

SECOND REGULAR SESSION

SENATE BILL NO. 679

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4663S.011

AN ACT

To repeal sections 52.010, 54.040, 54.330, and 473.730, RSMo, and to enact in lieu thereof four new sections relating to bond requirements for certain county candidates.

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

Section A. Sections 52.010, 54.040, 54.330, and 473.730, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 52.010, 54.040, 54.330, and 473.730, to read as follows:

52.010. 1. At the general election in 1906, and every four years
2 thereafter, a collector, to be styled the collector of the revenue, shall be elected
3 in each of the counties of this state, except counties under township organization,
4 who shall hold his or her office for four years and until his successor is duly
5 elected and qualified. The collector shall reside in the county from which such
6 person is elected throughout his or her term in office.

7 2. Except in any county with a charter form of government, a candidate
8 for the office of collector shall be at least twenty-one years of age and a resident
9 of the state and the county in which he or she is a candidate for at least one year
10 prior to the date of filing for such office. The candidate shall be a registered voter
11 and current in the payment of all state income taxes and personal and real
12 property taxes.

13 3. **Within six business days of filing for office**, the candidate shall
14 present to the election authority a copy of a signed affidavit from a surety
15 company authorized to do business in this state, indicating that the candidate is
16 **eligible to obtain a bond in an amount that** meets the statutory bond
17 requirements for the office for which the candidate is filing.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

54.040. 1. Except in a county with a charter form of government, a
2 candidate for county treasurer shall be at least twenty-one years of age and a
3 resident of the state of Missouri and the county in which he or she is a candidate
4 for at least one year prior to the date of the general election for such office. The
5 candidate shall also be a registered voter and shall be current in the payment of
6 all personal and real estate taxes. Upon election to such office, the person shall
7 continue to reside in that county during his or her tenure in office. **Within six**
8 **business days of filing for office**, each candidate for county treasurer shall
9 also provide to the election authority a copy of a signed affidavit from a surety
10 company authorized to do business in this state indicating that the candidate **is**
11 **eligible to obtain a bond in an amount that** meets the bond requirements
12 for the office of county treasurer under this chapter.

13 2. No sheriff, marshal, clerk or collector, or the deputy of any such officer,
14 shall be eligible to the office of treasurer of any county.

54.330. 1. A candidate for county collector-treasurer shall be at least
2 twenty-one years of age and a resident of the county in which he or she is a
3 candidate for at least one year prior to the date of filing for the office. The
4 candidate shall also be a registered voter and shall be current in the payment of
5 all state income taxes and personal and real property taxes. A collector-treasurer
6 shall reside in the county throughout his or her term in office and shall remain
7 in office until a successor is duly elected and qualified. **Within six business**
8 **days of filing for office**, each candidate for county collector-treasurer shall also
9 provide to the election authority a copy of a signed affidavit from a surety
10 company authorized to do business in this state indicating that the candidate **is**
11 **eligible to obtain a bond in an amount that** meets the bond requirements
12 for the office of county collector-treasurer under this chapter.

13 2. County collector-treasurers shall be required to give bonds as other
14 county collectors under the general revenue law, and shall have the sole authority
15 to appoint deputies as provided to other county collectors under section 52.300.

16 3. Before entering upon the duties for which they are employed, deputies
17 and assistants employed in the office of any collector-treasurer shall give bond
18 and security to the satisfaction of the collector-treasurer. The bond for each
19 individual deputy or assistant shall not exceed one-half of the amount of the
20 maximum bond required for any collector-treasurer. The official bond required
21 pursuant to this section shall be a surety bond with a surety company authorized
22 to do business in this state. The premium of the bond shall be paid by the county

23 or city being protected.

24 4. In the event of a vacancy caused by death, resignation, or otherwise,
25 in the office of collector-treasurer, the county clerk shall follow the procedures in
26 section 52.180 that apply when there is a vacancy in the office of collector in other
27 counties.

473.730. 1. Every county in this state, except the City of St. Louis, shall
2 elect a public administrator at the general election in the year 1880, and every
3 four years thereafter, who shall be ex officio public guardian and conservator in
4 and for the public administrator's county. A candidate for public administrator
5 shall be at least twenty-one years of age and a resident of the state of Missouri
6 and the county in which he or she is a candidate for at least one year prior to the
7 date of the general election for such office. The candidate shall also be a
8 registered voter and shall be current in the payment of all personal and business
9 taxes. **Within six business days of filing for office, each candidate for**
10 **public administrator shall provide to the election authority a copy of**
11 **a signed affidavit from two or more securities, indicating that the**
12 **candidate is eligible to obtain a bond in an amount that meets the bond**
13 **requirements for the office of public administrator under this section.**

14 2. Before entering on the duties of the public administrator's office, the
15 public administrator shall take the oath required by the constitution, and enter
16 into bond to the state of Missouri in a sum not less than ten thousand dollars,
17 with two or more securities, approved by the court and conditioned that the public
18 administrator will faithfully discharge all the duties of the public administrator's
19 office, which bond shall be given and oath of office taken on or before the first day
20 of January following the public administrator's election, and it shall be the duty
21 of the judge of the court to require the public administrator to make a statement
22 annually, under oath, of the amount of property in the public administrator's
23 hands or under the public administrator's control as such administrator, for the
24 purpose of ascertaining the amount of bond necessary to secure such property;
25 and such court may from time to time, as occasion shall require, demand
26 additional security of such administrator, and, in default of giving the same
27 within twenty days after such demand, may remove the administrator and
28 appoint another.

29 [2.] 3. The public administrator in all counties, in the performance of the
30 duties required by chapters 473, 474, and 475, is a public officer. The duties
31 specified by section 475.120 are discretionary. The county shall defend and

32 indemnify the public administrator against any alleged breach of duty, provided
33 that any such alleged breach of duty arose out of an act or omission occurring
34 within the scope of duty or employment.

35 [3.] 4. After January 1, 2001, all salaried public administrators shall be
36 considered county officials for purposes of section 50.333, subject to the minimum
37 salary requirements set forth in section 473.742.

38 [4.] 5. The public administrator for the city of St. Louis shall be
39 appointed by a majority of the circuit judges and associate circuit judges of the
40 twenty-second judicial circuit, en banc. Such public administrator shall meet the
41 same qualifications and requirements specified in subsection 1 of this section for
42 elected public administrators. The elected public administrator holding office on
43 August 28, 2013, shall continue to hold such office for the remainder of his or her
44 term.

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Bill

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