MINUTES OF THE SENATE COMMITTEE ON JUDICIARY
Held in Room 519 S, at the Statehouse at 11:00 a.m./xpxxx., on February 14, 1978.
All members were present except: All members present.
The next meeting of the Committee will be held at 11:00 a.m./pxxxx, on February 15, 19 78.
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Chiane Honeren
The conferees appearing before the Committee were:
Milo M. Unruh - Wichita attorney

Staff present:

Art Griggs - Revisor of Statutes Paul Purcell - Legislative Research Department Jerry Stephens - Legislative Research Department

Don Horttor - Kansas Bankers Association, Trust Division

Senate Bill 865 - Mortgage registration fee exemption. Mr. Milo M. Unruh, an attorney from Wichita, appeared in support of the bill. He explained that affidavits of equitable interest are recorded in order to place on record the fact that a purchaser under contract has an equitable interest in real estate. A recent attorney general's opinion required the payment of mortgage registration fee when such affidavits were recorded. Following presentation, the committee discussed the bill with him.

Following committee discussion, Senator Berman moved to report the bill favorably; Senator Parrish seconded the motion. Following further committee discussion, Senator Simpson made a substitute motion to provide that the mortgage registration fee would be paid only to the extent of the seller's equity in the property; Senator Burke seconded the motion. The substitute motion failed. Following further committee discussion, the original motion carried.

Senator Hein moved to request an interim committee study of the matter of mortgage registration fees and the distribution of money collected by such fees. Senator Steineger seconded the motion, and the motion carried.

<u>Senate Bill 903</u> - Filing of discovery papers. Senator Everett discussed the bill with the committee. Following committee discussion, it was agreed that action would be postponed at this time.

continued -

CONTINUATION SHEET

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<u>Senate Bill 904</u> - Conservators, investments by. Mr. Don Horttor appeared in support of the bill, and explained its pupose. Following committee discussion, Senator Burke moved to report the bill favorably; Senator Parrish seconded the motion, and the motion carried.

Senate Bill 911 - Establishing district attorney in the seventh Judicial district. Senator Berman explained the purpose of the bill. He stated that the Douglas County judges fully support the bill. He stated that a conferee would appear in support of the bill on Thursday.

Senator Gaines moved to approved the minutes of January 31 and February 1; Senator Parrish seconded the motion, and the motion carried.

<u>Senate Bill 297</u> - Natural death act. Senator Simpson discussed the bill, and commented that he didn't agree with all of the suggestions made by Mrs. Mahling. Following extensive committee discussion, the committee, by a vote of four to two, indicated that the committee was willing to spend more time working the bill, at future meetings of the committee.

The meeting adjourned.

These minutes were read and approved by the committee on 4-6-18.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME

ADDRESS

ORGANIZATION

Mark Elrod

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Willita

Wichita

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H. Allan Caldwell

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Bob Hautsol

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