

SESSION OF 2007

SUPPLEMENTAL NOTE ON SENATE BILL NO. 76

As Recommended by Senate Committee on
Judiciary

Brief*

SB 76 would expand the definition of personal property that may be transferred by affidavit for estates not exceeding \$20,000. Additionally, the bill would expand the definition of who can transfer the decedent's personal property.

Background

Under current law, personal property that may be transferred, by affidavit and without going through the probate process, is limited to money, stock, evidence of indebtedness and interest or right. The bill strikes that limiting language and expands the definition to include any personal property of whatever nature.

Also under current law, personal property can be transferred by a corporation or person. The bill strikes the word "corporation" and inserts "entity" to include not only corporations but other business entities such as limited liability companies, trusts, and associations.

The proponents of the bill included Randy Hearrell, Kansas Judicial Council, and written testimony by Jim Clark, Kansas Bar Association.

There was no testimony in opposition to the bill.

The fiscal note from the Division of Budget states that according to the State Treasurer's Office, passage of SB 76 could decrease the amount of docket fees collected on probate cases, because the bill would require fewer heirs to go to probate court. The state treasury receives a docket fee of \$25 to \$50 on each case, which is split between several funds and agencies. In 2005, there were approximately 3,000 estates probated in Kansas in varying amounts.

*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>

The amount any one fund would receive from the docket fees would be negligible. On the other hand, SB 76 also has the potential to decrease heirs' probate costs to the courts. However, there is no information available upon which to base an accurate estimate.