

2023 Kansas Statutes

58-9a-414. Receipts from derivative or option. (a) In this section, "derivative" means a contract, instrument, other arrangement or combination of contracts, instruments or other arrangements, the value, rights and obligations of which are, in whole or in part, dependent on or derived from an underlying tangible or intangible asset, group of tangible or intangible assets, index or occurrence of an event. The term includes stocks, fixed income securities and financial instruments and arrangements based on indices, commodities, interest rates, weather-related events and credit-default events.

(b) To the extent a fiduciary does not account for a transaction in derivatives as a business under K.S.A. 2023 Supp. 58-9a-403, and amendments thereto, the fiduciary shall allocate 10% of receipts from the transaction and 10% of disbursements made in connection with the transaction to income and the balance to principal.

(c) Subsection (d) applies if:

(1) A fiduciary:

(A) Grants an option to buy property from a trust, whether or not the trust owns the property when the option is granted;

(B) grants an option that permits another person to sell property to the trust; or

(C) acquires an option to buy property for the trust or an option to sell an asset owned by the trust; and

(2) the fiduciary or other owner of the asset is required to deliver the asset if the option is exercised.

(d) If this subsection applies, the fiduciary shall allocate 10% to income and the balance to principal of the following amounts:

(1) An amount received for granting the option;

(2) an amount paid to acquire the option; and

(3) gain or loss realized on the exercise, exchange, settlement, offset, closing or expiration of the option.

History: L. 2021, ch. 63, § 30; July 1.