

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 111

99TH GENERAL ASSEMBLY

2017

0441S.04T

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:

Section A. Sections 108.170, 115.306, 135.963, 347.048, 473.730, 473.743, 2 473.747, and 475.120, RSMo, are repealed and seven new sections enacted in lieu 3 thereof, to be known as sections 108.170, 115.306, 135.963, 347.048, 473.730, 4 473.743, and 475.120, to read as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

108.170. 1. Notwithstanding any other provisions of any law or charter 2 to the contrary, any issue of bonds, notes, or other evidences of indebtedness, 3 including bonds, notes, or other evidences of indebtedness payable solely from 4 revenues derived from any revenue-producing facility, hereafter issued under any 5 law of this state by any county, city, town, village, school district, educational 6 institution, drainage district, levee district, nursing home district, hospital 7 district, library district, road district, fire protection district, water supply 8 district, sewer district, housing authority, land clearance for redevelopment 9 authority, special authority created under section 64.920, authority created 10 pursuant to the provisions of chapter 238, or other municipality, political 11 subdivision or district of this state shall be negotiable, may be issued in bearer 12 form or registered form with or without coupons to evidence interest payable 13 thereon, may be issued in any denomination, and may bear interest at a rate not 14 exceeding ten percent per annum, and may be sold, at any sale, at the best price

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

15 obtainable, not less than ninety-five percent of the par value thereof, anything in
16 any proceedings heretofore had authorizing such bonds, notes, or other evidence
17 of indebtedness, or in any law of this state or charter provision to the contrary
18 notwithstanding. Such issue of bonds, notes, or other evidence of indebtedness
19 may bear interest at a rate not exceeding fourteen percent per annum if sold at
20 public sale after giving reasonable notice of such sale, at the best price
21 obtainable, not less than ninety-five percent of the par value thereof; provided,
22 that such bonds, notes, or other evidence of indebtedness may be sold to any
23 agency or corporate or other instrumentality of the state of Missouri or of the
24 federal government at private sale at a rate not exceeding fourteen percent per
25 annum. **If a political subdivision has an unenhanced bond rating of AA+
26 or higher, or comparable rating, on its outstanding general obligation
27 bonds or is proposing to issue general obligation bonds with an
28 unenhanced bond rating of AA+ or higher, or comparable rating, the
29 new issue of general obligation bonds shall be issued through a
30 competitive process unless the political subdivision employs the
31 services of a municipal advisor, in which case the political subdivision
32 may use a negotiated or competitive process, except that such
33 requirements shall not apply to any general obligation bonds:**

34 **(1) Sold, pursuant to written agreement, to the government of the**
35 **United States of America or of the state of Missouri or to any bureau,**
36 **department, body corporate, instrumentality, or agency of the United**
37 **State of America or the state of Missouri;**

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

40 **(3) That are issued or are part of an issue issued to refinance a**
41 **prior issue of general obligation indebtedness or which are issued**
42 **contemporaneously with any such issue of refunding bonds; provided,**
43 **the refunding bonds shall not exceed the principal of the outstanding**
44 **indebtedness to be refunded and the accrued interest to the date of**
45 **such refunding bonds.**

46 **A municipal advisor shall not be allowed to profit financially or**
47 **otherwise, either directly or indirectly, from the underwriter of a**
48 **negotiated bond issuance.**

49 2. Notwithstanding the provisions of subsection 1 of this section to the
50 contrary, the sale of bonds, notes, or other evidence of indebtedness issued by the

51 state board of public buildings created under section 8.010, the state board of
52 fund commissioners created under section 33.300, any port authority created
53 under section 68.010, the bi-state metropolitan development district authorized
54 under section 70.370, any special business district created under section 71.790,
55 any county, as defined in section 108.465, exercising the powers granted by
56 sections 108.450 to 108.470, the industrial development board created under
57 section 100.265, any planned industrial expansion authority created under section
58 100.320, the higher education loan authority created under section 173.360, the
59 Missouri housing development commission created under section 215.020, the
60 state environmental improvement and energy resources authority created under
61 section 260.010, the agricultural and small business development authority
62 created under section 348.020, any industrial development corporation created
63 under section 349.035, or the health and educational facilities authority created
64 under section 360.020 shall, with respect to the sales price, manner of sale and
65 interest rate, be governed by the specific sections applicable to each of these
66 entities.

