

HF3483 - 0 - Guardianship Immunity Amended; Task Force Created

Chief Author: **Sandra Feist**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **2/28/2024 12:42:11 PM**
 Lead Agency: **Legislature**
 Other Agencies:
 Governors Office Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Governors Office	-	-	-	-	-	-
General Fund	-	-	-	-	-	-
Legislature						
General Fund	-	-	14	11	-	-
State Total						
General Fund	-	-	14	11	-	-
Total	-	-	14	11	-	-
Biennial Total			14			11

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Governors Office	-	-	-	-	-
General Fund	-	-	-	-	-
Legislature					
General Fund	-	-	-	-	-
Total	-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 2/28/2024 12:42:11 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Governors Office		-	-	-	-	-
General Fund		-	-	-	-	-
Legislature						
General Fund		-	-	14	11	-
Total		-	-	14	11	-
Biennial Total				14		11
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Governors Office		-	-	-	-	-
General Fund						
Expenditures		-	-	1	-	-
Absorbed Costs		-	-	(1)	-	-
Legislature						
General Fund						
Expenditures		-	-	35	24	-
Absorbed Costs		-	-	(21)	(13)	-
Total		-	-	14	11	-
Biennial Total				14		11
2 - Revenues, Transfers In*						
Governors Office		-	-	-	-	-
General Fund		-	-	-	-	-
Legislature						
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

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 Agency: **Legislature**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	14	11	-	-
Total	-	-	14	11	-	-
Biennial Total			14			11

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 2/22/2024 1:45:43 PM
Phone: 651-297-1423 **Email:** chloe.burns@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund		-	-	14	11	-
Total		-	-	14	11	-
Biennial Total					14	11
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures		-	-	35	24	-
Absorbed Costs		-	-	(21)	(13)	-
Total		-	-	14	11	-
Biennial Total					14	11
2 - Revenues, Transfers In*						
General Fund						
Total		-	-	-	-	-
Biennial Total					-	-

Bill Description

The bill, in part, creates a Task Force on Guardianship which consists of 16 members (two representatives, two senators, one judge, nine public members, two state agency members). Appointments must be made by June 30, 2024, and the first meeting of the task force must be held by September 1, 2024. The group must meet at least quarterly. Members may receive compensation and reimbursement for expenses as governed by MS 15.059, Subd 3. The task force must submit a report by December 31, 2025, at which the task force expires.

The Legislative Coordinating Commission (LCC) must provide administrative support, research support, and meeting location to the task force.

Assumptions

1. The task force will meet four times in FY25 with three meetings occurring during legislative session interim and then three times in FY26 with all meetings occurring during legislative session interim.
2. For this fiscal note we assume that all meetings will be held within the Capitol campus with limited remote participation and that costs may be absorbed. If this was to change with meetings held at locations that are outside the of the Capitol campus, additional resources may be needed.
3. Members may be eligible for per diem and expenses as provided by MS 15.059, Sub 3 (b).
4. The nine public members of the task force will be provided with per diem and reimbursement of expenses for their meeting participation. New funds would be needed for the LCC.
5. We assume that the one judge member and the two state agency members will not be eligible for per diem under MS 15.059 sub 3 (b). For this note we assume the judge member will seek reimbursement for expenses from the LCC instead of expenses being paid by the court of administration and new funds would be needed for the LCC. We assume that the two state agency members will be reimbursed for expenses from their employer.
6. The nine public member and one judge task force member meeting participation costs include the following per member per meeting expense costs: per diem (\$55/day, only for public members), \$102 round trip mileage (152 round trip mile average), meals (\$42/day) and lodging for half of the eligible members (\$150/night). The LCC would process the expense reimbursement request for the eligible members.
7. The bill does not provide for payment of per diems or for the reimbursement of expenses of legislators serving on the task force. However, legislative members could request reimbursement for expenses of engaging in legislative

activity. This fiscal note is based on the assumption that the legislative members will be paid per diems and reimbursement for their expenses from the House and Senate. New funds will be needed for the House and Senate.

8. Legislative member meeting participation costs includes the following per member, per legislative interim meeting: per diem (\$86 senators, \$86 representatives), and \$102 round trip mileage (152 round trip mile average). Half of the legislative members will be reimbursed for lodging expenses (\$150/night senators, \$175/night representatives).
9. This note does not include any additional cost that non-legislative agencies may incur for interaction with staff and/or participation in meetings as requested by the task force.
10. Senate Counsel, Research and Fiscal Analysis will provide support of a composite of staff time of .02 FTE in FY25 (approximately 42 hours) and .01 FTE in FY26 (approximately 21 hours). For this fiscal note we assume existing Senate staff will be utilized and costs may be absorbed, although that will depend on the priorities of the legislature and staff time required for competing projects.
11. House Research Department and House Fiscal Analysis Department will provide support of a composite of staff time of .02 FTE in FY25 (approximately 42 hours) and .01 FTE in FY26 (approximately 21 hours). For this fiscal note we assume existing House staff will be utilized and costs may be absorbed, although that will depend on the priorities of the legislature and staff time required for competing projects.
12. The LCC will provide administrative staff support which is limited to logistical and planning support in addition to fiscal services which include the processing of task force member compensation and expense reimbursements. This support is anticipated to be .03 FTE in FY25 (approximately 63 hours) and .02 FTE in FY26 (approximately 42 hours). The LCC executive director will provide supervision and management support to the administrator for logistical and planning assistance at the request of the task force chair and vice chair. This is anticipated to be .02 FTE in FY25 (approximately 42 hours) and .01 FTE in FY26 (approximately 21 hours). The LCC will provide analyst support for research for the task force of .05 FTE in FY25 (approximately 104 hours) and .04 FTE in FY26 (approximately 84 hours). For this fiscal note we assume existing LCC staff will be utilized, and cost may be absorbed, although that will depend on the priorities of the legislature and staff time required for competing projects. If too many competing projects are required of the LCC, then additional funds will be needed than is what advised in this fiscal note.

