

HB 1796 -- MISSOURI ETHICS COMMISSION

SPONSOR: Jones (50)

This bill changes the laws regarding the regulation and practices of the Missouri Ethics Commission. In its main provisions the bill:

(1) Requires campaign finance disclosure reports to be filed in an electronic format as prescribed by the commission (Section 105.955, RSMo);

(2) Allows the executive director to review any records related to the reports or statements that are required to be filed with the commission. If there are reasonable grounds to believe that a violation has occurred, an audit of the records must be conducted and a special investigator assigned (Section 105.959);

(3) Specifies that the commission may initiate judicial proceedings in the Circuit Court of Cole County upon a vote of at least four members (Section 105.961);

(4) Allows the determinations made by the commission that violations have occurred, other than referrals for criminal prosecution, to be appealed de novo in the circuit court of Cole County (Section 105.961);

(5) Requires the court to conduct a de novo review of the determination of the commission. The appeal must stay the action of the Missouri Ethics Commission and must be filed no later than the 14th day after the subject of the commission's action receives actual notice of the commission's determination (Section 105.961);

(6) Allows the executive director to send notices of failure to file by regular mail and other means instead of using registered mail. The commission is allowed to collect late filing fees by filing a certified statement of account in the circuit court of Cole County which will have the same effect as a judgment of the court. The commission or any entity contracted by the commission may collect the judgment in any manner authorized by law, including garnishment and execution to retrieve money from a committee's official depository account. Lobbyists required to file an expenditure report, individuals required to file a financial statement, and a candidate or treasurer of a committee required to file a disclosure statement may appeal the assessment of a late filing fee with the commission (Section 105.963);

(7) Specifies that if a petition for judicial review of a final

determination is not filed as provided; when an order for fees becomes final following an appeal as provided by law; or an order for fees becomes final, the commission may file a certified copy of the final order with the circuit court of Cole County. The order filed will have the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court (Section 105.963); and

(8) Repeals the provisions that allow extra time for an investigation when it is assigned to a retired judge and that allow the commission to seek extra time to complete an investigation (Section 105.966).