67 **3. Any person who is engaged as a municipal advisor by a**
68 **political corporation or subdivision with respect to a particular issue**
69 **of securities shall be independent of the underwriter of that issue of**
70 **securities. For the purposes of this section, "municipal advisor" shall**
71 **be either:**

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

74 **(2) A person who is a chief financial officer of a school district**
75 **and either is a:**

76 **(a) A certified public accountant; or**

77 **(b) Has masters of business administration and is certified as an**
78 **administrator of school finance and operations by the Association of**
79 **School Business Officials International.**

80 **For the purposes of this subsection, "independent" shall have the same**
81 **meaning as defined by the rules of the United States Securities and**
82 **Exchange Commission. In determining the individuals or entities that**
83 **may serve as a municipal advisor, nothing in this section shall be**
84 **construed to be more restrictive than the definition of a municipal**
85 **advisor as established by the United States Securities and Exchange**
86 **Commission.**

87 4. Notwithstanding other provisions of this section or other law, the sale
88 of bonds, notes or other evidence of indebtedness issued by any housing authority
89 created under section 99.040 may be sold at any sale, at the best price obtainable,
90 not less than ninety-five percent of the par value thereof, and may bear interest
91 at a rate not exceeding fourteen percent per annum. The sale shall be a public
92 sale unless the issuing jurisdiction adopts a resolution setting forth clear
93 justification why the sale should be a private sale except that private activity
94 bonds may be sold either at public or private sale.

95 [4.] 5. Notwithstanding other provisions of this section or law, industrial
96 development revenue bonds may be sold at private sale and bear interest at a
97 rate not exceeding fourteen percent per annum at the best price obtainable, not
98 less than ninety-five percent of the par value thereof.

99 [5.] 6. Notwithstanding other provisions in subsection 1 of this section
100 to the contrary, revenue bonds issued for airport purposes by any constitutional
101 charter city in this state which now has or may hereafter acquire a population of
102 more than three hundred thousand but less than six hundred thousand
103 inhabitants, according to the last federal decennial census, may bear interest at
104 a rate not exceeding fourteen percent per annum if sold at public sale after giving
105 reasonable notice, at the best price obtainable, not less than ninety-five percent
106 of the par value thereof.

107 [6.] 7. For purposes of the interest rate limitations set forth in this
108 section, the interest rate on bonds, notes or other evidence of indebtedness
109 described in this section means the rate at which the present value of the debt
110 service payments on an issue of bonds, notes or other evidence of indebtedness,
111 discounted to the date of issuance, equals the original price at which such bonds,
112 notes or other evidence of indebtedness are sold by the issuer. Interest on bonds,
113 notes or other evidence of indebtedness may be paid periodically at such times as
114 shall be determined by the governing body of the issuer and may be compounded
115 in accordance with section 408.080.

116 [7.] 8. Notwithstanding any provision of law or charter to the contrary:

117 (1) Any entity referenced in subsection 1 or 2 of this section and any other
118 political corporation of the state which entity or political corporation has an
119 annual operating budget for the current year exceeding twenty-five million dollars
120 may, in connection with managing the cost to such entity or political corporation
121 of purchasing fuel, electricity, natural gas, and other commodities used in the
122 ordinary course of its lawful operations, enter into agreements providing for

123 fixing the cost of such commodity, including without limitation agreements
124 commonly referred to as hedges, futures, and options; provided that as of the date
125 of such agreement, such entity or political corporation shall have complied with
126 subdivision (3) of this subsection; and further provided that no eligible school, as
127 defined in section 393.310, shall be authorized by this subsection to enter into
128 such agreements in connection with the purchase of natural gas while the tariffs
129 required under section 393.310 are in effect;

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

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

141 (b) As of the date of such agreement, such entity's or political
142 corporation's bonds, notes, or other obligations then outstanding or to be issued
143 have received a stand-alone credit rating in one of the two highest categories,
144 without regard to any gradation within such categories, from at least one
145 nationally recognized credit rating agency, or such entity or political corporation
146 has an issuer or general credit rating, in one of the two highest categories,
147 without regard to any gradation within such categories, from at least one
148 nationally recognized credit rating agency; and

