

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Acting Chairperson Vratil at 10:14 a.m. on March 8, 2000 in Room 123-S of the Capitol.

All members were present except: Senator Petty (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Gerald Goodell, Kansas Judicial Council
Rich Hayse, Kansas Bar Association
Sgt. Oscar Thomasson, Sedgwick County Sheriff's Department

Others attending: see attached list

HB 2671—concerning the probate code; relating to estate taxes

Conferee Goodell testified in support of **HB 2671**. He described technical changes in the bill necessitated by the passage of the Kansas Estate Tax Act and discussed other clean up language. (attachment 1) Following discussion, Senator Pugh moved to pass the bill out favorably, Senator Goodwin seconded. Carried.

HB 2672—concerning taxation; relating to estates

Conferee Goodell testified in support of **HB 2672** describing the amendments to the Kansas Estate Tax Act which include the striking of confusing language, clarification of how certain concepts are stated and other technical changes. (attachment 2) Following discussion, Senator Goodwin moved to pass the bill out favorably, Senator Donovan seconded. Carried.

HB 2673—concerning the probate code

Conferee Goodell testified in support of **HB 2673**. He discussed a review done by the Judicial Council Probate Law Advisory Committee where it was determined that many of the dollar amounts contained in the code have not been changed for many years. The Committee used the consumer price index to review all dollar amounts contained in the Probate Code and recommended the amendments contained in this bill. (attachment 3) There was discussion regarding fiscal impact and no action was taken until further information could be obtained.

Written testimony in support of **HB 2673** was submitted by the Kansas Bankers Association. (attachment 4)

HB 2905—concerning civil procedure; relating to service of process

Conferee Hayse testified in support of **HB 2905**. He stated that this bill evolved out of concerns expressed by Kansas attorneys about "inherent limitations in using certified mail for [service of process] and a desire to make the procedure more flexible while retaining the present safeguards for the person being served." He described how the bill satisfies these concerns. (attachment 5)

Conferee Thomasson testified in support of **HB 2905** and discussed how the bill will improve service and reduce costs. (attachment 6) Following discussion Senator Oleen moved to amend **HB 2905** by deleting on page 4 line 18 everything on line 18 except the words "or as" and by deleting all of the bold print on line 21 and 22; also on page 5 line 36 by striking the word "plaintiff" and substituting the word "party"; on page 10 line 36 by striking everything on line 36 except the words "or as" and striking the bold print on lines 39 and 40; on page 12 line 8 by striking the word "plaintiff" and substituting the word "party", seconded by Senator Gilstrap. Carried. Senator Goodwin moved to pass the bill out favorably as amended and amend the effective date to publication in the Kansas Register, Senator Emert seconded. Carried.

The meeting adjourned at 10:40 a.m. The next scheduled meeting is March 9, 2000.