

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 95, Page 5, Section 108.170, Line 132,
2 by inserting immediately after all of said section and line the following:

3
4 "473.730. 1. Every county in this state, except the City of St. Louis, shall elect a public
5 administrator at the general election in the year 1880, and every four years thereafter, who shall be
6 ex officio public guardian and conservator in and for the public administrator's county. A candidate
7 for public administrator shall be at least twenty-one years of age and a resident of the state of
8 Missouri and the county in which he or she is a candidate for at least one year prior to the date of
9 the general election for such office. The candidate shall also be a registered voter and shall be
10 current in the payment of all personal and business taxes. Each candidate for public administrator
11 shall provide to the election authority a copy of a signed affidavit from a surety company, indicating
12 that the candidate meets the bond requirements for the office of public administrator under this
13 section.

14 2. Before entering on the duties of the public administrator's office, the public administrator
15 shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum
16 not less than ten thousand dollars, with ~~[two]~~ one or more securities, approved by the court and
17 conditioned that the public administrator will faithfully discharge all the duties of the public
18 administrator's office, which bond shall be given and oath of office taken on or before the first day
19 of January following the public administrator's election, and it shall be the duty of the judge of the
20 court to require the public administrator to make a statement annually, under oath, of the amount of
21 property in the public administrator's hands or under the public administrator's control as such
22 administrator, for the purpose of ascertaining the amount of bond necessary to secure such property;
23 and such court may from time to time, as occasion shall require, demand additional security of such
24 administrator, and, in default of giving the same within twenty days after such demand, may remove
25 the administrator and appoint another.

26 [2-] 3. The public administrator in all counties, in the performance of the duties required by
27 chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are
28 discretionary. The county shall defend and indemnify the public administrator against any alleged
29 breach of duty, provided that any such alleged breach of duty arose out of an act or omission
30 occurring within the scope of duty or employment.

31 [3-] 4. After January 1, 2001, all salaried public administrators shall be considered county
32 officials for purposes of section 50.333, subject to the minimum salary requirements set forth in
33 section 473.742.

34 [4-] 5. The public administrator for the city of St. Louis shall be appointed by a majority of
35 the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such
36 public administrator shall meet the same qualifications and requirements specified in subsection 1 of

Action Taken _____ Date _____

1 this section for elected public administrators. The elected public administrator holding office on
2 August 28, 2013, shall continue to hold such office for the remainder of his or her term.

3 473.743. Upon appointment by the probate court, it shall be the duty of the public
4 administrator to take into his or her charge and custody the estates of all deceased persons, and the
5 ~~[person and]~~ estates of all minors, and the estates or person and estate of all incapacitated persons in
6 his or her county, in the following cases:

7 (1) When a stranger dies intestate in the county without relations, or dies leaving a will, and
8 the personal representative named is absent, or fails to qualify;

9 (2) When persons die intestate without any known heirs;

10 (3) When persons unknown die or are found dead in the county;

11 (4) When money, property, papers or other estate are left in a situation exposed to loss or
12 damage, and no other person administers on the same;

13 (5) When any estate of any person who dies intestate therein, or elsewhere, is left in the
14 county liable to be injured, wasted or lost, when the intestate does not leave a known husband,
15 widow or heirs in this state;

16 (6) ~~[The persons of all minors under the age of fourteen years, whose parents are dead, and
17 who have no legal guardian or conservator;~~

18 ~~——(7)]~~ The estates of all minors whose parents are dead, or, if living, refuse or neglect to
19 qualify as conservator, or, having qualified have been removed, or are, from any cause, incompetent
20 to act as such conservator, and who have no one authorized by law to take care of and manage their
21 estate;

22 ~~[(8)]~~ (7) The estates or person and estate of all disabled or incapacitated persons in his or
23 her county who have no legal guardian or conservator, and no one competent to take charge of such
24 estate, or to act as such guardian or conservator, can be found, or is known to the court having
25 jurisdiction, who will qualify;

26 ~~[(9)]~~ (8) Where from any other good cause, the court shall order him to take possession of
27 any estate to prevent its being injured, wasted, purloined or lost;

28 ~~[(10) When moneys are delivered to the public administrator from the county coroner;~~

29 ~~——(11)]~~ (9) The public administrator shall act as trustee when appointed by the circuit court or
30 the probate division of the circuit court.

31 475.120. 1. The guardian of the person of a minor shall be entitled to the custody and
32 control of the ward and shall provide for the ward's education, support and maintenance.

33 2. A guardian or limited guardian of an incapacitated person shall act in the best interest of
34 the ward. A limited guardian of an incapacitated person shall have the powers and duties
35 enumerated by the court in the adjudication order or any later modifying order.

36 3. The general powers and duties of a guardian of an incapacitated person shall be to take
37 charge of the person of the ward and to provide for the ward's care, treatment, habilitation,
38 education, support and maintenance; and the powers and duties shall include, but not be limited to,
39 the following:

40 (1) Assure that the ward resides in the best and least restrictive setting reasonably available;

41 (2) Assure that the ward receives medical care and other services that are needed;

42 (3) Promote and protect the care, comfort, safety, health, and welfare of the ward;

43 (4) Provide required consents on behalf of the ward;

44 (5) To exercise all powers and discharge all duties necessary or proper to implement the
45 provisions of this section.

46 4. A guardian of an adult or minor ward is not obligated by virtue of such guardian's
47 appointment to use the guardian's own financial resources for the support of the ward. If the ward's
48 estate and available public benefits are inadequate for the proper care of the ward, the guardian or

1 conservator may apply to the county commission pursuant to section 475.370.

2 5. No guardian of the person shall have authority to seek admission of the guardian's ward
3 to a mental health or intellectual disability facility for more than thirty days for any purpose without
4 court order except as otherwise provided by law.

5 6. Only the director or chief administrative officer of a social service agency serving as
6 guardian of an incapacitated person, or such person's designee, is legally authorized to act on behalf
7 of the ward.

8 7. A social service agency serving as guardian of an incapacitated person shall notify the
9 court within fifteen days after any change in the identity of the professional individual who has
10 primary responsibility for providing guardianship services to the incapacitated person.

11 8. Any social service agency serving as guardian may not provide other services to the
12 ward.

13 9. In the absence of any written direction from the ward to the contrary, a guardian may
14 execute a preneed contract for the ward's funeral services, including cremation, or an irrevocable
15 life insurance policy to pay for the ward's funeral services, including cremation, and authorize the
16 payment of such services from the ward's resources. Nothing in this section shall interfere with the
17 rights of next-of-kin to direct the disposition of the body of the ward upon death under section
18 194.119. If a preneed arrangement such as that authorized by this subsection is in place and no
19 next-of-kin exercises the right of sepulcher within ten days of the death of the ward, the guardian
20 may sign consents for the disposition of the body, including cremation, without any liability
21 therefor. A guardian who exercises the authority granted in this subsection shall not be personally
22 financially responsible for the payment of services.

23 ~~[473.747. The public administrator shall be ex officio public conservator and shall have~~
24 ~~charge of all estates of minors that may, by the order of the court, be placed in the public~~
25 ~~administrator's charge, and in such cases the public administrator shall be known and designated as~~
26 ~~public conservator.]"; and~~
27

28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.