

Approved: August 25, 2011  
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 A.M. on February 9, 2011, in Room 548-S of the Capitol.

All members were present, except Senator Donovan, who was excused

Committee staff present:

Lauren Douglass, Kansas Legislative Research Department  
Robert Allison-Gallimore, Kansas Legislative Research Department  
Jason Thompson, Office of Revisor of Statutes  
Tamera Lawrence, Office of Revisor of Statutes  
Theresa Kiernan, Committee Assistant

Conferees appearing before the committee:

Joe Molina, Kansas Bar Association

Others attending:

See attached list.

The Chairman opened the hearings on **SB 36 -- Exemption from creditors for assets held in qualified retirement plans and regular and Roth individual retirement accounts.**

Jason Thompson, Staff Revisor, reviewed the bill.

Joe Molina, appearing in place of Nancy Schmidt Roush on behalf of the Kansas Bar Association, testified in support of **SB 36 (Attachment 1)**. He stated that the KBA had requested introduction of the bill, which would clarify and update the Kansas exemptions (from creditors claims) to include assets in IRAs, Roth IRAs and moneys a beneficiary of an inherited IRA.

Senator Vratil asked whether the spendthrift provision in the bill is necessary? He requested that additional information be provided to the committee.

No testimony in opposition to **SB 36** was offered.

The Chairman called the committee's attention to the fiscal note for **SB 36**.

The Chairman closed the hearings on **SB 36**.

The Chairman opened the hearings on **SB 44 — Domestic relations; marital property.**

Jason Thompson, Staff Revisor, reviewed the bill.

Joe Molina, appearing in place of Nancy Schmidt Roush, testified in support of **SB 44 (Attachment 2)**. He stated that the KBA had requested introduction of the bill, which would provide that property owned separately by one spouse, irrespective of, whether brought into the marriage or received from a third party during the marriage, remains free of the other spouse's debts. The bill would not apply to property transferred from one spouse to the other.

Senator Vratil asked, "If the bill passes, is property treated differently under two different rules?"

Mr. Molina responded, "Yes."

Mr. Molina added, "The bill does not protect fraudulent transfers or transfers to avoid creditors."

No testimony in opposition to **SB 44** was offered.

The Chairman called the committee's attention to the fiscal note for **SB 44**.

The Chairman closed the hearings on **SB 44**.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on February 9, 2011, in Room 548-S of the Capitol.

**Committee Action:**

The Chairman turned the committee's attention to **SB 12 -- Civil procedure; bankruptcy.**

**Senator Vratil moved, Senator Haley seconded, that SB 12 be passed.**

Senator King proposed an amendment (Attachment 3) that would limit the exemption to an amount equal to the maximum credit allowed to the debtor under the internal revenue code for the previous tax year.

Senator Bruce moved, Senator King seconded, to change the wording in Senator King's proposed amendment from "previous" to "current" tax year. The motion was adopted.

Senator Bruce moved, Senator Lynn seconded, that SB 12 be passed as amended. The motion was adopted.

The Chairman turned the committee's attention to **SB 34 — Driver's licenses; habitual violators; motorized bicycles.**

Senator Pilcher-Cook moved, Senator Schodorf, seconded, that SB 34 be passed.

Senator Bruce stated that he does not believe the bill is necessary because a moped is not a motor vehicle for which a license is required to operate legally.

Senator Owens stated the bill would clarify that a habitual violator could be issued a license to operate a moped.

The motion was adopted.

The Chairman turned the committee's attention to **SB 37 -- Sentencing; payment of fines; employment of county and city prisoners.**

Senator King moved, Senator Haley seconded, that the revisor be authorized to make any necessary technical or cleanup amendments to SB 37 and the bill be passed, as amended. The motion was adopted.

The Chairman turned the committee's attention to **SB 44 -- Domestic relations; marital property.**

**Senator Bruce moved, Senator Lynn seconded, that SB 44 be tabled. The motion was adopted.**

The Chairman turned the committee's attention to **SB 24 -- Reorganization of Domestic Relations Statutes.**

Senator Bruce moved, Senator Umbarger seconded, that SB 24 be passed. The motion was adopted.

The Chairman announced that the hearings on **ERO 34 -- Abolishing Parole Board and Establishing the Prisoner Review Board within the Department of Corrections** would continue on February 18, 2011.

Meeting adjourned at 10:25 A.M. The next meeting is scheduled for February 10, 2011.