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

151 (3) Prior to entering into any agreements pursuant to subdivision (1) or
152 (2) of this subsection, the governing body of the entity or political corporations
153 entering into such agreements shall have adopted a written policy governing such
154 agreements. Such policy shall be prepared by integrating the recommended
155 practices published by the Government Finance Officers Association or
156 comparable nationally recognized professional organization and shall provide
157 guidance with respect to the permitted purposes, authorization process,
158 mitigation of risk factors, ongoing oversight responsibilities, market disclosure,

159 financial strategy, and any other factors in connection with such agreements
160 determined to be relevant by the governing body of such entity or political
161 corporation. Such entity or political corporation may enter into such agreements
162 at such times and such agreements may contain such payment, security, default,
163 remedy, and other terms and conditions as shall be consistent with the written
164 policy adopted under this subdivision and as may be approved by the governing
165 body of such entity or other obligated party, including any rating by any
166 nationally recognized rating agency and any other criteria as may be appropriate;

167 (4) Nothing in this subsection shall be applied or interpreted to authorize
168 any such entity or political corporation to enter into any such agreement for
169 investment purposes or to diminish or alter the special or general power any such
170 entity or political corporation may otherwise have under any other provisions of
171 law including the special or general power of any interstate transportation
172 authority.

173 **9. The state treasurer shall make available to municipalities,**
174 **political subdivisions, or districts listed under subsection 1 of this**
175 **section relevant information regarding debt issuance and bidding**
176 **processes, including best practices resources published by a national**
177 **association of government finance officers on debt issuance, to aid such**
178 **entities with the process of issuing debt and awarding bonds to the best**
179 **bidder.**

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

6 2. (1) Any person who files as a candidate for election to a public office
7 shall be disqualified from participation in the election for which the candidate
8 has filed if such person is delinquent in the payment of any state income taxes,
9 personal property taxes, municipal taxes, real property taxes on the place of
10 residence, as stated on the declaration of candidacy, or if the person is a past or
11 present corporate officer of any fee office that owes any taxes to the state.

12 (2) Each potential candidate for election to a public office, except
13 candidates for a county or city committee of a political party, shall file an
14 affidavit with the department of revenue and include a copy of the affidavit with
15 the declaration of candidacy required under section 115.349. Such affidavit shall

16 be in substantially the following form:

17 AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

18 I hereby declare under penalties of perjury that I am not currently
19 aware of any delinquency in the filing or payment of any state
20 income taxes, personal property taxes, municipal taxes, real
21 property taxes on the place of residence, as stated on the
22 declaration of candidacy, or that I am a past or present corporate
23 officer of any fee office that owes any taxes to the state, other than
24 those taxes which may be in dispute. I declare under penalties of
25 perjury that I am not aware of any information that would prohibit
26 me from fulfilling any bonding requirements for the office for which
27 I am filing.

28 Candidate's Signature

29 Printed Name of Candidate

30 (3) Upon receipt of a complaint alleging a delinquency of the candidate in
31 the filing or payment of any state income taxes, personal property taxes,
32 municipal taxes, real property taxes on the place of residence, as stated on the
33 declaration of candidacy, or if the person is a past or present corporate officer of
34 any fee office that owes any taxes to the state, the department of revenue shall
35 investigate such potential candidate to verify the claim contained in the
36 complaint. If the department of revenue finds a positive affirmation to be false,
37 the department shall contact the secretary of state, or the election official who
38 accepted such candidate's declaration of candidacy, and the potential
39 candidate. The department shall notify the candidate of the outstanding tax
40 owed and give the candidate thirty days to remit any such outstanding taxes
41 owed which are not the subject of dispute between the department and the
42 candidate. If the candidate fails to remit such amounts in full within thirty days,
43 the candidate shall be disqualified from participating in the current election and
44 barred from refiling for an entire election cycle even if the individual pays all of
45 the outstanding taxes that were the subject of the complaint.

