

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2130

As Recommended by House Committee on
Judiciary

Brief*

HB 2130 would increase certain dollar amounts in the Kansas Probate Code.

The bill would increase certain limits from \$5,000 to \$10,000, including:

- Payable amount of public or private retirement or annuity plan, Social Security, and Veterans Administration benefits;
- Total assets threshold allowing for remission of court costs;
- Demand amount to bypass a required hearing; and
- Amount in controversy for a transfer from a magistrate to a district judge.

The bill would increase the two-year transfer amount threshold from \$10,000 to \$25,000.

The bill would increase the following amounts from \$50,000 to \$75,000:

- Allowance to spouse and minor children;
- Homestead allowance;

*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>

- Small estate cap for personal property; and
- Estate cap for a petition for a refusal of letters of administration.

The bill would increase the supplemental elective share amount threshold from \$50,000 to \$100,000.

Background

The bill was introduced by the House Committee on Judiciary at the request of a representative of the Kansas Judicial Council.

House Committee on Judiciary

In the House Committee hearing on January 31, 2023, a representative of the Kansas Judicial Council provided **proponent** testimony, stating the new dollar amounts were calculated by applying the consumer price index to the statutory amounts based on the last time each amount was changed in an effort to address inflation. He further stated that the small estate amount would be higher than the inflation amount in an effort to allow more people to avoid the time and expenses of probate. No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration states enactment of the bill could have a fiscal effect on Judicial Branch operations because the bill's provisions would increase the threshold dollar amounts under the Kansas Probate Code, which could increase the time spent by judges and court employees processing and researching these cases. However, the Office states a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to

operate under the bill's provisions. The Office states enactment of the bill could result in the collection of docket fees in those cases filed under the bill's provisions, which would be credited to the State General Fund. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Kansas Probate Code; two-year transfer; allowance to spouse and minor children; small estate; refusal of letters of administration; Social Security; Veterans Administration; amount in controversy; magistrate.