

SECOND REGULAR SESSION

SENATE BILL NO. 542

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MATHEWSON.

Pre-filed December 1, 1999, and 1,000 copies ordered printed.

2312S.01I

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, relating to public administrators, and to enact in lieu thereof five new sections relating to the same subject.

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

Section A. Sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, are repealed and five new sections enacted in lieu thereof, to be known as sections 473.730, 473.739, 473.742, 473.767 and 1, to read as follows:

473.730. 1. Every county in this state, and the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator's county. Before entering on the duties of the public administrator's office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator's office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator's election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator's hands or under the public administrator's control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

3. After January 1, 2001, all salaried public administrators shall be considered "county officials" for purposes of section 50.333, RSMo, subject to the minimum salary requirements set forth in section 473.742.

473.739. 1. Each public administrator[, except] in counties of the first [class with] **classification without** a charter form of government[,] who does not receive at least twenty-five thousand dollars in fees as otherwise allowed by law shall receive annual compensation of four thousand dollars and each such public administrator who does not receive at least forty-five thousand dollars in fees may request the county salary commission for an increase in annual compensation and the county salary commission may authorize an additional increase in annual compensation not to exceed ten thousand dollars.

2. Two thousand dollars of the compensation authorized in this section shall be payable to the public administrator only if he **or she** has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the public administrator's office when approved by a professional association of the county public administrators of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each public administrator who completes the training program and shall send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the county public administrator in the same manner as other expenses as may be appropriated for that purpose.

473.742. 1. Each public administrator in counties of the second, third or fourth classification shall receive a salary as compensation based upon the number of letters issued on cases in the preceding year based upon the following table:

(1) Zero to five letters: Salary shall be a minimum of seven thousand five hundred dollars;

(2) Six to fifteen letters: Salary shall be a minimum of fifteen thousand dollars;

(3) Sixteen up to thirty letters: Salary shall be a minimum of thirty thousand dollars; or

(4) Thirty or more letters: Salary shall be a minimum of fifty thousand dollars.

2. The initial compensation of the public administrator shall be determined by the average number of letters issued for the two years preceding January 1, 2001. Salary increases or decreases according to the minimum schedule set forth in

subsection 1 of this section shall be adjusted only after the number of letters issued places the workload in a different subdivision for two consecutive years. Minimum salary increases or decreases shall only take effect upon a new term of office of the public administrator. The number of letters issued each year shall be determined in accordance with the reporting requirements set forth in law.

3. All fees collected after December 31, 2000, shall be deposited in the county treasury.

473.767. 1. **In counties operating under fee retention**, the public administrator shall before the first court day after the expiration of one year after [his] **their** successor in office has qualified, file [his] a final settlement as required by section 473.540 for all estates in [his] **their** charge as public administrator in which final settlement can be made. On the first court day after the expiration of one year after the election of a successor to the public administrator, the judge of the probate division, upon [his] **the judge's** own motion, shall order the public administrator to account for and deliver all money, property, or papers belonging to all estates in his **or her** hands in which final settlement cannot be made, to [his] **the** successor in office, or to the heirs of any estate, or to any executor or administrator regularly appointed, and such accounting and delivery shall be accomplished during the sixty days next thereafter.

2. In counties where the public administrator is paid a salary, the public administrator shall deliver property and make necessary filings as required in this section prior to leaving his or her term of office.

3. Subsection 1 of this section shall expire and be of no force and effect after January 1, 2001.

[2.] 4. Notwithstanding the provisions of subsection 1 of this section, the former public administrator or [his] **their** legal representative, upon approval and order of the judge of the probate division of the circuit court having jurisdiction over the estates in which the former public administrator has been appointed personal representative, guardian or conservator, shall turn over the administration of the estates to the successor public administrator. A copy of the annual account of each estate in part covering the term of the former public administrator shall be filed with the probate division by the successor public administrator and the successor public administrator shall be charged with the assets and liabilities shown thereby.

Section 1. 1. Any full time staff of any public administrator's office employed on or after January 1, 2000, shall be considered employees of that county for purposes of hiring, retirement and other laws applicable to county employees.

2. Each public administrator with fifty or more cases shall be provided with a full time staff person paid for by the county.