

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on January 28, 2008, in Room 123-S of the Capitol.

All members were present except:

Barbara Allen arrived, 9:37 A.M.  
Donald Betts, excused  
Les Donovan, excused  
David Haley arrived, 9:38 A.M.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department  
Bruce Kinzie, Office of Revisor of Statutes  
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council  
Nick Badgerow, Chair, Kansas Judicial Council Civil Code Advisory Committee  
Jeanne Turner, Chief Clerk, 5<sup>th</sup> Judicial District

Others attending:

See attached list.

Chairman Vratil brought to the committee's attention, written testimony on **SB 413** received by Mr. Ed Collister (Attachment 1).

The hearing on **SB 431—Probate, small estates, increasing allowances for spouses and minor children** was opened.

Randy Hearrell spoke in support indicating the Judicial Council was requested by the Legislature to review the dollar limitation in K.S.A. 59-1507b for the transfer of certain personal property to successors by affidavit (Attachment 2). The committee proposes increasing the limit to \$40,000 due to the costs associated with administration of small estates. In addition, an increase to \$50,000 for allowances to spouses and minor children is proposed to keep up with inflation and be proportional to the new amount in K.S.A. 59-1507b.

There being no further conferees, the hearing on **SB 431** was closed.

The Chairman opened the hearing on **SB 434—Code of civil procedure, electronically stored information**.

Nick Badgerow testified in support, stating **SB 434** contains recommendations by the Civil Code Advisory Committee following review of changes to the Federal Rules of Civil Procedure relating to discovery of electronically stored information (Attachment 3). Mr. Badgerow indicated Kansas has always attempted to stay as uniform as possible with federal rules and recommended the bill be enacted.

There being no further conferees, the hearing on **SB 434** was closed.

The hearing on **SB 424—Oil and gas leases, distribution of monies deposited with the court** was opened.

Jeanne Turner appeared in favor, stating often when a company wants to buy an oil or gas lease owners cannot be found and a case is filed in district court and a receiver is appointed to represent those parties (Attachment 4). It would be a better use of resources for the purchasing company to be responsible for the receipting, holding and issuing of checks in these cases. Ms. Turner indicated the oil and gas industry have expressed no opposition to this change and that the monies would still be subject to the Kansas statute concerning unclaimed property.

There being no further conferees, the hearing on **SB 424** was closed.

The Chairman called for final action on **SB 48—Municipal court, accused person's competency to stand**

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on January 28, 2008, in Room 123-S of the Capitol.

**trial, mental health evaluation.**

Senator Journey moved, Senator Lynn seconded, to amend SB 48, page 2, line 5, by adding “or misdemeanor” following the word felony. Motion carried.

Senator Journey moved, Senator Umbarger seconded, to recommend SB 48 as amended favorably for passage. Motion carried.

Chairman Vratil indicated **SB 301** will be rescheduled next week due to the absence of Senator Betts.

Senator Vratil announced the appointment of a subcommittee consisting of Senator Goodwin, Senator Journey, and himself to address **SB 409** and several bills on related topics assigned to the committee.

The meeting adjourned at 9:52 A.M. The next scheduled meeting is January 29, 2007.