Expenditure and/or Revenue Formula

<u>Member Meeting Participation Cost for Task Force</u>			
Cost Category	FY25	FY26	FY27
Senate Member Mtg Participation Cost	1,577	1,577	0
House Member Mtg Participation Cost	1,652	1,652	0
Public Member Mtg Participation Cost	10,302	7,726	0
Total Member Mtg Participation Cost (rounded)	14,000	11,000	0
<u>Staffing Cost</u>			
Cost Category	FY25	FY26	FY27
SCRFA staff support - Counsel & Analyst II (.02 FTE FY25, .01 FTE FY26, cost absorbed by Senate)	3,098	1,549	0
HRD & HFA staff support - Counsel & Analyst II (.02 FTE FY25, .01 FTE FY26, cost absorbed by the House)	3,090	1,545	0

LCC Executive Director (.02 FTE FY25, .01 FTE FY26, cost absorbed by the LCC)	4,991	2,495	0
LCC administrative support (.03 FTE FY25, .02 FTE FY26, cost absorbed by the LCC)	4,363	2,909	0
LCC analyst support (.05 FTE FY25, .04 FTE FY26, cost absorbed by the LCC)	5,816	4,863	0
Total Staff Cost (rounded)	21,000	13,000	0
Senate Staff Cost Absorbed	(3,098)	(1,549)	(0)
House Staff Cost Absorbed	(3,090)	(1,545)	(0)
LCC Staff Cost Absorbed	(15,170)	(10,267)	0
Total Staff Cost Absorbed (rounded)	(21,000)	(13,000)	0
Net Staff Cost (rounded)	0	0	0
<u>Total Cost</u>			
Cost Category	FY25	FY26	FY27
Total Member Mtg Participation Cost (rounded)	14,000	11,000	0
Total Staff Cost (rounded)	21,000	13,000	0
Total Cost (rounded)	35,000	24,000	0
Total Cost Absorbed (rounded)	(21,000)	(13,000)	0
Net Total Cost (rounded)	14,000	11,000	0

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

N/A

References/Sources

Emily Adriaens, House of Representatives

Patrick McCormack, House of Representatives

Tom Bottern, Minnesota Senate

Eric Nauman, Minnesota Senate

Alexis Stangl, Minnesota Senate

Michelle Yurich, Legislative Coordinating Commission

Agency Contact: Diane Henry-Wangenstein

Agency Fiscal Note Coordinator Signature: Diane Henry

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HF3483 - 0 - Guardianship Immunity Amended; Task Force Created

Chief Author: **Sandra Feist**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **2/28/2024 12:42:11 PM**
 Agency: **Governors Office**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 2/23/2024 7:16:25 AM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

State Cost (Savings) Calculation Details

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures		-	-	1	-	-
Absorbed Costs		-	-	(1)	-	-
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
General Fund						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

Amends immunity for guardians; creates a task force on guardianship; requires a report; amends Minnesota Statutes 2022, section 524.5-315; Minnesota Statutes 2023 Supplement, section 524.5-313.

Assumptions

The legal and appointments team will prepare the appointments required under this bill as part of their regular appointments work.

Expenditure and/or Revenue Formula

The Governor's Office will absorb the costs of this work.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Amanda Frie (651-587-9145)

Agency Fiscal Note Coordinator Signature: Alyssa Haugen

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Fiscal Note

2023-2024 Legislative Session

HF3483 - 0 - Guardianship Immunity Amended; Task Force Created

Chief Author: **Sandra Feist**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **2/28/2024 12:42:11 PM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/28/2024 12:22:00 PM
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State Cost (Savings) Calculation Details

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Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

HF3483 amends Minn. Stat. § 524.5-313 (Powers and Duties of Guardian) at paragraph (c)(2) (duty to provide for care, comfort, and maintenance) to eliminate the statement that “the guardian shall have no personal or monetary liability” for failing to satisfy the needs and requirements of that clause; and amends Minn. Stat. § 524.5-315 (Rights and Immunities of Guardian; Limitations) to add a new paragraph (e) stating that failure to satisfy any of the duties under Minn. Stat. § 524.5-313(c) is grounds for removal but that a guardian shall not be personally liable for acts or omissions in the discharge of duties except for acts or omissions: 1) performed in a wanton, reckless, or intentional manner; 2) that constitute a known violation of law; or 3) that breach a fiduciary duty recognized elsewhere in law.

The bill also establishes a task force on guardianship that includes one judge appointed by the chief justice.

Assumptions

It is assumed that this bill will not have a measurable impact on case filings or the judicial branch resources required to process cases filed against guardians.

Expenditure and/or Revenue Formula

This bill is not anticipated to have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

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