

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1442

99TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE ALFERMAN.

5051H.01P

D. ADAM CRUMBLISS, Chief Clerk

---

## AN ACT

To repeal sections 49.060, 59.800, 105.030, and 640.648, RSMo, and to enact in lieu thereof four new sections relating to county government.

---

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

Section A. Sections 49.060, 59.800, 105.030, and 640.648, RSMo, are repealed and four  
2 new sections enacted in lieu thereof, to be known as sections 49.060, 59.800, 105.030, and  
3 640.648, to read as follows:

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

5 **2. Notwithstanding any other section, the governor shall fill a county commissioner**  
6 **vacancy no later than sixty days after the clerk certifies such vacancy by appointing, by**  
7 **and with the advice and consent of the senate under the provisions of article IV, section 51**  
8 **of the Constitution of Missouri, an eligible person to said office. Such appointed person**  
9 **shall serve in the vacant office and discharge the duties thereof, unless sooner removed, for**  
10 **the remainder of the term and until a successor, duly elected and qualified at the next**  
11 **general election, assumes office.**

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

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.

59.800. 1. Beginning on July 1, 2001, notwithstanding any other condition precedent  
2 required by law to the recording of any instrument specified in subdivisions (1) and (2) of  
3 **subsection 1 of** section 59.330, an additional fee of five dollars shall be charged and collected  
4 by every recorder of deeds in this state on each instrument recorded. The additional fee shall be  
5 distributed as follows:

6 (1) One dollar and twenty-five cents to the recorder's fund established [~~pursuant to~~]  
7 **under** subsection 1 of section 59.319, provided, however, that all funds received [~~pursuant to~~]  
8 **under** this section shall be used exclusively for the purchase, installation, upgrade and  
9 maintenance of modern technology necessary to operate the recorder's office in an efficient  
10 manner;

11 (2) One dollar and seventy-five cents to the county general revenue fund; and

12 (3) Two dollars to the fund established in subsection 2 of this section.

13 2. **(1)** There is hereby established a revolving fund known as the "Statutory County  
14 Recorder's Fund", which shall receive funds paid to the recorders of deeds of the counties of this  
15 state [~~pursuant to~~] **under** subdivision (3) of subsection 1 of this section. The director of the  
16 department of revenue shall be custodian of the fund and shall make disbursements from the fund  
17 for the purpose of subsidizing the fees collected by counties that hereafter elect or have  
18 heretofore elected to separate the offices of clerk of the circuit court and recorder. The subsidy  
19 shall consist of the total amount of moneys collected [~~pursuant to~~] **under** subdivisions (1) and  
20 (2) of subsection 1 of this section subtracted from fifty-five thousand dollars, **except under such**  
21 **circumstances in which the annual average of funds collected under subsection 1 of this**  
22 **section during the previous three calendar years are insufficient to meet all obligations**  
23 **calculated in this subdivision. In such circumstances, the provisions of subdivision (2) of**  
24 **this subsection shall apply.** The moneys paid to qualifying counties [~~pursuant to~~] **under** this  
25 subsection shall be deposited in the county general revenue fund. For purposes of this section  
26 a "qualified county" is a county that hereafter elects or has heretofore elected to separate the  
27 offices of clerk of the circuit court and recorder and in which the office of the recorder of deeds  
28 collects less than fifty-five thousand dollars in fees [~~pursuant to~~] **under** subdivisions (1) and (2)  
29 of subsection 1 of this section, on an annual basis. Moneys in the statutory county recorder's  
30 fund shall not be considered state funds and shall be deemed nonstate funds.

31 **(2) In the event funds collected under subdivision (3) of subsection 1 of this section**  
32 **are insufficient to meet the obligations under subdivision (1) of this subsection, the director**  
33 **of revenue shall calculate the projected shortfall that would otherwise be incurred based**  
34 **on the formula outlined under subdivision (1) of this subsection. If the fund balance is**  
35 **greater than the annual average disbursement from the fund during the previous three**  
36 **years, up to thirty-three percent of the amount that exceeds the annual three-year average**

37 **to meet the obligation may be used to meet the obligations. Should this amount be**  
38 **insufficient or unavailable to meet the shortfall, the director of revenue shall set a new**  
39 **requisite amount to determine a qualified county under subdivision (1) of this subsection**  
40 **other than fifty-five thousand dollars, which reflects the revenue collected under**  
41 **subdivision (3) of subsection 1 of this section in addition to thirty-three percent of the**  
42 **excess fund balance.**

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.

          640.648. Notwithstanding any law to the contrary, all Missouri landowners retain the  
2 right to have, use, and own private water systems and ground source systems, **including systems**  
3 **for potable water and rainwater collection**, anytime and anywhere including land within city  
4 limits~~[, unless prohibited by city ordinance,]~~ on their own property so long as all applicable rules  
5 and regulations established by the Missouri department of natural resources are satisfied. All  
6 Missouri landowners who choose to use their own private water system shall not be forced to  
7 purchase water from any other water source system servicing their community.

✓