

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 354

AN ACT

To repeal sections 209.625, 409.605, 409.610, 409.615, 409.620, 409.625, 409.630, 409.4-412, 409.5-501, 409.6-604, 472.010, 475.035, and 475.115, RSMo, and to enact in lieu thereof thirteen new sections relating to the protection of vulnerable populations, with penalty provisions.

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

Section A. Sections 209.625, 409.605, 409.610, 409.615, 409.620, 409.625, 409.630, 409.4-412, 409.5-501, 409.6-604, 472.010, 475.035, and 475.115, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 209.625, 409.605, 409.610, 409.615, 409.620, 409.625, 409.630, 409.4-412, 409.5-501, 409.6-604, 472.010, 475.035, and 475.115, to read as follows:

209.625. 1. Notwithstanding any law to the contrary, the assets of the ABLE program held by the board and the assets of any ABLE account and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from an ABLE account or deposit shall not be subject to state income tax imposed pursuant to chapter 143. The exemption from taxation pursuant to this section shall

apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the ABLE program established pursuant to sections 209.600 to 209.645, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the ABLE program held by the board up to and including eight thousand dollars per participating taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified disability expenses or are not held for the minimum length of time established by the appropriate Missouri board, the amount so distributed shall be added to the Missouri adjusted gross income of the participant, or, if the participant is not living, the designated beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2015.

4. The assets held in an ABLE account under sections 209.600 to 209.645 shall not be considered the property of a conservatorship estate established under chapter 475.

5. The provisions of subsection 4 of this section shall not apply to ABLE accounts in the charge and custody of a public administrator.

409.605. As used in sections 409.600 to 409.630, the following terms shall mean:

(1) "Agencies", the department of health and senior

services and the commissioner of securities;

(2) "Agent", shall have the same meaning as in section 409.1-102;

(3) "Broker-dealer", shall have the same meaning as in section 409.1-102;

(4) "Financial exploitation", the wrongful or unauthorized taking, withholding, appropriation, or use of money, real property, or personal property of a qualified adult;

(5) "Immediate family member", a spouse, child, parent, or sibling of a qualified adult;

(6) "Investment adviser", shall have the same meaning as under section 409.1-102;

(7) "Investment adviser representative", shall have the same meaning as under section 409.1-102;

(8) "Qualified adult":

(a) A person sixty years of age or older; or

(b) A person who:

a. Has a disability as defined in section 192.2005; and

b. Is between the ages of eighteen and fifty-nine;

~~[(7)]~~ (9) "Qualified individual"[, ]:

(a) A broker-dealer;

(b) An investment adviser; or

(c) A person associated with a broker-dealer or investment adviser who serves in a supervisory, compliance, or legal capacity as part of his or her job.

409.610. If a qualified individual reasonably believes that financial exploitation of a qualified adult has occurred, has been attempted, or is being attempted, the qualified individual

may notify the agencies. Subsequent to notifying the agencies, an agent, investment adviser representative, or qualified individual may notify an immediate family member, legal guardian, conservator, co-trustee, successor trustee, or agent under a power of attorney of the qualified adult or other individual reasonably associated with the qualified adult of such belief. The agencies may provide information regarding a qualified adult to the reporting qualified individual or investment adviser representative upon request.

409.615. 1. A qualified individual may refuse a request for disbursement or transaction from the account of a qualified adult, or an account on which a qualified adult is a beneficiary or beneficial owner, if:

(1) The qualified individual reasonably believes that the requested disbursement or transaction will result in financial exploitation of the qualified adult; and

(2) The [broker-dealer or] qualified individual[:

(a)], within two business days:

(a) Makes a reasonable effort to notify all parties authorized to transact business on the account orally or in writing, unless such parties are reasonably believed to have engaged in suspected or attempted financial exploitation of the qualified adult; [and]

(b) [Within three business days] Notifies the agencies; and

(c) Sends written notice to the qualified adult. Such notice shall include the name and contact information for the qualified individual who refused the disbursement or transaction and for the Investor Protection Hotline administered by the

securities division of the secretary of state.

2. Any refusal of a disbursement or transaction as authorized by this section shall expire upon the sooner of:

(1) The time when the [broker-dealer or] qualified individual reasonably believes that the disbursement or transaction will not result in financial exploitation of the qualified adult; or

(2) Ten business days after the initial refusal of disbursement or transaction by the qualified individual.

