

2023 Kansas Statutes

58-9a-408. Insubstantial allocation not required. (a) If a fiduciary determines that an allocation between income and principal required by K.S.A. 2023 Supp. 58-9a-409, 58-9a-410, 58-9a-411, 58-9a-412 or 58-9a-415, and amendments thereto, is insubstantial, the fiduciary may allocate the entire amount to principal, unless K.S.A. 2023 Supp. 58-9a-203(e), and amendments thereto, applies to the allocation.

(b) A fiduciary may presume an allocation is insubstantial under subsection (a) if:

- (1) The amount of the allocation would increase or decrease net income in an accounting period, as determined before the allocation, by less than 10%; and
- (2) the asset producing the receipt to be allocated has a fair market value less than 10% of the total fair market value of the assets owned or held by the fiduciary at the beginning of the accounting period.

(c) The power to make a determination under subsection (a) may be:

- (1) Exercised by a co-fiduciary in the manner described in K.S.A. 2023 Supp. 58-9a-203(f), and amendments thereto; or
- (2) released or delegated for a reason described in K.S.A. 2023 Supp. 58-9a-203(g), and amendments thereto, and in the manner described in K.S.A. 2023 Supp. 58-9a-203(h), and amendments thereto.

History: L. 2021, ch. 63, § 24; July 1.