

FIRST REGULAR SESSION

# SENATE BILL NO. 114

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0148S.01I

## AN ACT

To repeal section 49.060, RSMo, and to enact in lieu thereof one new section relating to vacancies in the office of county commissioner, with an emergency clause.

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

Section A. Section 49.060, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 49.060, to read as follows:

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

5 **2. If at the time the vacancy occurs there is less than one year**  
6 **remaining in the unexpired term, the vacancy shall be filled as**  
7 **provided in section 105.030.**

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

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

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

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

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