

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 395

As Recommended by Senate Committee on
Judiciary

Brief*

SB 395 would repeal KSA 59-505, which provides that a surviving spouse is entitled to one-half of the real property conveyed by a decedent spouse during the marriage without the written consent of the surviving spouse, unless the surviving spouse was never a resident of Kansas during the marriage. The bill would repeal a reference to KSA 59-505 in KSA 59-6a209, which sets forth the sources from which the elective share of a surviving spouse is payable.

Background

SB 395 was introduced by the Senate Judiciary Committee at the request of the Kansas Bar Association (KBA). In the Senate Judiciary Committee, a representative of the KBA spoke in support of the bill, explaining the statute is no longer needed in light of the Kansas Spousal Elective Share Act and changed economic circumstances, and only serves to create inequities, unreasonable obstacles, and other problems. The Committee recommended the bill be passed and placed on the Consent Calendar.

The fiscal note indicates the bill would have no fiscal effect on the state budget.

*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>