

SECOND REGULAR SESSION

HOUSE BILL NO. 1766

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DUNN.

4141H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.483, 105.487, 105.955, 115.349, 115.635, 575.021, and 610.010, RSMo, and sections 105.485, 105.957, 105.963, and 105.966 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and sections 105.957 and 105.963 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and section 105.485 as enacted by house bill no. 2058, ninety-fourth general assembly, second regular session, and section 105.966 as enacted by senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof eleven new sections relating to ethics, with penalty provisions and an effective date.

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

Section A. Sections 105.483, 105.487, 105.955, 115.349, 115.635, 575.021, and
2 610.010, RSMo, and sections 105.485, 105.957, 105.963, and 105.966 as enacted by senate bill
3 no. 844, ninety-fifth general assembly, second regular session, and sections 105.957 and 105.963
4 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and
5 section 105.485 as enacted by house bill no. 2058, ninety-fourth general assembly, second
6 regular session, and section 105.966 as enacted by senate bills nos. 31 & 285, ninety-second
7 general assembly, first regular session, are repealed and eleven new sections enacted in lieu
8 thereof, to be known as sections 105.483, 105.485, 105.487, 105.955, 105.957, 105.963,
9 105.966, 115.349, 115.635, 575.021, and 610.010, to read as follows:

105.483. **1.** Each of the following persons shall be required to file a financial interest
2 statement:

3 (1) Associate circuit judges, circuit court judges, judges of the courts of appeals and of
4 the supreme court, and candidates for any such office;

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.

5 (2) Persons holding an elective office of the state, whether by election or appointment,
6 and candidates for such elective office, except those running for or serving as county committee
7 members for a political party pursuant to section 115.609 or section 115.611;

8 (3) The principal administrative or deputy officers or assistants serving the governor,
9 lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which
10 officers shall be designated by the respective elected state official, **and any paid, full-time**
11 **employee of such elected official who works in any manner to develop or influence the**
12 **passage or defeat of any legislation;**

13 (4) The members of each board or commission and the chief executive officer of each
14 public entity created pursuant to the constitution or interstate compact or agreement and the
15 members of each board of regents or curators and the chancellor or president of each state
16 institution of higher education;

17 (5) The director and each assistant deputy director and the general counsel and the chief
18 purchasing officer of each department, division and agency of state government;

19 (6) Any official or employee of the state authorized by law to promulgate rules and
20 regulations or authorized by law to vote on the adoption of rules and regulations;

21 (7) Any member of a board or commission created by interstate compact or agreement,
22 including the executive director and any Missouri resident who is a member of the bi-state
23 development agency created pursuant to sections 70.370 to [70.440] **70.429;**

24 (8) Any board member of a metropolitan sewer district authorized under Section 30(a)
25 of Article VI of the state constitution;

26 (9) Any member of a commission appointed or operating pursuant to sections 64.650 to
27 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

28 (10) The members, the chief executive officer and the chief purchasing officer of each
29 board or commission which enters into or approves contracts for the expenditure of state funds;

30 (11) Each elected official, candidate for elective office, the chief administrative officer,
31 the chief purchasing officer and the general counsel, if employed full time, of each political
32 subdivision [with an annual operating budget in excess of one million dollars], and each official
33 or employee of a political subdivision who is authorized by the governing body of the political
34 subdivision to promulgate rules and regulations with the force of law or to vote on the adoption
35 of rules and regulations with the force of law; [unless the political subdivision adopts an
36 ordinance, order or resolution pursuant to subsection 4 of section 105.485;]

37 (12) Any person who is designated as a decision-making public servant by any of the
38 officials or entities listed in subdivision (6) of section 105.450;

39 (13) **Any person who is employed by the state or by any elected or appointed official**
40 **of the state, or by any political subdivision of the state, including cities, towns, villages,**

41 **counties, and public school districts, and who receives any compensation for political**
42 **activities or consulting not directly associated with the person's official duties;**

43 **(14) Any staff of any member of the general assembly that is a paid, full-time**
44 **employee of such member.**

45 **2. This section shall apply to all persons listed in this section regardless of whether**
46 **the person is compensated on a full-time, part-time, or contract basis.**

