

HCS HB 1347 -- ETHICS

SPONSOR: Baker

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 7 to 6. Voted "Return to the Committee of Origin" by the Standing Committee on Rules- Administrative Oversight by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for HB 1347.

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 a political subdivision who wishes to challenge a contribution or expenditure of public funds 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. The House Committee Substitute limits complainants to either file with the Missouri Ethics Commission or to challenge in circuit court, and in an event where a court filing and an ethics complaint are filed only the first filed will proceed.

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

**PROPONENTS:** Supporters say that tax payers expect teachers and administration to do their job educating not lobbying. When education establishments use teachers to lobby they are doing so on the public dime. Supporters point out that many in private industry, military, and federal jobs may not lobby or be political.

Testifying for the bill were Representative Baker; Missouri Education Reform Council; and United For Missouri.

**OPPONENTS:** Those who oppose the bill say that board members are elected by the community and hire superintendents that they expect to advocate on behalf of the community, the limitations of this bill would negatively impact the ability to address educational issues. Opponents question the constitutionality and claim that additional lawsuits will arise from unnecessary lawsuits.

Testifying against the bill were Gary Grigsby, Missouri School Boards Association; Missouri National Education Association; Steven R. Carroll, St. Louis Public Schools/COOPs of Greater Kansas City School; School Administrators Coalition; Missouri State Teachers Association; and the American Federation of Teachers Missouri.

This bill is the same as HB 363 (2019).