

SS#2 SCS SB 577 -- ETHICS

SPONSOR: Shields (Wilson, 130)

COMMITTEE ACTION: Relieved from committee pursuant to Article III, Section 22, of the Missouri Constitution.

This substitute changes the laws regarding the oversight by the Missouri Ethics Commission over elected public officials. In its main provisions, the substitute:

- (1) Allows the Executive Director of the Missouri Ethics Commission, with unanimous vote of the commission, to conduct an independent investigation of an ethics violation without a complaint if there are reasonable grounds to believe that a violation has occurred. The commission must notify the person under investigation and assign a special investigator. The investigations of the executive director are confidential and the revealing of this information must be cause for removal or dismissal. Investigations failing to establish reasonable grounds to believe a violation has occurred must be terminated (Sections 105.955, 105.957, 105.959, and 105.961, RSMo);
- (2) Changes the time period that the special investigator must submit a report to the commission upon receipt of a complaint from 120 days to 90 days (Section 105.961);
- (3) Allows determinations that violations have occurred, other than referrals for criminal prosecution, to be appealed de novo to the Circuit Court of Cole County (Section 105.961);
- (4) Removes a provision allowing extra time for investigations when they are assigned to a retired judge and a provision allowing the commission to file a petition to seek extra time (Section 105.966);
- (5) Allows deputy treasurers to reside in a county or district other than where their committee sits (Section 130.021);
- (6) Prohibits committees from transferring funds to all other committees. However, candidate committees may receive funds from all other committees and candidate committees may transfer funds to continuing committees. Civil penalties must be assessed for those who do so, and those who do so three times or with the intent to conceal the identity of the source must vacate their position as treasurer and be barred permanently from acting as treasurer (Section 130.031); and
- (7) Requires state senators and representatives and candidates for those offices to report contributions received during the

legislative session exceeding \$250 within 48 hours of receiving the contribution. The same 48-hour reporting requirement is imposed for contributions given to the Governor, all statewide elected officials, and candidates for those offices during legislative session and any time when legislation from the regular legislative session awaits gubernatorial action (Section 130.044).

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$61,510 in FY 2011, \$57,443 in FY 2012, and \$59,165 in FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

PROPONENTS: Supporters say that giving the Missouri Ethics Commission the power to conduct independent investigations of suspected violations without first receiving a written complaint is very important. The bill attempts to address areas where there is the greatest appearance of impropriety and where the legislature is least credible in the public's opinion. It authorizes needed investigatory, subpoena, and enforcement powers to the commission.

Testifying for the bill were Senator Shields; and Joe Ortwerth.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say the requirement that printed campaign material must state who paid for it should be revised to give a newspaper that accidentally omits this information the opportunity to rerun the material rather than be fined by the commission.

Testifying on the bill was Missouri Press Association.