

SECOND REGULAR SESSION

HOUSE BILL NO. 1575

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWDEN.

4598H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.485 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.485 as enacted by house bill no. 2058, ninety-fourth general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to personal financial disclosures.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 105.485 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.485 as enacted by house bill no. 2058, ninety-fourth general assembly, second regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 105.485, to read as follows:

2 [105.485. 1. Each financial interest statement required by sections
3 105.483 to 105.492 shall be on a form prescribed by the commission and shall be
4 signed and verified by a written declaration that it is made under penalties of
5 perjury; provided, however, the form shall not seek information which is not
6 specifically required by sections 105.483 to 105.492.

7 2. Each person required to file a financial interest statement pursuant to
8 subdivisions (1) to (12) of section 105.483 shall file the following information
9 for himself, his spouse and dependent children at any time during the period
10 covered by the statement, whether singularly or collectively; provided, however,
11 that said person, if he does not know and his spouse will not divulge any
12 information required to be reported by this section concerning the financial
13 interest of his spouse, shall state on his financial interest statement that he has
14 disclosed that information known to him and that his spouse has refused or failed
15 to provide other information upon his bona fide request, and such statement shall
be deemed to satisfy the requirements of this section for such financial interest

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 of his spouse; and provided further if the spouse of any person required to file a
17 financial interest statement is also required by section 105.483 to file a financial
18 interest statement, the financial interest statement filed by each need not disclose
19 the financial interest of the other, provided that each financial interest statement
20 shall state that the spouse of the person has filed a separate financial interest
21 statement and the name under which the statement was filed:

22 (1) The name and address of each of the employers of such person from
23 whom income of one thousand dollars or more was received during the year
24 covered by the statement;

25 (2) The name and address of each sole proprietorship which he owned;
26 the name, address and the general nature of the business conducted of each
27 general partnership and joint venture in which he was a partner or participant; the
28 name and address of each partner or coparticipant for each partnership or joint
29 venture unless such names and addresses are filed by the partnership or joint
30 venture with the secretary of state; the name, address and general nature of the
31 business conducted of any closely held corporation or limited partnership in
32 which the person owned ten percent or more of any class of the outstanding stock
33 or limited partners' units; and the name of any publicly traded corporation or
34 limited partnership which is listed on a regulated stock exchange or automated
35 quotation system in which the person owned two percent or more of any class of
36 outstanding stock, limited partnership units or other equity interests;

37 (3) The name and address of any other source not reported pursuant to
38 subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which
39 such person received one thousand dollars or more of income during the year
40 covered by the statement, including, but not limited to, any income otherwise
41 required to be reported on any tax return such person is required by law to file;
42 except that only the name of any publicly traded corporation or limited
43 partnership which is listed on a regulated stock exchange or automated quotation
44 system need be reported pursuant to this subdivision;

45 (4) The location by county, the subclassification for property tax
46 assessment purposes, the approximate size and a description of the major
47 improvements and use for each parcel of real property in the state, other than the
48 individual's personal residence, having a fair market value of ten thousand dollars
49 or more in which such person held a vested interest including a leasehold for a
50 term of ten years or longer, and, if the property was transferred during the year
51 covered by the statement, the name and address of the persons furnishing or
52 receiving consideration for such transfer;

53 (5) The name and address of each entity in which such person owned
54 stock, bonds or other equity interest with a value in excess of ten thousand
55 dollars; except that, if the entity is a corporation listed on a regulated stock
56 exchange, only the name of the corporation need be listed; and provided that any
57 member of any board or commission of the state or any political subdivision who
58 does not receive any compensation for his services to the state or political

59 subdivision other than reimbursement for his actual expenses or a per diem
60 allowance as prescribed by law for each day of such service need not report
61 interests in publicly traded corporations or limited partnerships which are listed
62 on a regulated stock exchange or automated quotation system pursuant to this
63 subdivision; and provided further that the provisions of this subdivision shall not
64 require reporting of any interest in any qualified plan or annuity pursuant to the
65 Employees' Retirement Income Security Act;

