

February 13, 2012

The Honorable Tim Owens, Chairperson
Senate Committee on Judiciary
Statehouse, Room 559-S
Topeka, Kansas 66612

Dear Senator Owens:

SUBJECT: Fiscal Note for SB 395 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 395 is respectfully submitted to your committee.

SB 395 would delete a provision in current law concerning elective shares, which are a percentage of an estate that may be claimed by a surviving spouse based on the length of time the spouse and the decedent were married to each other. The provision that would be deleted provides that, in a proceeding for an elective share, the value of certain real estate recovered would be applied first to satisfy the elective share amount and to reduce or eliminate any contributions due from the decedent's probate estate and recipients of the decedent's nonprobate transfers to others. The bill would also repeal a law that provides that the surviving spouse is entitled to receive one-half of all real estate the decedent possessed at any time during the marriage, with some exceptions, including real estate sold on execution or judicial sale or taken by other legal proceeding.

According to the Office of Judicial Administration, passage of SB 395 would have no fiscal effect on the state budget.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary