

FIRST REGULAR SESSION

SENATE BILL NO. 284

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time January 11, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1181S.011

AN ACT

To repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to cemetery funds.

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

Section A. Section 214.160, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 214.160, to read as follows:

214.160. 1. **Under sections 214.140 to 214.180, and as otherwise**
2 **not prohibited under Article VI, section 23 of the Constitution of**
3 **Missouri**, the county commission [shall] **may** invest or loan said trust fund or
4 funds [only] in United States government, state, county or municipal bonds,
5 certificates of deposit, first real estate mortgages, or deeds of trust **and may**
6 **utilize investment managers to invest, reinvest, and manage assets,**
7 **subject to the terms, conditions, and limitations provided in this**
8 **section.** They shall use the net income from said trust fund or funds or **such**
9 **investments or** so much thereof as is necessary to support and maintain and
10 beautify any public or private cemetery or any particular part thereof which may
11 be designated by the person, persons or firm or association making said gift or
12 bequest. In maintaining or supporting the cemetery or any particular part or
13 portion thereof the commission shall as nearly as possible follow the expressed
14 wishes of the creator of said trust fund.

15 **2. An investment manager shall discharge his or her duties in the**
16 **interest of the public or private cemetery and the interest of the**
17 **person, persons, or firm making the gift or bequest and shall:**

18 **(1) Act with the same care, skill, prudence, and diligence under**
19 **the circumstances then prevailing that a prudent person acting in a**

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

20 similar capacity and familiar with those matters would use in the
21 conduct of a similar enterprise with similar aims;

22 (2) Act with due regard for the management, reputation, and
23 stability of the issuer and the character of the particular investments
24 being considered;

25 (3) Make investments for the purpose of supporting, maintaining,
26 and beautifying any public or private cemetery or any particular part
27 thereof, which may be designated by the person, persons, or firm or
28 association making said gift or bequest, and of defraying reasonable
29 expenses of investing the assets;

30 (4) Give appropriate consideration to those facts and
31 circumstances that the investment fiduciary knows or should know are
32 relevant to the particular investment or investment course of action
33 involved, including the role the investment or investment course of
34 action plays in that portion of the investments for which the
35 investment fiduciary has responsibility. For purposes of this
36 subdivision, "appropriate consideration" shall include, but is not limited
37 to, a determination by the investment fiduciary that a particular
38 investment or investment course of action is reasonably designed to
39 further the purposes of supporting, maintaining, and beautifying any
40 public or private cemetery or any particular part thereof, which may
41 be designated by the person, persons, or firm or association making
42 said gift or bequest, while considering the risk of loss and the
43 opportunity for gain or other return associated with the investment or
44 investment course of action and considering the following factors as
45 they relate to the investment or investment course of action:

46 (a) The diversification of the investments;

47 (b) The liquidity and current return of the investments relative
48 to the anticipated cash flow requirements; and

49 (c) The projected return of the investments relative to the
50 funding objectives; and

51 (5) Give appropriate consideration to investments that would
52 enhance the general welfare of this state and its citizens if those
53 investments offer the safety and rate of return comparable to other
54 investments available to the investment fiduciary at the time the
55 investment decision is made.

56 3. As used in this section, "invest" or "investment" means

57 utilization of moneys in the expectation of future returns in the form
58 of income or capital gain.

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Unofficial

Bill

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