

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 5, 2008 in Room 313-S of the Capitol.

All members were present except:

Ben Hodge - excused
Annie Kuether - excused
Jason Watkins - excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Eric Anderson, Attorney from Salina
Randy Hearrell, Kansas Judicial Council
District Judge Jean Shepard, 7th Judicial District

The hearing on **SB 412 - health care; medical assistance repayment; discretionary trusts**, was opened.

Eric Anderson, Attorney from Salina, appeared before the committee to explain the proposed bill. The purpose of the bill is to clear up some unintended consequences of changes made in 2004. The supplemental needs trust will allow for the planning of estates in a coherent manner. The bill also defines "public assistance" to include but not be limited to Medicaid, Medicare and Social Security Act. (Attachment #1)

Randy Hearrell, Kansas Judicial Council, expressed their support for the bill, even with the changes that have been made. (Attachment #2)

The hearing on **SB 412** was closed.

The hearing on **SB 431 - probate, small estates, increasing allowances for spouses and minor children**, was opened.

Randy Hearrell, Kansas Judicial Council, commented that the bill increases the amount of certain personal property one can transfer to successors by affidavit. The current limit is \$20,000 and the bill increases it to \$40,000. It also increases the allowances for spouses and minor children from \$35,000 to \$50,000 when a resident of the state dies. (Attachment #3)

The hearing on **SB 431** was closed.

The hearing on **SB 432 - uniform transfer on death security registration act**, was opened.

Randy Hearrell, Kansas Judicial Council, stated they received an e-mail from a trust officer regarding the way "security" is defined in the Uniform Transfer on Death Security Registration Act. The transfer on death option is not applicable to security accounts including agency and brokerage accounts. (Attachment #4)

The hearing on **SB 432** was closed.

The hearing on **SB 435 - amendment to the revised Kansas Juvenile Justice Code and the Kansas Code for Care of Children**, was opened.

District Judge Jean Shepard, 7th Judicial District, explained that the bill would address some technical amendments needed. (Attachment #5)

The hearing on **SB 435** was closed.

The committee meeting adjourned at 4:15 p.m. The next meeting was scheduled for March 6, 2008.