

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 111

AN ACT

To repeal sections 108.170, 115.306, 135.963, 347.048, 473.730, 473.743, 473.747, and 475.120, RSMo, and to enact in lieu thereof seven new sections relating to political subdivisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 108.170, 115.306, 135.963, 347.048,
2 473.730, 473.743, 473.747, and 475.120, RSMo, are repealed and
3 seven new sections enacted in lieu thereof, to be known as
4 sections 108.170, 115.306, 135.963, 347.048, 473.730, 473.743,
5 and 475.120, to read as follows:

6 108.170. 1. Notwithstanding any other provisions of any
7 law or charter to the contrary, any issue of bonds, notes, or
8 other evidences of indebtedness, including bonds, notes, or other
9 evidences of indebtedness payable solely from revenues derived
10 from any revenue-producing facility, hereafter issued under any
11 law of this state by any county, city, town, village, school
12 district, educational institution, drainage district, levee
13 district, nursing home district, hospital district, library
14 district, road district, fire protection district, water supply
15 district, sewer district, housing authority, land clearance for
16 redevelopment authority, special authority created under section

1 64.920, authority created pursuant to the provisions of chapter
2 238, or other municipality, political subdivision or district of
3 this state shall be negotiable, may be issued in bearer form or
4 registered form with or without coupons to evidence interest
5 payable thereon, may be issued in any denomination, and may bear
6 interest at a rate not exceeding ten percent per annum, and may
7 be sold, at any sale, at the best price obtainable, not less than
8 ninety-five percent of the par value thereof, anything in any
9 proceedings heretofore had authorizing such bonds, notes, or
10 other evidence of indebtedness, or in any law of this state or
11 charter provision to the contrary notwithstanding. Such issue of
12 bonds, notes, or other evidence of indebtedness may bear interest
13 at a rate not exceeding fourteen percent per annum if sold at
14 public sale after giving reasonable notice of such sale, at the
15 best price obtainable, not less than ninety-five percent of the
16 par value thereof; provided, that such bonds, notes, or other
17 evidence of indebtedness may be sold to any agency or corporate
18 or other instrumentality of the state of Missouri or of the
19 federal government at private sale at a rate not exceeding
20 fourteen percent per annum. If a political subdivision has an
21 unenanced bond rating of AA+ or higher, or comparable rating, on
22 its outstanding general obligation bonds or is proposing to issue
23 general obligation bonds with an unenanced bond rating of AA+ or
24 higher, or comparable rating, the new issue of general obligation
25 bonds shall be issued through a competitive process unless the
26 political subdivision employs the services of a municipal
27 advisor, in which case the political subdivision may use a
28 negotiated or competitive process, except that such requirements

1 shall not apply to any general obligation bonds:

2 (1) Sold, pursuant to written agreement, to the government
3 of the United States of America or of the state of Missouri or to
4 any bureau, department, body corporate, instrumentality, or
5 agency of the United State of America or the state of Missouri;

6 (2) Where the principal amount of the bonds issued does not
7 exceed twelve million five hundred thousand dollars; or

8 (3) That are issued or are part of an issue issued to
9 refinance a prior issue of general obligation indebtedness or
10 which are issued contemporaneously with any such issue of
11 refunding bonds; provided, the refunding bonds shall not exceed
12 the principal of the outstanding indebtedness to be refunded and
13 the accrued interest to the date of such refunding bonds.

14
15 A municipal advisor shall not be allowed to profit financially or
16 otherwise, either directly or indirectly, from the underwriter of
17 a negotiated bond issuance.

