

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 245,  
2 Page 1, Section A, Line 6 , by inserting the following after all of said section and line:

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

7 2. It shall be the duty of the governor to fill such vacancy no later than sixty days after  
8 certification by appointing, by and with the advice and consent of the senate subject to the provisions  
9 of article IV, section 51 of the Constitution of Missouri, some eligible person to said office who shall  
10 discharge the duties thereof until the next general election, at which time a commissioner shall be  
11 chosen for the remainder of the term, who shall hold such office until a successor is duly elected and  
12 qualified, unless sooner removed.

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

15 51.090. 1. When any vacancy shall occur in the office of clerk of the county commission by  
16 death, resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor to fill  
17 such vacancy by appointing, no later than sixty days after the vacancy occurs and by and with the  
18 advice and consent of the senate subject to the provisions of article IV, section 51 of the Constitution  
19 of Missouri, some eligible person to said office, who shall discharge the duties thereof until the next  
20 general election, at which time a clerk shall be chosen for the remainder of the term, who shall hold  
21 [his] such office until [his] a successor is duly elected or appointed and qualified, unless sooner  
22 removed.

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

25 52.145. 1. If any vacancy shall occur in the office of county collector of revenue by death,  
26 resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor to fill such  
27 vacancy by appointing, no later than sixty days after the vacancy occurs and by and with the advice  
28 and consent of the senate subject to the provisions of article IV, section 51 of the Constitution of  
29 Missouri, some eligible person to said office, who shall discharge the duties thereof until the next  
30 general election, at which time a collector shall be chosen for the remainder of the term, who shall  
31 hold such office until a successor is duly elected and qualified, unless sooner removed.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1        2. This section shall not apply to any county that has adopted a charter for its own  
 2 government under article VI, section 18 of the Constitution of Missouri."; and

3  
 4 Further amend said bill, Page 2, Section 52.260, Line 14, by inserting the following after all of said  
 5 section and line:

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 7        "53.010. 1. At the general election in the year 1948 and every four years thereafter the  
 8 qualified voters in each county in this state shall elect a county assessor. Such county assessors shall  
 9 enter upon the discharge of their duties on the first day of September next after their election, and  
 10 shall hold office for a term of four years, and until their successors are elected and qualified, unless  
 11 sooner removed from office; provided, that this section shall not apply to the city of St. Louis. The  
 12 assessor shall be a resident of the county from which such person was elected.

13        2. If any vacancy shall occur in the office of county assessor by death, resignation, removal,  
 14 refusal to act, or otherwise, it shall be the duty of the governor to fill such vacancy by appointing, no  
 15 later than sixty days after the vacancy occurs and by and with the advice and consent of the senate  
 16 subject to the provisions of article IV, section 51 of the Constitution of Missouri, some eligible  
 17 person to said office, who shall discharge the duties thereof until the next general election, at which  
 18 time an assessor shall be chosen for the remainder of the term, who shall hold such office until a  
 19 successor is duly elected and qualified, unless sooner removed. This subsection shall not apply to  
 20 any county that has adopted a charter for its own government under article VI, section 18 of the  
 21 Constitution of Missouri.

22        [2.] 3. The office of county assessor is created in each county having township organization  
 23 and a county assessor shall be elected for each township organization county at the next general  
 24 election, or at a special election called for that purpose by the governing body of such county. If a  
 25 special election is called, the state and each political subdivision or special district submitting a  
 26 candidate or question at such election shall pay its proportional share of the costs of the election, as  
 27 provided by section 115.065. Such assessor shall assume office immediately upon his election and  
 28 qualification, and shall serve until his successor is elected and qualified under the provisions of  
 29 subsection 1 of this section. Laws generally applicable to county assessors, their offices, clerks, and  
 30 deputies shall apply to and govern county assessors in township organization counties, and laws  
 31 applicable to county assessors, their offices, clerks, and deputies in third class counties and laws  
 32 applicable to county assessors, their offices, clerks, and deputies in fourth class counties shall apply  
 33 to and govern county assessors, their offices, clerks, and deputies in township organization counties  
 34 of the respective classes, except that when such general laws and such laws applicable to third and  
 35 fourth class counties conflict with the laws specially applicable to county assessors, their offices,  
 36 clerks, and deputies in township organization counties, the laws specially applicable to county  
 37 assessors, their offices, clerks, and deputies in township organization counties shall govern.

