

SECOND REGULAR SESSION

# HOUSE BILL NO. 2114

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KORMAN.

5854H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 106, RSMo, by adding thereto one new section relating to employment of certain public officials.

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

Section A. Chapter 106, RSMo, is amended by adding thereto one new section, to be known as section 106.215, to read as follows:

**106.215. 1. As used in this section, the term "official" shall mean any department director or deputy director, person acting as a department director or deputy director, or member of any board or commission who was appointed to such office by the governor or lieutenant governor.**

**2. The general assembly is hereby authorized to remove from employment or service any official if it determines that such removal is necessary for the betterment of the public service in a manner consistent with the provisions of this section. For the purposes of this section, the phrase "removal is necessary for the betterment of the public service" includes, but is not limited to, the following:**

- (1) Misconduct;**
- (2) Perjury before any committee of the general assembly;**
- (3) Violation of any state statute;**
- (4) A conviction or plea of guilty for committing any crime;**
- (5) Habitual drunkenness;**
- (6) Willful neglect of duty;**
- (7) Corruption in office;**
- (8) Incompetency; or**

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           **(9) Any offense involving moral turpitude or oppression in office.**

19           **3. A petition signed by sixteen members of the house of representatives and filed**  
20 **with the chief clerk of the house of representatives containing allegations supporting the**  
21 **need for removal of the official shall initiate the process. After the removal petition has**  
22 **been filed, the chief clerk shall give a written notice to the secretary of the senate and the**  
23 **official of the intention to remove him or her from office.**

24           **4. If the requirements under subsection 3 of this section have been met, the house**  
25 **of representative standing ethics committee shall gather information regarding the**  
26 **allegations set forth in the petition and shall conduct at least one hearing to allow the**  
27 **official to present a defense to the allegations against him or her. This hearing shall be a**  
28 **closed meeting and not open to the public. Within thirty days of its first meeting, the**  
29 **committee shall file a report of its findings with the chief clerk of the house of**  
30 **representatives and the secretary of the senate.**

31           **5. After the committee has filed its report, the members of the house of**  
32 **representatives shall vote on the removal of the official. If a majority of the members of**  
33 **the body vote to remove the official, then the senate shall vote on the removal. If in both**  
34 **chambers the majority of the number of votes is in the affirmative, then the official shall**  
35 **be relieved of his or her employment with the state immediately and shall be removed from**  
36 **the position he or she holds. If an official is relieved of employment under this subsection,**  
37 **then such official shall not be eligible for appointment to any position subject to**  
38 **appointment under this section until the convening of the next general assembly.**

39           **6. Notwithstanding any other provision of law, if a position of director or deputy**  
40 **director or a member of an board or commission subject to gubernatorial appointment**  
41 **under article IV, section 4 of the Constitution of Missouri is vacant for a period exceeding**  
42 **six months, then such position may be filled by appointment from the lieutenant governor,**  
43 **subject to the advice and consent of the senate. The governor shall retain power to make**  
44 **appointments under article IV, section 4 of the Constitution of Missouri at any time;**  
45 **however, the senate may choose which appointments to consider if appointments to fill a**  
46 **vacancy have been made by both the governor and lieutenant governor.**

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