

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m./~~p.m.~~ on January 22, 1985 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~ were: Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Winter and Yost.

Committee staff present:

Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

John Wachter, Federated Cash Management Systems

John Wachter presented a proposal for a request to be introduced as a committee bill concerning fiduciaries duties and powers by amending K.S.A. 17-5005. Following the explanation, Senator Winter made a motion the proposal be introduced as a committee bill. Senator Burke seconded the motion, and the motion carried. A copy of the proposal is attached (See Attachment No. I).

Senator Frey informed the committee a copy of the Litigation Report from Reid Stacey to Dr. Robert Harder is available in his office to anyone who wishes to read it.

Staff presented a review of the interim committee proposals, Proposal No. 24, Juvenile Preadjudicatory Process; Proposal No. 25, Pretrial Release and Bonding; Proposal No. 26, Local Felony Prosecution Assistance; Proposal No. 27, Use of County Jails For D and E Felons; Proposal No. 28, No-fault Automobile Insurance; and Proposal No. 50, Child Support Enforcement.

The meeting adjourned.

Copy of the guest list is attached (See Attachment No. II).

1-22-85

AMENDMENT TO K.S.A. 17-5005

BE IT ENACTED by the Legislature of the State of Kansas:

SECTION I: K.S.A. 17-5005 is hereby amended to read as follows:

17-5005 Nothing contained in this act shall be construed as authorizing any departure from, or variation of, the express terms or limitations set forth in any will, agreement, court order or other instrument creating or defining the fiduciary's duties and powers, but the terms "legal investment" or "authorized investment" or words of similar import, as used in any such instrument, shall be taken to mean any investment which is permitted by the terms of K.S.A. 17-5004.

Further, whenever any will, agreement, court order or other instrument creating or defining the fiduciary's duties and powers, directs, requires, authorizes, or permits the fiduciary to invest in securities of a certain kind or class, the fiduciary may, in the absence of an express provision to the contrary, buy, hold and sell such securities either directly or in the form of shares of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, or any common trust fund of a State or national bank or trust company as authorized by K.S.A. 9-1609, provided that the portfolio of such investment company or investment trust, or common trust fund is limited to securities of the designated kind or class and to repurchase agreements fully collateralized by such securities.

1/22/85
Attach. I