

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

682B0770

CONFERENCE COMMITTEE ENGROSSED

NO. **HB1270** - 2/25/98

Introduced by: Representative Collier

1 FOR AN ACT ENTITLED, An Act to revise the items subject to an annual accounting of a
2 conservator under the Uniform Probate Code.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 29A-5-408 be amended to read as follows:

5 29A-5-408. A conservator shall file an accounting with the court within sixty days following
6 the first anniversary of the appointment and:

- 7 (1) At least annually thereafter;
- 8 (2) When the court orders additional accounts to be filed;
- 9 (3) When the conservator resigns or is removed; and
- 10 (4) When the conservatorship is terminated.

11 A conservator may elect to file a periodic accounting on a calendar-year basis. However, in
12 no event may such an accounting cover a period of more than one year. A calendar-year report
13 shall be filed with the court no later than April fifteenth of the succeeding year.

14 An accounting shall include:

- 15 (1) A listing of the receipts, disbursements and distributions from the estate under the

1 conservator's control during the period covered by the account;

2 (2) A listing of the estate;

3 (3) The services being provided to the protected person;

4 (4) The significant actions taken by the conservator during the reporting period;

5 (5) A recommendation as to the continued need for conservatorship and any
6 recommended changes in the scope of the conservatorship;

7 (6) Any other information requested by the court or useful in the opinion of the
8 conservator; ~~and~~

9 (7) The compensation requested and the reasonable and necessary expenses incurred by
10 the conservator; and

11 (8) An annual inventory of any item of tangible personal property with a value of two
12 thousand five hundred dollars or more which has come into the conservator's
13 possession or knowledge for the minor or protected person.

14 A conservator shall mail a copy of the accounting to the individuals and entities specified in
15 § 29A-5-410 no later than fourteen days following its filing.

16 Any interested person may request a hearing on the accounting. The court may order the
17 conservator to attend the hearing on an account on the court's own motion or on the petition of
18 any interested person. An accounting by a conservator may be incorporated into and made a part
19 of the report of the guardian.

20 Subject to appeal or vacation within the time permitted, an order allowing an account of a
21 conservator adjudicates as to liabilities concerning all matters disclosed in the account.

1 **BILL HISTORY**

2 1/23/98 First read in House and referred to Judiciary. H.J. 199

3 2/2/98 Judiciary Do Pass, Passed, AYES 12, NAYS 0. H.J. 368

4 2/2/98 Scheduled for Committee hearing on this date.

5 2/4/98 House of Representatives Do Pass, Passed, AYES 64, NAYS 3. H.J. 389

6 2/5/98 First read in Senate and referred to Judiciary. S.J. 347

7 2/14/98 Scheduled for Committee hearing on this date.

8 2/14/98 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 529

9 2/14/98 Judiciary Place on Consent Calendar.

10 2/18/98 Second reading of consent calendar items.

11 2/18/98 Second reading of consent calendar items. S.J. 582

12 2/18/98 Senate Do Pass Amended, Passed, AYES 34, NAYS 0. S.J. 582

13 2/20/98 House of Representatives Deferred to another day. H.J. 818

14 2/23/98 House of Representatives failed to concur, appoint Conference Committee. H.J. 834

15 2/25/98 House of Representatives Conference committee report adopted Passed, AYES 61,

16 NAYS 4.