

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 315, Page 1, in the Title, Line 3, by  
2 deleting the phrase "urban school districts" and inserting in lieu thereof the phrase "political  
3 subdivisions"; and  
4

5 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the  
6 following:  
7

8 "49.060. 1. When a vacancy shall occur in the office of a county commissioner, the vacancy  
9 shall at once be certified by the clerk of the commission to the governor[, who shall fill such vacancy  
10 with a person who resides in the district at the time the vacancy occurs, as provided by law].

11 2. It shall be the duty of the governor to fill such vacancy no later than sixty days after  
12 certification by appointing, by and with the advice and consent of the senate subject to the provisions  
13 of article IV, section 51 of the Constitution of Missouri, some eligible person to said office who shall  
14 discharge the duties thereof until the next general election, at which time a commissioner shall be  
15 chosen for the remainder of the term, who shall hold such office until a successor is duly elected and  
16 qualified, unless sooner removed.

17 3. This section shall not apply to any county that has adopted a charter for its own  
18 government under article VI, section 18 of the Constitution of Missouri.

19 51.090. 1. When any vacancy shall occur in the office of clerk of the county commission by  
20 death, resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor to fill  
21 such vacancy by appointing, no later than sixty days after the vacancy occurs and by and with the  
22 advice and consent of the senate subject to the provisions of article IV, section 51 of the Constitution  
23 of Missouri, some eligible person to said office, who shall discharge the duties thereof until the next  
24 general election, at which time a clerk shall be chosen for the remainder of the term, who shall hold  
25 [his] such office until [his] a successor is duly elected or appointed and qualified, unless sooner  
26 removed.

27 2. This section shall not apply to any county that has adopted a charter for its own  
28 government under article VI, section 18 of the Constitution of Missouri.

29 52.145. 1. If any vacancy shall occur in the office of county collector of revenue by death,  
30 resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor to fill such  
31 vacancy by appointing, no later than sixty days after the vacancy occurs and by and with the advice

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1 and consent of the senate subject to the provisions of article IV, section 51 of the Constitution of  
2 Missouri, some eligible person to said office, who shall discharge the duties thereof until the next  
3 general election, at which time a collector shall be chosen for the remainder of the term, who shall  
4 hold such office until a successor is duly elected and qualified, unless sooner removed.

5 2. This section shall not apply to any county that has adopted a charter for its own  
6 government under article VI, section 18 of the Constitution of Missouri.

7 53.010. 1. At the general election in the year 1948 and every four years thereafter the  
8 qualified voters in each county in this state shall elect a county assessor. Such county assessors shall  
9 enter upon the discharge of their duties on the first day of September next after their election, and  
10 shall hold office for a term of four years, and until their successors are elected and qualified, unless  
11 sooner removed from office; provided, that this section shall not apply to the city of St. Louis. The  
12 assessor shall be a resident of the county from which such person was elected.

13 2. If any vacancy shall occur in the office of county assessor by death, resignation, removal,  
14 refusal to act, or otherwise, it shall be the duty of the governor to fill such vacancy by appointing, no  
15 later than sixty days after the vacancy occurs and by and with the advice and consent of the senate  
16 subject to the provisions of article IV, section 51 of the Constitution of Missouri, some eligible  
17 person to said office, who shall discharge the duties thereof until the next general election, at which  
18 time an assessor shall be chosen for the remainder of the term, who shall hold such office until a  
19 successor is duly elected and qualified, unless sooner removed. This subsection shall not apply to  
20 any county that has adopted a charter for its own government under article VI, section 18 of the  
21 Constitution of Missouri.

22 [2.] 3. The office of county assessor is created in each county having township organization  
23 and a county assessor shall be elected for each township organization county at the next general  
24 election, or at a special election called for that purpose by the governing body of such county. If a  
25 special election is called, the state and each political subdivision or special district submitting a  
26 candidate or question at such election shall pay its proportional share of the costs of the election, as  
27 provided by section 115.065. Such assessor shall assume office immediately upon his election and  
28 qualification, and shall serve until his successor is elected and qualified under the provisions of  
29 subsection 1 of this section. Laws generally applicable to county assessors, their offices, clerks, and  
30 deputies shall apply to and govern county assessors in township organization counties, and laws  
31 applicable to county assessors, their offices, clerks, and deputies in third class counties and laws  
32 applicable to county assessors, their offices, clerks, and deputies in fourth class counties shall apply  
33 to and govern county assessors, their offices, clerks, and deputies in township organization counties  
34 of the respective classes, except that when such general laws and such laws applicable to third and  
35 fourth class counties conflict with the laws specially applicable to county assessors, their offices,  
36 clerks, and deputies in township organization counties, the laws specially applicable to county  
37 assessors, their offices, clerks, and deputies in township organization counties shall govern.

