

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on February 3, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Rick Rehorn- excused
Representative Dale Swenson- excused
Representative Dan Williams- excused

Committee staff present:

Jill Wolters, Revisor of Statutes
Diana Lee, Revisor of Statutes
Jerry Ann Donaldson, Kansas Legislative Research Department
Cindy O'Neal, Secretary

Conferees appearing before the committee:

Jerry Goodell, Kansas Judicial Council
Whitney Damron, Kansas Bar Association

The Chairman entertained requests for bill introductions.

Representative Davis requested a bill which would amend K.S.A. 44-4015 & 44-1016, Victim of Domestic Violence Act to have it apply with regard to discrimination of rental and sales. He made the motion to have the request introduced as a committee bill. Representative Patterson seconded the motion. The motion carried.

Representative O'Malley requested a bill which would disallow the use of a social security number on a drivers license. Representative Owens made the motion to have the request introduced as a committee bill. Representative Long-Mast seconded the motion. The motion carried.

Representative Goering requested a bill which would amend K.S.A. 40-284(b) to allow the claim to the extent the coverage exceeds the limits of the amount of liability proceeds actually available to an injured insured. He made the motion to have the request introduced as a committee bill. Representative Patterson seconded the motion. The motion carried.

The Chairman appointed the following committee members to a sub-committee on **HB 2581 - reporting adult abuse to SRS**: Representative Goering, Chair; Representatives Jack & Davis.

Hearings on **HB 2554 - amendments to the Kansas Power of Attorney Act**, were opened.

Jerry Goodell, Kansas Judicial Council, reviewed the proposed changes to the Kansas Power of Attorney Act (Attachment 1)

Hearings on **HB 2554** were closed.

Hearings on **HB 2555 - amendments to the probate code; preparation of wills; claims against an estate**, were opened.

Jerry Goodell, Kansas Judicial Council, explained that there were three proposed changes:

- ▶ Section 1 clarifies that adopted children are included in the exception and conforms the language used in this section to K.S.A. 58a-406.
- ▶ Section 2 amendment keeps this section consistent with a similar requirement contained in the proposed nonclaim statute for trustees.
- ▶ Section 3 strikes "pursuant to K.S.A. 59-2209. The Judicial Council believes that some form of notice should be required but not necessarily a publication notice.

Hearings on **HB 2555** were closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 3, 2004 in Room 313-S of the Capitol.

Hearings on **HB 2556 - amendments to the Uniform Trust Code**, were opened.

Jerry Goodell, Kansas Judicial Council, appeared as a proponent of the bill. He proceeded to explain the proposed changes to the Uniform Trust Code. (Attachment 2)

Whitney Damron, Kansas Bar Association, appeared to provide testimony on behalf of Tim O'Sullivan who was in opposition to the changes to K.S.A. 58a-111 found in Section 3 which would expand the list to include "the interpretation or construction of the terms of the trust" and the "direction to a trustee to refrain from performing a particular act or the grant to the trustee of any necessary or desirable power." He believes that the expanded provisions are overly broad and takes too much authority away from the settlor and trustee and places it with trust beneficiaries. There was also concern that the terms "interested persons" and "material purpose" are not defined. Any recommendations addressing these concerns by the Kansas Bar Association would not be ready till the 2005 Kansas Legislature. (Attachment 3)

Hearings on **HB 2556** were closed.

Committee minutes from January 26, 27 & 28 were distributed.

The committee meeting adjourned at 4:45 p.m. The next meeting was scheduled for February 4, 2004.