LEGISLATIVE REPORT

TO: Commission Members

FROM: Virlindia Doss, Executive Director

DATE: February 18, 2019

Session won't start until March 5, but a lot has already happened:

HOUSE

HB 1
This bill, similar to last year's HB 7007, and 2017's HB 7083, addresses ethics at the state level. It make soliciting a job that creates a conflict a violation in itself, and failure to report to one's agency an offer of a job that would create a conflict would also be a separate violation. The bill also requires private employers to report instances of an employee soliciting a job that would create a conflict. Certain grandfathering exemptions from post-employment/officeholding restrictions—for example, the exemption applicable to persons employed before July 1, 1989—would be eliminated.

With some significant exceptions, the bill would prohibit state elected officers and legislators from soliciting jobs or investment advice "arising out of official or political activities engaged in" while an officer, legislator, or candidate. It would also prohibit state elected officers and legislators from soliciting investment advice or entering into certain business relationships with lobbyists, and would require lobbyists to report solicitations of such advice or business relationships. If a lobbyist or any other person reports such conduct, the Commission could investigate without a complaint being filed.

The bill would also require state elected officers and legislators to file a statement with the Commission if they received a job or a pay increase from an entity receiving state funds or from a lobbyist or principal. They would also have to report any new employment arising from official or political activities. The Commission would be required to post the statement to its website.

The measure would prohibit anyone who, after January 8, 2019, was in a position requiring financial disclosure or was a procurement employee, from asking for any job with any entity doing business with or regulated by the "agency employing" him or her, or from whom they could not solicit a gift. Exceptions would apply if the official had already served notice or had been terminated. Employees would have to notify their agencies if they received a job offer from a private company in the above category.

This bill has been referred to three committees, and does not have a Senate companion.
HB 439/SB 228
These bills would prohibit the Commission from making a finding of probable cause known within 60 days of an election.

HB 6041/SB 702
These bills would repeal the blind trust legislation enacted in 2013. That law gives public officers protection against allegations of conflicts of interest and voting conflicts related to certain private financial interests, provided they have placed such interests in blind trust that meets certain qualifications.

HB 7021/SB 7040
These bills would have the Commission on Ethics move to electronic filing of financial disclosure by January 1, 2022 for Form 6 filers and January 1, 2023 for Form 1 filers. The bills have cleared the first of their three committees.

SENATE

SB 228
See HB 439, above.

SB 236
This bill would make "any information that could assist an individual in determining the identity of an alleged victim" of sexual harassment confidential. Meetings at which such matters are discussed would have to be closed to the public. The bill has passed its first of three committees, but has no House companion as yet.

SB 240
This bill would place a prohibition on sexual harassment in the Code of Ethics and place enforcement with the Commission. The prohibition would extend to sexual harassment by officials and lobbyists even in their private lives. The bill has three committee stops and has not yet been heard. It has no House companion as yet.

SB 702
See HB 6041, above.

SB 1008
This bill adopts the Commission's voting conflicts and attorney fees recommendations.

SB 7040
See HB 7021, above.