38 54.033. In the event of a vacancy caused by death, resignation, or otherwise, in the office of  
39 county treasurer in any county except a county having a township form of government with an office  
40 of collector-treasurer and any county with a charter form of government, the county commission  
41 shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer until said

1 treasurer returns or the unexpired term is filled under section 105.030. The governor shall fill a  
2 vacancy under this section no later than sixty days after such vacancy occurs by appointing, by and  
3 with the advice and consent of the senate subject to the provisions of article IV, section 51 of the  
4 Constitution of Missouri, some eligible person to said office who shall discharge the duties thereof  
5 until the next general election, at which time a treasurer shall be chosen for the remainder of the  
6 term, who shall hold such office until a successor is duly elected and qualified, unless sooner  
7 removed. Such individual must be eligible to serve as a county treasurer under section 54.040, and  
8 must comply with section 54.090. This section shall not apply to any county that has adopted a  
9 charter for its own government under article VI, section 18 of the Constitution of Missouri.

10 55.050. 1. At the general election in the year 1946, and every four years thereafter, a county  
11 auditor shall be elected in each county of the first class not having a charter form of government and  
12 in each county of the second class. He or she shall be commissioned by the governor and shall enter  
13 upon the discharge of his or her duties on the first Monday in January next ensuing his or her  
14 election. He or she shall hold his or her office for the term of four years and until his or her  
15 successor is duly elected and qualified, unless he or she is sooner removed from office.

16 2. If a vacancy occurs in the office by death, resignation, removal, refusal to act, or  
17 otherwise, the governor shall fill the vacancy, no later than sixty days after it occurs, by appointing  
18 some eligible person to the office, by and with the advice and consent of the senate subject to the  
19 provisions of article IV, section 51 of the Constitution of Missouri, who shall discharge the duties  
20 thereof until the next general election, at which time an auditor shall be chosen for the remainder of  
21 the term, who shall hold [his] such office until [his] a successor is duly elected and qualified, unless  
22 sooner removed. This subsection shall not apply to any county that has adopted a charter for its own  
23 government under article VI, section 18 of the Constitution of Missouri.

24 58.040. When any vacancy shall occur in the office of coroner by death, resignation,  
25 removal, refusal to act, or in any other manner, it shall be the duty of the governor to fill such  
26 vacancy, no later than sixty days after its occurrence, by appointing some eligible person to such  
27 office by and with the advice and consent of the senate subject to the provisions of article IV, section  
28 51 of the Constitution of Missouri. The person so appointed shall take the oath, give bond and  
29 otherwise qualify for the office as required of coroners regularly elected, and shall discharge the  
30 duties of such office for the remainder of the term for which he is appointed. This section shall not  
31 apply to any county that has adopted a charter for its own government under article VI, section 18 of  
32 the Constitution of Missouri.

33 59.022. In the event of a vacancy caused by death or resignation in the office of county  
34 recorder where the offices of the clerk of the court and recorder of deeds are separate, except in any  
35 city not within a county or any county with a charter form of government, the county commission  
36 shall appoint a deputy recorder or a qualified person to serve as an interim recorder of deeds until the  
37 unexpired term is filled under section 105.030. It shall be the duty of the governor to fill such  
38 vacancy, no later than sixty days after its occurrence, by appointing, by and with the advice and  
39 consent of the senate subject to the provisions of article IV, section 51 of the Constitution of  
40 Missouri, some eligible person to said office who shall discharge the duties thereof until the next  
41 general election, at which time a recorder shall be chosen for the remainder of the term, who shall

1 hold such office until a successor is duly elected and qualified, unless sooner removed. This section  
2 shall not apply to any county that has adopted a charter for its own government under article VI,  
3 section 18 of the Constitution of Missouri.

