

FIRST REGULAR SESSION

# HOUSE BILL NO. 697

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TREADWAY.

Read 1<sup>st</sup> time February 7, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1850L.011

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### AN ACT

To repeal section 105.959, RSMo 2000, relating to notification of ethics complaints, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 105.959, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 105.959, to read as follows:

105.959. 1. The executive director of the commission, under the supervision of the commission, shall review reports and statements filed with the commission or other appropriate officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130, RSMo, for completeness, accuracy and timeliness of filing of the reports or statements, and upon review, if there are reasonable grounds to believe that a violation has occurred, shall conduct an audit of such reports and statements. All investigations by the executive director of an alleged violation shall be strictly confidential with the exception of notification of the commission and the complainant or the person under investigation. Revealing any such confidential investigation information shall be cause for removal or dismissal of the executive director or a commission member or employee.

2. Upon findings of the appropriate filing officer which are reported to the commission in accordance with the provisions of section 130.056, RSMo, the executive director shall audit disclosure reports, statements and records pertaining to such findings within a reasonable time after receipt of the reports from the appropriate filing officer.

3. Upon a sworn written complaint of any natural person filed with the commission pursuant to section 105.957, the commission **shall immediately notify in writing the person or persons whose conduct is alleged to represent such violations, and** shall audit and investigate alleged violations. Within sixty days after receipt of a sworn written complaint

19 alleging a violation, the executive director shall notify the complainant in writing of the action,  
20 if any, the executive director has taken and plans to take on the complaint. If an investigation  
21 conducted pursuant to this subsection fails to establish reasonable grounds to believe that a  
22 violation has occurred, the investigation shall be terminated and the complainant and the person  
23 who had been under investigation shall be notified of the reasons for the disposition of the  
24 complaint.

25         4. The commission may make such investigations and inspections within or outside of  
26 this state as are necessary to determine compliance.

27         5. If, during an audit or investigation, the commission determines that a formal  
28 investigation is necessary, the commission shall assign the investigation to a special investigator  
29 in the manner provided by subsection 1 of section 105.961.

30         6. After completion of an audit or investigation, the executive director shall provide a  
31 detailed report of such audit or investigation to the commission. Upon determination that there  
32 are reasonable grounds to believe that a person has violated the requirements of sections  
33 105.470, 105.483 to 105.492, or chapter 130, RSMo, by a vote of four members of the  
34 commission, the commission may refer the report with the recommendations of the commission  
35 to the appropriate prosecuting authority together with a copy of the audit and the details of the  
36 investigation by the commission as is provided in subsection 2 of section 105.961.