

CHAPTER 20

HOUSE BILL No. 2098
(Amended by Chapter 133)

AN ACT relating to banks; concerning trust authority; amending K.S.A. 9-1601 and repealing the existing section.

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

Section 1. K.S.A. 9-1601 is hereby amended to read as follows: 9-1601. (a) Any bank, upon the affirmative vote of at least ~~two-thirds (2/3)~~ ^{2/3} of the voting stock, may apply to the commissioner ~~and upon for approval to conduct trust business. If approval is granted by the commissioner and~~ a special permit ~~issued thereon shall be issued and the bank shall be authorized and empowered, subject to such conditions as the commissioner may require, to act in one or more fiduciary capacities as agent, trustee, executor, administrator, registrar of stocks and bonds, conservator, assignee, receiver, custodian, transfer agent, corporate trustee, corporate agent or in any other fiduciary capacity in the same manner in which trust companies incorporated under the laws of this state are permitted to act, including but not limited to the right of succession to individuals, corporations, associations, national bank associations or others, with or without reappointment, in any such office or capacities. The commissioner may approve and issue a special permit to the bank to act in one or more of such fiduciary capacities. However,~~

(b) If the governing instrument limits investment of funds to deposit in time or savings deposits in the bank, any bank may act as trustee or custodian ~~of for any of the following without being issued a special permit:~~

(1) Individual retirement accounts established pursuant to section 408 of the federal internal revenue code of ~~1954~~ 1986, and amendments thereto, ~~or;~~

(2) trusts established pursuant to section 401 of the federal internal revenue code of ~~1954~~ 1986, and amendments thereto, ~~without being issued a special permit to act in such capacity;~~

(3) *medical savings accounts established pursuant to section 220 of the federal internal revenue code of 1986, and amendments thereto; and*

(4) *health savings accounts established pursuant to section 223 of the federal internal revenue code of 1986, and amendments thereto.*

(c) Any state bank having been granted trust authority by the bank commissioner of the state of Kansas may add “and trust company” to its corporate name ~~as previously approved by the state banking board.~~

Sec. 2. K.S.A. 9-1601 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved March 28, 2005.

Published in the *Kansas Register* April 7, 2005.