66 (6) The name and address of each corporation for which such person
67 served in the capacity of a director, officer or receiver;

68 (7) The name and address of each not-for-profit corporation and each
69 association, organization, or union, whether incorporated or not, except
70 not-for-profit corporations formed to provide church services, fraternal
71 organizations or service clubs from which the officer or employee draws no
72 remuneration, in which such person was an officer, director, employee or trustee
73 at any time during the year covered by the statement, and for each such
74 organization, a general description of the nature and purpose of the organization;

75 (8) The name and address of each source from which such person
76 received a gift or gifts, or honorarium or honoraria in excess of two hundred
77 dollars in value per source during the year covered by the statement other than
78 gifts from persons within the third degree of consanguinity or affinity of the
79 person filing the financial interest statement. For the purposes of this section, a
80 "gift" shall not be construed to mean political contributions otherwise required
81 to be reported by law or hospitality such as food, beverages or admissions to
82 social, art, or sporting events or the like, or informational material. For the
83 purposes of this section, a "gift" shall include gifts to or by creditors of the
84 individual for the purpose of cancelling, reducing or otherwise forgiving the
85 indebtedness of the individual to that creditor;

86 (9) The lodging and travel expenses provided by any third person for
87 expenses incurred outside the state of Missouri whether by gift or in relation to
88 the duties of office of such official, except that such statement shall not include
89 travel or lodging expenses:

90 (a) Paid in the ordinary course of business for businesses described in
91 subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties
92 of office of such official; or

93 (b) For which the official may be reimbursed as provided by law; or

94 (c) Paid by persons related by the third degree of consanguinity or affinity
95 to the person filing the statement; or

96 (d) Expenses which are reported by the campaign committee or candidate
97 committee of the person filing the statement pursuant to the provisions of chapter
98 130; or

99 (e) Paid for purely personal purposes which are not related to the person's
100 official duties by a third person who is not a lobbyist, a lobbyist principal or
101 member, or officer or director of a member, of any association or entity which

102 employs a lobbyist. The statement shall include the name and address of such
103 person who paid the expenses, the date such expenses were incurred, the amount
104 incurred, the location of the travel and lodging, and the nature of the services
105 rendered or reason for the expenses;

106 (10) The assets in any revocable trust of which the individual is the
107 settlor if such assets would otherwise be required to be reported under this
108 section;

109 (11) The name, position and relationship of any relative within the first
110 degree of consanguinity or affinity to any other person who:

111 (a) Is employed by the state of Missouri, by a political subdivision of the
112 state or special district, as defined in section 115.013, of the state of Missouri;

113 (b) Is a lobbyist; or

114 (c) Is a fee agent of the department of revenue;

115 (12) The name and address of each campaign committee, political party
116 committee, candidate committee, or political action committee for which such
117 person or any corporation listed on such person's financial interest statement
118 received payment; and

119 (13) For members of the general assembly or any statewide elected public
120 official, their spouses, and their dependent children, whether any state tax credits
121 were claimed on the member's, spouse's, or dependent child's most recent state
122 income tax return.

123 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this
124 section, an individual shall be deemed to have received a salary from his
125 employer or income from any source at the time when he shall receive a
126 negotiable instrument whether or not payable at a later date and at the time when
127 under the practice of his employer or the terms of an agreement he has earned or
128 is entitled to anything of actual value whether or not delivery of the value is
129 deferred or right to it has vested. The term income as used in this section shall
130 have the same meaning as provided in the Internal Revenue Code of 1986, and
131 amendments thereto, as the same may be or becomes effective, at any time or
132 from time to time for the taxable year, provided that income shall not be
133 considered received or earned for purposes of this section from a partnership or
134 sole proprietorship until such income is converted from business to personal use.

