the UAAA.

The benefits of the Act include but are not limited to the following:

- Prohibits agents from giving deceptive information or promises with the intent to induce a student-athlete into signing an agent contract.
- Allows student-athletes who enter into a contract before their eligibility expires, the right to cancel the contract within two weeks, taking the control out of the agent's hands and giving it back to the student-athlete.
- Requires both agents and student-athletes to notify the college or university within 72 hours of signing an agent contract.
- Provides member institutions with a right of civil action against the agent and former student-athlete for any damages caused by a violation of the Act.
- Provides the state the ability to impose criminal, civil and administrative penalties with the enforcement of the Act.

V. I Urge the Kansas Legislature to adopt Senate Bill No. 61

1. The Uniform Athlete Agent Act is strongly supported by the NCAA and its 1,000 member institutions. I think I speak for all my coaching colleagues in Kansas when I say that we strongly urge the legislature to adopt Senate Bill No. 61 as quickly as possible.
2. Will this be a panacea for all athlete agent problems? No. However, there is no question that the Act will provide protections for student-athletes and institutions while also providing a consistent, uniform, cost-effective regulatory system for agents to conduct their business.

Again, on behalf of Kansas State University I truly appreciate the opportunity to provide testimony in support of Senate Bill No. 61-Uniform Athlete Agent Act.

Thank You.

Respectfully submitted,

Bill Snyder
Bill Snyder
Head Football Coach

HOUSE BILL No. 2404

By Committee on Federal and State Affairs

2-18

AN ACT concerning sale of real estate for delinquent taxes; amending K.S.A. 2002 Supp. 79-2804g and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2002 Supp. 79-2804g is hereby amended to read as follows: 79-2804g. (a) Whenever any tract, lot or piece of real estate is offered for sale at public auction pursuant to K.S.A. 79-2804, and amendments thereto, such tract, lot or piece of real estate shall not be sold, either directly or indirectly, to:

(1) Any person having a statutory right to redeem such real estate prior to such sale, pursuant to the provisions of K.S.A. 79-2803, and amendments thereto, *except that this paragraph (1) shall not prohibit sale to any person who held an interest in such real estate as mortgagee at the time the tax constituting part of the judgment became due;*

(2) any parent, grandparent, child, grandchild, spouse, sibling, trustee or trust beneficiary who held an interest in a tract as owner or holder of the record title or who held an interest at any time when any tax constituting part of the county's judgment became due; or

(3) with respect to a title holding corporation, any current or former stockholder, current officer or director, or any person having a relationship enumerated in paragraph (2) to such stockholder, officer or director.

(b) If any such real estate is acquired by a county pursuant to K.S.A. 79-2804, and amendments thereto, and, at the end of six months from and after confirmation of such sale to the county, such real estate is advertised for sale at public auction, as provided in K.S.A. 79-2804f, and amendments thereto, such real estate shall not be sold, either prior to or at such auction, to any person having a statutory right to redeem such real estate, under the provisions of K.S.A. 79-2803, and amendments thereto, for an amount less than the original judgment lien and interest thereon, plus the costs, charges and expenses of the proceedings and sale, as set forth in the execution and order of sale issued pursuant to K.S.A. 79-2804, and amendments thereto.

(c) If any tract, lot or piece of real estate purchased at public auction pursuant to K.S.A. 79-2804, and amendments thereto, is transferred, sold, given or otherwise conveyed to any person who had a statutory right to

<i>or that person's assignee</i>
<i>of record</i>
<i>of the sale</i>

Subsection

1 redeem such real estate prior to such sale pursuant to K.S.A. 79-2803,
2 and amendments thereto, within 10 years of the date of the public auc-
3 tion, such person shall be liable for an amount equal to the original judg-
4 ment lien and interest thereon from the date of the public auction.

5 (d) The provisions of this section shall apply to the sale or conveyance
6 of any real estate by a county land bank established pursuant to K.S.A.
7 2002 Supp. 19-26,104, and amendments thereto.

**, except that this ~~paragraph~~ (3)(c) shall not apply to any person
or that person's assignee who held an interest in such real estate
as mortgagee of record at the time of the sale.**

8 Sec. 2. K.S.A. 2002 Supp. 79-2804g is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.

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79-2804h. Confirmation of sale of property under 79-2804; affidavit required. No sale of real estate as provided for in article 28 of chapter 79 of the Kansas Statutes Annotated shall be confirmed as provided for in K.S.A. 79-2804, until the purchaser at the sale, shall file with the clerk of the court, an affidavit stating that the purchase of the real estate was not made, either directly or indirectly, for any person having the statutory right to redeem

History: L. 1971, ch. 305, § 2; July 1.

, other than any person or that person's assignee who held an interest in such real estate as mortgagee of record at the time of the sale.