

SECOND REGULAR SESSION

HOUSE BILL NO. 1601

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHIPMAN.

3395H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 51.050, 55.060, 58.030, 60.010, 77.230, 79.080, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, and 483.010, RSMo, and to enact in lieu thereof fourteen new sections relating to certain public offices.

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

Section A. Sections 51.050, 55.060, 58.030, 60.010, 77.230, 79.080, 162.291, 2 190.050, 204.610, 247.060, 249.140, 321.130, and 483.010, RSMo, are repealed and fourteen 3 new sections enacted in lieu thereof, to be known as sections 51.050, 55.060, 58.030, 60.010, 4 77.230, 79.080, 105.035, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, and 5 483.010, to read as follows:

51.050. No person shall be elected or appointed clerk of the county commission 2 unless such person be a citizen of the United States, [~~over the age of twenty-one years~~] 3 **twenty-one years of age or older**, and shall have resided within the state one whole year, and 4 within the county for which the person is elected one year just prior to such person's election; 5 and every clerk shall after the election continue to reside within the county for which such 6 person is clerk.

55.060. No person shall be elected or appointed county auditor of a county of the first 2 class not having a charter form of government or of a county of the second class unless he **or** 3 **she** is a citizen of the United States [~~above the age of twenty-one years~~], **twenty-one years of** 4 **age or older**, and has resided within the state for one whole year and within the county for 5 which he **or she** is elected or appointed for three months immediately preceding the election 6 or his **or her** appointment. He **or she** shall also be a person familiar with the theory and 7 practice of accounting by education, training, and experience and able to perform the duties

EXPLANATION — Matter enclosed in bold-faced brackets [~~thus~~] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 imposed upon the county auditor by the provisions of this chapter. The county auditor shall,
9 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**
2 **she** be a citizen of the United States, [~~over the age of twenty-one years~~] **twenty-one years of**
3 **age or older**, and shall have resided within the state one whole year, and within the county for
4 which he **or she** is elected, six months next preceding the election.

60.010. 1. At the regular general election in the year 1948, and every four years
2 thereafter, the voters of each county of this state in counties of the second, third, and fourth
3 classification shall elect a registered land surveyor as county surveyor, who shall hold office
4 for four years and until a successor is duly elected, commissioned and qualified. The person
5 elected shall be commissioned by the governor.

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

13 3. Notwithstanding the provisions of subsection 1 of this section, or any other law to
14 the contrary, the county commission of any county of the third or fourth classification may
15 appoint a surveyor following the deadline for filing for the office of surveyor, if no qualified
16 candidate files for the office in the general election in which the office would have been on
17 the ballot, provided that the notice required by section 115.345 has been published in at least
18 one newspaper of general circulation in the county. The appointed surveyor shall serve at the
19 pleasure of the county commission, however, an appointed surveyor shall forfeit said office
20 once a qualified individual, who has been duly elected at a regularly scheduled general
21 election where the office of surveyor is on the ballot and who has been commissioned by the
22 governor, takes office. The county commission shall fix appropriate compensation, which
23 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**
2 years of age, a citizen of the United States and a resident of such city at the time of and for
3 two years next preceding his **or her** election. When two or more persons shall have an equal
4 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-**
2 **one** years of age, a citizen of the United States and a resident of the city at the time of and for
3 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.

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

25 holding office in any district in such a county on August 13, 1976, shall continue to hold
26 office until the expiration of their terms, and their successors shall be elected from the district
27 at large for a term of three years. In any district formed in such counties after August 13,
28 1976, the governing body of the county shall cause an election to be held in that district
29 within ninety days after the order establishing the ambulance district to elect ambulance
30 district directors. Each voter shall vote for six directors. The two candidates receiving the
31 highest number of votes at such election shall be elected for a term of three years, the two
32 candidates receiving the third and fourth highest number of votes shall be elected for a term of
33 two years, the two candidates receiving the fifth and sixth highest number of votes shall be
34 elected for a term of one year; thereafter, the term of all directors shall be three years.