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136 4. Each official, officer or employee or candidate of any political
137 subdivision described in subdivision (11) of section 105.483 shall be required to
138 file a financial interest statement as required by subsection 2 of this section,
139 unless the political subdivision biennially adopts an ordinance, order or
140 resolution at an open meeting by September fifteenth of the preceding year,
141 which establishes and makes public its own method of disclosing potential
142 conflicts of interest and substantial interests and therefore excludes the political
143 subdivision or district and its officers and employees from the requirements of
144 subsection 2 of this section. A certified copy of the ordinance, order or resolution

145 shall be sent to the commission within ten days of its adoption. The commission
146 shall assist any political subdivision in developing forms to complete the
147 requirements of this subsection. The ordinance, order or resolution shall contain,
148 at a minimum, the following requirements with respect to disclosure of
149 substantial interests:

150 (1) Disclosure in writing of the following described transactions, if any
151 such transactions were engaged in during the calendar year:

152 (a) For such person, and all persons within the first degree of
153 consanguinity or affinity of such person, the date and the identities of the parties
154 to each transaction with a total value in excess of five hundred dollars, if any, that
155 such person had with the political subdivision, other than compensation received
156 as an employee or payment of any tax, fee or penalty due to the political
157 subdivision, and other than transfers for no consideration to the political
158 subdivision;

159 (b) The date and the identities of the parties to each transaction known
160 to the person with a total value in excess of five hundred dollars, if any, that any
161 business entity in which such person had a substantial interest, had with the
162 political subdivision, other than payment of any tax, fee or penalty due to the
163 political subdivision or transactions involving payment for providing utility
164 service to the political subdivision, and other than transfers for no consideration
165 to the political subdivision;

166 (2) The chief administrative officer and chief purchasing officer of such
167 political subdivision shall disclose in writing the information described in
168 subdivisions (1), (2) and (6) of subsection 2 of this section;

169 (3) Disclosure of such other financial interests applicable to officials,
170 officers and employees of the political subdivision, as may be required by the
171 ordinance or resolution;

172 (4) Duplicate disclosure reports made pursuant to this subsection shall
173 be filed with the commission and the governing body of the political subdivision.
174 The clerk of such governing body shall maintain such disclosure reports available
175 for public inspection and copying during normal business hours.]
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105.485. 1. Each financial interest statement required by sections 105.483 to 105.492
2 shall be on a form prescribed by the commission and shall be signed and verified by a written
3 declaration that it is made under penalties of perjury; provided, however, the form shall not seek
4 information which is not specifically required by sections 105.483 to 105.492.

5 2. Each person required to file a financial interest statement pursuant to subdivisions (1)
6 to (12) of section 105.483 shall file the following information for himself, his spouse and
7 dependent children at any time during the period covered by the statement, whether singularly
8 or collectively; provided, however, that said person, if he does not know and his spouse will not
9 divulge any information required to be reported by this section concerning the financial interest

10 of his spouse, shall state on his financial interest statement that he has disclosed that information
11 known to him and that his spouse has refused or failed to provide other information upon his
12 bona fide request, and such statement shall be deemed to satisfy the requirements of this section
13 for such financial interest of his spouse; and provided further if the spouse of any person required
14 to file a financial interest statement is also required by section 105.483 to file a financial interest
15 statement, the financial interest statement filed by each need not disclose the financial interest
16 of the other, provided that each financial interest statement shall state that the spouse of the
17 person has filed a separate financial interest statement and the name under which the statement
18 was filed:

19 (1) The name and address of each of the employers of such person from whom income
20 of one thousand dollars or more was received during the year covered by the statement;

