

SECOND REGULAR SESSION

[CORRECTED]

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1428

99TH GENERAL ASSEMBLY

4049H.01T

2018

AN ACT

To repeal sections 49.060 and 105.030, RSMo, and to enact in lieu thereof two new sections relating to vacancies in county elected offices.

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

Section A. Sections 49.060 and 105.030, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 49.060 and 105.030, to read as follows:

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

2. If at the time the vacancy occurs there is less than one year remaining in the unexpired term, the vacancy shall be filled as provided in section 105.030, except that the vacancy shall be filled within sixty days.

3. If at the time the vacancy occurs there is one year or more remaining in the unexpired term, it shall be the duty of the governor to fill such vacancy within sixty days by appointing, by and with the advice and consent of the senate subject to the provisions of article IV, section 51 of the Missouri constitution, some eligible person to said office who shall discharge the duties thereof until the next general election, at which time a commissioner shall be chosen for the remainder of the term, who shall hold such office until a successor is duly elected and qualified, unless sooner removed.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **4. This section shall not apply to any county which has adopted a charter for its**
16 **own government under article VI, section 18 of the Missouri constitution.**

 105.030. 1. Whenever any vacancy, caused in any manner or by any means whatsoever,
2 occurs or exists in any state or county office originally filled by election of the people, other than
3 in the offices of lieutenant governor, state senator or representative, sheriff, or recorder of deeds
4 in the city of St. Louis, the vacancy shall be filled by appointment by the governor except that
5 when a vacancy occurs in the office of county assessor after a general election at which a person
6 other than the incumbent has been elected, the person so elected shall be appointed to fill the
7 remainder of the unexpired term; and the person appointed after duly qualifying and entering
8 upon the discharge of his duties under the appointment shall continue in office until the first
9 Monday in January next following the first ensuing general election, at which general election
10 a person shall be elected to fill the unexpired portion of the term, or for the ensuing regular term,
11 as the case may be, and the person so elected shall enter upon the discharge of the duties of the
12 office the first Monday in January next following his election, except that when the term to be
13 filled begins on any day other than the first Monday in January, the appointee of the governor
14 shall be entitled to hold the office until such other date.

15 **2. (1) Notwithstanding subsection 1 of this section or any other provision of law to**
16 **the contrary, when any vacancy, caused in any manner or by any means whatsoever,**
17 **occurs or exists in any county office, the county commission of all noncharter counties**
18 **shall, no later than fourteen days after the occurrence of the vacancy, fill the vacancy by**
19 **appointment, and the person so appointed by the county commission, after duly qualifying**
20 **and entering upon the discharge of his or her duties under the appointment, shall continue**
21 **in office until the governor fills the vacancy by appointment under subsection 1 of this**
22 **section or until the vacancy is filled by operation of another provision of law.**

23 **(2) In any county with only two county commissioners, if the commissioners cannot**
24 **agree upon an appointee, the two remaining county commissioners and the presiding judge**
25 **of the circuit court shall vote to make the appointment required under subdivision (1) of**
26 **this subsection.**

27 **3. The provisions of this section shall not apply to:**

28 **(1) Vacancies in county offices in any county which has adopted a charter for its own**
29 **government under Section 18, Article VI of the Constitution; or**

30 **(2) Vacancies in the office of any associate circuit judge , circuit judge, circuit clerk,**
31 **prosecuting attorney, or circuit attorney.**

32 **4. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled**
33 **by appointment by the mayor of that city.**

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