

## SENATE COMMITTEE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 685

## AN ACT

To repeal sections 27.010, 50.166, 51.050, 55.060, 58.030, 59.021, 59.100, 60.010, 77.230, 79.080, 105.465, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, 451.040, and 483.010, RSMo, and to enact in lieu thereof twenty new sections relating to certain public officers, with an existing penalty provision.

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

Section A. Sections 27.010, 50.166, 51.050, 55.060, 58.030, 59.021, 59.100, 60.010, 77.230, 79.080, 105.465, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, 451.040, and 483.010, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 27.010, 50.166, 51.050, 55.060, 58.030, 59.021, 59.100, 60.010, 77.230, 79.080, 105.035, 105.465, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, 451.040, and 483.010, to read as follows:

27.010. The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his term shall begin at 12:00 noon on the second Monday in January next succeeding his election, and shall continue for four years, or until his successor is elected and qualified. The attorney general shall [reside at the seat of government and] keep his office in the supreme court building, and receive an annual salary of sixty-five thousand dollars plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall

constitute the total compensation for all duties to be performed by him or her and there shall be no further payments made to or accepted by him or her for the performance of any duty now required of him or her under any existing law. The attorney general shall devote his or her full time to ~~[his]~~ the office, and, except in the performance of his or her official duties, shall not engage in the practice of law.

50.166. 1. In all cases of claims allowed against the county, and in all cases of grants, salaries, pay and expenses allowed by law, the county clerk may fill in on a form of warrant the amount due as approved by the county commission and other necessary information. The form of the warrant thus filled in by the county clerk may be transmitted to the county treasurer. The warrant may be in such form that a single instrument may serve as the warrant and the county treasurer's draft or check, and may be so designed that it is a nonnegotiable warrant when signed by the county clerk and becomes a negotiable check or draft after it has been signed by the county treasurer.

2. Upon request, the county treasurer shall have access to any financially relevant document in the possession of any county official for the purposes of processing a warrant, unless such warrant is received in the absence of a check then the county treasurer shall have access to the information necessary to process the warrant.

3. No official of any county shall refuse a request from the county treasurer for access to or a copy of any document in the possession of a county official that is financially relevant to his or her duties under section 50.330, except that any county official may redact, remove, or delete any personal identifying information, including a Social Security number, financial account numbers, medical

information, or any other personal identifying information, before submission to the county treasurer.

4. No county treasurer shall refuse to release funds for the payment of any properly approved expenditure.

51.050. No person shall be elected or appointed clerk of the county commission unless such person be a citizen of the United States, [over the age of twenty-one years] twenty-one years of age or older, and shall have resided within the state one whole year, and within the county for which the person is elected one year just prior to such person's election; and every clerk shall after the election continue to reside within the county for which such person is clerk.

55.060. No person shall be elected or appointed county auditor of a county of the first class not having a charter form of government or of a county of the second class unless he or she is a citizen of the United States [above the age of twenty-one years], twenty-one years of age or older, and has resided within the state for one whole year and within the county for which he or she is elected or appointed for three months immediately preceding the election or his or her appointment. He or she shall also be a person familiar with the theory and practice of accounting by education, training, and experience and able to perform the duties imposed upon the county auditor by the provisions of this chapter. The county auditor shall, after his or her appointment or election, reside in the county for which he or she is auditor.

58.030. No person shall be elected or appointed to the office of coroner unless he or she be a citizen of the United States, [over the age of twenty-one years] twenty-one years of age or older, and shall have resided within the state one whole year, and within the county for which he or she is elected, six months next preceding the election.

59.021. A candidate for county recorder where the offices of the clerk of the court and recorder of deeds are separate, except in any city not within a county or any county having a charter form of government, shall be at least twenty-one years of age, a registered voter, and a resident of the state of Missouri as well as the county in which he or she is a candidate for at least one year prior to the date of the general election. Upon election to office, the person shall continue to reside in that county during his or her tenure in office. Each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is able to satisfy the bond requirements under section 59.100.

59.100. 1. Every recorder elected as provided in section 59.020, before entering upon the duties of the office as recorder, shall enter into bond to the state, in a sum set by the county commission [of not less than one thousand dollars], with sufficient sureties, not less than two, to be approved by the commission, conditioned for the faithful performance of the duties enjoined on such person by law as recorder, and for the delivering up of the records, books, papers, writings, seals, furniture and apparatus belonging to the office, whole, safe and undefaced, to such officer's successor.

2. For a recorder elected after December 31, 2021, the bond shall be no less than five thousand dollars. For a recorder elected before January 1, 2022, the bond shall be no less than one thousand dollars.