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

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

135 4. Each official, officer or employee or candidate of any political
136 subdivision described in subdivision (11) of section 105.483 shall be required to
137 file a financial interest statement as required by subsection 2 of this section,
138 unless the political subdivision biennially adopts an ordinance, order or
139 resolution at an open meeting by September fifteenth of the preceding year,
140 which establishes and makes public its own method of disclosing potential
141 conflicts of interest and substantial interests and therefore excludes the political
142 subdivision or district and its officers and employees from the requirements of
143 subsection 2 of this section. A certified copy of the ordinance, order or resolution
144 shall be sent to the commission within ten days of its adoption. The commission
145 shall assist any political subdivision in developing forms to complete the
146 requirements of this subsection. The ordinance, order or resolution shall contain,
147 at a minimum, the following requirements with respect to disclosure of
148 substantial interests:

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

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

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

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

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

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

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
6 (1) to (12) of] section 105.483 shall file the following information for [himself, his] **such person,**
7 **such person's** spouse and dependent children at any time during the period covered by the
8 statement, whether singularly or collectively; provided, however, that [said person,] if [he] **such**
9 **person** does not know and [his] **such person's** spouse will not divulge any information required
10 to be reported by this section concerning the financial interest of [his] **such person's** spouse,
11 **such person** shall state on [his] **the** financial interest statement that [he] **such person** has
12 disclosed that information known to [him] **such person** and that [his] **such person's** spouse has
13 refused or failed to provide other information upon [his] **such person's** bona fide request, and
14 such statement shall be deemed to satisfy the requirements of this section for such financial
15 interest of [his] **such person's** spouse; and provided further if the spouse of any person required
16 to file a financial interest statement is also required by section 105.483 to file a financial interest
17 statement, the financial interest statement filed by each need not disclose the financial interest
18 of the other, provided that each financial interest statement shall state that the spouse of the
19 person has filed a separate financial interest statement and the name under which the statement
20 was filed:

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

23 (2) The name and address of each sole proprietorship which [he] **such person** owned;
24 **the name, address, and the general nature of the business conducted of each limited**
25 **liability company in which the person had an interest;** the name, address and the general
26 nature of the business conducted of each general partnership and joint venture in which [he] **such**
27 **person** was a partner or participant; the name and address of each partner or coparticipant for
28 each partnership or joint venture unless such names and addresses are filed by the partnership

29 or joint venture with the secretary of state; the name, address and general nature of the business
30 conducted of any closely held corporation or limited partnership in which the person owned ten
31 percent or more of any class of the outstanding stock or limited partners' units; and the name of
32 any publicly traded corporation or limited partnership which is listed on a regulated stock
33 exchange or automated quotation system in which the person owned two percent or more of any
34 class of outstanding stock, limited partnership units or other equity interests;

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

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

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

60 (6) The name and address of each corporation for which such person served in the
61 capacity of a director, officer [or] , receiver, **trustee, partner, proprietor, representative,**
62 **employee, or consultant;**

63 (7) The name and address of each not-for-profit corporation and each association,
64 organization, or union, whether incorporated or not, except not-for-profit corporations formed

65 to provide church services, fraternal organizations or service clubs from which the officer or
66 employee draws no remuneration, in which such person was an officer, director, employee [or]
67 , trustee, **partner, proprietor, representative, or consultant** at any time during the year covered
68 by the statement, and for each such organization, a general description of the nature and purpose
69 of the organization;

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

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

83 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
84 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

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

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

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

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

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

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

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

102 (b) Is a lobbyist; or

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

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

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

110 **(14) A brief description, the date, and category of value of any purchase, sale, or**
111 **exchange during the preceding calendar year which exceeds one thousand dollars in real**
112 **property, other than property used solely as a personal residence of the reporting**
113 **individual or the individual's spouse, or in stocks, bonds, commodities futures, and other**
114 **forms of securities. Reporting is not required under this subdivision of any transaction**
115 **solely by and between the reporting individual, the individual's spouse, or dependent**
116 **children;**