18 2. Notwithstanding the provisions of subsection 1 of this
19 section to the contrary, the sale of bonds, notes, or other
20 evidence of indebtedness issued by the state board of public
21 buildings created under section 8.010, the state board of fund
22 commissioners created under section 33.300, any port authority
23 created under section 68.010, the bi-state metropolitan
24 development district authorized under section 70.370, any special
25 business district created under section 71.790, any county, as
26 defined in section 108.465, exercising the powers granted by
27 sections 108.450 to 108.470, the industrial development board
28 created under section 100.265, any planned industrial expansion

1 authority created under section 100.320, the higher education
2 loan authority created under section 173.360, the Missouri
3 housing development commission created under section 215.020, the
4 state environmental improvement and energy resources authority
5 created under section 260.010, the agricultural and small
6 business development authority created under section 348.020, any
7 industrial development corporation created under section 349.035,
8 or the health and educational facilities authority created under
9 section 360.020 shall, with respect to the sales price, manner of
10 sale and interest rate, be governed by the specific sections
11 applicable to each of these entities.

12 3. Any person who is engaged as a municipal advisor by a
13 political corporation or subdivision with respect to a particular
14 issue of securities shall be independent of the underwriter of
15 that issue of securities. For the purposes of this section,
16 "municipal advisor" shall be either:

17 (1) A person registered as a municipal advisor under the
18 rules of the United States Securities and Exchange Commission; or

19 (2) A person who is a chief financial officer of a school
20 district and either is a:

21 (a) A certified public accountant; or

22 (b) Has masters of business administration and is certified
23 as an administrator of school finance and operations by the
24 Association of School Business Officials International.

25
26 For the purposes of this subsection, "independent" shall have the
27 same meaning as defined by the rules of the United States
28 Securities and Exchange Commission. In determining the

1 individuals or entities that may serve as a municipal advisor,
2 nothing in this section shall be construed to be more restrictive
3 than the definition of a municipal advisor as established by the
4 United States Securities and Exchange Commission.

5 4. Notwithstanding other provisions of this section or
6 other law, the sale of bonds, notes or other evidence of
7 indebtedness issued by any housing authority created under
8 section 99.040 may be sold at any sale, at the best price
9 obtainable, not less than ninety-five percent of the par value
10 thereof, and may bear interest at a rate not exceeding fourteen
11 percent per annum. The sale shall be a public sale unless the
12 issuing jurisdiction adopts a resolution setting forth clear
13 justification why the sale should be a private sale except that
14 private activity bonds may be sold either at public or private
15 sale.

16 [4.] 5. Notwithstanding other provisions of this section or
17 law, industrial development revenue bonds may be sold at private
18 sale and bear interest at a rate not exceeding fourteen percent
19 per annum at the best price obtainable, not less than ninety-five
20 percent of the par value thereof.

21 [5.] 6. Notwithstanding other provisions in subsection 1 of
22 this section to the contrary, revenue bonds issued for airport
23 purposes by any constitutional charter city in this state which
24 now has or may hereafter acquire a population of more than three
25 hundred thousand but less than six hundred thousand inhabitants,
26 according to the last federal decennial census, may bear interest
27 at a rate not exceeding fourteen percent per annum if sold at
28 public sale after giving reasonable notice, at the best price

1 obtainable, not less than ninety-five percent of the par value
2 thereof.

3 [6.] 7. For purposes of the interest rate limitations set
4 forth in this section, the interest rate on bonds, notes or other
5 evidence of indebtedness described in this section means the rate
6 at which the present value of the debt service payments on an
7 issue of bonds, notes or other evidence of indebtedness,
8 discounted to the date of issuance, equals the original price at
9 which such bonds, notes or other evidence of indebtedness are
10 sold by the issuer. Interest on bonds, notes or other evidence
11 of indebtedness may be paid periodically at such times as shall
12 be determined by the governing body of the issuer and may be
13 compounded in accordance with section 408.080.

