

Approved: June 22, 2012  
(Date)

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on February 13, 2012, in Room 548-S of the Capitol.

All members were present except Senator Haley, who was excused.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Katherine McBride, Office of the Revisor of Statutes  
Lauren Douglass, Kansas Legislative Research Department  
Bob Allison-Gallimore, Kansas Legislative Research Department  
Theresa Kiernan, Committee Assistant

Conferees Appearing before the Committee:

Tim O'Sullivan, for the Kansas Bar Association

Others in Attendance:

See Attached List

The Chairman opened the hearings on **SB 395—Relating to intestate succession**.

Mr. Thompson briefly reviewed the bill. He stated the bill would repeal K.S.A. 59-505, which provides a surviving spouse with half of the real property conveyed by a decedent spouse during the marriage, if the conveyance was made without the written consent of the surviving spouse.

Tim O'Sullivan testified in support of **SB 395**. He stated the bill would repeal K.S.A. 59-505, which was enacted in 1939 and which provides that a surviving spouse is entitled to one-half of real property conveyed during the marriage by the decedent spouse without the written consent of the surviving spouse. He stated that the purpose for which the statute was enacted no longer exists with the passage, in 1994, of the Kansas Spousal Elective Share Act. (Attachment 1).

The Chairman closed the hearings on **SB 395**.

The Chairman opened the hearings on **SB 403—Relating to conversion of a trust into a unitrust**.

Mr. Thompson briefly reviewed the bill. He stated the bill would amend the Uniform Principal and Income Act, relating to the conversion of a trust into a unitrust.

Tim O'Sullivan testified in support of **SB 403**. He stated the bill concerns unitrust modification and reconversion under the Kansas Uniform Principal and Income Act. The bill would provide procedures for

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 13, 2012, in Room 548-S of the Capitol.

the modification of the percentage utilized in determining a unitrust distribution and for the nonjudicial reconversion of a unitrust. (Attachment 2).

The Chairman closed the hearings on **SB 403**.

The Chairman opened the hearings on **SB 404—Relating to spendthrift trusts**.

Mr. Thompson briefly reviewed the bill. He stated the bill would amend the Kansas Uniform Trust Code, relating to spendthrift trusts.

Tim O'Sullivan testified in support of **SB 404**. He stated the bill clarifies a creditor's rights where a trust beneficiary is serving as sole trustee of a trust subject to the trustee's discretion. (Attachment 3).

The Chairman closed the hearings on **SB 404**.

The Chairman told the Committee he considered the bills heard today as technical in nature and it was his desire to work the bills.

*Senator Donovan moved, Senator King seconded, that **SB 395** be passed and placed on the consent calendar. Motion adopted.*

*Senator King moved, Senator Lynn seconded, that **SB 403** be passed. Motion adopted.*

*Senator Donovan moved, Senator Lynn seconded, that **SB 403** be passed. Motion adopted.*

The next meeting is scheduled for February 14, 2012.

The meeting was adjourned at 10:30 a.m.