SECOND REGULAR SESSION

HOUSE BILL NO. 944

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSKINS.

Pre-filed January 5, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2755L.01I

AN ACT

To repeal section 105.957, RSMo, and to enact in lieu thereof one new section relating to complaints filed with the Missouri ethics commission.

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

Section A. Section 105.957, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.957, to read as follows:

105.957. 1. The commission shall receive any complaints alleging violation of the provisions of:

(1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

(2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;

(3) The campaign finance disclosure requirements contained in chapter 130, RSMo;

(4) Any code of conduct promulgated by any department, division or agency of state government, or by state institutions of higher education, or by executive order;

(5) The conflict of interest laws contained in sections 105.450 to **[**105.468**]** **105.467** and section 171.181, RSMo; and

(6) The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

2. Complaints filed with the commission shall be in writing and filed only by a natural person. The complaint shall contain all facts known by the complainant that have given rise to the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

No complaint shall be investigated unless the complaint alleges facts which, if true, fall within the jurisdiction of the commission.

3. No complaint shall be investigated which concerns alleged criminal conduct which allegedly occurred previous to the period of time allowed by law for criminal prosecution for such conduct. The commission may refuse to investigate any conduct which is the subject of civil or criminal litigation. The commission, its executive director or an investigator shall not investigate any complaint concerning conduct which is not criminal in nature which occurred more than two years prior to the date of the complaint. A complaint alleging misconduct on the part of a candidate for public office, other than those alleging failure to file the appropriate financial interest statements or campaign finance disclosure reports, shall not be accepted by the commission within sixty days prior to the primary election at which such candidate is running for office, and until after the general election.

4. Complaints which allege violations as described in this section which are filed with the commission shall be handled as provided by section 105.961.

5. The commission shall, within three business days of receiving any complaint, provide written notice of the complaint to the subject of the complaint, which notice shall identify the complaining party.