38        54.033. In the event of a vacancy caused by death, resignation, or otherwise, in the office of  
 39 county treasurer in any county except a county having a township form of government with an office  
 40 of collector-treasurer and any county with a charter form of government, the county commission  
 41 shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer until said

1 treasurer returns or the unexpired term is filled under section 105.030. The governor shall fill a  
 2 vacancy under this section no later than sixty days after such vacancy occurs by appointing, by and  
 3 with the advice and consent of the senate subject to the provisions of article IV, section 51 of the  
 4 Constitution of Missouri, some eligible person to said office who shall discharge the duties thereof  
 5 until the next general election, at which time a treasurer shall be chosen for the remainder of the  
 6 term, who shall hold such office until a successor is duly elected and qualified, unless sooner  
 7 removed. Such individual must be eligible to serve as a county treasurer under section 54.040, and  
 8 must comply with section 54.090. This section shall not apply to any county that has adopted a  
 9 charter for its own government under article VI, section 18 of the Constitution of Missouri.

10 55.050. 1. At the general election in the year 1946, and every four years thereafter, a county  
 11 auditor shall be elected in each county of the first class not having a charter form of government and  
 12 in each county of the second class. He or she shall be commissioned by the governor and shall enter  
 13 upon the discharge of his or her duties on the first Monday in January next ensuing his or her  
 14 election. He or she shall hold his or her office for the term of four years and until his or her  
 15 successor is duly elected and qualified, unless he or she is sooner removed from office.

16 2. If a vacancy occurs in the office by death, resignation, removal, refusal to act, or  
 17 otherwise, the governor shall fill the vacancy, no later than sixty days after it occurs, by appointing  
 18 some eligible person to the office, by and with the advice and consent of the senate subject to the  
 19 provisions of article IV, section 51 of the Constitution of Missouri, who shall discharge the duties  
 20 thereof until the next general election, at which time an auditor shall be chosen for the remainder of  
 21 the term, who shall hold [his] such office until [his] a successor is duly elected and qualified, unless  
 22 sooner removed. This subsection shall not apply to any county that has adopted a charter for its own  
 23 government under article VI, section 18 of the Constitution of Missouri.

24 58.040. When any vacancy shall occur in the office of coroner by death, resignation,  
 25 removal, refusal to act, or in any other manner, it shall be the duty of the governor to fill such  
 26 vacancy, no later than sixty days after its occurrence, by appointing some eligible person to such  
 27 office by and with the advice and consent of the senate subject to the provisions of article IV, section  
 28 51 of the Constitution of Missouri. The person so appointed shall take the oath, give bond and  
 29 otherwise qualify for the office as required of coroners regularly elected, and shall discharge the  
 30 duties of such office for the remainder of the term for which he is appointed. This section shall not  
 31 apply to any county that has adopted a charter for its own government under article VI, section 18 of  
 32 the Constitution of Missouri.

33 59.022. In the event of a vacancy caused by death or resignation in the office of county  
 34 recorder where the offices of the clerk of the court and recorder of deeds are separate, except in any  
 35 city not within a county or any county with a charter form of government, the county commission  
 36 shall appoint a deputy recorder or a qualified person to serve as an interim recorder of deeds until the  
 37 unexpired term is filled under section 105.030. It shall be the duty of the governor to fill such  
 38 vacancy, no later than sixty days after its occurrence, by appointing, by and with the advice and  
 39 consent of the senate subject to the provisions of article IV, section 51 of the Constitution of  
 40 Missouri, some eligible person to said office who shall discharge the duties thereof until the next  
 41 general election, at which time a recorder shall be chosen for the remainder of the term, who shall

