

HCS SS SB 507 -- VACANCIES IN CERTAIN PUBLIC OFFICES

SPONSOR: Dixon (Haahr)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 11 to 0.

This bill changes the laws regarding vacancies in certain public offices. In its main provisions, the bill:

(1) Specifies the Governor must issue a writ of election within 30 days rather than current law, which specifies "without delay" (Section 21.110, RSMo);

(2) Establishes the Executive Branch Accountability Act of 2014 (Section 26.017);

(3) Requires the Governor to immediately appoint a qualified person to serve as Lieutenant Governor if the Lieutenant Governor dies, resigns, is removed from office, convicted after impeachment, or the position is vacant and specifies that the Lieutenant Governor must be reinstated if he or she is acquitted. If the Lieutenant Governor vacancy occurs no later than 22 months from the start of the term, a special election must be held at the same time as the general election, otherwise the acting Lieutenant Governor must serve the remainder of the term (Section 26.018);

(4) Requires the Secretary of State to make available to the public in a web-based electronic format an abstract of all commissions issued and appointments made by the Governor and Lieutenant Governor (Section 28.060); and

(5) Creates a process for the following state departments for instances where the position of department head becomes vacant: the Office of Administration; the Department of Agriculture; the Department of Corrections; the Department of Economic Development; the Department of Health and Senior Services; the Department of Insurance, Financial Institutions and Professional Registration; the Department of Labor and Industrial Relations; the Department of Natural Resources; the Department of Public Safety; the Department of Revenue; and the Department of Social Services. For each of these state departments, the department head must designate by written order a deputy to act for the department head during any vacancy or absence of the head for official business, vacation, illness or incapacity. Upon commencement of the vacancy, the Governor must appoint the deputy as acting department head. If no deputy is designated, then the Governor must appoint an acting director from among the division heads in the department. The deputy head must serve as acting director for no more than 180 days

from the date the vacancy or absence first occurs. Upon completion of the 180 days, the authority of the acting director will expire. The Governor cannot appoint another acting director within 360 days of any appointment made under these provisions. The 180 day limit must toll during any period of time when the Governor has appointed a department head and submitted the person to the Senate for its advice and consent. If the appointment of a director is returned to the Governor by the Senate, or does not receive its advice and consent, the deputy director may serve as acting director for an additional 60 days, provided that the 60 day limit must toll during any period of time in which the Governor has appointed a director and submitted the individual to the Senate for its advice and consent. After a deputy director has served as acting director for more than 60 days, the deputy director must be compensated at the same rate as the director during the period when serving as acting director (Sections 32.010, 37.010, 105.010, 192.007, 217.035, 261.010, 286.005, 374.020, 620.010, 640.010, 650.005, and 660.010).

PROPOSERS: Supporters say that the bill adds accountability and integrity to the process.

Testifying for the bill was Senator Dixon.

OPPOSERS: There was no opposition voiced to the committee.