117 **(15) The identity and category of value of the total liabilities owed to any creditor**
118 **other than a spouse, or a parent, brother, sister, or child of the reporting individual or of**
119 **the individual's spouse which exceed ten thousand dollars at any time during the preceding**
120 **calendar year, excluding any mortgage secured by real property that is a personal**
121 **residence of the reporting individual or the individual's spouse, any loan secured by a**
122 **personal motor vehicle, household furniture, or appliances, which loan does not exceed the**
123 **purchase price of the item which secures it, and excluding any qualified education loan as**
124 **such term is defined in Section 221 of the Internal Revenue Code of 1986, as amended.**
125 **With respect to revolving charge accounts, only those with an outstanding liability that**
126 **exceeds ten thousand dollars as of the close of the preceding calendar year shall be**
127 **reported under this subdivision;**

128 **(16) A description of the date, parties to, and terms of any agreement or**
129 **arrangement with respect to future employment, a leave of absence during the period of**
130 **the reporting individual's government service, continuation of payments by a former**
131 **employer other than this state, and continuing participation in an employee welfare or**
132 **benefit plan maintained by a former employer;**

133 **(17) For paid, full-time employees of members of the general assembly and**
134 **designated officers and employees of statewide elected officials required to report under**

135 **subdivision (3) of subsection 1 of section 105.483, any income received by or payments**
136 **made to such person in connection with any political campaign; and**

137 **(18) For members of the general assembly, paid, full-time employees of members**
138 **of the general assembly, statewide elected officials, and designated officers and employees**
139 **of statewide elected officials required to report under subdivision (3) of subsection 1 of**
140 **section 105.483, any income, other than income reported under subdivision (1) of**
141 **subsection 2 of this section, received by or payments made to such person by any business**
142 **entity or organization; the name, address, and the general nature of the business conducted**
143 **by each entity or organization; and the amount of income received by or payments made**
144 **to such person in check-off form representing less than one thousand dollars, one thousand**
145 **to ten thousand dollars, and more than ten thousand dollars.**

146 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an
147 individual shall be deemed to have received a salary from [his] **the individual's** employer or
148 income from any source at the time when [he] **the individual** shall receive a negotiable
149 instrument whether or not payable at a later date and at the time when under the practice of [his]
150 **the individual's** employer or the terms of an agreement [he] **the individual** has earned or is
151 entitled to anything of actual value whether or not delivery of the value is deferred or right to it
152 has vested. The term income as used in this section shall have the same meaning as provided
153 in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes
154 effective, at any time or from time to time for the taxable year, provided that income shall not
155 be considered received or earned for purposes of this section from a partnership or sole
156 proprietorship until such income is converted from business to personal use.

157 [4. Each official, officer or employee or candidate of any political subdivision described
158 in subdivision (11) of section 105.483 shall be required to file a financial interest statement as
159 required by subsection 2 of this section, unless the political subdivision biennially adopts an
160 ordinance, order or resolution at an open meeting by September fifteenth of the preceding year,
161 which establishes and makes public its own method of disclosing potential conflicts of interest
162 and substantial interests and therefore excludes the political subdivision or district and its
163 officers and employees from the requirements of subsection 2 of this section. A certified copy
164 of the ordinance, order or resolution shall be sent to the commission within ten days of its
165 adoption. The commission shall assist any political subdivision in developing forms to complete
166 the requirements of this subsection. The ordinance, order or resolution shall contain, at a
167 minimum, the following requirements with respect to disclosure of substantial interests:

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

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

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

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

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

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

105.487. The financial interest statements shall be filed at the following times, but, **with**
2 **the exception of persons described in subdivision (4) of this section**, no person is required to
3 file more than one financial interest statement in any calendar year:

4 (1) Each candidate for elective office, except those candidates for county committee of
5 a political party pursuant to section 115.609 or section 115.611, who is required to file a personal
6 financial disclosure statement shall file a financial interest statement no later than fourteen days
7 after the close of filing at which the candidate seeks nomination or election, and the statement
8 shall be for the [twelve months prior to the closing date] **previous calendar year ending the**
9 **immediately preceding December thirty-first**, except that in the event an individual does not
10 become a candidate until after the date of certification for candidates, the statement shall be filed
11 within fourteen days of the individual's nomination by caucus. An individual required to file a
12 financial interest statement because of the individual's candidacy for office prior to a primary
13 election in accordance with this section is also required to amend such statement no later than
14 the close of business on Monday prior to the general election to reflect any changes in financial
15 interest during the interim. The appropriate election authority shall provide to the candidate at
16 the time of filing for [election] **office** written notice of the candidate's obligation to file pursuant

