

January 26, 2012

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

Dear Senator Owens:


SUBJECT: Fiscal Note for SB 293 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 293 is respectfully submitted to your committee.

Current law regarding probate and the filing of wills states that a person possessing a decedent's will may file the will with the district court of the decedent's last residence. SB 293 would make delivery of the will to the district court of the county of the decedent's last residence mandatory. The bill also states that with respect to a will that has been delivered to the district court, any interested person may file an affidavit. This affidavit must comply with a number of existing requirements, including that the name and address of any trustee of any trust established under the will be provided and that the will is being filed for the purpose of preserving it for record in the event that probate proceedings are later required. SB 293 amends these requirements by requiring that the name and address of all trustees established by the will be provided and that the will be filed with the district court for the purpose of preserving it for the record in the event that probate proceedings are later commenced. The bill would also remove the requirement that the affidavit include the property and value left by the decedent and any debts that must be paid.

According to the Office of Judicial Administration, passage of SB 293 would have no fiscal effect on the Judicial Branch or on local governments.

Sincerely,



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

cc: Mary Rinehart, Judiciary