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FISCAL IMPACT REPORT

ORIGINAL DATE 3/01/07

SPONSOR Maestas LAST UPDATED _____ HB 1296

SHORT TITLE Investigation of Elected Officials by AG SB _____

ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

HB 1296 is related to other bills addressing ethics in government.

Responses Received From
Office of the Attorney General (AG)

SOURCES OF INFORMATION
LFC Files

SUMMARY

Synopsis of Bill

House Bill 1296 provides for primary jurisdiction of the Attorney General (AG) to investigate and prosecute certain crimes committed by officers of the executive and judicial departments elected on a statewide basis; and provides for concurrent jurisdiction for the attorney general and district attorneys to investigate and prosecute certain crimes.

FISCAL IMPLICATIONS

This bill could result in an increased caseload for the AG, but it should save money at both the State and local level by clarifying jurisdictional issues.

SIGNIFICANT ISSUES

HB 1296 provides for primary jurisdiction of the AG to investigate and prosecute certain crimes committed by officers of the executive and judicial departments elected on a statewide basis for violations of the Governmental Conduct Act. (GCA) The crimes included in the GCA are: money wrongfully paid out, violations of expense limit, misuse of public money, tampering with public records and bribery.

This bill permits the AG’s office to conduct important prosecutions that will benefit the public interest in prosecuting government corruption. By specifying that the AG has primary jurisdiction to prosecute statewide officials, the bill resolves ambiguities in current law and helps centralize state office prosecutions in the AG’s office.

In cases where the AG has committed a violation of the GCA, the governor shall appoint a District Attorney (DA) or special prosecutor who may investigate and prosecute the AG. Upon the failure or refusal of the AG to act in any the above named crimes, the DA in the county where the state wide elected officer resides or where the violation occurred may investigate and prosecute an officer for a violation.

The AG and the DA in the county of jurisdiction have concurrent jurisdiction to enforce the provisions of the GCA if the suspected violator does not hold a statewide office.

ADMINISTRATIVE IMPLICATIONS

The AG anticipates having the resources, but the legislative addition of new attorneys and investigators for a Governmental Accountability Unit will make these actions more timely and comprehensive.

RELATIONSHIP

HB 1296 is related to other bills relating to ethics in government such as:

- HB 553, Contributions to State Agents & Candidates
- HB 818, Public Financing of Statewide Campaigns
- HB 819 Gift Act
- HB 820, Legislative Campaign Funds for Office Duties
- HB 821, Campaign Reporting Requirements
- HB 822, State Ethics Commission Act
- HB 823, Prohibit Certain Acts by Public Officers
- HB 1154, Lobbyist Filing Fees
- HB 1295, Retaliation for Ethics Violation Reporting
- HB 1053, Campaign Reporting Act Exception Statements
- HB 1296, Investigation of Elected Officials by AG
- SB 342, Candidate Withdrawal Requirements
- SB 400, Contributions to State Agents & Candidates (dup HB 553)
- SB 445, Extend Governmental Conduct Act
- SB 588, Former Legislators as Lobbyists
- SB 671, Candidate Withdrawal Requirements (dup SB 342)
- SB 737, Disclosure by Procurement Contractors
- SB 796, Legislative Campaign Funds for Office Duties (dup HB 820)
- SB 799, Public Financing of Statewide Campaigns (dup HB 818)
- SB 800, Campaign Reporting Requirements (dup HB 821)
- SB 815, State Ethics Commission Act (dup HB 822)
- SB 931, Gift Act (dup HB 819)
- SB 953, Lobbyist Filing Fees (dup HB 1154)
- SB 1043, Whistleblower Protection Act
- SB 1051, Inclusion in Governmental Conduct Act

SB 1107, Prohibit Certain Acts by Public Officers (dup HB 823)
SB 1137, Reporting of Lobbyist Compensation
SB 1177, Disclosure by Procurement Contractors

TECHNICAL ISSUES

There are several crimes when the AG and the local DA have concurrent jurisdiction. If a dispute between the AGO and a DA occurs, how might the disagreement be resolved? The bill should give some procedural guidance.

DW/mt