

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 667

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHMITT.

Read 1st time January 8, 2014, and ordered printed.

Read 2nd time January 23, 2014, and referred to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Reported from the Committee March 6, 2014, with recommendation that the bill do pass.

Taken up for Perfection March 10, 2014. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4555S.03P

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## AN ACT

To repeal sections 105.010 and 252.002, RSMo, and to enact in lieu thereof three new sections relating to gubernatorial appointments.

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

Section A. Sections 105.010 and 252.002, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 26.305, 105.010, and  
3 252.002, to read as follows:

**26.305. Whenever the governor shall appoint a department head  
2 or a member of a board or commission pursuant to authority granted  
3 by section 51, article IV, of the Missouri Constitution, and such  
4 appointment is denoted as an acting or otherwise temporary  
5 appointment in the abstract maintained by the secretary of state under  
6 section 28.060, and such appointment is not submitted to the senate for  
7 its advice and consent, the authority of the acting or temporary  
8 department head or board or commission member shall terminate  
9 according to the provisions of this section. For an acting department  
10 head or member of a board or commission appointed when the senate  
11 is in regular or special session, the authority of such person to act shall  
12 terminate thirty days after the appointment or the final date of such  
13 session, whichever date comes first. For an acting department head or  
14 member of a board or commission appointed when the senate is not in  
15 regular or special session, the authority of such person to act shall  
16 terminate thirty days after the senate has convened in the next regular  
17 or special session. Such acting appointee shall not be appointed by the**

18 **governor to subsequently serve as acting department head for the same**  
19 **department or as an acting member of the same board or commission.**

105.010. All officers elected or appointed by the authority of the laws of  
2 this state shall hold their offices until their successors are elected or appointed,  
3 commissioned and qualified. **For any person appointed by the governor to**  
4 **a board or commission pursuant to authority granted by section 51,**  
5 **article IV, of the Missouri Constitution, such appointee shall have**  
6 **authority to act during the pendency of the term of the office and for**  
7 **up to sixty days after the expiration of the term of the office. If the**  
8 **governor fails to fill the vacancy created by the expiration of the term**  
9 **of the office, then the board or commission position shall become**  
10 **vacant sixty days after the expiration of the person's term.**

252.002. 1. There is hereby created a department of conservation to be  
2 headed by a conservation commission of four members appointed by the governor,  
3 by and with the advice and consent of the senate, not more than two of whom  
4 shall be of the same political party. The members shall have the qualifications,  
5 serve the terms and receive the expense reimbursement provided in Article IV,  
6 Constitution of Missouri. The commission shall appoint a director of the  
7 department of conservation who with its approval shall appoint assistants and  
8 other employees. **Any and all appointments made by the commission shall**  
9 **be made by and with the advice and consent of the senate.**

10 2. **A majority of commissioners, three, shall constitute a quorum**  
11 **for the transaction of business. If a quorum is not present, the**  
12 **remaining members shall adjourn the meeting to a later time. No**  
13 **business shall be transacted without a quorum.**

14 3. All the powers, duties and functions of the conservation commission,  
15 chapters 252, 254, and others, are transferred by type I transfer to the  
16 department of conservation.

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