17 to sections 105.483 to 105.492 and the candidate shall sign a statement acknowledging receipt
18 of such notice;

19 (2) Each person appointed to office, except any person elected for county committee of
20 a political party pursuant to section 115.617, and each official or employee described in section
21 105.483 who is not otherwise covered in this subsection shall file the statement within thirty days
22 of such appointment or employment, **and the statement shall be for the previous calendar**
23 **year ending the immediately preceding December thirty-first;**

24 (3) Every other person required by sections 105.483 to 105.492 to file a financial interest
25 statement shall file the statement annually not later than the [first] **thirty-first** day of [May]
26 **January** and the statement shall cover the calendar year ending the immediately preceding
27 December thirty-first; provided that the governor, lieutenant governor, any member of the
28 general assembly or any member of the governing body of a political subdivision may
29 supplement such person's financial interest statement to report additional interests acquired after
30 December thirty-first of the covered year until the date of filing of the financial interest
31 statement;

32 (4) **Members of the general assembly; paid, full-time employees of members of the**
33 **general assembly; statewide elected officials; and designated officers and employees of**
34 **statewide elected officials required to report under subdivision (3) of subsection 1 of section**
35 **105.483 shall file an additional statement annually not later than the thirtieth day of June**
36 **and the statement shall cover the period including the first day of January until the**
37 **thirty-first day of May immediately preceding the filing date;**

38 (5) The deadline for filing any statement required by sections 105.483 to 105.492 shall
39 be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls
40 on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00
41 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement
42 required within a specified time shall be deemed to be timely filed if it is postmarked not later
43 than midnight of the day [previous to the last day] designated for filing the statement.

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is
2 hereby established. The commission shall be assigned to the office of administration with
3 supervision by the office of administration only for budgeting and reporting as provided by
4 subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974.
5 Supervision by the office of administration shall not extend to matters relating to policies,
6 regulative functions or appeals from decisions of the commission, and the commissioner of
7 administration, any employee of the office of administration, or the governor, either directly or
8 indirectly, shall not participate or interfere with the activities of the commission in any manner
9 not specifically provided by law and shall not in any manner interfere with the budget request

10 of or withhold any moneys appropriated to the commission by the general assembly. All
11 members of the commission shall be appointed by the governor with the advice and consent of
12 the senate from lists submitted pursuant to this section. Each congressional district committee
13 of the political parties having the two highest number of votes cast for their candidate for
14 governor at the last gubernatorial election shall submit two names of eligible nominees for
15 membership on the commission to the governor, and the governor shall select six members from
16 such nominees to serve on the commission.

17 2. Within thirty days of submission of the person's name to the governor as provided in
18 subsection 1 of this section, and in order to be an eligible nominee for appointment to the
19 commission, a person shall file a financial interest statement in the manner provided by section
20 105.485 and shall provide the governor, the president pro tempore of the senate, and the
21 commission with a list of all political contributions and the name of the candidate or committee,
22 political party, or [continuing] **political action** committee, as defined in chapter 130, to which
23 those contributions were made within the four-year period prior to such appointment, made by
24 the nominee, the nominee's spouse, or any business entity in which the nominee has a substantial
25 interest. The information shall be maintained by the commission and available for public
26 inspection during the period of time during which the appointee is a member of the commission.
27 In order to be an eligible nominee for membership on the commission, a person shall be a citizen
28 and a resident of the state and shall have been a registered voter in the state for a period of at
29 least five years preceding the person's appointment.

