

CCS#3 HCS#2 SB 844 -- ETHICS

This bill changes the laws regarding ethics. In its main provisions, the bill:

(1) Requires the Commissioner of the Office of Administration to provide a key that accesses the State Capitol dome to each member of the General Assembly. The President Pro Tem of the Senate and the Speaker of the House of Representatives must provide a training program for the members and General Assembly staff regarding access to secured areas of the State Capitol Building. They may consult with the Office of Administration and the Department of Public Safety when developing the program (Section 8.016, RSMo);

(2) Prohibits the Office of Administration from preventing any state agency, political subdivision, or other state entity from purchasing supplies from an authorized General Services Administrator vendor if the contract does not exceed the competitive bid limits in Section 34.040. A statewide elected official is allowed to request a determination of the lowest and best bidder regarding a contract for purchasing, printing, or services for which he or she has the authority to contract from the Office of Administration which must respond to the elected official within 45 days after the submission of the request. The official must provide the original request for proposal and any pertinent information deemed necessary for the evaluation (Sections 34.048 and 37.900);

(3) Specifies that the crime of bribery of a public servant includes when a statewide elected official, member of the General Assembly, or agent of the official expressly and explicitly makes an offer of paid employment in exchange for an official vote on a public matter by the statewide official or member of the General Assembly. The crime of acceding to corruption under Section 576.020 includes when a statewide elected official or member of the General Assembly accepts an offer of paid employment in exchange for an official vote on a public matter (Section 105.456);

(4) Requires an appointee before being confirmed by the Senate to file a financial interest statement and to request from the Missouri Ethics Commission, within 30 days of the submission of his or her name to the Governor, a list of all his or her political contributions and the name of the candidate or committee to which those contributions were made for the four-year period prior to the appointment. The commission must provide the information to the appointee so that it can be delivered to the President Pro Tem of the Senate (Section 105.463);

(5) Allows a lobbyist to report the total expenditures for an occasion provided to all members of the House of Representatives or Senate and their staff and employees, all members of a joint committee of the General Assembly and their staff, a standing committee of the House of Representatives or the Senate and their staff, the majority or minority caucus of the House of Representatives or the Senate, and all statewide officials and their staff and employees when they are invited in writing (Section 105.473.3);

(6) Specifies that a lobbyist found to knowingly omit, conceal, or falsify information required on the monthly lobbyist report will be guilty of a class A misdemeanor (Section 105.473.8);

(7) Authorizes the commission to conduct investigations (Section 105.955.14);

(8) Requires a complaint to be signed and notarized and to include the facts that are within the commission's jurisdiction before being accepted by the commission. The provision is repealed that requires a separate and distinct standard regarding the frivolous complaint procedure (Section 105.957);

(9) Authorizes the executive director of the commission to conduct an independent investigation without the receipt of a complaint if there are reasonable grounds to believe a violation has occurred and all six voting members of the commission vote to proceed. All investigations by the executive director must be strictly confidential with the exception of notification of the commission and the complainant or the person under investigation (Section 105.959);

(10) Clarifies complaint investigation procedures, investigation time frames, and the appeal process (Sections 105.961 and 105.966);

(11) Sets the late filing fee that the commission may assess for a delinquent report or statement at \$50 for all report types with a maximum of \$3,000 per report (Sections 105.963.1 and 105.963.2);

(12) Authorizes the commission, after receiving a judgment for unpaid late filing fees, to collect the judgment in any manner authorized by law including garnishment of and execution against the committee's official depository account after a 30-day delinquency (Section 105.963.5);

(13) Allows a lobbyist or an individual to file an appeal of a late filing fee as specified in the bill (Section 105.963.7);

(14) Repeals the provision allowing extra time for an investigation if it is assigned to a retired judge and the provision allowing the commission to file a petition to seek extra time (Section 105.966);

(15) Prohibits a party nominating committee from selecting a candidate for an office on the primary election ballot if the candidate had previously been disqualified for the same office on the same primary election ballot or for the same office on the corresponding general election ballot (Section 115.364);

(16) Specifies that a political party committee can include only one Congressional district committee per political party for each Congressional district in the state and one state party committee per political party (Section 130.011(25));

(17) Prohibits a person from forming a new committee or serving as a treasurer or deputy treasurer for a committee until the person or the treasurer of any previously formed committee by the person or who served as treasurer or deputy treasurer has filed all required campaign disclosure reports and statements of limited authority for all prior elections and paid any outstanding fees (Section 130.021.3);

(18) Allows a political action committee to receive contributions from individuals, corporations and other partnerships, unions, and federal political action committees but prohibits the committee from receiving funds from other political action committees, political party committees, candidate committees, campaign committees, exploratory committees, or debt service committees. Donations from candidate, political party, campaign exploratory, or debt service committees may be returned to the donor political action committee. Prohibited transfers between political action committees will not apply to transfers to the state house committee per political party or the state senate committee per political party as designated by the floor leader of the majority and minority party or the chair of the state party for third parties (Sections 130.031.13 and 130.031.14);

(19) Prohibits a person from transferring committee funds with the intent to conceal the source of the original funds from the commission. A first violation requires the restitution of the misappropriated funds within 10 days of notification by the commission. A second violation will be a class C misdemeanor, and a third or subsequent violation will be a class D felony (Section 130.031.15);

(20) Requires campaign financial disclosure reports to be filed electronically with the commission beginning January 1, 2011

(Section 130.031.16);

(21) Requires the Governor, legislators, and statewide elected officials and candidates for these offices to report any contribution exceeding \$500 within 48 hours during the legislative session and any period in which legislation awaits gubernatorial action (Section 130.044);

(22) Prohibits a successful candidate from taking office until all delinquent reports are filed and assessed fees have been paid by the candidate or the treasurer of the candidate's committee or the successful candidate who also has served as a treasurer or deputy treasurer of any committee defined in Section 130.011. No person may file to run for office or assume office if he or she is a treasurer or deputy treasurer of a committee and has not paid all fees assessed by the commission (Section 130.071); and

(23) Creates the crime of obstruction of an ethics investigation, a class A misdemeanor. A person who knowingly confers anything of benefit to any person or accepts anything of benefit in direct exchange for that person's concealing or withholding any information concerning a violation of the provisions regarding conflicts of interest and lobbying or the provisions regarding campaign finance disclosures, makes or submits a false statement, or submits inaccurate documentation to any commission member or employee or to any investigating official will be guilty of the crime. Retraction of the false statement, writing, or documentation is a defense in certain specified circumstances (Section 575.021).