3. Notwithstanding subsection 2 of this section to the contrary, following the refusal by a qualified individual of an initial request for disbursement or transaction from the account of a qualified adult:

(1) A court of competent jurisdiction may enter an order extending the refusal of a disbursement or transaction or any other protective relief;

(2) The commissioner of securities may enter an order extending the refusal of a disbursement or transaction for the time necessary to protect the qualified adult; or

(3) The director of the department of health and senior services, after notifying the commissioner of securities, may enter an order to extend the refusal of a disbursement or transaction for the time necessary to protect the qualified adult.

Subsequent to the issuance of an order under subdivision (2) or (3) of this subsection, the agency that issued the order shall conduct a review of the circumstances every thirty days to

determine if the order extension should remain in effect.

409.620. Notwithstanding any other provision of law to the contrary, [a broker-dealer] an investment adviser representative, agent, or qualified individual who, in good faith and exercising reasonable care, complies with section 409.610 or 409.615 shall be immune from any civil liability under those sections.

409.625. A broker-dealer [may] or investment adviser shall, upon request, provide access to or copies of records that are relevant to the suspected financial exploitation of a qualified adult to the agencies or law enforcement. The records may include historical records or records relating to the most recent disbursement as well as disbursements that comprise the suspected financial exploitation of a qualified adult. All records made available to the agencies under this section shall not be considered a public record as defined under chapter 610.

409.630. No later than September 1, 2016, the commissioner of securities shall develop and make available a website that includes training resources to assist broker-dealers [and], investment advisers, agents, and investment adviser representatives in the prevention and detection of financial exploitation of qualified adults. Such resources shall include, at a minimum, indicators of financial exploitation of qualified adults and potential steps broker-dealers [and], investment advisers, agents, and investment adviser representatives may take to prevent suspected financial exploitation of qualified adults as authorized by law.

409.4-412. (a) If the commissioner finds that the order is in the public interest and subsection (d) authorizes the action,

an order issued under this act may deny an application, or may condition or limit registration: (1) of an applicant to be a broker-dealer, agent, investment adviser, or investment adviser representative, and (2) if the applicant is a broker-dealer or investment adviser, of any partner, officer, director, person having a similar status or performing similar functions, or person directly or indirectly controlling the broker-dealer or investment adviser.

(b) If the commissioner finds that the order is in the public interest and subsection (d) authorizes the action an order issued under this act may revoke, suspend, condition, or limit the registration of a registrant and if the registrant is a broker-dealer or investment adviser, any partner, officer, or director, any person having a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser. However, the commissioner:

(1) May not institute a revocation or suspension proceeding under this subsection based on an order issued by another state that is reported to the commissioner or designee later than one year after the date of the order on which it is based; and

(2) Under subsection (d) (5) (A) and (B), may not issue an order on the basis of an order under the state securities act of another state unless the other order was based on conduct for which subsection (d) would authorize the action had the conduct occurred in this state.

(c) If the commissioner finds that the order is in the public interest and subsection (d) (1) to (6), (8), (9), (10), or

(12) and (13) authorizes the action, an order under this act may censure, impose a bar, or impose a civil penalty in an amount not to exceed [a maximum of five] twenty-five thousand dollars for [a single] each violation [or fifty thousand dollars for several violations] on a registrant and, if the registrant is a broker-dealer or investment adviser, on any partner, officer, or director, any person having similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser.

(d) A person may be disciplined under subsections (a) to (c) if the person:

(1) Has filed an application for registration in this state under this act or the predecessor act within the previous ten years, which, as of the effective date of registration or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained a statement that, in light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(2) Willfully violated or willfully failed to comply with this act or the predecessor act or a rule adopted or order issued under this act or the predecessor act within the previous ten years;

(3) Has been convicted of a felony or within the previous ten years has been convicted of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;



(4) Is enjoined or restrained by a court of competent jurisdiction in an action instituted by the commissioner under this act or the predecessor act, a state, the Securities and Exchange Commission, or the United States from engaging in or continuing an act, practice, or course of business involving an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;

(5) Is the subject of an order, issued after notice and opportunity for hearing by:

