

January 31, 2011

The Honorable Tim Owens, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 559-S  
Topeka, Kansas 66612

Dear Senator Owens:

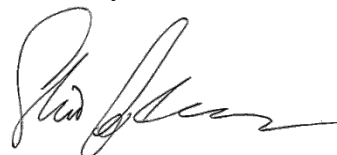
**SUBJECT:** Fiscal Note for SB 47 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 47 is respectfully submitted to your committee.

SB 47 would amend the Kansas Uniform Trust Code so that a spendthrift provision in the terms of a non-charitable trust would not be assumed to constitute a material purpose of the trust. The bill would also clarify the procedures for filing creditors' claims against a settlor's trust and for distributing trust assets to satisfy those claims.

According to the Office of Judicial Administration, passage of SB 47 could result in additional case filings by creditors to enforce their claims; however, it is likely that the clarification of procedure and distribution could streamline litigation in those cases that are currently being filed to enforce creditors' claims against trusts. Passage of the bill could also result in additional docket fee revenue from additional cases being filed, but it is estimated it would be negligible.

Sincerely,



Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Mary Rinehart, Judiciary