

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 321

As Amended by House Committee on Judiciary

Brief*

SB 321 would remove from the statute allowing the filing of certain wills in court requirements that the decedent's probate estate contain no known real or personal property or that the value of the property be less than the total of all known demands. The requirements for the affidavit filed with the will would be amended accordingly.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas Judicial Council. In the Senate Committee hearing, a representative of the Judicial Council testified in support of the bill, stating the Judicial Council recommended there be no conditions upon the protective filing of wills under this statute. There was no opponent or neutral testimony. The Senate Committee recommended the bill be placed on the Consent Calendar.

The same conferee testified in support of the bill in the hearing before the House Committee on Judiciary. The House Committee amended the bill to make it effective upon publication in the *Kansas Register*.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

indicates the bill would allow more wills to be protectively filed with the courts, which would increase the workload of the courts and the revenue collected from docket fees. However, a fiscal effect cannot be estimated until the courts have operated with the provisions of the bill in place.