

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 4:15 P.M. on January 23, 2006 in Room 313-S of the Capitol.

All members were present except:

Kasha Kelley- excused
Marti Crow- excused
Michael Peterson- excused
Mike Kiegerl- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Mike Heim, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Nancy Kirk
Representative Paul Davis
Randy Hearrell, Kansas Judicial Council
Mark Knackendoffel, Kansas Judicial Council, Probate Law Advisory Committee
Daryl Craft, Kansas Bankers Association, Trust Division
Professor Robert Casad, Kansas Judicial Council

Representative Nancy Kirk appeared before the committee with a bill request to add survivors of suicides to the Victims Bill of Rights. Representative Kinzer made the motion to have the request introduced as a committee bill. Representative Davis seconded the motion. The motion carried.

Representative Paul Davis requested four bills be introduced:

1. changes in the drug paraphernalia statute dealing with methamphetamine
2. changes in the arson statute
3. an amendment to the worthless check statute
4. changes in the civil procedure to providing notice to the Health Care Stabilization Fund

He made the motion to have the requests introduced as committee bills. Representative Loyd seconded the motion. The motion carried.

Chairman O'Neal opened the hearing on **HB 2607 - amendments to the Kansas Uniform Trust Code.**

Randy Hearrell, Kansas Judicial Council, introduced Mark Knackendoffel, Kansas Judicial Council's Probate Law Advisory Committee. The Uniform Trust Code (UTC) became effective January 1, 2003, after which the Judicial Council studied the UTC and are proposing the following changes to codify existing trust law, reduce the need to restore to court proceedings to resolve trust administration issues and conflicts, and to enhance the rights of trust beneficiaries in protecting their beneficial interests. (Attachment 1)

After **HB 2607** was introduced, the Kansas Bankers Association Trust Division proposed some additional amendments of which the Judicial Council approved of and requested that they be amended into the proposed bill. (Attachment 2) When asked if the Commission on Uniform Law had approved the changes, Mr. Knackendoffel responded that they had not seen the changes but most were technical in nature.

Daryl Craft, Kansas Bankers Association, Trust Division, appeared as a proponent of the proposed bill and amendments. He believes that the changes will enhance and streamline the provisions of the UTC. (Attachment 3)

The hearing on **HB 2607** was closed.

The hearing on **HB 2610 - civil procedure; service outside the state; submitting to jurisdiction**, was opened.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 4:15 P.M. on January 23, 2006 in Room 313-S of the Capitol.

Professor Robert Casad, Kansas Judicial Council, appeared as a proponent of the proposed bill which would make amendments to the long arm statute by modernizing language relating to types of jurisdiction. The proposed bill would also clarify that in specific jurisdictions based on the act Kansas courts could also obtain personal jurisdiction over nonresident defendants through general jurisdiction. (Attachment 4)

Committee members suggested that they would like more specificity as to potential defendants being put on notice as to what actions would subject them to long-arm jurisdiction in Kansas.

The hearing on **HB 2610** was closed.

The committee meeting adjourned at 5:15 p.m. The next meeting was scheduled for 3:30 p.m. on January 24, 2006, in room 313-S.