

SECOND REGULAR SESSION

SENATE BILL NO. 1243

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHEELER.

Read 1st time February 11, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4482S.01I

AN ACT

To repeal section 475.275, RSMo, and to enact in lieu thereof one new section relating to verification of securities held by conservator.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 475.275, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 475.275, to read as follows:

475.275. 1. The conservator, at the time of filing any settlement with the court, shall exhibit all securities or investments held by him to an officer of the bank or other depository wherein the securities or investments are held for safekeeping or to an authorized representative of the corporation which is surety on his bond, or to the judge or clerk of a court of record in this state, or upon request of the conservator or other interested party, to any other reputable person designated by the court, who shall certify in writing that he has examined the securities or investments and identified them with those described in the account and shall note any omission or discrepancies. If the depository is the conservator, the certifying officer shall not be the officer verifying the account. The conservator may exhibit the securities or investments to the judge of the court, who shall endorse on the account and copy thereof, a certificate that the securities or investments shown therein as held by the conservator were each in fact exhibited to him and that those exhibited to him were the same as those in the account and noting any omission or discrepancy. The certificate, and the certificate of an official of the bank in which are deposited any funds for which the conservator is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each shall be filed by the conservator with his account.

2. The public administrator of any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, serving as a conservator and utilizing pooled accounts for the investment and management of conservatorship funds shall have any such accounts audited no less than one time per year by an independent certified public

accountant. The audit provided shall review the records of the receipts and disbursements of each estate account. Upon completion of the investigation, the certified public accountant shall render a report to the judge of record in this state showing the receipts, disbursements, and account balances as to each estate and the total assets on deposit in the pooled account on the last calendar day of each year. The county shall provide for the expense of such audit. Where the public administrator has provided the judge with an audit pursuant to this section, the public administrator shall not be required to obtain the written certification of an officer of a bank or other depository on an estate asset maintained within the pooled account as otherwise required under subsection 1 of this section.

3. Pursuant to this section, a pooled account is an account within the meaning of this section is an account maintained by a fiduciary for more than one principal and is established for the purpose of managing and investing funds. No fiduciary may place funds into a pooled account unless:

(1) The pooled account is maintained at a bank or savings and loan institution;

(2) The account is titled in such a way as to reflect that the account is being held by a fiduciary in a custodial capacity;

(3) The fiduciary maintains, or causes to be maintained, records containing information as to the name and ownership interest of each principal in the pooled account;

(4) The fiduciary's records contain a statement of all accretions and disbursements; and

(5) The fiduciary's records are maintained in the ordinary course of business and in good faith.

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