1 hold such office until a successor is duly elected and qualified, unless sooner removed. This section  
2 shall not apply to any county that has adopted a charter for its own government under article VI,  
3 section 18 of the Constitution of Missouri."; and

4  
5 Further amend said bill, Page 18, Section 94.902, Line 101, by inserting after all of said section and  
6 line the following:

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8 "105.030. Except as specifically provided otherwise, whenever any vacancy, caused in any  
9 manner or by any means whatsoever, occurs or exists in any state or county office originally filled by  
10 election of the people, other than in the offices of lieutenant governor, state senator or representative,  
11 sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the  
12 governor except that when a vacancy occurs in the office of county assessor after a general election  
13 at which a person other than the incumbent has been elected, the person so elected shall be appointed  
14 to fill the remainder of the unexpired term; and the person appointed after duly qualifying and  
15 entering upon the discharge of his duties under the appointment shall continue in office until the first  
16 Monday in January next following the first ensuing general election, at which general election a  
17 person shall be elected to fill the unexpired portion of the term, or for the ensuing regular term, as  
18 the case may be, and the person so elected shall enter upon the discharge of the duties of the office  
19 the first Monday in January next following his election, except that when the term to be filled begins  
20 on any day other than the first Monday in January, the appointee of the governor shall be entitled to  
21 hold the office until such other date. This section shall not apply to vacancies in county offices in  
22 any county which has adopted a charter for its own government under section 18, article VI of the  
23 Constitution of Missouri. Any vacancy in the office of recorder of deeds in the city of St. Louis shall  
24 be filled by appointment by the mayor of that city."; and

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26 Further amend said bill, Page 36, Section 473.730, Line 30, by inserting after all of said line the  
27 following:

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29 "5. If a vacancy shall occur in any county that has not adopted a charter form of government  
30 and in the office of an elected public administrator, then the governor shall, no later than sixty days  
31 after the occurrence of such vacancy, appoint a person to fill the vacancy subject to the advice and  
32 consent of the senate. The process will be subject to the procedures for advice and consent under  
33 article IV, section 51 of the Constitution of Missouri."; and

34  
35 Further amend said section by renumbering subsections accordingly; and

36  
37 Further amend said section by inserting after all of said section the following:

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39 "483.020. When any vacancy shall occur in the office of any circuit clerk so elected, by  
40 death, resignation, removal, refusal to act or otherwise, it shall be the duty of the governor in the case  
41 of an elected clerk to fill such vacancy, no later than sixty days after it occurs, by appointing some

1 eligible person to said office, by and with the advice and consent of the senate subject to the  
2 provisions of article IV, section 51 of the Constitution of Missouri, who shall discharge the duties  
3 thereof until the next general election, at which time a clerk shall be chosen for the remainder of the  
4 term, who shall hold [his] such office until [his] a successor is duly elected and qualified, unless  
5 sooner removed. This section shall not apply to any county that has adopted a charter for its own  
6 government under article VI, section 18 of the Constitution of Missouri."; and  
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8 Further amend said bill, Page 36, Section B, by deleting all of said section and inserting in lieu  
9 thereof the following:  
10

11 "Section B. Because of the need to provide a funding source to ensure proper maintenance of  
12 roads and bridges in certain counties of the state and because immediate action is necessary to ensure  
13 that all vacant public offices are filled in a timely manner, the enactment of sections 49.060, 51.090,  
14 52.145, 53.010, 54.033, 55.050, 58.040, 59.022, 65.620, 105.030, 473.730, and 483.020 of section A  
15 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace  
16 and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and  
17 the enactment of sections 49.060, 51.090, 52.145, 53.010, 54.033, 55.050, 58.040, 59.022, 65.620,  
18 105.030, 473.730, and 483.020 of section A of this act shall be in full force and effect upon its  
19 passage and approval."; and  
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21 Further amend said bill by amending the title, enacting clause, and intersectional references  
22 accordingly.  
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