4 105.030. Except as specifically provided otherwise, whenever any vacancy, caused in any  
5 manner or by any means whatsoever, occurs or exists in any state or county office originally filled by  
6 election of the people, other than in the offices of lieutenant governor, state senator or representative,  
7 sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the  
8 governor except that when a vacancy occurs in the office of county assessor after a general election  
9 at which a person other than the incumbent has been elected, the person so elected shall be appointed  
10 to fill the remainder of the unexpired term; and the person appointed after duly qualifying and  
11 entering upon the discharge of his duties under the appointment shall continue in office until the first  
12 Monday in January next following the first ensuing general election, at which general election a  
13 person shall be elected to fill the unexpired portion of the term, or for the ensuing regular term, as  
14 the case may be, and the person so elected shall enter upon the discharge of the duties of the office  
15 the first Monday in January next following his election, except that when the term to be filled begins  
16 on any day other than the first Monday in January, the appointee of the governor shall be entitled to  
17 hold the office until such other date. This section shall not apply to vacancies in county offices in  
18 any county which has adopted a charter for its own government under section 18, article VI of the  
19 Constitution of Missouri. Any vacancy in the office of recorder of deeds in the city of St. Louis shall  
20 be filled by appointment by the mayor of that city."; and

21  
22 Further amend said bill, Page 3, Section 162.481, Line 62, by inserting the following after all of said  
23 section and line:

24  
25 "473.730. 1. Every county in this state, except the City of St. Louis, shall elect a public  
26 administrator at the general election in the year 1880, and every four years thereafter, who shall be  
27 ex officio public guardian and conservator in and for the public administrator's county. A candidate  
28 for public administrator shall be at least twenty-one years of age and a resident of the state of  
29 Missouri and the county in which he or she is a candidate for at least one year prior to the date of the  
30 general election for such office. The candidate shall also be a registered voter and shall be current in  
31 the payment of all personal and business taxes. Before entering on the duties of the public  
32 administrator's office, the public administrator shall take the oath required by the constitution, and  
33 enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more  
34 securities, approved by the court and conditioned that the public administrator will faithfully  
35 discharge all the duties of the public administrator's office, which bond shall be given and oath of  
36 office taken on or before the first day of January following the public administrator's election, and it  
37 shall be the duty of the judge of the court to require the public administrator to make a statement  
38 annually, under oath, of the amount of property in the public administrator's hands or under the  
39 public administrator's control as such administrator, for the purpose of ascertaining the amount of  
40 bond necessary to secure such property; and such court may from time to time, as occasion shall  
41 require, demand additional security of such administrator, and, in default of giving the same within

1 twenty days after such demand, may remove the administrator and appoint another.

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

7 3. After January 1, 2001, all salaried public administrators shall be considered county  
8 officials for purposes of section 50.333, subject to the minimum salary requirements set forth in  
9 section 473.742.

10 4. If a vacancy shall occur in any county that has not adopted a charter form of government  
11 and in the office of an elected public administrator, then the governor shall, no later than sixty days  
12 after the occurrence of such vacancy, appoint a person to fill the vacancy subject to the advice and  
13 consent of the senate. The process will be subject to the procedures for advice and consent under  
14 article IV, section 51 of the Constitution of Missouri.

15 [4] 5. The public administrator for the city of St. Louis shall be appointed by a majority of  
16 the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such  
17 public administrator shall meet the same qualifications and requirements specified in subsection 1 of  
18 this section for elected public administrators. The elected public administrator holding office on  
19 August 28, 2013, shall continue to hold such office for the remainder of his or her term.

20 483.020. When any vacancy shall occur in the office of any circuit clerk so elected, by death,  
21 resignation, removal, refusal to act or otherwise, it shall be the duty of the governor in the case of an  
22 elected clerk to fill such vacancy, no later than sixty days after it occurs, by appointing some eligible  
23 person to said office, by and with the advice and consent of the senate subject to the provisions of  
24 article IV, section 51 of the Constitution of Missouri, who shall discharge the duties thereof until the  
25 next general election, at which time a clerk shall be chosen for the remainder of the term, who shall  
26 hold [his] such office until [his] a successor is duly elected and qualified, unless sooner removed.  
27 This section shall not apply to any county that has adopted a charter for its own government under  
28 article VI, section 18 of the Constitution of Missouri.

29 Section B. Because immediate action is necessary to ensure that all vacant public offices are  
30 filled in a timely manner, the enactment of sections 49.060, 51.090, 52.145, 53.010, 54.033, 55.050,  
31 58.040, 59.022, 105.030, 473.730, and 483.020 of section A of this act are deemed necessary for the  
32 immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be  
33 an emergency act within the meaning of the constitution, and the enactment of sections 49.060,  
34 51.090, 52.145, 53.010, 54.033, 55.050, 58.040, 59.022, 105.030, 473.730, and 483.020 of section A  
35 of this act shall be in full force and effect upon its passage and approval."; and

36  
37 Further amend said bill by amending the title, enacting clause, and intersectional references  
38 accordingly.