21 (2) The name and address of each sole proprietorship which he owned; the name, address
22 and the general nature of the business conducted of each general partnership and joint venture
23 in which he was a partner or participant; the name and address of each partner or coparticipant
24 for each partnership or joint venture unless such names and addresses are filed by the partnership
25 or joint venture with the secretary of state; the name, address and general nature of the business
26 conducted of any closely held corporation or limited partnership in which the person owned ten
27 percent or more of any class of the outstanding stock or limited partners' units; and the name of
28 any publicly traded corporation or limited partnership which is listed on a regulated stock
29 exchange or automated quotation system in which the person owned two percent or more of any
30 class of outstanding stock, limited partnership units or other equity interests;

31 (3) The name and address of any other source not reported pursuant to subdivisions (1)
32 and (2) and subdivisions (4) to (9) of this subsection from which such person received one
33 thousand dollars or more of income during the year covered by the statement, including, but not
34 limited to, any income otherwise required to be reported on any tax return such person is required
35 by law to file; except that only the name of any publicly traded corporation or limited partnership
36 which is listed on a regulated stock exchange or automated quotation system need be reported
37 pursuant to this subdivision;

38 (4) The location by county, the subclassification for property tax assessment purposes,
39 the approximate size and a description of the major improvements and use for each parcel of real
40 property in the state, other than the individual's personal residence, having a fair market value
41 of ten thousand dollars or more in which such person held a vested interest including a leasehold
42 for a term of ten years or longer, and, if the property was transferred during the year covered by
43 the statement, the name and address of the persons furnishing or receiving consideration for such
44 transfer;

45 (5) The name and address of each entity in which such person owned stock, bonds or
46 other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a
47 corporation listed on a regulated stock exchange, only the name of the corporation need be listed;
48 and provided that any member of any board or commission of the state or any political
49 subdivision who does not receive any compensation for his services to the state or political
50 subdivision other than reimbursement for his actual expenses or a per diem allowance as
51 prescribed by law for each day of such service need not report interests in publicly traded
52 corporations or limited partnerships which are listed on a regulated stock exchange or automated
53 quotation system pursuant to this subdivision; and provided further that the provisions of this
54 subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant
55 to the Employees' Retirement Income Security Act;

56 (6) The name and address of each corporation for which such person served in the
57 capacity of a director, officer or receiver;

58 (7) The name and address of each not-for-profit corporation and each association,
59 organization, or union, whether incorporated or not, except not-for-profit corporations formed
60 to provide church services, fraternal organizations or service clubs from which the officer or
61 employee draws no remuneration, in which such person was an officer, director, employee or
62 trustee at any time during the year covered by the statement, and for each such organization, a
63 general description of the nature and purpose of the organization;

64 (8) The name and address of each source from which such person received a gift or gifts,
65 or honorarium or honoraria in excess of two hundred dollars in value per source during the year
66 covered by the statement other than gifts from persons within the third degree of consanguinity
67 or affinity of the person filing the financial interest statement. For the purposes of this section,
68 a "gift" shall not be construed to mean political contributions otherwise required to be reported
69 by law or hospitality such as food, beverages or admissions to social, art, or sporting events or
70 the like, or informational material. For the purposes of this section, a "gift" shall include gifts
71 to or by creditors of the individual for the purpose of cancelling, reducing or otherwise forgiving
72 the indebtedness of the individual to that creditor;

73 (9) The lodging and travel expenses provided by any third person for expenses incurred
74 outside the state of Missouri whether by gift or in relation to the duties of office of such official,
75 except that such statement shall not include travel or lodging expenses:

76 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
77 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

78 (b) For which the official may be reimbursed as provided by law; or

79 (c) Paid by persons related by the third degree of consanguinity or affinity to the person
80 filing the statement; or

81 (d) Expenses which are reported by the campaign committee or candidate committee of
82 the person filing the statement pursuant to the provisions of chapter 130; or

83 (e) Paid for purely personal purposes which are not related to the person's official duties
84 by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of
85 a member, of any association or entity which employs a lobbyist. The statement shall include
86 the name and address of such person who paid the expenses, the date such expenses were
87 incurred, the amount incurred, the location of the travel and lodging, and the nature of the
88 services rendered or reason for the expenses;

