

HB 1313 -- ETHICS

SPONSOR: Butz

This bill makes technical changes to time periods and committee names. It authorizes the Ethics Commission to initiate specified investigations in specified cases and to assign a special investigator in certain cases. The bill allows review of records relating to reports or statements by the Commission.

All investigations by the Executive Director of an alleged violation shall be strictly confidential with the exception of notification of the Commission, the complainant, and the person under investigation.

If there are reasonable grounds to believe that a violation has occurred and after the Commission unanimously votes to proceed with all six members voting, the Executive Director shall, without receipt of a complaint, conduct an independent investigation of any potential violations of:

(1) The requirements imposed on lobbyists by Sections 105.470 to 105.478, RSMo;

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

(3) The campaign finance disclosure requirements in Chapter 130;

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

(5) Conflicts of interest governed by Sections 105.450 to 105.468 and 171.181; and

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

The Commission shall notify the person under investigation by registered mail within five days of the decision to conduct an investigation.

If an investigation fails to establish reasonable grounds to believe that a violation has occurred, it is terminated and the person under investigation must be notified of the reasons for the disposition of the complaint.

The bill specified time limits for an investigation under Section 105.961. The special investigation must file a report on complaints within 90 days. Two additional 90 day periods are allowed for investigations as specified in the bill.

The bill also sets rules for judicial appeal of Commission actions. After the Commission determines by a vote of at least four members that a violation has occurred, other than a referral for criminal prosecution, and the Commission has referred the findings and conclusions to the appropriate disciplinary authority over the person who is the subject of the report, the subject of the report may appeal the determination of the Commission to the circuit court of Cole County. The court shall conduct a de novo review of the determination of the Commission. Rules for fees and the appeal process are further specified in the bill.

This bill is similar to SB 844 (2010).