30 3. The term of each member shall be for four years, except that of the members first
31 appointed, the governor shall select three members from even-numbered congressional districts
32 and three members from odd-numbered districts. Not more than three members of the
33 commission shall be members of the same political party, nor shall more than one member be
34 from any one United States congressional district. Not more than two members appointed from
35 the even-numbered congressional districts shall be members of the same political party, and no
36 more than two members from the odd-numbered congressional districts shall be members of the
37 same political party. Of the members first appointed, the terms of the members appointed from
38 the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the
39 members appointed from the even-numbered congressional districts shall expire on March 15,
40 1996. Thereafter all successor members of the commission shall be appointed for four-year
41 terms. Terms of successor members of the commission shall expire on March fifteenth of the
42 fourth year of their term. No member of the commission shall serve on the commission after the
43 expiration of the member's term, **except that a member's term may be extended one time for**
44 **up to one hundred twenty days if there are vacancies on the commission.** No person shall

45 be appointed to more than one full four-year term on the commission **plus one term extension**
46 **of one hundred twenty days as provided in this subsection.**

47 4. Vacancies or expired terms on the commission shall be filled in the same manner as
48 the original appointment was made, except as provided in this subsection. Within thirty days of
49 the vacancy or ninety days before the expiration of the term, the names of two eligible nominees
50 for membership on the commission shall be submitted to the governor by the congressional
51 district committees of the political party or parties of the vacating member or members, from the
52 even- or odd-numbered congressional districts, based on the residence of the vacating member
53 or members, other than from the congressional district committees from districts then represented
54 on the commission and from the same congressional district party committee or committees
55 which originally appointed the member or members whose positions are vacated. Appointments
56 to fill vacancies or expired terms shall be made within forty-five days after the deadline for
57 submission of names by the congressional district committees, and shall be subject to the same
58 qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section.
59 Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired
60 term of the member whom the appointee succeeds, and such appointees shall be eligible for
61 appointment to one full four-year term. If the congressional district committee does not submit
62 the required two nominees within the thirty days or if the congressional district committee does
63 not submit the two nominees within an additional thirty days after receiving notice from the
64 governor to submit the nominees, then the governor may appoint a person or persons who shall
65 be subject to the same qualifications for appointment and eligibility as provided in subsections
66 2 and 3 of this section.

67 5. The governor, with the advice and consent of the senate, may remove any member
68 only for substantial neglect of duty, inability to discharge the powers and duties of office, gross
69 misconduct or conviction of a felony or a crime involving moral turpitude. Members of the
70 commission also may be removed from office by concurrent resolution of the general assembly
71 signed by the governor. If such resolution receives the vote of two-thirds or more of the
72 membership of both houses of the general assembly, the signature of the governor shall not be
73 necessary to effect removal. The office of any member of the commission who moves from the
74 congressional district from which the member was appointed shall be deemed vacated upon such
75 change of residence.

76 6. The commission shall elect biennially one of its members as the [chairman] **chair**.
77 The [chairman may] **chair shall** not succeed himself or herself after two years. No member of
78 the commission shall succeed as [chairman] **chair** any member of the same political party as
79 himself or herself. At least four members are necessary to constitute a quorum, and at least four
80 affirmative votes shall be required for any action or recommendation of the commission.

81 7. No member or employee of the commission, during the person's term of service, shall
82 hold or be a candidate for any other public office.

83 8. In the event that a retired judge is appointed as a member of the commission, the judge
84 shall not serve as a special investigator while serving as a member of the commission.

85 9. No member of the commission shall, during the member's term of service or within
86 one year thereafter:

87 (1) Be employed by the state or any political subdivision of the state;

88 (2) Be employed as a lobbyist;

89 (3) Serve on any other governmental board or commission;

90 (4) Be an officer of any political party or political organization;

91 (5) Permit the person's name to be used, or make contributions, in support of or in
92 opposition to any candidate or proposition;

93 (6) Participate in any way in any election campaign; except that a member or employee
94 of the commission shall retain the right to register and vote in any election, to express the
95 person's opinion privately on political subjects or candidates, to participate in the activities of
96 a civic, community, social, labor or professional organization and to be a member of a political
97 party.

98 10. Each member of the commission shall receive, as full compensation for the member's
99 services, the sum of one hundred dollars per day for each full day actually spent on work of the
100 commission, and the member's actual and necessary expenses incurred in the performance of the
101 member's official duties.

