

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 698
98TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, February 25, 2016, with recommendation that the Senate Committee Substitute do pass.

4945S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 473.730, RSMo, and to enact in lieu thereof one new section relating to the bonding requirements of public administrators.

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

Section A. Section 473.730, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 473.730, to read as follows:

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

13 2. Before entering on the duties of the public administrator's office, the
14 public administrator shall take the oath required by the constitution, and enter
15 into bond to the state of Missouri in a sum not less than ten thousand dollars,
16 with [two] **one** or more securities, approved by the court and conditioned that the
17 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

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

19 before the first day of January following the public administrator's election, and
20 it shall be the duty of the judge of the court to require the public administrator
21 to make a statement annually, under oath, of the amount of property in the public
22 administrator's hands or under the public administrator's control as such
23 administrator, for the purpose of ascertaining the amount of bond necessary to
24 secure such property; and such court may from time to time, as occasion shall
25 require, demand additional security of such administrator, and, in default of
26 giving the same within twenty days after such demand, may remove the
27 administrator and appoint another.

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

34 [3.] 4. After January 1, 2001, all salaried public administrators shall be
35 considered county officials for purposes of section 50.333, subject to the minimum
36 salary requirements set forth in section 473.742.

37 [4.] 5. The public administrator for the city of St. Louis shall be
38 appointed by a majority of the circuit judges and associate circuit judges of the
39 twenty-second judicial circuit, en banc. Such public administrator shall meet the
40 same qualifications and requirements specified in subsection 1 of this section for
41 elected public administrators. The elected public administrator holding office on
42 August 28, 2013, shall continue to hold such office for the remainder of his or her
43 term.

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