

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1632
98TH GENERAL ASSEMBLY

5019H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 49.060 and 478.003, RSMo, and to enact in lieu thereof two new sections relating to political subdivisions.

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

Section A. Sections 49.060 and 478.003, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 49.060 and 478.003, 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. It shall be the duty of the governor to fill such vacancy no later than sixty days**
6 **after certification by appointing, by and with the advice and consent of the senate subject**
7 **to the provisions of article IV, section 51 of the Constitution of Missouri, some eligible**
8 **person to said office who shall discharge the duties thereof until the next general election,**
9 **at which time a commissioner shall be chosen for the remainder of the term, who shall hold**
10 **such office until a successor is duly elected and qualified, unless sooner removed.**

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

13 478.003. **1.** In any judicial circuit of this state, a majority of the judges of the circuit
14 court may designate a judge to hear cases arising in the circuit subject to the provisions of
15 sections 478.001 to 478.007. In lieu thereof and subject to appropriations or other funds
16 available for such purpose, a majority of the judges of the circuit court may appoint a person or
17 persons to act as drug court commissioners. Each commissioner shall be appointed for a term
18 of four years, but may be removed at any time by a majority of the judges of the circuit court.

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.

19 The qualifications and compensation of the commissioner shall be the same as that of an
20 associate circuit judge. If the compensation of a commissioner appointed pursuant to this section
21 is provided from other than state funds, the source of such fund shall pay to and reimburse the
22 state for the actual costs of the salary and benefits of the commissioner. The commissioner shall
23 have all the powers and duties of a circuit judge, except that any order, judgment or decree of the
24 commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of
25 record entered within the time the judge could set aside such order, judgment or decree had the
26 same been made by the judge. If so confirmed, the order, judgment or decree shall have the same
27 effect as if made by the judge on the date of its confirmation.

28 **2. Notwithstanding the provisions of subsection 1 of this section, in the thirteenth**
29 **judicial circuit any drug court commissioner must be elected.**

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