

SIDE-BY-SIDE of INDEPENDENT ETHICS REVIEWS:

House GOP Study Committee Proposal and H.3945 Senate Working Group Amendment

| | House GOP Ethics Reform Study Committee Recommendations | H.3945 Working Group Amendment <i>Proposed June 2013</i> |
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| MEMBERSHIP | <p>Keeps intact the House/Senate Ethics Committees until a constitutional amendment abolishing the committees is approved.</p> <p>Reconstitutes the State Ethics Commission to be composed of 8 members:</p> <ul style="list-style-type: none"> • 4 appointed by the Governor; • 2 elected by the Senate; • 2 elected by the House. | <p>Keeps intact the House/Senate Ethics Committees with jurisdiction limited to adjudications and the State Ethics Commission handling investigations of legislators and non-legislators.</p> <p>Reconstitutes the State Ethics Commission to be composed of 8 members with bipartisan requirements:</p> <ul style="list-style-type: none"> • 4 appointed by the Governor (no more than two members may be from her political party); • 2 nominated by Pres Pro Temp (one each nominated in consultation with the Majority and Minority Leaders; vetted by a public hearing); • 2 nominated by the Speaker (one each nominated in consultation with the Majority and Minority Leaders; vetted by a public hearing). |
| COMPLAINTS | <p>Allows the Commission to receive all complaints against any public official in the legislative or executive branch.</p> | <p>The Commission may initiate complaints, upon a majority vote of total membership, and may receive complaints against legislators and non-legislators.</p> |
| INITIAL DETERMINATION | <p>Authorizes the Commission to review all complaints against any public official.</p> | <p>If the Commission or Executive Director determines that facts are sufficient, then an investigation must be conducted.</p> <p>If the Commission or Executive Director determines that facts in a complaint about a legislator are NOT sufficient, then a report must be sent to the appropriate Committee to either concur or request to continue the investigation.</p> <p>Findings of probable cause to support criminal violations must be referred to the Attorney General.</p> |
| INVESTIGATIONS | <p>Allows the Commission to investigate all complaints against any public official or public employee.</p> <p>Allows the Commission and PIU member agencies (AG, SLED, DOR, and IG) to refer ethics and criminal investigations to the PIU. Provides that the PIU share investigations and report findings back to the originating agency.</p> | <p>The Commission may investigate legislators and non-legislators. The Commission may seek assistance from other agencies. Upon completion of an investigation, the Commission must make a finding whether there is probable cause.</p> <p>If probable cause is found for legislators, then the Commission must send the report to the appropriate Committee.</p> <p>If probable cause is found for non-legislators, then the Commission must render an advisory opinion or convene a formal public hearing.</p> |
| ADJUDICATION | <p>Authorizes the Commission to find facts and issue punishments against public officials or public employee.</p> <p>*Until the constitutional change is made, the Committees would be the final arbiter (find facts and issue punishments).</p> | <p>All hearings must be open to the public.</p> <p>After a hearing, the Committees shall determine findings of fact and shall administer a public or private reprimand, recommend expulsion, and/or refer the matter to the Attorney General.</p> |
| CONFIDENTIALITY | <p>*Until the constitutional change is made, the Committees cannot operate in a confidential manner.</p> | <p>All documents are confidential until there is a finding probable cause.</p> |