

January 30, 2015

The Honorable John Barker, Chairperson  
House Committee on Judiciary  
Statehouse, Room 149-S  
Topeka, Kansas 66612

Dear Representative Barker:

**SUBJECT:** Fiscal Note for HB 2109 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2109 is respectfully submitted to your committee.

HB 2109 would establish rules for real estate transfers made pursuant to a transfer-on-death deed when a grantee beneficiary predeceases a record owner. Currently, the Kansas Probate Code stipulates that, if a beneficiary dies prior to the death of the owner and there is no alternative beneficiary name on the deed, the transfer lapses. HB 2109 would instead permit the transfer to vest the surviving issue of the deceased beneficiary under the following circumstances:

1. The deceased beneficiary is a spouse, lineal descendent, or other relative of the owner, within six degrees of relationship by blood or adoption;
2. The deceased beneficiary leaves issue surviving the record owner; and
3. The transfer of real estate would have vested in the beneficiary, if the beneficiary had survived the owner.

Absent the circumstances identified above, a transfer would lapse when the beneficiary dies prior to the death of the owner. HB 2109 would apply only to owners who die on or after July 1, 2015.

The Office of Judicial Administration state that the provisions of HB 2019 are clarifying in nature, and would not have a fiscal effect on the Judiciary.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Mary Rinehart, Judiciary