

SECOND REGULAR SESSION

# SENATE BILL NO. 774

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Pre-filed December 2, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4736S.01I

## AN ACT

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

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

Section A. Section 105.010, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 26.305 and 105.010, to read as  
3 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 of 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 of**  
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.**

Unofficial ✓

Bill

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