

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2363**

As Agreed to April 25, 2007

Brief*

HB 2363 would make changes regarding district courts to delete "terms of court", a concept no longer used, at the district court level. The bill also would change the time for serving a motion for summary judgment from 10 to 21 days. Other amendments are technical and clarifying in nature.

The bill also would change the notice requirements for estates that go through a probate process. The bill would require notice be given to the agency responsible for recovering medical assistance payments in Kansas or, if a state other than Kansas, to the Attorney General of that state, if the decedent or the decedent's spouse received Medicaid assistance. The bill would authorize Kansas, or a state other than Kansas that provided medical assistance, to be entitled to notice of the probate action.

The bill also would require the administrator or executors of estates include in the final settlement of estates, a statement that the person did not receive medical assistance or that the state providing the medical assistance was notified of the probate action. Finally, the bill would require conservators in the final accounting of the conservatorship to reimburse the state Medicaid agency for payments made, if any, to the conservatee or the conservatee's spouse, as allowed by law.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Conference Committee Action

The House concurred with the Senate amendments to the bill and the Conference Committee further agreed to a clarifying amendment concerning the notice requirements for estates that go through a probate process.

Background

The bill, as introduced, would make changes regarding district courts to delete "term of court".

The House Committee on Judiciary amended the bill, as introduced to make additional technical amendments.

Nancy Strouse, Kansas Judicial Council, appeared in support of the bill, as introduced.

The Senate Committee on Judiciary amended the bill to add the provisions of SB 74 which changes the notice requirements for estates that go through a probate process.

The proponent of SB 74 was Randy Hearrell, Kansas Judicial Council. He testified that 2006 SB 536 would have required an executor or administrator of an estate before making the distribution of the estate and a conservator in the final accounting of a conservatorship to confirm that Medicaid reimbursements have been determined and paid. There were several objections to the bill and it was assigned to the Judicial Council for study. SB 74 is the product of the Judicial Council's study on Medicaid reimbursement.

The opponent of SB 74 was Jim Clark, Kansas Bar Association.

SB 74 passed the Senate Committee on Judiciary with technical amendments. The Senate Committee of the whole passed the bill as amended on a vote of 39 to 1.

The fiscal note indicates there would be no fiscal effect.

terms of court: probate code