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90 **A statement containing any lodging and travel expenses paid by a third party that are**
91 **required to be reported under this subdivision shall be filed within thirty days of receipt**
92 **of the funds or within thirty days of the trip for which funds were given, whichever first**
93 **occurs; any person who fails to file such statement within the thirty-day period shall be**
94 **assessed a late fee of ten dollars per day for each day the report is late;**

95 (10) The assets in any revocable trust of which the individual is the settlor if such assets
96 would otherwise be required to be reported under this section;

97 (11) The name, position and relationship of any relative within the first degree of
98 consanguinity or affinity to any other person who:

99 (a) Is employed by the state of Missouri, by a political subdivision of the state or special
100 district, as defined in section 115.013, of the state of Missouri;

101 (b) Is a lobbyist; or

102 (c) Is a fee agent of the department of revenue;

103 (12) The name and address of each campaign committee, political committee, candidate
104 committee, or continuing committee for which such person or any corporation listed on such
105 person's financial interest statement received payment; and

106 (13) For members of the general assembly or any statewide elected public official, their
107 spouses, and their dependent children, whether any state tax credits were claimed on the
108 member's, spouse's, or dependent child's most recent state income tax return.

109 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an
110 individual shall be deemed to have received a salary from his employer or income from any
111 source at the time when he shall receive a negotiable instrument whether or not payable at a later
112 date and at the time when under the practice of his employer or the terms of an agreement he has
113 earned or is entitled to anything of actual value whether or not delivery of the value is deferred
114 or right to it has vested. The term income as used in this section shall have the same meaning
115 as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be
116 or becomes effective, at any time or from time to time for the taxable year, provided that income

117 shall not be considered received or earned for purposes of this section from a partnership or sole
118 proprietorship until such income is converted from business to personal use.

119 4. Each official, officer or employee or candidate of any political subdivision described
120 in subdivision (11) of section 105.483 shall be required to file a financial interest statement as
121 required by subsection 2 of this section, unless the political subdivision biennially adopts an
122 ordinance, order or resolution at an open meeting by September fifteenth of the preceding year,
123 which establishes and makes public its own method of disclosing potential conflicts of interest
124 and substantial interests and therefore excludes the political subdivision or district and its
125 officers and employees from the requirements of subsection 2 of this section. A certified copy
126 of the ordinance, order or resolution shall be sent to the commission within ten days of its
127 adoption. The commission shall assist any political subdivision in developing forms to complete
128 the requirements of this subsection. The ordinance, order or resolution shall contain, at a
129 minimum, the following requirements with respect to disclosure of substantial interests:

130 (1) Disclosure in writing of the following described transactions, if any such transactions
131 were engaged in during the calendar year:

132 (a) For such person, and all persons within the first degree of consanguinity or affinity
133 of such person, the date and the identities of the parties to each transaction with a total value in
134 excess of five hundred dollars, if any, that such person had with the political subdivision, other
135 than compensation received as an employee or payment of any tax, fee or penalty due to the
136 political subdivision, and other than transfers for no consideration to the political subdivision;

137 (b) The date and the identities of the parties to each transaction known to the person with
138 a total value in excess of five hundred dollars, if any, that any business entity in which such
139 person had a substantial interest, had with the political subdivision, other than payment of any
140 tax, fee or penalty due to the political subdivision or transactions involving payment for
141 providing utility service to the political subdivision, and other than transfers for no consideration
142 to the political subdivision;

143 (2) The chief administrative officer and chief purchasing officer of such political
144 subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6)
145 of subsection 2 of this section;

146 (3) Disclosure of such other financial interests applicable to officials, officers and
147 employees of the political subdivision, as may be required by the ordinance or resolution;

148 (4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the
149 commission and the governing body of the political subdivision. The clerk of such governing
150 body shall maintain such disclosure reports available for public inspection and copying during
151 normal business hours.

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