

## SENATE BILL No. 44

By Committee on Judiciary

1-24

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1 AN ACT concerning domestic relations; relating to marital property;  
2 amending K.S.A. 23-201 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 23-201 is hereby amended to read as follows: 23-  
6 201. (a) The property, real and personal, which any person in this state  
7 may own at the time of the person's marriage, and the rents, issues, profits  
8 or proceeds thereof, and any real, personal or mixed property which shall  
9 come to a person by descent, devise or bequest, and the rents, issues,  
10 profits or proceeds thereof, or by gift from any person ~~except the person's~~  
11 ~~spouse~~, shall remain the person's sole and separate property,  
12 notwithstanding the marriage, and not be subject to the disposal of the  
13 person's spouse or liable for the spouse's debts, *except as provided in*  
14 *K.S.A. 33-101 et. seq. and 33-201 et seq., and amendments thereto.*

15 (b) All property owned by married persons, including the present  
16 value of any vested or unvested military retirement pay, or, for divorce or  
17 separate maintenance actions commenced on or after July 1, 1998,  
18 professional goodwill to the extent that it is marketable for that particular  
19 professional, whether described in subsection (a) or acquired by either  
20 spouse after marriage, and whether held individually or by the spouses in  
21 some form of co-ownership, such as joint tenancy or tenancy in common,  
22 shall become marital property at the time of commencement by one  
23 spouse against the other of an action in which a final decree is entered for  
24 divorce, separate maintenance; or annulment. Each spouse has a common  
25 ownership in marital property which vests at the time of commencement  
26 of such action, the extent of the vested interest to be determined and  
27 finalized by the court, pursuant to K.S.A. 60-1610, and amendments  
28 thereto.

29 Sec. 2. K.S.A. 23-201 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its  
31 publication in the statute book.

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