

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Bill No. 1428, Page 2, Section 105.030, Line 32, by inserting immediately after all  
2 of said section and line the following:

3  
4 "106.215. 1. As used in this section, the term "official" shall mean any department director  
5 or deputy director, person acting as a department director or deputy director, or member of any  
6 board or commission who was appointed to such office by the governor or lieutenant governor.

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

12 (1) Misconduct;

13 (2) Perjury before any committee of the general assembly;

14 (3) Violation of any state statute;

15 (4) A conviction or plea of guilty for committing any crime;

16 (5) Habitual drunkenness;

17 (6) Willful neglect of duty;

18 (7) Corruption in office;

19 (8) Incompetency; or

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

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

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

32 5. After the committee has filed its report, the members of the house of representatives shall  
33 vote on the removal of the official. If a majority of the members of the body vote to remove the  
34 official, then the senate shall vote on the removal. If in both chambers the majority of the number of  
35 votes is in the affirmative, then the official shall be relieved of his or her employment with the state  
36 immediately and shall be removed from the position he or she holds. If an official is relieved of

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1 employment under this subsection, then such official shall not be eligible for appointment to any  
2 position subject to appointment under this section until the convening of the next general assembly.

3 6. Notwithstanding any other provision of law, if a position of director or deputy director or  
4 a member of an board or commission subject to gubernatorial appointment under article IV, section  
5 4 of the Constitution of Missouri is vacant for a period exceeding six months, then such position  
6 may be filled by appointment from the lieutenant governor, subject to the advice and consent of the  
7 senate. The governor shall retain power to make appointments under article IV, section 4 of the  
8 Constitution of Missouri at any time; however, the senate may choose which appointments to  
9 consider if appointments to fill a vacancy have been made by both the governor and lieutenant  
10 governor."; and

11  
12 Further amend said bill by amending the title, enacting clause, and intersectional references  
13 accordingly.