

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Michael R. O'Neal at 3:30 p.m. on January 28, 2003 in Room 313-S of the Capitol.

All members were present except:

- Representative Jeff Jack - Excused
- Representative Dale Swenson - Excused
- Representative Jim Ward - Excused

Committee staff present:

- Jerry Ann Donaldson, Legislative Research Department
- Jill Wolters, Revisor of Statutes
- Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

- Representative Peggy Long
- Representative Rick Rehorn
- Representative Jan Pauls
- Jerry Goodell, Kansas Judicial Council, Probate Law Advisory Committee

Representative Long requested a bill which would allow both felony charges and arson charges to be filed in cases where a felony crime occurs while the arson is being committed and allow aggravated arson charges to be filed if a firefighter is injured during a fire. Representative Long made the motion to have the request introduced as a committee bill. Representative Crow seconded the motion. The motion carried.

Representative Rehorn requested a bill which would require those using the indigent defense fund to pay a \$35 - \$50 service fee. He made the motion to have the request introduced as a committee bill. Representative Long seconded the motion. The motion carried.

Representative Pauls requested a committee bill that would amend statutes concerning the District Attorney offices and coverage under state surety bonds. Her second request amends the preliminary hearing language to allow laboratory reports in as evidence. She made the motion to have the request introduced as a committee bill. Representative Long seconded the motion. The motion carried.

Hearing on **HB 2034 - Kansas Power of Attorney Act** were opened.

Jerry Goodell, Kansas Judicial Council, Probate Law Advisory Committee, informed the committee that several states are revising their power of attorney laws and the Probate Law Advisory Committee studied each state and came up with the proposed changes. He provided the committee with a copy of the bill which listed comments beside each section (Attachment 1). He proceeded to touch on a few new changes in the act:

- It contains a definition section
- Requires that a durable power of attorney be signed, dated and acknowledged.
- General powers may be granted without including in the power of attorney an exhaustive list of all powers.

CONTINUATION SHEET

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- Powers may be granted to an attorney, but must be expressly authorized in the power of attorney to be granted.
- Lists powers which may not be delegated to the attorney in fact.

Written testimony was provided by:

- Kansas Bankers Association which pointed out a few technical errors (Attachment 2)
- Kansas Bar Association which was generally supportive of the bill but is working with the Judicial Council on suggested amendments (Attachment 3)
- Life Projects requesting the committee clarify the meaning & intent of Section 5, F, paragraph 10 (Attachment 4)

The Chairman announced he would assign a sub committee to study the bill in more detail.

HB 2031 - Repealing the statute concerning wills containing formula marital clauses

Representative Klein made the motion to report HB 2031 be passed and placed on the consent calendar. Representative Owens seconded the motion. The motion carried.

The committee adjourned at 4:15 p.m. The next meeting was scheduled for January 29, 2003.