

FIRST REGULAR SESSION

HOUSE BILL NO. 94

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

0182H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 36.150 and 36.155, RSMo, and to enact in lieu thereof two new sections relating to state employees.

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

Section A. Sections 36.150 and 36.155, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 36.150 and 36.155, to read as follows:

36.150. 1. Every appointment or promotion to a position covered by this chapter shall be made on the basis of merit as provided in this chapter. Demotions in and dismissals from employment shall be made for cause under rules and regulations of the board uniformly applicable to all positions of employment. No appointment, promotion, demotion or dismissal shall be made because of favoritism, prejudice or discrimination. The regulations shall prohibit discrimination in other phases of employment and personnel administration and shall provide such remedy as is required by federal merit system standards for grant-in-aid programs.

2. Political endorsements shall not be considered in connection with any such appointment.

3. No person shall use or promise to use, directly or indirectly, for any consideration whatsoever, any official authority or influence to secure or attempt to secure for any person an appointment or advantage in appointment to any such position or an increase in pay, promotion or other advantage in employment.

4. No person shall in any manner [levy or] solicit any financial assistance or subscription for any political party, candidate, political fund, or publication, or for any other political purpose, from any employee in a position subject to this chapter **as a condition of employment**, and no such employee shall act as agent in receiving or accepting any such financial contribution,

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.

18 subscription, or assignment of pay **as a condition of employment**. No person shall use, or
19 threaten to use, coercive means to compel an employee to give such assistance, subscription, or
20 support, nor in retaliation for the employee's failure to do so. **Nothing in this section shall be**
21 **interpreted so as to prohibit a state employee from voluntarily engaging in any political**
22 **activity during non working hours including, but not limited to, weekends, evenings, leave**
23 **time, vacation time, or state or federal holiday.**

24 [5. No such employee shall be a candidate for nomination or election to any partisan
25 public office or nonpartisan office in conflict with that employee's duties unless such person
26 resigns, or obtains a regularly granted leave of absence, from such person's position.]

27 [6] **5.** No person elected to partisan public office shall, while holding such office, be
28 appointed to any position covered by this chapter.

29 [7] **6.** Any officer or employee in a position subject to this chapter who purposefully
30 violates any of the provisions of this section shall forfeit such office or position. If an appointing
31 authority finds that such a violation has occurred, or is so notified by the director, this shall
32 constitute cause for dismissal pursuant to section 36.390 and a final determination by the
33 administrative hearing commission as to the occurrence of a violation.

36.155. 1. An employee may take part in the activities of political parties and political
2 campaigns.

3 2. An employee may not:

4 (1) Use the employee's official authority or influence for the purpose of interfering with
5 the results of an election;

6 (2) Knowingly solicit, accept or receive a political contribution from any person who is
7 a subordinate employee of the employee; **or**

8 [(3) Run for the nomination, or as a candidate for election, to a partisan political office;
9 or]

10 [(4)] **(3)** Knowingly solicit or discourage the participation in any political activity of any
11 person who has an application for any compensation, grant, contract, ruling, license, permit or
12 certificate pending before the employing department of such employee or is the subject of, or a
13 participant in, an ongoing audit, investigation or enforcement action being carried out by the
14 employing department of such employee.

15 3. An employee retains the right to vote as the employee chooses and to express the
16 employee's opinion on political subjects and candidates.

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