(A) The securities, depository institution, insurance, or other financial services regulator of a state or by the Securities and Exchange Commission or other federal agency denying, revoking, barring, or suspending registration as a broker-dealer, agent, investment adviser, federal covered investment adviser, or investment adviser representative;

(B) The securities regulator of a state or by the Securities and Exchange Commission against a broker-dealer, agent, investment adviser, investment adviser representative, or federal covered investment adviser;

(C) The Securities and Exchange Commission or by a self-regulatory organization suspending or expelling the registrant from membership in the self-regulatory organization;

(D) A court adjudicating a United States Postal Service fraud order;

(E) The insurance regulator of a state denying, suspending, or revoking the registration of an insurance agent; or

(F) A depository institution regulator suspending or barring a person from the depository institution business;

(6) Is the subject of an adjudication or determination, after notice and opportunity for hearing, by the Securities and Exchange Commission, the Commodity Futures Trading Commission; the Federal Trade Commission; a federal depository institution regulator, or a depository institution, insurance, or other financial services regulator of a state that the person willfully violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or the Commodity Exchange Act, the securities or commodities law of a state, or a federal or state law under which a business involving investments, franchises, insurance, banking, or finance is regulated;

(7) Is insolvent, either because the person's liabilities exceed the person's assets or because the person cannot meet the person's obligations as they mature, but the commissioner may not enter an order against an applicant or registrant under this paragraph without a finding of insolvency as to the applicant or registrant;

(8) Refuses to allow or otherwise impedes the commissioner from conducting an audit or inspection under section 409.4-411(d) or refuses access to a registrant's office to conduct an audit or inspection under section 409.4-411(d);

(9) Has failed to reasonably supervise an agent, investment adviser representative, or other individual, if the agent, investment adviser representative, or other individual was subject to the person's supervision and committed a violation of this act or the predecessor act or a rule adopted or order issued under this act or the predecessor act within the previous ten

years;

(10) Has not paid the proper filing fee within thirty days after having been notified by the commissioner of a deficiency, but the commissioner shall vacate an order under this paragraph when the deficiency is corrected;

(11) After notice and opportunity for a hearing, has been found within the previous ten years:

(A) By a court of competent jurisdiction to have willfully violated the laws of a foreign jurisdiction under which the business of securities, commodities, investment, franchises, insurance, banking, or finance is regulated;

(B) To have been the subject of an order of a securities regulator of a foreign jurisdiction denying, revoking, or suspending the right to engage in the business of securities as a broker-dealer, agent, investment adviser, investment adviser representative, or similar person; or

(C) To have been suspended or expelled from membership by or participation in a securities exchange or securities association operating under the securities laws of a foreign jurisdiction;

(12) Is the subject of a cease and desist order issued by the Securities and Exchange Commission or issued under the securities, commodities, investment, franchise, banking, finance, or insurance laws of a state;

(13) Has engaged in dishonest or unethical practices in the securities, commodities, investment, franchise, banking, finance, or insurance business within the previous ten years; or

(14) Is not qualified on the basis of factors such as

training, experience, and knowledge of the securities business. However, in the case of an application by an agent for a broker-dealer that is a member of a self-regulatory organization or by an individual for registration as an investment adviser representative, a denial order may not be based on this paragraph if the individual has successfully completed all examinations required by subsection (e). The commissioner may require an applicant for registration under section 409.4-402 or 409.4-404 who has not been registered in a state within the two years preceding the filing of an application in this state to successfully complete an examination.

(e) A rule adopted or order issued under this act may require that an examination, including an examination developed or approved by an organization of securities regulators, be successfully completed by a class of individuals or all individuals. An order issued under this act may waive, in whole or in part, an examination as to an individual and a rule adopted under this act may waive, in whole or in part, an examination as to a class of individuals if the commissioner determines that the examination is not necessary or appropriate in the public interest and for the protection of investors.

(f) The commissioner may suspend or deny an application summarily; restrict, condition, limit, or suspend a registration; or censure, bar, or impose a civil penalty on a registrant before final determination of an administrative proceeding. Upon the issuance of an order, the commissioner shall promptly notify each person subject to the order that the order has been issued, the reasons for the action, and that within fifteen days after the

receipt of a request in a record from the person the matter will be scheduled for a hearing. If a hearing is not requested and none is ordered by the commissioner within thirty days after the date of service of the order, the order becomes final by operation of law. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend the order until final determination.

