

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 780, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

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

8 2. If at the time the vacancy occurs there is less than one year remaining in the unexpired
9 term, the vacancy shall be filled as provided in section 105.030, except that the vacancy shall be
10 filled within sixty days.

11 3. If at the time the vacancy occurs there is one year or more remaining in the unexpired
12 term, it shall be the duty of the governor to fill such vacancy within sixty days by appointing, by
13 and with the advice and consent of the senate subject to the provisions of article IV, section 51 of
14 the Missouri constitution, some eligible person to said office who shall discharge the duties thereof
15 until the swearing in of his or her successor after the next general election, at which time a
16 commissioner shall be chosen for the remainder of the term, who shall hold such office until a
17 successor is duly elected and qualified, unless sooner removed.

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

20
21 Further amend said bill, Page 8, Section 84.510, Line 61, by inserting after all of said section and
22 line the following:

23
24 "105.030. 1. Whenever any vacancy, caused in any manner or by any means whatsoever,
25 occurs or exists in any state or county office originally filled by election of the people, other than in
26 the offices of lieutenant governor, state senator or representative, sheriff, or recorder of deeds in the
27 city of St. Louis, the vacancy shall be filled by appointment by the governor [except that when a
28 vacancy occurs in the office of county assessor after a general election at which a person other than
29 the incumbent has been elected, the person so elected shall be appointed to fill the remainder of the
30 unexpired term; and], unless otherwise provided by law.

31 2. The person appointed after duly qualifying and entering upon the discharge of his or her
32 duties under the appointment shall continue in office until the first Monday in January next
33 following the first ensuing general election, at which general election a person shall be elected to fill
34 the unexpired portion of the term, or for the ensuing regular term, as the case may be, and the
35 person so elected shall enter upon the discharge of the duties of the office the first Monday in
36 January next following his or her election[, except that when the term to be filled begins on any day

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1 other than the first Monday in January, the appointee of the governor shall be entitled to hold the
2 office until such other date].

3 3. (1) Notwithstanding subsection 1 of this section or any other provision of law to the
4 contrary, when any vacancy, caused in any manner or by any means whatsoever, occurs or exists in
5 any county office, the county commission shall, no later than fourteen days after the occurrence of
6 the vacancy, fill the vacancy by appointment, and the person so appointed by the county
7 commission after duly qualifying and entering upon the discharge of his or her duties under the
8 appointment shall continue in office until the governor fills the vacancy by appointment under
9 subsection 1 of this section or until the vacancy is filled by operation of another provision of law.

10 (2) In any county with only two county commissioners, if the commissioners cannot agree
11 upon an appointee, the acting presiding commissioner shall fill the vacancy by appointment as
12 required under subdivision (1) of this subsection.

13 (3) The provisions of this subsection shall not apply to vacancies in the office of any
14 associate circuit judge, circuit judge, circuit clerk, prosecuting attorney, or circuit attorney.

15 4. The provisions of this section shall not apply to vacancies in county offices in any county
16 which has adopted a charter for its own government under Section 18, Article VI of the
17 Constitution.

18 5. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled by
19 appointment by the mayor of that city."; and

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21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.