60.010. 1. At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in counties of the second, third, and fourth classification shall elect a registered land

surveyor as county surveyor, who shall hold office for four years and until a successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

2. No person shall be elected or appointed surveyor unless such person is a citizen of the United States, [over the age of twenty-one years] twenty-one years of age or older, a registered land surveyor, and shall have resided within the state one whole year. An elected surveyor shall have resided within the county for which the person is elected six months immediately prior to election and shall after election continue to reside within the county for which the person is surveyor. An appointed surveyor need not reside within the county for which the person is surveyor.

3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the contrary, the county commission of any county of the third or fourth classification may appoint a surveyor following the deadline for filing for the office of surveyor, if no qualified candidate files for the office in the general election in which the office would have been on the ballot, provided that the notice required by section 115.345 has been published in at least one newspaper of general circulation in the county. The appointed surveyor shall serve at the pleasure of the county commission, however, an appointed surveyor shall forfeit said office once a qualified individual, who has been duly elected at a regularly scheduled general election where the office of surveyor is on the ballot and who has been commissioned by the governor, takes office. The county commission shall fix appropriate compensation, which need not be equal to that of an elected surveyor.

77.230. No person shall be mayor unless he or she be at least ~~[thirty]~~ twenty-one years of age, a citizen of the United States and a resident of such city at the time of and for two years next preceding his or her election. When two or more persons shall have an equal number of votes for the office of mayor, the matter shall be determined by the council.

79.080. No person shall be mayor unless he or she be at least ~~[twenty-five]~~ twenty-one years of age, a citizen of the United States and a resident of the city at the time of and for at least one year next preceding his or her election.

105.035. No person shall be appointed to an elected public office in the state of Missouri who is delinquent in the payment of state income tax, personal property tax, municipal tax, or real property tax on the person's place of residence. A candidate for such appointed public office shall provide the appointing authority thereof with a signed and notarized affidavit stating that all state income taxes and property taxes, both personal property and real property, have been paid or the fact that no taxes were owed for the two fiscal years immediately prior to the filing deadline for the requisite elective public office.

105.465. 1. Any person who registers as a lobbyist shall dissolve his or her candidate committee. In the course of dissolving such committee, such person shall not disburse moneys from such committee, except for the purpose of:

(1) Returning a contribution made to the candidate committee to the entity responsible for making the contribution to the committee;

(2) Donating moneys to a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

(3) Transferring moneys to a political party committee.

2. For purposes of this section, the term "lobbyist" shall have the same meaning given to such term under section 105.470, and the terms "candidate", "committee", "candidate committee", "contribution", and "political party committee" shall have the same meanings given to such terms under section 130.011.

3. This section shall not apply to any person holding a municipal office or school district office which is filled by a vote of registered voters or any person who has filed to be a candidate for a municipal office or school district office which is filled by a vote of registered voters.

162.291. The voters of each seven-director district other than urban districts shall, at municipal elections, elect two directors who are citizens of the United States and resident taxpayers of the district, who have resided in this state for one year next preceding their election or appointment, and who are [at least twenty-four years of age] twenty-one years of age or older.

190.050. 1. After the ambulance district has been declared organized, the declaring county commission, except in counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county commission shall cause an election to be held in the ambulance district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for one director from the ambulance election district in which the voter resides. The directors

elected from districts one and four shall serve for a term of one year, the directors elected from districts two and five shall serve for a term of two years, and the directors from districts three and six shall serve for a term of three years; thereafter, the terms of all directors shall be three years. All directors shall serve the term to which they were elected or appointed, and until their successors are elected and qualified, except in cases of resignation or disqualification. The county commission shall reapportion the ambulance districts within sixty days after the population of the county is reported to the governor for each decennial census of the United States. Notwithstanding any other provision of law, if the number of candidates for the office of director is no greater than the number of directors to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they have been elected.

2. In all counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, the voters shall vote for six directors elected at large from within the district for a term of three years. Those directors holding office in any district in such a county on August 13, 1976, shall continue to hold office until the expiration of their terms, and their successors shall be elected from the district at large for a term of three years. In any district formed in such counties after August 13, 1976, the governing body of the county shall cause an election to be held in that district within ninety days after the order establishing the ambulance district to elect ambulance district directors.



Each voter shall vote for six directors. The two candidates receiving the highest number of votes at such election shall be elected for a term of three years, the two candidates receiving the third and fourth highest number of votes shall be elected for a term of two years, the two candidates receiving the fifth and sixth highest number of votes shall be elected for a term of one year; thereafter, the term of all directors shall be three years.

