

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2101

As Recommended by House Committee on
Judiciary

Brief*

HB 2101 would add a section to the Uniform Trust Code stating a provision in a trust instrument requiring the mediation or arbitration of disputes between or among beneficiaries, a fiduciary, a person granted nonfiduciary powers under the trust instrument, or any combination thereof would be enforceable. A provision requiring the mediation or arbitration of a dispute relating to the validity of the trust would not be enforceable, however, unless all interested persons consented.

Background

In the House Judiciary Committee, a representative of the Kansas Bar Association appeared in support of the bill. There were no opponents.

The House Committee recommended the bill be placed on the Consent Calendar.

The fiscal note prepared by the Division of the Budget indicates passage of the bill could have a fiscal effect on the Judiciary as cases using mediation and arbitration would require less of the judge's time. The number of cases to which the bill would apply is unknown, however, and an accurate estimate of the effect cannot be determined.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>