

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend House Bill No. 163, Page 1, Section Title, Line 2,

2 by striking the word "primary"; and

3 Further amend said bill, page 2, section 78.090, line 23, by
4 inserting after all of said line the following:

5 "473.730. 1. Every county in this state, [and] except the
6 city of St. Louis, shall elect a public administrator at the
7 general election in the year 1880, and every four years
8 thereafter, who shall be ex officio public guardian and
9 conservator in and for the public administrator's county. A
10 candidate for public administrator shall be at least twenty-one
11 years of age and a resident of the state of Missouri and the
12 county in which he or she is a candidate for at least one year
13 prior to the date of the general election for such office. The
14 candidate shall also be a registered voter and shall be current
15 in the payment of all personal and business taxes. Before
16 entering on the duties of the public administrator's office, the
17 public administrator shall take the oath required by the
18 constitution, and enter into bond to the state of Missouri in a
19 sum not less than ten thousand dollars, with two or more
20 securities, approved by the court and conditioned that the public
21 administrator will faithfully discharge all the duties of the

1 public administrator's office, which bond shall be given and oath
2 of office taken on or before the first day of January following
3 the public administrator's election, and it shall be the duty of
4 the judge of the court to require the public administrator to
5 make a statement annually, under oath, of the amount of property
6 in the public administrator's hands or under the public
7 administrator's control as such administrator, for the purpose of
8 ascertaining the amount of bond necessary to secure such
9 property; and such court may from time to time, as occasion shall
10 require, demand additional security of such administrator, and,
11 in default of giving the same within twenty days after such
12 demand, may remove the administrator and appoint another.

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

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

24 4. The public administrator for the city of St. Louis shall
25 be appointed by a majority of the circuit judges and associate
26 circuit judges of the twenty-second judicial circuit, en banc.
27 Such public administrator shall meet the same qualifications and
28 requirements specified in subsection 1 of this section for
29 elected public administrators. The elected public administrator

1 holding office on the effective date of this section shall
2 continue to hold such office for the remainder of his or her
3 term.

4 473.733. The public administrator's certificate of
5 election, if applicable, official oath and bond shall be filed
6 and recorded with the probate clerk, and copies thereof,
7 certified under the seal of such court, shall be evidence. Any
8 person injured by the breach of such bond may sue upon the same
9 in the name of the state for his own use.

10 473.737. 1. Each public administrator elected or
11 appointed, as now or as hereafter provided for in sections
12 473.730 to 473.767, is hereby declared to be an officer for the
13 county in which such administrator is elected [and for the city
14 of St. Louis, if elected therein] or appointed. The county
15 commissions of each county in this state shall make suitable
16 provision for an office for the public administrator in the
17 courthouse of the county if suitable space may be had for such an
18 office, and shall be provided as soon as the county commission
19 shall be of the opinion that the business in charge of the public
20 administrator is such as to reasonably require a separate office
21 for the convenience of the public. The public administrator of
22 the city of St. Louis shall have suitable and convenient offices
23 provided for him or her in the civil courts building by that
24 city.

25 2. Each public administrator of a county, except a county
26 of the first classification having a charter form of government,
27 in which a state mental hospital is located, or any county of the
28 second classification which contains a habilitation center
29 operated by the department of mental health and which does not

1 adjoin a county of the first classification shall be entitled to
2 one secretary for one hundred cases or more handled by the office
3 of the public administrator in the immediately preceding calendar
4 year. Each secretary employed pursuant to the provisions of this
5 subsection shall be paid in the same pay range as a court clerk
6 II in the circuit court personnel system. All compensation paid
7 secretaries employed pursuant to the provisions of this
8 subsection shall be paid out of the county treasury and the
9 commissioner of administration shall annually reimburse each
10 county for the compensation so paid upon proper demand being made
11 out of appropriations made for that purpose. The public
12 administrator in such counties may also appoint a person to act
13 as public administrator to serve during the absence of the public
14 administrator.

15 3. The governing bodies of each county and each city not
16 within a county of this state may provide clerical personnel, not
17 qualifying as status of deputy, for the public administrator of
18 the county, and such personnel shall be provided when the
19 governing body is of the opinion that the business in charge of
20 the public administrator is such as to reasonably require such
21 personnel for the welfare of the public."; and

22 Further amend the title and enacting clause accordingly.