3. A candidate for director of the ambulance district shall, at the time of filing, be a citizen of the United States, a qualified voter of the election district as provided in subsection 1 of this section, a resident of the district for two years next preceding the election, and shall be [at least twenty-four years of age] twenty-one years of age or older. In an established district which is located within the jurisdiction of more than one election authority, the candidate shall file his or her declaration of candidacy with the secretary of the board. In all other districts, a candidate shall file a declaration of candidacy with the county clerk of the county in which he or she resides. A candidate shall file a statement under oath that he or she possesses the required qualifications. No candidate's name shall be printed on any official ballot unless the candidate has filed a written declaration of candidacy pursuant to subsection 5 of section 115.127. If the time between the county commission's call for a special election and the date of the election is not sufficient to allow compliance with subsection 5 of section 115.127, the county commission shall, at the time it calls the special election, set the closing date for filing declarations of candidacy.

204.610. 1. There shall be five trustees, appointed or elected as provided for in the circuit court decree or

amended decree of incorporation for a reorganized common sewer district, who shall reside within the boundaries of the district. Each trustee shall be a voter of the district and shall have resided in said district for twelve months immediately prior to the trustee's election or appointment. A trustee shall be [at least twenty-five years of age] twenty-one years of age or older and shall not be delinquent in the payment of taxes at the time of the trustee's election or appointment. Regardless of whether or not the trustees are elected or appointed, in the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the board of trustees, or the governing body of such bordering county may appoint a citizen from such county to serve as an additional member of the board of trustees. Said additional trustee shall meet the qualifications set forth in this section for a trustee.

2. The trustees shall receive no compensation for their services but may be compensated for reasonable expenses normally incurred in the performance of their duties. The board of trustees may employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees may employ and fix the duties and compensation of an administrator for the district. The administrator shall be the chief executive officer of the district subject to the supervision and direction of the board of trustees. The administrator of the district may, with the approval of the board of trustees, retain consulting engineers for the district under

such terms and conditions as may be necessary to discharge the business and purposes of the district.

3. Except as provided in subsection 1 of this section, the term of office of a trustee shall be five years. The remaining trustees shall appoint a person qualified under this section to fill any vacancy on the board. The initial trustees appointed by the circuit court shall serve until the first Tuesday after the first Monday in June or until the first Tuesday after the first Monday in April, depending upon the resolution of the trustees. In the event that the trustees are elected, said elections shall be conducted by the appropriate election authority under chapter 115. Otherwise, trustees shall be appointed by the county commission in accordance with the qualifications set forth in subsection 1 of this section.

4. Notwithstanding any other provision of law, if there is only one candidate for the post of trustee, then no election shall be held, and the candidate shall assume the responsibilities of office at the same time and in the same manner as if elected. If there is no candidate for the post of trustee, then no election shall be held for that post and it shall be considered vacant, to be filled under the provisions of subsection 3 of this section.

247.060. 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his or her election. A member shall be [at least twenty-five years of age] twenty-one years of age or older and shall not be delinquent in the payment of taxes at the time of his or her election. Except

as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on the board, the board may appoint an otherwise qualified person who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

3. The initial members of the board shall be appointed by the circuit court and one shall serve until the immediately following first Tuesday after the first Monday in April, two shall serve until the first Tuesday after the first Monday in April on the second year following their appointment and the remaining appointees shall serve until the first Tuesday after the first Monday in April on the third year following their appointment. On the expiration of such terms and on the expiration of any subsequent term, elections shall be held as otherwise provided by law, and such elections shall be held in April pursuant to section 247.180.

4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first Tuesday after the first Monday in June until the first Tuesday in April of the third year following the year of their election. All directors

elected thereafter shall serve from the first Tuesday in April until the first Tuesday in April of the third year following the year of their election.

5. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a member shall not be paid for attending more than four meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week. In addition, the president of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

6. In no event, however, shall a board member receive any attendance fees or additional compensation authorized in subsection 5 of this section until after such board member has completed a minimum of six hours training regarding the responsibilities of the board and its members concerning the basics of water treatment and distribution, budgeting and rates, water utility planning, the funding of capital improvements, the understanding of water utility financial statements, the Missouri sunshine law, and this chapter.

7. The circuit court of the county having jurisdiction over the district shall have jurisdiction over the members of the board of directors to suspend any member from exercising his or her office, whensoever it appears that he

or she has abused his or her trust or become disqualified; to remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or to restrain and prevent any alienation of property of the district by members, in cases where it is threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of the district.

8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon petition, filed by or at the instance of any member of the board, or at the instance of any ten voters residing in the district who join in the petition, verified by the affidavit of at least one of them. The petition shall be heard in a summary manner after ten days' notice in writing to the member or officer complained of. An appeal shall lie from the judgment of the circuit court as in other causes, and shall be speedily determined; but an appeal does not operate under any condition as a supersedeas of a judgment of suspension or removal from office.