14 [7.] 8. Notwithstanding any provision of law or charter to
15 the contrary:

16 (1) Any entity referenced in subsection 1 or 2 of this
17 section and any other political corporation of the state which
18 entity or political corporation has an annual operating budget
19 for the current year exceeding twenty-five million dollars may,
20 in connection with managing the cost to such entity or political
21 corporation of purchasing fuel, electricity, natural gas, and
22 other commodities used in the ordinary course of its lawful
23 operations, enter into agreements providing for fixing the cost
24 of such commodity, including without limitation agreements
25 commonly referred to as hedges, futures, and options; provided
26 that as of the date of such agreement, such entity or political
27 corporation shall have complied with subdivision (3) of this
28 subsection; and further provided that no eligible school, as

1 defined in section 393.310, shall be authorized by this
2 subsection to enter into such agreements in connection with the
3 purchase of natural gas while the tariffs required under section
4 393.310 are in effect;

5 (2) Any entity referenced in subsection 1 or 2 of this
6 section and any other political corporation of the state may, in
7 connection with its bonds, notes, or other obligations then
8 outstanding or to be issued and bearing interest at a fixed or
9 variable rate, enter into agreements providing for payments based
10 on levels of or changes in interest rates, including without
11 limitation certain derivative agreements commonly referred to as
12 interest rate swaps, hedges, caps, floors, and collars, provided
13 that:

14 (a) As of the date of issuance of the bonds, notes, or
15 other obligations to which such agreement relates, such entity or
16 political corporation will have bonds, notes, or other
17 obligations outstanding in an aggregate principal amount of at
18 least fifty million dollars; and

19 (b) As of the date of such agreement, such entity's or
20 political corporation's bonds, notes, or other obligations then
21 outstanding or to be issued have received a stand-alone credit
22 rating in one of the two highest categories, without regard to
23 any gradation within such categories, from at least one
24 nationally recognized credit rating agency, or such entity or
25 political corporation has an issuer or general credit rating, in
26 one of the two highest categories, without regard to any
27 gradation within such categories, from at least one nationally
28 recognized credit rating agency; and

1 (c) As of the date of such agreement, such entity or
2 political corporation shall have complied with subdivision (3) of
3 this subsection;

4 (3) Prior to entering into any agreements pursuant to
5 subdivision (1) or (2) of this subsection, the governing body of
6 the entity or political corporations entering into such
7 agreements shall have adopted a written policy governing such
8 agreements. Such policy shall be prepared by integrating the
9 recommended practices published by the Government Finance
10 Officers Association or comparable nationally recognized
11 professional organization and shall provide guidance with respect
12 to the permitted purposes, authorization process, mitigation of
13 risk factors, ongoing oversight responsibilities, market
14 disclosure, financial strategy, and any other factors in
15 connection with such agreements determined to be relevant by the
16 governing body of such entity or political corporation. Such
17 entity or political corporation may enter into such agreements at
18 such times and such agreements may contain such payment,
19 security, default, remedy, and other terms and conditions as
20 shall be consistent with the written policy adopted under this
21 subdivision and as may be approved by the governing body of such
22 entity or other obligated party, including any rating by any
23 nationally recognized rating agency and any other criteria as may
24 be appropriate;

25 (4) Nothing in this subsection shall be applied or
26 interpreted to authorize any such entity or political corporation
27 to enter into any such agreement for investment purposes or to
28 diminish or alter the special or general power any such entity or

1 political corporation may otherwise have under any other
2 provisions of law including the special or general power of any
3 interstate transportation authority.

4 9. The state treasurer shall make available to
5 municipalities, political subdivisions, or districts listed under
6 subsection 1 of this section relevant information regarding debt
7 issuance and bidding processes, including best practices
8 resources published by a national association of government
9 finance officers on debt issuance, to aid such entities with the
10 process of issuing debt and awarding bonds to the best bidder.

11 115.306. 1. No person shall qualify as a candidate for
12 elective public office in the state of Missouri who has been
13 found guilty of or pled guilty to a felony [or misdemeanor] under
14 the federal laws of the United States of America or to a felony
15 under the laws of this state or an offense committed in another
16 state that would be considered a felony in this state.

