

House Judiciary Committee Meeting
Thursday, February 25, 1965

The House Judiciary Committee met Thursday, February 25, 1965, in Room 523 at 9:00 A.M. with Chairman Jack R. Euler presiding. Fourteen members were present. Members Amrein, Fatzer, Hill, Howard, Sargent, Turner and Van Cleave were absent.

Chairman Euler called the meeting to order. The committee took up the consideration of House Bill No. 555, an act relating to the interpretation and validation of certain deeds of conveyance recorded prior to July 1, 1945. There were a great deal of suggestions and discussion in regard to this bill. Mr. Rogers moved that House Bill No. 555 be amended on page 1, in the title, line 2 by striking the year "1945" and inserting in lieu thereof the year "1949"; also on page 1, line 3 by striking the year "1945" and inserting in lieu thereof the year "1949"; also on page 1, line 6 by inserting the words "introductory or" after the word "the" and before the word "granting"; also on page 1, line 9 by inserting "or, 'as joint tenants with the right of survivorship,' or, 'as joint tenants with the right of survivorship and not as tenants in common,' or, 'of the survivor of them," after the quotation marks after the word "them," and before the word "is"; also on page 1, line 12 by inserting the words "or reference to such grantees" after the word "grantees" and before the word "is". Mr. Barnhill seconded. Chairman Euler asked for any further discussion. There was none. The motion carried unanimously. Mr. Coldsnow moved that House Bill No. 555 be reported favorably for passage as amended. Mr. Rogers seconded the motion. Chairman Euler called for any discussion. There was none. The motion carried unanimously.

Mr. Foster then reported for the subcommittee consisting of members Foster, Sargent and Wilcox on the nature of a working interest under an oil and gas lease. Mr. Foster read a letter in this regard from George B. Collins, Lawyer, Wichita, Kansas. It was Mr. Collins' opinion that any blanket declaration by the legislature as to the nature of this interest would affect so many facets of the existing law that it would probably do more harm than good. He did feel however, that

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Section 67-254 of the General Statutes should be enlarged to cover oil and gas leasehold estates and interests therein.

Mr. Gray then reported for the subcommittee consisting of members Gray, Howard and Wilcox in regard to the matter of the inadequacy of the present traffic laws. One of the proposed suggestions presented to the committee was to change the amount of bond, but the subcommittee hesitated to make any change. If the committee feels they should make this change, the subcommittee will draft the bill accordingly. Mr. Gray then explained a proposed bill correcting most of the problems which have been presented to the committee in regard to the inadequacies in the present traffic laws. If this bill passes, all cities would be uniform with the state traffic code in regard to these offenses. Mr. Gray moved that the committee introduce this act relating to traffic and the operation of motor vehicles. Mr. Rogers seconded the motion. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Rogers explained a proposed bill, an act to amend and supplement the probate code, authorizing an executor or an administrator with the will annexed to sell real property and personal property without an order of the probate court in certain cases, prescribing certain procedures, limitations and requirements for such sales of real estate and defining the title to be conveyed by such sales of real estate, providing for the transferral of certain liens and claims, amending existing K.S.A. 59-1413 and repealing said existing section. This proposed bill was prepared by the subcommittee consisting of members Coldsnow, Gray and Rogers. Mr. Rogers moved that this be introduced as a committee bill. Mr. Tillotson seconded the motion. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

The meeting adjourned at 9:50 A.M. The committee will meet Friday, February 26, 1965, at 8:30 A.M. At this time, they will hear persons in regard to the proposed mental health bills, An Act for Obtaining "Care or Treatment" for a "Mentally

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Ill Person" and the Act for Obtaining a "Guardian" or
"Conservator".

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:

A handwritten signature in cursive script that reads "Jack R. Euler". The signature is written in dark ink and is positioned to the right of the printed text "Minutes approved:". The signature is written in a fluid, connected style with a large initial 'J'.

HOUSE BILL NO. _____

By Committee on Judiciary

AN ACT to amend and supplement the probate code, authorizing an executor or an administrator with the will annexed to sell real property and personal property without an order of the probate court in certain cases, prescribing certain procedures, limitations and requirements for such sales of real estate and defining the title to be conveyed by such sales of real estate, providing for the ~~transfer~~^{transferral} of certain liens and claims, amending existing K. S. A. 59-1413 and repealing said existing section.

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

Section 1. Existing K. S. A. 59-1413 is hereby amended to read as follows: 59-1413. (a) If a will authorizes the executor to sell any property, he, or an administrator with the will annexed, may exercise such power without any order of the probate court, unless the will provides otherwise. Subject to the limitations contained in K. S. A. 59-704 such power may be exercised at any time except when a proceeding to set aside or contest the will or to probate a later will of the decedent has been commenced and is pending.

(b) The lien of the state for inheritance taxes shall not extend to any right acquired by a purchaser through any conveyance made pursuant to this section.

(c) Every conveyance of real estate of a decedent to a bona-fide purchaser, pursuant to the authority of this section, shall transfer such real estate free and clear from liens and claims of all creditors of the decedent and of the estate of the decedent and any such liens or claims shall be transferred to the proceeds of said sale received by the executor or administrator making the same but such transferral shall not affect inheritance tax liens or other tax liens against the estate.

Sec. 2. Existing K. S. A. 59-1413 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after May 1, 1965 and its publication in the official state paper.

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