# Notice

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**Tax Type:** Inheritance Tax
**Brief Description:** Kansas Inheritance Tax Ends on July 1, 2008
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**Body:**

**KANSAS DEPARTMENT OF REVENUE**
**OFFICE OF POLICY & RESEARCH**

**Notice 08-01**

**Kansas Inheritance Tax Ends On July 1, 2008**

**The Kansas inheritance tax applies to the estates of decedents dying before July 1, 1998. The Kansas estate tax, which applies to the estates of decedents dying on or after July 1, 1998, continues in effect.**
For many years, Kansas had an inheritance tax. As a general rule, **estates of persons who died before July 1, 1998 were subject to the inheritance tax**.

In 1998 the inheritance tax was replaced with an estate tax that applies to the estates of decedents dying on or after July 1, 1998. When the Kansas estate tax was enacted, however, it contained a provision, K.S.A. 79-15,119, which specifically provided for the continuation of the inheritance tax. Because of this provision, and because the statute of limitations for the Kansas inheritance tax did not begin to run until an inheritance tax return was filed, the inheritance tax continued to apply to estates of persons who died before July 1, 1998.

In 2001 the Kansas Legislature amended K.S.A. 79-15,119 to include language which ends the inheritance tax on July 1, 2008. The statute provides:

> **79-15,119. Same; application of act.** The provisions of K.S.A. 2001 Supp. 79-15,100 through 79-15,119, and amendments thereto, shall be applicable to the estates of all decedents dying after June 30, 1998. The provisions of article 15 of chapter 79 of the Kansas Statute Annotated in effect immediately before the effective date of the Kansas estate tax act shall be applicable to the estates of all decedents dying before July 1, 1998, for which an inheritance tax return was filed before July 1, 2008. In the event any such inheritance tax return is not filed with the director before July 1, 2008, no liability which may have been imposed if the return was so filed by such date shall accrue to either the estate or the distributees of the estate.

In 2006 the Kansas Legislature enacted a new estate tax law. As part of that law they provided, in K.S.A. 79-15,251, that the provisions of K.S.A. 79-15,119 would continue to apply for estates of decedents dying before January 1, 2007. As a result, the inheritance tax sunset provision found in K.S.A. 79-15,119 continues in effect.

As noted in K.S.A. 79-15,119, if an inheritance tax return has not been filed by July 1, 2008 for the estate of a decedent dying before July 1, 1998 neither the estate nor any distributee of the estate is liable for inheritance tax. In addition, the running of the statute of limitations serves to release the state's lien from any property considered to be an asset of the decedent's estate. **As a result, with the exception of matters currently pending before the Department of Revenue, the Kansas inheritance tax ends July 1, 2008.**

**In light of the fact that no tax is or will be due from estates of decedents dying before July 1, 1998, the Department of Revenue will not process any inheritance tax returns submitted after July 1, 2008, nor will we issue a Closing Letter or Certificate of Nontaxability**. It should be possible for you to clear title to any real property included in the estate by making reference to the statutes cited above. Probate proceedings may be closed by reference to these statutes, and in accordance with the provisions of K.S.A. 59-2251.

**Taxpayer Assistance**

Additional copies of this notice, forms or publications are available from our web site, **www.ksrevenue.org**. If you have questions about inheritance tax, please contact:

Taxpayer Assistance Center
Kansas Department of Revenue
915 SW Harrison St., 1st Floor
Topeka, KS 66612-1588
Phone: 785-368-8222
Fax: 785-296-4993

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