

February 15, 2016

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2651 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2651 is respectfully submitted to your committee.

Under the Kansas Probate Code, if a beneficiary dies prior to the death of the owner of the real estate and there is no alternate named on the deed, the transfer of the property lapses. HB 2651 would permit the transfer to the beneficiary's issue so long as the transfer to the beneficiary is not specifically predicated upon the beneficiary surviving the record owner. An issue is defined by KSA 59-615 as offspring, progeny or lineal descendants, by blood or adoption, in whatever degree.

The Kansas Probate Code would apply to any judicial proceeding used to determine the living issue of the grantee as well as their respective shares in the property, in the same manner used in a determination of descent proceeding. All interested parties would receive proper notice, including any other grantee beneficiaries under the transfer-on-death deed. The provisions of this bill would apply to all record owners who die on or after July 1, 2016.

The Office of Judicial Administration indicates the provisions of HB 2651 are clarifying in nature and would have no fiscal effect on the Judicial Branch.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary