

FIRST REGULAR SESSION

HOUSE BILL NO. 212

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALFERMAN.

0710H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 49.060 and 105.030, RSMo, and to enact in lieu thereof two new sections relating to public office vacancies, with an emergency clause.

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Section A. Sections 49.060 and 105.030, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 49.060 and 105.030, to read as follows: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

3. If at the time the vacancy occurs there is one year or more remaining in the unexpired term, the governor shall, within thirty days of receiving the certification of vacancy, issue a writ of election to fill the vacancy at the next available election day authorized under state law.

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

105.030. **Except as otherwise provided in section 49.060,** whenever any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any state or county office originally filled by election of the people, other than in the offices of lieutenant governor, state senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the governor except that when a vacancy occurs in the office of

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.

6 county assessor after a general election at which a person other than the incumbent has been
7 elected, the person so elected shall be appointed to fill the remainder of the unexpired term; and
8 the person appointed after duly qualifying and entering upon the discharge of his duties under
9 the appointment shall continue in office until the first Monday in January next following the first
10 ensuing general election, at which general election a person shall be elected to fill the unexpired
11 portion of the term, or for the ensuing regular term, as the case may be, and the person so elected
12 shall enter upon the discharge of the duties of the office the first Monday in January next
13 following his election, except that when the term to be filled begins on any day other than the
14 first Monday in January, the appointee of the governor shall be entitled to hold the office until
15 such other date. This section shall not apply to vacancies in county offices in any county which
16 has adopted a charter for its own government under section 18, article VI of the constitution.
17 Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled by
18 appointment by the mayor of that city.

Section B. Because immediate action is necessary to ensure that all vacant public offices
2 are filled in a timely manner, the enactment of section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the enactment of section A
5 of this act shall be in full force and effect upon its passage and approval.

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