(g) An order issued may not be issued under this section, except under subsection (f), without:

- (1) Appropriate notice to the applicant or registrant;
- (2) Opportunity for hearing; and
- (3) Findings of fact and conclusions of law in a record.

(h) A person that controls, directly or indirectly, a person not in compliance with this section may be disciplined by order of the commissioner under subsections (a) to (c) to the same extent as the noncomplying person, unless the controlling person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct that is a ground for discipline under this section.

(i) The commissioner may not institute a proceeding under subsection (a), (b), or (c) based solely on material facts actually known by the commissioner unless an investigation or the proceeding is instituted within one year after the commissioner actually acquires knowledge of the material facts.

(j) Any applicant denied an agent, broker-dealer, investment adviser or investment adviser representative registration by order of the commissioner pursuant to subsection

(a) may file a petition with the administrative hearing commission alleging that the commissioner has denied the registration. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law. The commissioner shall have the burden of proving a ground for denial pursuant to this act.

(k) If a proceeding is instituted to revoke or suspend a registration of any agent, broker-dealer, investment adviser, or investment adviser representative pursuant to subsection (b), the commissioner shall refer the matter to the administrative hearing commission. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The commissioner shall have the burden of proving a ground for suspension or revocation pursuant to this act. The administrative hearing commission shall submit its findings of fact and conclusions of law to the commissioner for final disposition.

(l) Hearing procedures before the commissioner or the administrative hearing commission and judicial review of the decisions and orders of the commissioner and of the administrative hearing commission, and all other procedural matters pursuant to this act shall be governed by the provisions of chapter 536. Hearings before the administrative hearing commission shall also be governed by the provisions of chapter 621.

409.5-501. 1. It is unlawful for a person, in connection with the offer, sale, or purchase of a security, directly or indirectly:

- (1) To employ a device, scheme, or artifice to defraud;
- (2) To make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading; or
- (3) To engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person.

2. If this section is violated, the commissioner shall file an action under section 409.6-603 or issue an order under section 409.6-604 within five years of acquiring actual knowledge of the material facts of the violation.

409.6-604. (a) If the commissioner determines that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of this act or a rule adopted or order issued under this act or that a person has materially aided, is materially aiding, or is about to materially aid an act, practice, or course of business constituting a violation of this act or a rule adopted or order issued under this act, the commissioner may:

- (1) Issue an order directing the person to cease and desist from engaging in the act, practice, or course of business or to take other action necessary or appropriate to comply with this act;
- (2) Issue an order denying, suspending, revoking, or conditioning the exemptions for a broker-dealer under section 409.4-401(b)(1)(D) or (F) or an investment adviser under section 409.4-403(b)(1)(C); or

(3) Issue an order under section 409.2-204.

(b) An order under subsection (a) is effective on the date of issuance. Upon issuance of the order, the commissioner shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement whether the commissioner will seek a civil penalty or costs of the investigation, a statement of the reasons for the order, and notice that, within fifteen days after receipt of a request in a record from the person, the matter will be scheduled for a hearing. If a person subject to the order does not request a hearing and none is ordered by the commissioner within thirty days after the date of service of the order, the order becomes final as to that person by operation of law. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend it until final determination.

(c) If a hearing is requested or ordered pursuant to subsection (b), a hearing before the commissioner must be provided. A final order may not be issued unless the commissioner makes findings of fact and conclusions of law in a record in accordance with the provisions of chapter 536 and procedural rules promulgated by the commissioner. The final order may make final, vacate, or modify the order issued under subsection (a).

(d) In a final order under subsection (c), the commissioner may:

(1) Impose a civil penalty up to [one] twenty-five thousand



dollars for [a single] each violation [or up to ten thousand dollars for more than one violation];

(2) Order a person subject to the order to pay restitution for any loss, including the amount of any actual damages that may have been caused by the conduct and interest at the rate of eight percent per year from the date of the violation causing the loss or disgorge any profits arising from the violation;

(3) In addition to any civil penalty otherwise provided by law, impose an additional civil penalty not to exceed [five] fifteen thousand dollars for each such violation if the commissioner finds that a person subject to the order has violated any provision of this act and that such violation was committed against an elderly or disabled person. For purposes of this section, the following terms mean:

(A) "Disabled person", a person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment, or being regarded as having such an impairment;

(B) "Elderly person", a person sixty years of age or older.

