

FIRST REGULAR SESSION

SENATE BILL NO. 119

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUSSELL.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0276S.011

AN ACT

To repeal sections 105.525 and 105.969, RSMo, and to enact in lieu thereof two new sections relating to public officers and employees.

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

Section A. Sections 105.525 and 105.969, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 105.525 and 105.969, to read as follows:

105.525. 1. Issues with respect to appropriateness of bargaining units and majority representative status shall be resolved by the state board of mediation. In the event that the appropriate administrative body or any of the bargaining units shall be aggrieved by the decision of the state board of mediation, an appeal may be had to the circuit court of the county where the administrative body is located or in the circuit court of Cole County. The state board of mediation shall use the services of the state hearing officer in all contested cases.

2. No labor organization which engages in campaigning for, endorsements of, or political contributions to, or soliciting support for, or contributions to, a candidate for public office shall be eligible to be certified or act as the exclusive representative for representing employees of any agency, department, or subdivision of this state where the employees represented by the labor organization would be working directly or indirectly under the public official involved in such election. In the event the labor organization is certified, it shall be required to affirmatively state under oath that it has not been involved in any political campaign for any such public official whose employees or subordinates would be represented by said labor organization within two years prior to the time when the labor organization seeks to be certified as representative, or thereafter during the conduct as exclusive representative of said

public body employees. In the event that the board of mediation should be presented with evidence to show that the labor organization has violated this prohibition, the board of mediation shall, in accordance with rules and procedures generally applicable to such conduct, suspend or revoke the certification of the labor organization to serve as the exclusive representative of such employees.

105.969. 1. The governor is directed to adopt by executive order a code of conduct applicable to state employees of the executive branch on or before February 1, 1992. Such code shall not supersede or be inconsistent with any provision of law or the constitution.

2. Within six months after the code of conduct is adopted by the governor, the secretary of state, state treasurer, state auditor, attorney general and lieutenant governor shall adopt by internal rule a code of conduct to govern their employees.

3. The code shall specifically prohibit any employees of the governor, secretary of state, treasurer, auditor, attorney general, lieutenant governor, members of the house of representatives, and members of the senate, from soliciting financial contributions or political support or endorsements from labor organizations which the official or anyone in that official's department or in a position subordinate to that official has had responsibility for meeting and conferring pursuant to section 105.520, or with which said discussions have been held within two years prior to the solicitation, contribution, or endorsement. The official shall recuse himself from any discussions on behalf of the public body in relation to the activities of the labor organization within two years after having solicited any endorsement, contribution, or political support from any agent, official, or representative of a labor organization which represents public employees of the department in which such official works.

4. The code shall prohibit any employee, on behalf of this state, from engaging in discussions or deliberations or negotiations pursuant to section 105.520, with any labor organization if such officer or agent of the state is involved in political activities of a type which would make it appear that the officer or agent would be granting favors to the labor organization in return for political favors in connection with the meet and confer process pursuant to section 105.520.