135.963. 1. Improvements made to real property as such term is defined
2 in section 137.010 which are made in an enhanced enterprise zone subsequent to
3 the date such zone or expansion thereto was designated may, upon approval of
4 an authorizing resolution or ordinance by the governing authority having
5 jurisdiction of the area in which the improvements are made, be exempt, in whole
6 or in part, from assessment and payment of ad valorem taxes of one or more

7 affected political subdivisions. Improvements made to real property, as such term
8 is defined in section 137.010, which are locally assessed and in a renewable
9 energy generation zone designated as an enhanced enterprise zone, subsequent
10 to the date such enhanced enterprise zone or expansion thereto was designated,
11 may, upon approval of an authorizing resolution or ordinance by the governing
12 authority having jurisdiction of the area in which the improvements are made,
13 be exempt, in whole or in part, from assessment and payment of ad valorem taxes
14 of one or more affected political subdivisions. In addition to enhanced business
15 enterprises, a speculative industrial or warehouse building constructed by a
16 public entity or a private entity if the land is leased by a public entity may be
17 subject to such exemption.

18 2. Such authorizing resolution shall specify the percent of the exemption
19 to be granted, the duration of the exemption to be granted, and the political
20 subdivisions to which such exemption is to apply and any other terms, conditions,
21 or stipulations otherwise required. A copy of the resolution shall be provided to
22 the director within thirty calendar days following adoption of the resolution by
23 the governing authority.

24 3. No exemption shall be granted until the governing authority holds a
25 public hearing for the purpose of obtaining the opinions and suggestions of
26 residents of political subdivisions to be affected by the exemption from property
27 taxes. The governing authority shall send, by certified mail, a notice of such
28 hearing to each political subdivision in the area to be affected and shall publish
29 notice of such hearing in a newspaper of general circulation in the area to be
30 affected by the exemption at least twenty days prior to the hearing but not more
31 than thirty days prior to the hearing. Such notice shall state the time, location,
32 date, and purpose of the hearing.

33 4. Notwithstanding subsection 1 of this section, at least one-half of the ad
34 valorem taxes otherwise imposed on subsequent improvements to real property
35 located in an enhanced enterprise zone of enhanced business enterprises or
36 speculative industrial or warehouse buildings as indicated in subsection 1 of this
37 section shall become and remain exempt from assessment and payment of ad
38 valorem taxes of any political subdivision of this state or municipality thereof, if
39 said political subdivision or municipality levies ad valorem taxes, for a period of
40 not less than ten years following the date such improvements were assessed,
41 provided the improved properties are used for enhanced business
42 enterprises. The exemption for speculative buildings is subject to the approval

43 of the governing authority for a period not to exceed two years if the building is
44 owned by a private entity and five years if the building is owned or ground leased
45 by a public entity. This shall not preclude the building receiving an exemption
46 for the remaining time period established by the governing authority if it was
47 occupied by an enhanced business enterprise. The two- and five-year time
48 periods indicated for speculative buildings shall not be an addition to the local
49 abatement time period for such facility.

50 5. No exemption shall be granted for a period more than twenty-five years
51 [following the date on which the original enhanced enterprise zone was
52 designated by the department], **provided, however, that during the ten**
53 **years prior to the expiration of an enhanced enterprise zone no**
54 **exemption shall be granted for a period of more than ten years.**

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

57 7. The abatement referred to in this section shall not relieve the assessor
58 or other responsible official from ascertaining the amount of the equalized
59 assessed value of all taxable property annually as required by section 99.855,
60 99.957, or 99.1042 and shall not have the effect of reducing the payments in lieu
61 of taxes referred to in subdivision (2) of subsection 1 of section 99.845, subdivision
62 (2) of subsection 3 of section 99.957, or subdivision (2) of subsection 3 of section
63 99.1042 unless such reduction is set forth in the plan approved by the governing
64 body of the municipality pursuant to subdivision (1) of subsection 1 of section
65 99.820, section 99.942, or section 99.1027.

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

3 (a) Any home rule city with a population of more than four hundred
4 thousand inhabitants which is located in more than one county[.]; or

5 (b) **Any home rule city with more than one hundred sixteen**
6 **thousand but fewer than one hundred fifty-five thousand inhabitants;**
7 shall file with that city's clerk an affidavit listing the name and street address
8 of at least one **natural** person who has management control and responsibility
9 for the real property owned and leased or rented by the limited liability company,
10 or owned by the limited liability company and unoccupied.