17 2. (1) Any person who files as a candidate for election to
18 a public office shall be disqualified from participation in the
19 election for which the candidate has filed if such person is
20 delinquent in the payment of any state income taxes, personal
21 property taxes, municipal taxes, real property taxes on the place
22 of residence, as stated on the declaration of candidacy, or if
23 the person is a past or present corporate officer of any fee
24 office that owes any taxes to the state.

25 (2) Each potential candidate for election to a public
26 office, except candidates for a county or city committee of a
27 political party, shall file an affidavit with the department of
28 revenue and include a copy of the affidavit with the declaration

1 of candidacy required under section 115.349. Such affidavit
2 shall be in substantially the following form:

3 AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

4 I hereby declare under penalties of perjury that I am
5 not currently aware of any delinquency in the filing or
6 payment of any state income taxes, personal property
7 taxes, municipal taxes, real property taxes on the
8 place of residence, as stated on the declaration of
9 candidacy, or that I am a past or present corporate
10 officer of any fee office that owes any taxes to the
11 state, other than those taxes which may be in dispute.

12 I declare under penalties of perjury that I am not
13 aware of any information that would prohibit me from
14 fulfilling any bonding requirements for the office for
15 which I am filing.

16
17 Candidate's Signature

18
19 Printed Name of Candidate

20 (3) Upon receipt of a complaint alleging a delinquency of
21 the candidate in the filing or payment of any state income taxes,
22 personal property taxes, municipal taxes, real property taxes on
23 the place of residence, as stated on the declaration of
24 candidacy, or if the person is a past or present corporate
25 officer of any fee office that owes any taxes to the state, the
26 department of revenue shall investigate such potential candidate
27 to verify the claim contained in the complaint. If the
28 department of revenue finds a positive affirmation to be false,

1 the department shall contact the secretary of state, or the
2 election official who accepted such candidate's declaration of
3 candidacy, and the potential candidate. The department shall
4 notify the candidate of the outstanding tax owed and give the
5 candidate thirty days to remit any such outstanding taxes owed
6 which are not the subject of dispute between the department and
7 the candidate. If the candidate fails to remit such amounts in
8 full within thirty days, the candidate shall be disqualified from
9 participating in the current election and barred from refiling
10 for an entire election cycle even if the individual pays all of
11 the outstanding taxes that were the subject of the complaint.

12 135.963. 1. Improvements made to real property as such
13 term is defined in section 137.010 which are made in an enhanced
14 enterprise zone subsequent to the date such zone or expansion
15 thereto was designated may, upon approval of an authorizing
16 resolution or ordinance by the governing authority having
17 jurisdiction of the area in which the improvements are made, be
18 exempt, in whole or in part, from assessment and payment of ad
19 valorem taxes of one or more affected political subdivisions.
20 Improvements made to real property, as such term is defined in
21 section 137.010, which are locally assessed and in a renewable
22 energy generation zone designated as an enhanced enterprise zone,
23 subsequent to the date such enhanced enterprise zone or expansion
24 thereto was designated, may, upon approval of an authorizing
25 resolution or ordinance by the governing authority having
26 jurisdiction of the area in which the improvements are made, be
27 exempt, in whole or in part, from assessment and payment of ad
28 valorem taxes of one or more affected political subdivisions. In

1 addition to enhanced business enterprises, a speculative
2 industrial or warehouse building constructed by a public entity
3 or a private entity if the land is leased by a public entity may
4 be subject to such exemption.

5 2. Such authorizing resolution shall specify the percent of
6 the exemption to be granted, the duration of the exemption to be
7 granted, and the political subdivisions to which such exemption
8 is to apply and any other terms, conditions, or stipulations
9 otherwise required. A copy of the resolution shall be provided
10 to the director within thirty calendar days following adoption of
11 the resolution by the governing authority.