(e) In a final order, the commissioner may charge the actual cost of an investigation or proceeding for a violation of this act or a rule adopted or order issued under this act. These funds may be paid into the investor education and protection fund.

(f) If a petition for judicial review of a final order is not filed in accordance with section 409.6-609, the commissioner may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same

effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

(g) If a person does not comply with an order under this section, the commissioner may petition a court of competent jurisdiction to enforce the order. The court may not require the commissioner to post a bond in an action or proceeding under this section. If the court finds, after service and opportunity for hearing, that the person was not in compliance with the order, the court may adjudge the person in civil contempt of the order. The court may impose a further civil penalty against the person for contempt in an amount not less than five thousand dollars but not greater than one hundred thousand dollars for each violation and may grant any other relief the court determines is just and proper in the circumstances.

(h) The commissioner is authorized to issue administrative consent orders in the settlement of any proceeding in the public interest under this act.

(i) Except as otherwise provided under sections 409.107 to 409.7-703, the commissioner shall file an action under section 409.6-603 or issue an order under this section within fifteen years of the violation.

472.010. When used in this code, unless otherwise apparent from the context:

(1) "Administrator" includes any administrator de bonis non, administrator cum testamento annexo, administrator ad litem and administrator during absence or minority;

(2) "Child" includes an adopted child and a child born out of wedlock, but does not include a grandchild or other more

remote descendants;

(3) "Claims" include liabilities of the decedent which survive whether arising in contract, tort or otherwise, funeral expenses, the expense of a tombstone, and costs and expenses of administration;

(4) "Clerk" means clerk of the probate division of the circuit court;

(5) "Code" or "probate code" means chapters 472, 473, 474 and 475;

(6) "Court" or "probate court" means the probate division of the circuit court;

(7) "Devise", when used as a noun, means a testamentary disposition of real or personal property or both; when used as a verb it means to dispose of real or personal property or both by will;

(8) "Devisee" includes legatee;

(9) "Distributee" denotes those persons who are entitled to the real and personal property of a decedent under his will, under the statutes of intestate succession or who take as surviving spouse under section 474.160, upon election to take against the will;

(10) "Domicile" means the place in which a person has voluntarily fixed his abode, not for a mere special or temporary purpose, but with a present intention of remaining there permanently or for an indefinite time;

(11) "Estate" means the real and personal property of the decedent or ward, as from time to time changed in form by sale, reinvestment or otherwise, and augmented by any accretions and

additions thereto and substitutions therefor, and diminished by any decreases and distributions therefrom. Under the provisions of subsections 4 and 5 of section 209.625, assets held in an ABLE account established under sections 209.600 to 209.645 shall not be considered the property of the designated beneficiary of said account for purposes of this subdivision when applied in chapter 475, unless the estate is in the charge and custody of a public administrator;

(12) "Exempt property" means that property of a decedent's estate which is not subject to be applied to the payment of claims, charges, legacies or bequests as described in section 474.250;

(13) "Fiduciary" includes executor, administrator, guardian, conservator, and trustee;

(14) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on his death intestate;

(15) "Interested persons" mean heirs, devisees, spouses, creditors or any others having a property right or claim against the estate of a decedent being administered and includes children of a protectee who may have a property right or claim against or an interest in the estate of a protectee. This meaning may vary at different stages and different parts of a proceeding and must be determined according to the particular purpose and matter involved;

(16) "Issue" of a person, when used to refer to persons who take by intestate succession, includes adopted children and all

lawful lineal descendants, except those who are the lineal descendants of living lineal descendants of the intestate;

(17) "Lease" includes an oil and gas lease or other mineral lease, but does not include month-to-month or year-to-year tenancies under oral contracts;

(18) "Legacy" means a testamentary disposition of personal property;

(19) "Legatee" means a person entitled to personal property under a will;

(20) "Letters" include letters testamentary, letters of administration and letters of guardianship;

(21) "Lien" includes all liens except general judgment, execution and attachment liens;

(22) "Lineal descendants" include adopted children and their descendants;

