

# SENATE BILL NO. 883

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

4112S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 105.721, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

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

Section A. Section 105.721, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 105.721,  
3 to read as follows:

105.721. 1. The commissioner of administration may,  
2 in his **or her** discretion, direct that any or all of the  
3 moneys appropriated to the state legal expense fund be  
4 expended to procure one or more policies of insurance to  
5 insure against all or any portion of the potential  
6 liabilities of the state of Missouri or its agencies,  
7 officers, and employees.

8 2. [Until July 1, 1996, the commissioner of  
9 administration may procure one or more policies of insurance  
10 or reinsurance to insure against all potential losses from  
11 liabilities incurred by the state legal expense fund under  
12 paragraphs (d) and (e) of subdivision (3) of subsection 2 of  
13 section 105.711. On or before January 1, 1996, the  
14 commissioner of administration shall prepare and distribute  
15 a report regarding the cost effectiveness of insuring  
16 against potential losses to the state under paragraphs (d)  
17 and (e) of subdivision (3) of subsection 2 of section  
18 105.711, by the direct purchase of an insurance policy 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 policies as compared to self-insuring against such losses  
20 through appropriations to the state legal expense fund under  
21 section 105.711. The report shall be submitted to the  
22 governor, the speaker of the house of representatives, the  
23 president pro tempore of the senate, and upon request to any  
24 member of the general assembly.

25 3.] After consultation with the state courts  
26 administrator, the commissioner of administration shall  
27 procure [such surety bonds as are required by statute and  
28 such surety bonds] **a blanket bond or crime insurance policy**  
29 as [he] **the commissioner** deems necessary to protect the  
30 state against loss from the acts or omissions of any person  
31 within the judiciary that receives compensation from the  
32 state. No other bond for such person shall be required for  
33 the protection of the state. A copy of any bond **or crime**  
34 **insurance policy** procured pursuant to this section shall be  
35 filed with the secretary of state.

36 3. **The commissioner of administration may require a**  
37 **bond of any officer, employee, or agent of the state who has**  
38 **responsibility for or access to any money or property**  
39 **belonging to the state, or in which the state may have an**  
40 **interest and who is not otherwise required by law to give a**  
41 **bond. The amounts of the bonds shall be fixed by the**  
42 **commissioner of administration.**

43 4. **Notwithstanding any other provision of the law to**  
44 **the contrary, in lieu of individual bonds, the commissioner**  
45 **of administration may procure one or more blanket bonds, or**  
46 **suitable crime insurance policies endorsed to include**  
47 **faithful performance, or may assume the risk for any or all**  
48 **officers and employees of the state. Any blanket bond or**  
49 **crime insurance policy procured shall contain such**  
50 **coverages, terms, and conditions, and such coverage limits**

51 and deductibles as the commissioner of administration deems  
52 adequate to protect the interests of the state, but not less  
53 than the aggregate coverage limits otherwise prescribed by  
54 law. Procurement of a blanket bond or crime insurance  
55 policy, or creation of a self-assumption program shall  
56 constitute compliance with any provision of law requiring  
57 any officer or employee of the state to be bonded.  
58 Notwithstanding any other provision of the law to the  
59 contrary, the costs of any blanket bond, crime insurance  
60 policy, or self-assumption program authorized by this  
61 section shall be paid from the state legal expense fund.

✓