35 3. A candidate for director of the ambulance district shall, at the time of filing, be a
36 citizen of the United States, a qualified voter of the election district as provided in subsection
37 1 of this section, a resident of the district for two years next preceding the election, and shall
38 be ~~[at least twenty-four years of age]~~ **twenty-one years of age or older**. In an established
39 district which is located within the jurisdiction of more than one election authority, the
40 candidate shall file his or her declaration of candidacy with the secretary of the board. In all
41 other districts, a candidate shall file a declaration of candidacy with the county clerk of the
42 county in which he or she resides. A candidate shall file a statement under oath that he or she
43 possesses the required qualifications. No candidate's name shall be printed on any official
44 ballot unless the candidate has filed a written declaration of candidacy pursuant to subsection
45 5 of section 115.127. If the time between the county commission's call for a special election
46 and the date of the election is not sufficient to allow compliance with subsection 5 of section
47 115.127, the county commission shall, at the time it calls the special election, set the closing
48 date for filing declarations of candidacy.

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

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

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

32 4. Notwithstanding any other provision of law, if there is only one candidate for the
33 post of trustee, then no election shall be held, and the candidate shall assume the
34 responsibilities of office at the same time and in the same manner as if elected. If there is no
35 candidate for the post of trustee, then no election shall be held for that post and it shall be
36 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
2 vested in a board of directors, who shall have all the powers conferred upon the district except
3 as herein otherwise provided. It shall be composed of five members, each of whom shall be a
4 voter of the district and shall have resided in said district one whole year immediately prior to
5 his or her election. A member shall be ~~[at least twenty-five years of age]~~ **twenty-one years of**
6 **age or older** and shall not be delinquent in the payment of taxes at the time of his **or her**
7 election. Except as provided in subsection 2 of this section, the term of office of a member of
8 the board shall be three years. The remaining members of the board shall appoint a qualified
9 person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for
10 which there is a vacancy is willing to serve on the board, the board may appoint an otherwise
11 qualified person who lives in the district but not in the subdistrict in which the vacancy exists
12 to fill such vacancy.

13 2. After notification by certified mail that he or she has two consecutive unexcused
14 absences, any member of the board failing to attend the meetings of the board for three

15 consecutive regular meetings, unless excused by the board for reasons satisfactory to the
16 board, shall be deemed to have vacated the seat, and the secretary of the board shall certify
17 that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

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

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

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

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

47 7. The circuit court of the county having jurisdiction over the district shall have
48 jurisdiction over the members of the board of directors to suspend any member from
49 exercising his or her office, whensoever it appears that he or she has abused his or her trust or
50 become disqualified; to remove any member upon proof or conviction of gross misconduct or
51 disqualification for his or her office; or to restrain and prevent any alienation of property of

52 the district by members, in cases where it is threatened, or there is good reason to apprehend
53 that it is intended to be made in fraud of the rights and interests of the district.

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

249.140. 1. Any candidate for the office of trustee in the district shall be an American
2 citizen ~~[over the age of twenty-five years]~~ **twenty-one years of age or older** and shall have
3 been a resident within the county within which the district is situated for more than four
4 whole years next before the date of the election at which he **or she** is a candidate and shall be
5 a voter of the district. Any person desiring to become a candidate for the office of trustee at
6 the election held on the original incorporation of the district, as provided in section 249.070,
7 shall file with the county commission or with the election commissioners a statement, under
8 oath, that he **or she** possesses the qualifications required by sections 249.010 to 249.420 for
9 trustee and shall pay a filing fee of five dollars, whereupon his **or her** name shall be placed on
10 the ballot as candidate for trustee. Any person desiring to become a candidate for the office
11 of trustee in any subsequent election shall file such statement, under oath, with and pay such
12 filing fee to the secretary of the board of trustees, whereupon his **or her** name shall be placed
13 on the ballot as candidate for the office of trustee.

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

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

321.130. A person, to be qualified to serve as a director, shall be a resident and voter
2 of the district for at least one year before the election or appointment and ~~[be over the age of~~
3 ~~twenty-four years]~~ **shall be twenty-one years of age or older**. In the event the person is no
4 longer a resident of the district, the person's office shall be vacated, and the vacancy shall be
5 filled as provided in section 321.200. Nominations and declarations of candidacy shall be

6 filed at the headquarters of the fire protection district by paying a filing fee equal to the
7 amount of a candidate for county office as set forth under section 115.357, and filing a
8 statement under oath that such person possesses the required qualifications. Thereafter, such
9 candidate shall have the candidate's name placed on the ballot as a candidate for director.

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

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