12 3. No exemption shall be granted until the governing
13 authority holds a public hearing for the purpose of obtaining the
14 opinions and suggestions of residents of political subdivisions
15 to be affected by the exemption from property taxes. The
16 governing authority shall send, by certified mail, a notice of
17 such hearing to each political subdivision in the area to be
18 affected and shall publish notice of such hearing in a newspaper
19 of general circulation in the area to be affected by the
20 exemption at least twenty days prior to the hearing but not more
21 than thirty days prior to the hearing. Such notice shall state
22 the time, location, date, and purpose of the hearing.

23 4. Notwithstanding subsection 1 of this section, at least
24 one-half of the ad valorem taxes otherwise imposed on subsequent
25 improvements to real property located in an enhanced enterprise
26 zone of enhanced business enterprises or speculative industrial
27 or warehouse buildings as indicated in subsection 1 of this
28 section shall become and remain exempt from assessment and

1 payment of ad valorem taxes of any political subdivision of this
2 state or municipality thereof, if said political subdivision or
3 municipality levies ad valorem taxes, for a period of not less
4 than ten years following the date such improvements were
5 assessed, provided the improved properties are used for enhanced
6 business enterprises. The exemption for speculative buildings is
7 subject to the approval of the governing authority for a period
8 not to exceed two years if the building is owned by a private
9 entity and five years if the building is owned or ground leased
10 by a public entity. This shall not preclude the building
11 receiving an exemption for the remaining time period established
12 by the governing authority if it was occupied by an enhanced
13 business enterprise. The two- and five-year time periods
14 indicated for speculative buildings shall not be an addition to
15 the local abatement time period for such facility.

16 5. No exemption shall be granted for a period more than
17 twenty-five years [following the date on which the original
18 enhanced enterprise zone was designated by the department],
19 provided, however, that during the ten years prior to the
20 expiration of an enhanced enterprise zone no exemption shall be
21 granted for a period of more than ten years.

22 6. The provisions of subsection 1 of this section shall not
23 apply to improvements made to real property begun prior to August
24 28, 2004.

25 7. The abatement referred to in this section shall not
26 relieve the assessor or other responsible official from
27 ascertaining the amount of the equalized assessed value of all
28 taxable property annually as required by section 99.855, 99.957,

1 or 99.1042 and shall not have the effect of reducing the payments
2 in lieu of taxes referred to in subdivision (2) of subsection 1
3 of section 99.845, subdivision (2) of subsection 3 of section
4 99.957, or subdivision (2) of subsection 3 of section 99.1042
5 unless such reduction is set forth in the plan approved by the
6 governing body of the municipality pursuant to subdivision (1) of
7 subsection 1 of section 99.820, section 99.942, or section
8 99.1027.

9 347.048. 1. (1) Any limited liability company that owns
10 and rents or leases real property, or owns unoccupied real
11 property, located within:

12 (a) Any home rule city with a population of more than four
13 hundred thousand inhabitants which is located in more than one
14 county[,]; or

15 (b) Any home rule city with more than one hundred sixteen
16 thousand but fewer than one hundred fifty-five thousand
17 inhabitants;

18
19 shall file with that city's clerk an affidavit listing the name
20 and street address of at least one natural person who has
21 management control and responsibility for the real property owned
22 and leased or rented by the limited liability company, or owned
23 by the limited liability company and unoccupied.

24 (2) Within thirty days following the cessation of
25 management control and responsibility of any natural person named
26 in an affidavit described in this section, the limited liability
27 company shall file a successor affidavit listing the name and
28 street address of a natural person successor.

1 2. No limited liability company shall be charged a fee for
2 filing an affidavit or successor affidavit required under this
3 section.

4 3. If a limited liability company required by this section
5 to file an affidavit or a successor affidavit fails or refuses to
6 file such completed affidavit with the appropriate clerk, any
7 person who is adversely affected by the failure or refusal or the
8 home rule city may petition the circuit court in the county where
9 the property is located to direct the execution and filing of
10 such document.