249.140. 1. Any candidate for the office of trustee in the district shall be an American citizen [over the age of twenty-five years] twenty-one years of age or older and shall have been a resident within the county within which the district is situated for more than four whole years next before the date of the election at which he or she is a candidate and shall be a voter of the district. Any person desiring to become a candidate for the office of trustee at the election held on the original incorporation of the district, as provided in section 249.070, shall file with the county commission or with the election commissioners a statement, under oath, that he or she possesses the qualifications required by sections 249.010 to 249.420 for trustee and shall pay a filing fee of five dollars,

whereupon his or her name shall be placed on the ballot as candidate for trustee. Any person desiring to become a candidate for the office of trustee in any subsequent election shall file such statement, under oath, with and pay such filing fee to the secretary of the board of trustees, whereupon his or her name shall be placed on the ballot as candidate for the office of trustee.

2. At such initial election the candidate who receives the highest number of votes shall be elected for a six-year term as trustee; the candidate who receives the second highest number of votes shall be elected for a four-year term as trustee; the candidate who receives the third highest number of votes shall be elected for a two-year term as trustee.

3. After his or her election each trustee shall take and subscribe [his] an oath or affirmation before the clerk of the circuit court to the effect that he or she is qualified to act as trustee under the provisions of sections 249.010 to 249.420 and that he or she will perform his or her duties as such trustee to the best of his or her ability and impartially in the interest of the whole district.

321.130. A person, to be qualified to serve as a director, shall be a resident and voter of the district for at least one year before the election or appointment and [be over the age of twenty-four years] shall be twenty-one years of age or older. In the event the person is no longer a resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a filing fee equal to the amount of a candidate for county office as set forth under section 115.357, and filing a statement under oath that such person

possesses the required qualifications. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy or electronically through an online process. If an applicant is unable to sign the application in the presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, the recorder of deeds may issue a license if:

(1) An affidavit or sworn statement is submitted by the incarcerated or military applicant on a form furnished by the recorder of deeds which includes the necessary information for the recorder of deeds to issue a marriage license under this section. The form shall include, but not be limited to, the following:

(a) The names of both applicants for the marriage license;

(b) The date of birth of the incarcerated or military applicant;

(c) An attestation by the incarcerated or military applicant that both applicants are not related;



(d) The date the marriage ended if the incarcerated or military applicant was previously married;

(e) An attestation signed by the incarcerated or military applicant stating in substantial part that the applicant is unable to appear in the presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, which will be verified by the professional or official who directs the operation of the jail or prison or the military applicant's military officer, or such professional's or official's designee, and acknowledged by a notary public commissioned by the state of Missouri at the time of verification. However, in the case of an applicant who is called or ordered to active military duty outside Missouri, **[acknowledgement]** acknowledgment may be obtained by a notary public who is duly commissioned by a state other than Missouri or by notarial services of a military officer in accordance with the Uniform Code of Military Justice at the time of verification;

(2) The completed marriage license application of the incarcerated or military applicant is submitted which includes the applicant's Social Security number; except that, in the event the applicant does not have a Social Security number, a sworn statement by the applicant to that effect; and

(3) A copy of a government-issued identification for the incarcerated or military applicant which contains the applicant's photograph. However, in such case the incarcerated applicant does not have such an identification because the jail or prison to which he or she is confined does not issue an identification with a photo his or her notarized application shall satisfy this requirement.

3. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024. After the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common-law marriages shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

7. In the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder of deeds shall have a two-step identity verification process or a process that independently verifies the identity of such applicants. Such process shall be adopted as part of any electronic system for marriage licenses if the applicants do not present themselves to the recorder of deeds or his or her designee in person. It shall be the responsibility of the recorder of deeds to ensure any process adopted to allow

electronic application or issuance of a marriage license verifies the identities of both applicants. The recorder of deeds shall not accept applications for or issue marriage licenses through the process provided in this subsection unless both applicants are at least eighteen years of age and at least one of the applicants is a resident of the county or city not within a county in which the application was submitted.

483.010. No person shall be appointed or elected clerk of any court, unless he ~~[be]~~ or she is a citizen of the United States, ~~[above the age of twenty-one years]~~ twenty-one years of age or older, and shall have resided within the state one whole year, and within the geographical area over which the court has jurisdiction or, in the case of circuit clerks, within the county from which elected, three months before the appointment or election; and every clerk shall, after his or her appointment or election, reside in the geographical area over which the court he or she serves has jurisdiction or, in the case of circuit clerks, in the county for which he or she is clerk.