

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 6, 2007 in Room 313-S of the Capitol.

All members were present except:
Kevin Yoder- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:
Senator Barbara Allen
Claudia Alexander, Individual
Randy Hearrell, Kansas Judicial Council
Jim Clark, Kansas Bar Association

The hearing on **SB 88 - restoration of spouse's name after divorce is final**, was opened.

Senator Barbara Allen appeared as the sponsor of the proposed bill which would authorize a court to restore the maiden or former name of a party in a divorce at any time before or after the divorce becomes final. The person seeking the name restoration would not have to pay a docket fee. ([Attachment 1](#))

Claudia Alexander relayed her story of how she sought to restore her former name, only to be denied by the courts because she had not requested the name change during the divorce proceeding. ([Attachment 2](#))

The hearing on **SB 88** was closed.

The hearing on **SB 74 - recovery of medical assistance, probate code**, was opened.

Randy Hearrell, Kansas Judicial Council, appeared in support of the proposed bill. He explained that the proposed bill was a result of a Judicial Council study on 2006 SB 536. It would change the notice requirements for estates that go through probate process and authorize Kansas, and other states that provide medical assistance, to be a party to the probate action. ([Attachment 3](#))

Jim Clark, Kansas Bar Association, expressed concern that in order for a creditor to be a party confers unnecessary obligations on the estate when the purpose of the bill is to provide notice. Attachment 4 is the proposed amendment from the Judicial Council that would address this concern. ([Attachment 4](#))

The hearing on **SB 74** was closed.

The hearing on **SB 76 - probate, small estate, transfer of personal property**, was opened.

Randy Hearrell, Kansas Judicial Council, appeared as the sponsor of the bill. He commented that it would expand the definition of personal property that can be transferred by affidavit for estates not exceeding \$20,000. ([Attachment 5](#))

Jim Clark, Kansas Bar Association, appeared in support of the bill because it would simplify the transfer of property in small estates. ([Attachment 6](#))

The hearing on **SB 76** was closed.

The hearing on **SB 85 - authorizing employment of retired justices and judges to assist the Kansas Judicial Council**, was opened.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on March 6, 2007 in Room 313-S of the Capitol.

Randy Hearrell, Kansas Judicial Council, explained that the Kansas Judicial Council would like to use one of their FTE to hire a retired judge, but base their salary on the same system used by the Judicial Branch. The judge would help with areas of courtroom observation, evaluations and working with judges on self-improvement. (Attachment 7)

The hearing on **SB 85** was closed

The hearing on **SB 269 - Kansas Code for care of children, service of process**, was opened.

Randy Hearrell, Kansas Judicial Council, appeared in support of the proposed bill which would require when service is by publication, it would be placed in a local newspaper where the parent to be served is, with substantial certainty, residing. (Attachment 8)

The hearing on **SB 269** was closed.

SB 58 - conveying trust property

Representative Kuether made the motion to report SB 58 favorably for passage. Representative Proehl seconded the motion. The motion carried.

SB 118 - children in need of care, CASA reports

Representative Whitham made the motion to report SB118 favorably for passage. Representative Roth seconded the motion. The motion carried.

SB 76 - probate, small estate, transfer of personal property

Representative Pauls made the motion to report SB 76 favorably for passage as amended and to be placed on the consent calendar. Representative Owens seconded the motion. The motion carried.

SB 85 - authorizing employment of retired justices & judges to assist the Kansas Judicial Council

Representative Colloton made the motion to report SB 85 favorably for passage. Representative Crow seconded the motion. The motion carried.

SB 269 - Kansas Code for care of children, service of process

Representative Colloton made the motion to report SB 269 favorably for passage. Representative Pauls seconded the motion. The motion carried.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for March 7, 2007.