11 (2) **Within thirty days following the cessation of management**
12 **control and responsibility of any natural person named in an affidavit**
13 **described in this section, the limited liability company shall file a**

14 **successor affidavit listing the name and street address of a natural**
15 **person successor.**

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

18 **3. If a limited liability company required by this section to file**
19 **an affidavit or a successor affidavit fails or refuses to file such**
20 **completed affidavit with the appropriate clerk, any person who is**
21 **adversely affected by the failure or refusal or the home rule city may**
22 **petition the circuit court in the county where the property is located**
23 **to direct the execution and filing of such document.**

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. The secretary of state**
13 **shall notify each election authority of the requirements of this**
14 **section. The secretary of state will provide the necessary forms to**
15 **assure compliance of the requirements of this section.**

16 **2. Before entering on the duties of the public administrator's office, the**
17 **public administrator shall take the oath required by the constitution, and enter**
18 **into bond to the state of Missouri in a sum not less than ten thousand dollars,**
19 **with [two] one or more securities, approved by the court and conditioned that the**
20 **public administrator will faithfully discharge all the duties of the public**
21 **administrator's office, which bond shall be given and oath of office taken on or**
22 **before the first day of January following the public administrator's election, and**
23 **it shall be the duty of the judge of the court to require the public administrator**
24 **to make a statement annually, under oath, of the amount of property in the public**
25 **administrator's hands or under the public administrator's control as such**
26 **administrator, for the purpose of ascertaining the amount of bond necessary to**

27 secure such property; and such court may from time to time, as occasion shall
28 require, demand additional security of such administrator, and, in default of
29 giving the same within twenty days after such demand, may remove the
30 administrator and appoint another.

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

37 [3.] 4. After January 1, 2001, all salaried public administrators shall be
38 considered county officials for purposes of section 50.333, subject to the minimum
39 salary requirements set forth in section 473.742.

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

473.743. **Upon appointment by the probate court,** it shall be the
2 duty of the public administrator to take into his or her charge and custody the
3 estates of all deceased persons, and the [person and] estates of all minors, and
4 the estates or person and estate of all incapacitated persons in his or her county,
5 in the following cases:

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

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

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

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

13 (5) When any estate of any person who dies intestate therein, or
14 elsewhere, is left in the county liable to be injured, wasted or lost, when the
15 intestate does not leave a known husband, widow or heirs in this state;

16 (6) [The persons of all minors under the age of fourteen years, whose

17 parents are dead, and who have no legal guardian or conservator;

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

22 [(8)] (7) The estates or person and estate of all disabled or incapacitated
23 persons in his or her county who have no legal guardian or conservator, and no
24 one competent to take charge of such estate, or to act as such guardian or
25 conservator, can be found, or is known to the court having jurisdiction, who will
26 qualify;

27 [(9)] (8) Where from any other good cause, the court shall order him to
28 take possession of any estate to prevent its being injured, wasted, purloined or
29 lost;

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

32 (11)] (9) The public administrator shall act as trustee when appointed
33 by the circuit court or the probate division of the circuit court.

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

4 2. A guardian or limited guardian of an incapacitated person shall act in
5 the best interest of the ward. A limited guardian of an incapacitated person shall
6 have the powers and duties enumerated by the court in the adjudication order or
7 any later modifying order.

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

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

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

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

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

19 (5) To exercise all powers and discharge all duties necessary or proper to

20 implement the provisions of this section.

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

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

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

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

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

39 **9. In the absence of any written direction from the ward to the**
40 **contrary, a guardian may execute a preneed contract for the ward's**
41 **funeral services, including cremation, or an irrevocable life insurance**
42 **policy to pay for the ward's funeral services, including cremation, and**
43 **authorize the payment of such services from the ward's**
44 **resources. Nothing in this section shall interfere with the rights of**
45 **next-of-kin to direct the disposition of the body of the ward upon death**
46 **under section 194.119. If a preneed arrangement such as that**
47 **authorized by this subsection is in place and no next-of-kin exercises**
48 **the right of sepulcher within ten days of the death of the ward, the**
49 **guardian may sign consents for the disposition of the body, including**
50 **cremation, without any liability therefor. A guardian who exercises the**
51 **authority granted in this subsection shall not be personally financially**
52 **responsible for the payment of services.**

[473.747. The public administrator shall be ex officio public
2 conservator and shall have charge of all estates of minors that may,
3 by the order of the court, be placed in the public administrator's

4 charge, and in such cases the public administrator shall be known
5 and designated as public conservator.]

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