

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2149

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 41-772, Arizona Revised Statutes, is amended to
3 read:

4 41-772. Prohibitions; violation; classification; civil penalty;
5 protection of civil or political liberties

6 A. An employee shall not:

7 1. Use any political endorsement in connection with any appointment to
8 a position in the state service.

9 2. Use or promise to use any official authority or influence for the
10 purpose of influencing the vote or political action of any person or for any
11 consideration.

12 B. An employee or member of the personnel board shall not be a member
13 of any national, state or local committee of a political party, an officer or
14 chairman of a committee of a partisan political club, ~~or~~ or a candidate for
15 nomination or election to any paid public office, shall not hold any paid,
16 elective public office or shall not take any part in the management or
17 affairs of any political party or in the management of any partisan or
18 nonpartisan campaign or recall effort, except that any employee may:

19 1. Express his opinion.

20 2. Attend meetings for the purpose of becoming informed concerning the
21 candidates for public office and the political issues.

22 3. Cast his vote and sign nomination or recall petitions.

23 4. Make contributions to candidates, political parties or campaign
24 committees contributing to candidates or advocating the election or defeat of
25 candidates.

26 5. Circulate candidate nomination petitions or recall petitions.

27 6. Engage in activities to advocate the election or defeat of any
28 candidate.

1 7. Solicit or encourage contributions to be made directly to
2 candidates or campaign committees contributing to candidates or advocating
3 the election or defeat of candidates.

4 8. BE A CANDIDATE FOR AND HOLD THE OFFICE OF PRECINCT COMMITTEEMAN.

5 C. Except for expressing his opinion or pursuant to section 16-402, an
6 employee shall not engage in any activity permitted by this section while on
7 duty, while in uniform or at public expense.

8 D. A person shall not solicit any employee or a member of the
9 personnel board to engage or not engage in activities permitted by this
10 section with the direct or indirect use of any threat, intimidation or
11 coercion including threats of discrimination, reprisal, force or any other
12 adverse consequence including the loss of any benefit, reward, promotion,
13 advancement or compensation.

14 E. A person shall not subject any employee or a member of the
15 personnel board engaging in activity permitted by this section to any direct
16 or indirect discrimination, reprisal, force, coercion or intimidation or any
17 other adverse consequence including the loss of any benefit, reward,
18 promotion, advancement or compensation.

19 F. A person shall not subject any employee or member of the personnel
20 board who chooses not to engage in any activity permitted by this section to
21 any direct or indirect discrimination, reprisal, force, coercion or
22 intimidation or any other adverse consequence including the loss of any
23 benefit, reward, promotion, advancement or compensation.

24 G. ~~The provisions of~~ This section ~~do~~ DOES not apply to school board
25 elections or community college district governing board elections, and an
26 employee may serve as a member of the governing board of a common or high
27 school district or as a member of a community college district governing
28 board.

29 H. An employee who violates any of the provisions of this section
30 shall be subject to suspension of not less than thirty days or dismissal.

31 I. A person who violates:

32 1. Subsection D, E or F of this section is guilty of a class 6 felony.

1 2. Any other provision of this section is guilty of a class 1
2 misdemeanor.

3 J. In addition to any other penalty, any person soliciting or
4 encouraging a contribution in a manner prohibited by this section is subject
5 to a civil penalty of up to three times the amount of the contribution
6 solicited or encouraged plus costs, expenses and reasonable attorney fees.

7 K. Nothing contained in this section shall be construed as denying any
8 employee or board member his civil or political liberties as guaranteed by
9 the United States and Arizona Constitutions.

10 L. It is the public policy of this state, reflected in this section,
11 that government programs be administered in an unbiased manner and without
12 favoritism for or against any political party or group or any member in order
13 to promote public confidence in government, governmental integrity and the
14 efficient delivery of governmental services and to ensure that all employees
15 are free from any express or implied requirement or any political or other
16 pressure of any kind to engage or not engage in any activity permitted by
17 this section. Toward this end, any person or entity charged with the
18 interpretation of this section shall take into account the policy of this
19 section and shall construe any of its provisions accordingly."

20 Amend title to conform

and, as so amended, it do pass

KIRK ADAMS
Chairman

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3/4/08
8:00 PM
H:jmb