

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2901-02  
Bill No.: HB 923  
Subject: Disabilities; Estates, Wills and Trusts; Insurance - General; Mental Health Dept.  
Type: Original  
Date: January 21, 2004

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Elementary and Secondary Education, Department of Labor and Industrial Relations, Department of Economic Development, Office of Attorney General, Office of State Courts Administrator, Department of Health and Senior Services, Department of Insurance and Department of Social Services** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Department of Mental Health (DMH)** state the changes included in this proposal will not result in any fiscal impact to the DMH. The primary changes modify language to allow the trust fund to be used by residents of adjacent states.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### DESCRIPTION


This proposal revises provisions pertaining to the Missouri Family Trust.

The proposal: (1) Requires all state agencies to disregard the trust as a resource when determining eligibility of Missouri residents for assistance under Chapter 208, RSMo, unless prohibited by federal laws or regulations; (2) Requires the Board of Trustees of the trust to advise, consult, and render service to departments and agencies of the State of Missouri and to other nonprofit agencies that provide services to Missouri residents with a disability and have tax-exempt status under Section 501(c)(3) of the Internal Revenue Code; (3) Authorizes the trust to accept contributions from an account of a life beneficiary who dies. The amount of the contribution to the trust is subject to certain criteria; (4) Requires any matters resolved by arbitration to be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The proposal also allows any judgment on an arbitrator's award to be entered in any court of competent jurisdiction; (5) Revises provisions pertaining to withdrawals of the principal balance from an account of a life beneficiary, the distribution of undistributed income, and the distribution of the principal balance to a charitable trust; and (6) Allows any person, with consent of the board, to establish a restricted account within a charitable trust and to determine the beneficiaries of the account.

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

SOURCES OF INFORMATION

Office of Attorney General  
Office of State Courts Administrator  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Mental Health  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Social Services  
Department of Insurance

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
January 21, 2004