11 473.730. 1. Every county in this state, except the City of
12 St. Louis, shall elect a public administrator at the general
13 election in the year 1880, and every four years thereafter, who
14 shall be ex officio public guardian and conservator in and for
15 the public administrator's county. A candidate for public
16 administrator shall be at least twenty-one years of age and a
17 resident of the state of Missouri and the county in which he or
18 she is a candidate for at least one year prior to the date of the
19 general election for such office. The candidate shall also be a
20 registered voter and shall be current in the payment of all
21 personal and business taxes. Each candidate for public
22 administrator shall provide to the election authority a copy of a
23 signed affidavit from a surety company, indicating that the
24 candidate meets the bond requirements for the office of public
25 administrator under this section. The secretary of state shall
26 notify each election authority of the requirements of this
27 section. The secretary of state will provide the necessary forms
28 to assure compliance of the requirements of this section.

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

20 [2.] 3. The public administrator in all counties, in the
21 performance of the duties required by chapters 473, 474, and 475,
22 is a public officer. The duties specified by section 475.120 are
23 discretionary. The county shall defend and indemnify the public
24 administrator against any alleged breach of duty, provided that
25 any such alleged breach of duty arose out of an act or omission
26 occurring within the scope of duty or employment.

27 [3.] 4. After January 1, 2001, all salaried public
28 administrators shall be considered county officials for purposes

1 of section 50.333, subject to the minimum salary requirements set
2 forth in section 473.742.

3 [4.] 5. The public administrator for the city of St. Louis
4 shall be appointed by a majority of the circuit judges and
5 associate circuit judges of the twenty-second judicial circuit,
6 en banc. Such public administrator shall meet the same
7 qualifications and requirements specified in subsection 1 of this
8 section for elected public administrators. The elected public
9 administrator holding office on August 28, 2013, shall continue
10 to hold such office for the remainder of his or her term.

11 473.743. Upon appointment by the probate court, it shall be
12 the duty of the public administrator to take into his or her
13 charge and custody the estates of all deceased persons, and the
14 [person and] estates of all minors, and the estates or person and
15 estate of all incapacitated persons in his or her county, in the
16 following cases:

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

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

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

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

26 (5) When any estate of any person who dies intestate
27 therein, or elsewhere, is left in the county liable to be
28 injured, wasted or lost, when the intestate does not leave a

1 known husband, widow or heirs in this state;

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

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

10 [(8)] (7) The estates or person and estate of all disabled
11 or incapacitated persons in his or her county who have no legal
12 guardian or conservator, and no one competent to take charge of
13 such estate, or to act as such guardian or conservator, can be
14 found, or is known to the court having jurisdiction, who will
15 qualify;

16 [(9)] (8) Where from any other good cause, the court shall
17 order him to take possession of any estate to prevent its being
18 injured, wasted, purloined or lost;

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

21 (11)] (9) The public administrator shall act as trustee
22 when appointed by the circuit court or the probate division of
23 the circuit court.

24 475.120. 1. The guardian of the person of a minor shall be
25 entitled to the custody and control of the ward and shall provide
26 for the ward's education, support and maintenance.

27 2. A guardian or limited guardian of an incapacitated
28 person shall act in the best interest of the ward. A limited

1 guardian of an incapacitated person shall have the powers and
2 duties enumerated by the court in the adjudication order or any
3 later modifying order.

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

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

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

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

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

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

18 4. A guardian of an adult or minor ward is not obligated by
19 virtue of such guardian's appointment to use the guardian's own
20 financial resources for the support of the ward. If the ward's
21 estate and available public benefits are inadequate for the
22 proper care of the ward, the guardian or conservator may apply to
23 the county commission pursuant to section 475.370.

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

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

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

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

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

28 [473.747. The public administrator shall be ex
29 officio public conservator and shall have charge of all

1 estates of minors that may, by the order of the court,
2 be placed in the public administrator's charge, and in
3 such cases the public administrator shall be known and
4 designated as public conservator.]
5

6 ✓

13 Dan Hegeman

Sandy Crawford