

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:38 a.m. on January 27, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Laura Kelly- excused  
Senator Derek Schmidt- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Mark Knackendoffel, Kansas Judicial Council Probate Law Advisory Committee  
Tania Groover, Assistant District Attorney, Sedgwick County  
Tom Stanton, President, Kansas County and District Attorneys Association  
Kathy Porter, Office of Judicial Administration

Others attending:

See attached list.

Bill Introductions

Senator Lynn introduced a bill addressing the issue of cockfighting. The bill was introduced without objection.

Whitney Damron requested the introduction of a bill to change K.S.A. 17-7207(b) limiting the number of stockholders in a close corporation to 35 bringing it into alignment with all other corporate code Kansas statutes.

The Chairman opened the hearing on **SB 70 - Trusts; unitrust conversion; uniform principal and income act.**

Mark Knackendoffel appeared as a proponent stating **SB 70** is the recommendation of the Kansas Judicial Council Probate Law Advisory Committee. It allows a trustee to release power and convert a trust into a unitrust so that distributions to income beneficiaries are determined by a unitrust distribution formula. This allows the objectives of the income and remainder beneficiaries to be unified and motivated by the total return of the portfolio. (Attachment 1)

There being no further conferees, the hearing on **SB 70** was closed.

The Chairman opened the hearing on **SB 67 - Creating the crime of endangering a dependent adult; amending mistreatment of a dependent adult.**

Tania Groover testified in support stating enactment of **SB 67** will protect vulnerable dependent adults who are easily exploited. Increased penalties, clarifying language, and the new crime of endangering a dependant adult are key to the protection of Kansas citizens. (Attachment 2)

Written testimony in support of **SB 67** was submitted by:

Joann E. Corpstein, Chief Counsel, Kansas Department on Aging (Attachment 3)

There being no further conferees, the hearing on **SB 67** was closed.

The Chairman opened the hearing on **SB 68 - Docket fees; prosecuting attorneys' training fund.** Jason Thompson, staff revisor, reviewed the bill.

Tom Stanton spoke in favor stating the existing fee which allows for the continuing education of prosecutors is insufficient. **SB 67** will double the funds available for prosecutors across the state and ultimately benefit

## CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:38 a.m. on January 27, 2009, in Room 545-N of the Capitol.

the citizens of Kansas. (Attachment 4)

Kathy Porter appeared in opposition indicating that as written the additional money is “taken off the top” of the current amount collected for each docket fee. This has the effect of shortchanging every fund specified in K.S.A. 2008 Supp. 20-367 including the State General Fund. Ms. Porter recommended the funds may be obtained from diversion agreements authorized under K.S.A. 22-2909. (Attachment 5)

There being no further conferees, the hearing on **SB 68** was closed.

The next meeting is scheduled for January 28, 2009.

The meeting was adjourned at 10:28 a.m.