

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1488S.01I  
Bill No.: SB 365  
Subject: Civil Procedure; County Officials; Estates, Wills and Trusts; Guardians  
Type: Original  
Date: March 15, 2023

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Bill Summary: This proposal modifies provisions relating to pooled estate accounts by public administrators and venue in guardianship and conservatorship cases.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Local Government</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of the State Courts Administrator** and the **Department of Social Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, counties and county public administrators were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

**Oversight** notes §475.275.2(2) of this proposal removes the requirements of a county of a certain population and opens the examination of accounts to all counties that are pooled for investing and management of estate funds to be examined on at least an annual basis. The proposal describes what will be examined and placed into a report which shall be paid by the county as outlined in §475.275.2(4). Oversight assumes counties could be impacted by this proposal, but is unclear by how much. Therefore, Oversight will reflect a \$0 to negative unknown fiscal impact to counties for this proposal.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
<b>COUNTIES</b>			
<u>Cost</u> – of examination of accounts and preparation of reports done on estate funds	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>
<b>ESTIMATED NET EFFECT ON COUNTY FUNDS</b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>

**FISCAL IMPACT – Small Business**

Small CPA businesses may be impacted in a positive way as a result of this proposal.

## FISCAL DESCRIPTION

This act modifies provisions relating to guardianships, including audits of pooled estate accounts for public administrators and venue for guardianship and conservatorship cases.

### POOLED ESTATE ACCOUNTS (SECTION 475.275)

Currently, the Public Administrator of Jackson County, when serving as a conservator, is required to have any pooled accounts audited at least once a year. The audit shall provide a review of the records of receipts and disbursements and each estate account. Upon completion of the audit, the accountant shall render a report to the judge showing receipts, disbursements, and account balances as to each estate and as well as the total assets on deposit in the pooled account on the last calendar day of each year.

This act repeals the provisions and instead provides that a public administrator of any county serving as a conservator or personal representative using pooled accounts for the management of estate funds shall have such accounts examined on an annual basis. The examination shall:

- (1) Compare the pooled account's year-end bank statement and obtain the reconciliation of the pooled account from the bank statement to the fiduciary's general ledger balance on the same day;
- (2) Reconcile the total of individual accounts in the fiduciary's records to the reconciled pooled account's balance and note any difference;
- (3) Confirm if collateral is pledged to secure accounts on deposit in the pooled account in excess of FDIC coverage; and
- (4) Confirm the account balance with the financial institution.

The public administrator shall certify by affidavit that the conditions of this act for establishing pooled accounts have been met.

### VENUE IN GUARDIANSHIP AND CONSERVATORSHIP CASES (SECTION 475.040)

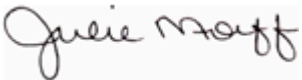
This act further provides that a guardianship or conservatorship proceeding may be transferred to a court in another county if it appears to the court that at any time before the termination of a guardianship or conservatorship that the domicile, instead of the domicile or residence, of the ward or protectee has changed to another county.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

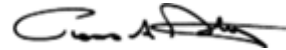
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SOURCES OF INFORMATION

Office of the State Courts Administrator  
Department of Social Services



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March 15, 2023



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March 15, 2023