

HCS HB 515 -- ETHICAL USE OF PUBLIC FUNDS

SPONSOR: Baker

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Downsizing State Government by a vote of 10 to 4. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 7 to 5.

The following is a summary of the House Committee Substitute for HB 515.

This bill prohibits the contribution or expenditure of public funds, including public resources or specified property, by any officer, board member, director, administrator, employee, or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. Individuals are also restricted from specified advocacy before the General Assembly when acting in an official capacity or during work hours.

The bill does not prohibit these individuals from making public appearances or from issuing press releases concerning any such ballot measure. The bill does allow the use of legislative liaisons by political subdivisions and special districts to communicate information to the General Assembly about their policies and procedures.

If a contribution or expenditure of public funds to any person results in the use of any part of such funds to advocate, support, or oppose any ballot measure or candidate for public office, the contribution or expenditure is in violation of these provisions.

Any resident of this state who wishes to challenge a contribution or expenditure of public funds by a political subdivision may bring an action in any circuit court of the political subdivision in which any alleged violation occurred. The political subdivision and the officer, board member, director, administrator, employee, or agent who allegedly violated this section shall be named as party defendants. The petition shall set forth the contribution, expenditure, or contribution and expenditure at issue and the facts that gave rise to a violation and shall pray leave to produce such proof. The court shall consider the petition and evidence, hear arguments, and in its decision determine whether a violation of this section occurred. If the court decides the contribution or expenditure of public funds was a violation, then the court may award attorney fees and the political subdivision shall be subject to a civil penalty in an amount 10 times the amount of the contribution or expenditure or \$1,000 whichever is greater, or if the violation involved only uses public resources, then there shall

be a civil fine not to exceed \$1,000 for those offenses that are committed by specified administrators or board members. A first violation of these provisions by specified non-administrative level employees will not be subject to any fine, but a subsequent offense will be punished using the previous categories.

Any resident of this state may, instead of bringing an action in circuit court, file a complaint against an officer, board member, director, or administrator of the political subdivision or special district with the Missouri Ethics Commission. In the event that a court filing and an ethics complaint are both filed only the first filed will proceed.

This bill is similar to HB 1347 (2020).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that the bill will prevent the use of taxpayer's money and resources being used for private and personal matters. If state employees or agents of political subdivisions wish to lobby or testify for or against bills or candidates, it should either be in their job description or they should do so off the clock.

Testifying for the bill were Representative Baker; and Arnie Dienoff.

OPPOSERS: Those who oppose the bill say that the bill restricts the ability of the best experts being allowed to speak in front of the General Assembly. Opponents believe that the bill is too broad and will stop the flow of information from the school board to the General Assembly.

Testifying against the bill were Missouri NEA; Missouri Association of School Administrators; and Susan Goldammer, Missouri Schoolboards Association.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.