(23) "Mortgage" includes deed of trust, vendor's lien and chattel mortgage;

(24) "Person" includes natural persons and corporations;

(25) "Personal property" includes interests in goods, money, choses in action, evidences of debt, shares of corporate stock, and chattels real;

(26) "Personal representative" means executor or administrator. It includes an administrator with the will annexed, an administrator de bonis non, an administrator pending contest, an administrator during minority or absence, and any other type of administrator of the estate of a decedent whose appointment is permitted. It does not include an executor de son tort;

(27) "Property" includes both real and personal property;

(28) "Real property" includes estates and interests in land, corporeal or incorporeal, legal or equitable, other than chattels real;

(29) "Registered mail" includes "certified mail" as defined and certified under regulations of the United States Postal Service;

(30) "Will" includes codicil; it also includes a testamentary instrument which merely appoints an executor and a testamentary instrument which merely revokes or revives another will.

475.035. 1. The venue for the appointment of a guardian or conservator shall be:

(1) In the county in this state where the minor or alleged incapacitated or disabled person is domiciled. Domicile for a minor is the domicile of the custodial parent, custodial parents, or guardian. Placement by a court, fiduciary, or agency for evaluation, treatment, or residential care shall not constitute a choice of domicile by the minor or alleged incapacitated or disabled person; however, for the purpose of determining domicile, the court may consider the desire or intent of the alleged incapacitated or disabled person to the extent he or she has capacity; or

(2) If the minor or alleged incapacitated or disabled person has no domicile in this state, then in the county in which the minor or alleged incapacitated or disabled person [actually resides, or if he or she does not reside in any county, then in any county wherein there is any property of the minor or alleged

incapacitated or disabled person; or

(3) In the county, or on any federal reservation within the county, wherein the minor or alleged incapacitated or disabled person or his or her property is found; or

(4) In a county of this state which is within a judicial circuit which has prior and continuing jurisdiction over the minor pursuant to subdivision (1) of subsection 1 of section 211.031] has a significant connection. In determining under this section whether a minor or alleged incapacitated or disabled person has a significant connection, the court shall consider:

(a) Whether a juvenile, criminal, or probate court in a county of this state has previously or currently assumed jurisdiction over the minor or alleged incapacitated or disabled person under chapter 211 or 552;

(b) The location of the minor's or alleged incapacitated or disabled person's family and other persons required to be notified of the guardianship or conservatorship;

(c) Whether the minor or alleged incapacitated or disabled person has a residence or is physically present in the county and the duration of his or her physical presence or absence;

(d) The location of the minor's or alleged incapacitated or disabled person's property; and

(e) The extent to which the minor or alleged incapacitated or disabled person has ties such as voting registration, local tax return filing, vehicle registration, driver's license, social relationships, or receipt of services.

2. [If the alleged incapacitated or disabled person has resided in a county other than the county of his or her domicile

for more than one year, the court of that county may assume venue for the purpose of appointment of a guardian or conservator] In the event the venue for purposes of guardianship and conservatorship are in different counties, venue shall be in the county of the guardianship.

3. If proceedings are commenced in more than one county, they shall be stayed except in the county where first commenced until final determination of venue in the county where first commenced. The proceeding is deemed commenced by the filing of a petition[; and the proceeding first legally commenced to appoint a conservator of the estate extends to all of the property of the protectee in this state].

475.115. 1. When a guardian or conservator dies, is removed by order of the court, or resigns and his or her resignation is accepted by the court, the court shall have the same authority as it has in like cases over personal representatives and their sureties and may appoint another guardian or conservator in the same manner and subject to the same requirements as are herein provided for an original appointment of a guardian or conservator.

2. A public administrator may request transfer of any case to the jurisdiction of another county by filing a petition for transfer. If [the receiving county meets the venue requirements of section 475.035 and] the public administrator of the receiving county consents to the transfer, the court shall transfer the case. The court with jurisdiction over the receiving county shall, without the necessity of any hearing as required by section 475.075, appoint the public administrator of the



receiving county as successor guardian and/or successor conservator and issue letters therein. In the case of a conservatorship, the final settlement of the public administrator's conservatorship shall be filed within thirty days of the court's transfer of the case, in the court with jurisdiction over the original conservatorship, and forwarded to the receiving county upon audit and approval.