

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:36 a.m. on January 22, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Haley (excused)

Committee staff present:

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

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council (KJC)
Professor David English, Reporter, Uniform Trust Code Committee
Jerry Goodell, Chair, Probate Law Advisory Committee
Jim Bush, President, Kansas Bar Association (KBA)
Royce Nelson, Kansas Bar Association
Mark Knackendoffel, Kansas Banker's Association
Senator James Barnett

Others attending: see attached list

The minutes of the January 16, 2002 meeting were approved on a motion by Senator Donovan, seconded by Senator O'Connor, Carried.

The Chair referenced a handout of a list of bills assigned to each subcommittee and stated that regular meetings on January 30 and 31 would not be held so that subcommittees could meet at that time. (attachment 1) He also referenced a memo from the City of Overland Park which discusses the legal restrictions placed on convicted felons. (attachment 2)

SB 297—enacting the Uniform Trust Code

Conferee Hearrell testified in support of **SB 297**, a bill which embodies the Uniform Trust Code (UTC). He presented brief information regarding a handout of the UTC recommended by the National Conference of Commissioners on Uniform State Laws (attachment 3) He stated that the UTC will codify Kansas Trust Law. He briefly introduced Conferees English and Goodell.

Conferee English stated that the purpose of the UTC is to make trust law more accessible, fill gaps in current law, and codify restatement of trust. He reviewed the UTC enactment process and detailed several of the eleven Articles of the Code. (attachment 4)

Conferee Goodell testified in support of **SB 297** stating he was “proud of the bill and it’s thoroughness.” He lauded the multi-credentialed volunteer members of the Probate Law Advisory Committee who worked on drafting the bill. (attachment 5)

Conferee Bush testified in opposition to **SB 297** detailing certain provisions in the bill which he stated, “drastically change common law [on wills and trusts] and move the emphasis from determining the intent of Grantors to seeking the wishes of beneficiaries.” (attachment 6)

Conferee Nelson testified in opposition to **SB 297** stating that certain sections and committees of the KBA feel that current Kansas trust law is preferable to this bill. He defined the purpose and function of a trust and discussed what type of trust law is desirable. He reviewed current trust law and briefly reviewed a KBA analysis of the **SB 297** version of the UTC. (attachment 7)

Conferee Knackendoffel testified in support of **SB 297**. He recommended Committee focus on the totality of the bill and alerted them to a small provision in the bill that is subject to debate regarding non-judicial settlement agreements. (attachment 8)

Conferee Barnett requested introduction of a bill relating to passenger safety for teen drivers. Senator Schmidt

moved to introduce the bill, Senator Oleen seconded. Carried.

The Chair assigned to Senator Adkin's subcommittee, consideration of the post audit on meth labs for possible legislation.

The meeting adjourned at 10:29 a.m. The next meeting is January 23, 2002.