

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on April 1, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Judy Morrison - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research

Jill Wolters, Department of Revisor of Statutes

Sherman Parks, Department of Revisor of Statutes

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council

Michelle Clayton, Legal Counsel, Uniform Law Commission

Bill Martin, Kansas Bar Association

Daryl Craft, Kansas Bankers Association, Trust Division

Hearing on **SB 297 - Enacting the Uniform Trust Code**, was opened.

Randy Hearrell, Kansas Judicial Council, introduced Michelle Clayton, Legal Counsel, Uniform Law Commission, who provided the members with a copy of a balloon with agreed upon changes to the bill (Attachment 1), summary of amendment by the Senate (Attachment 2), and her written testimony (Attachment 3). She touched on several articles of the Code but was concerned with the deletion of protection for spouses and children, i.e., spend thrift provisions, which would allow child support orders to be attached to trusts.

Bill Martin, Kansas Bar Association, had concerns about the bill but worked out agreements with the Judicial Counsel and now supports the bill. (Attachment 4)

Daryl Craft, Kansas Bankers Association, Trust Division, proposed more specific language in Section 2, paragraph 12. (see balloon Attachment 5).

SB 236 - Garnishment procedure under code of civil procedure

Representative Patterson made the motion to substitute the balloon amendment language into SB 236. So that a bona fide trade, merchant or professional association who represents the interests of such can bring an action. (Attachment 6) Representative DiVita seconded the motion.

After lengthy committee discussion Representative Patterson decided that the proposed language did not do what he had hoped it would and with permission of the second he withdrew his motion.

The committee meeting adjourned at 5:00 p.m.