102 11. The commission shall appoint an executive director who shall serve subject to the
103 supervision of and at the pleasure of the commission[, but in no event for more than six years].
104 The executive director shall be responsible for the administrative operations of the commission
105 and perform such other duties as may be delegated or assigned to the director by law or by rule
106 of the commission. The executive director shall employ staff and retain such contract services
107 as the director deems necessary, within the limits authorized by appropriations by the general
108 assembly.

109 12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed
110 pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of
111 section 105.489, and campaign finance disclosure reports filed other than with election
112 authorities or local election authorities as provided by section 130.026 shall be filed with the
113 commission.

114 13. Within sixty days of the initial meeting of the first commission appointed, the
115 commission shall obtain from the clerk of the supreme court or the state courts administrator a
116 list of retired appellate and circuit court judges who did not leave the judiciary as a result of

117 being defeated in an election. The executive director shall determine those judges who indicate
118 their desire to serve as special investigators and to investigate any and all complaints referred to
119 them by the commission. The executive director shall maintain an updated list of those judges
120 qualified and available for appointment to serve as special investigators. Such list shall be
121 updated at least annually. The commission shall refer complaints to such special investigators
122 on that list on a rotating schedule which ensures a random assignment of each special
123 investigator. Each special investigator shall receive only one unrelated investigation at a time
124 and shall not be assigned to a second or subsequent investigation until all other eligible
125 investigators on the list have been assigned to an investigation. In the event that no special
126 investigator is qualified or available to conduct a particular investigation, the commission may
127 appoint a special investigator to conduct such particular investigation.

128 14. The commission shall have the following duties and responsibilities relevant to the
129 impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, as provided
130 in sections 105.955 to 105.963:

131 (1) Receive and review complaints regarding alleged violation of sections 105.450 to
132 105.496 and chapter 130, conduct initial reviews and investigations regarding such complaints
133 as provided herein; refer complaints to appropriate prosecuting authorities and appropriate
134 disciplinary authorities along with recommendations for sanctions; and initiate judicial
135 proceedings as allowed by sections 105.955 to 105.963;

136 (2) Review and ~~[audit]~~ **investigate** any reports and statements required by the campaign
137 finance disclosure laws contained in chapter 130, and financial interest disclosure laws or
138 lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for
139 timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;

140 (3) **Conduct investigations as provided in section 105.959;**

141 (4) Develop appropriate systems to file and maintain an index of all such reports and
142 statements to facilitate public access to such information, except as may be limited by
143 confidentiality requirements otherwise provided by law, including cross-checking of information
144 contained in such statements and reports. The commission may enter into contracts with the
145 appropriate filing officers to effectuate such system. Such filing officers shall cooperate as
146 necessary with the commission as reasonable and necessary to effectuate such purposes;

147 ~~[(4)]~~ (5) Provide information and assistance to lobbyists, elected and appointed officials,
148 and employees of the state and political subdivisions in carrying out the provisions of sections
149 105.450 to 105.496 and chapter 130;

150 ~~[(5)]~~ (6) Make recommendations to the governor and general assembly or any state
151 agency on the need for further legislation with respect to the ethical conduct of public officials
152 and employees and to advise state and local government in the development of local government

153 codes of ethics and methods of disclosing conflicts of interest as the commission may deem
154 appropriate to promote high ethical standards among all elected and appointed officials or
155 employees of the state or any political subdivision thereof and lobbyists;

156 ~~[(6)]~~ (7) Render advisory opinions as provided by this section;

157 ~~[(7)]~~ (8) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and
158 chapter 130. All rules and regulations issued by the commission shall be prospective only in
159 operation;

160 ~~[(8)]~~ (9) Request and receive from the officials and entities identified in subdivision (6)
161 of section 105.450 designations of decision-making public servants.

162 15. In connection with such powers provided by sections 105.955 to 105.963 and chapter
163 130, the commission may:

164 (1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be
165 served and enforced in the same manner provided by section 536.077, **except that during an**
166 **investigation, the commission may delegate the power to issue subpoenas to the executive**
167 **director;**

168 (2) Administer oaths and affirmations;

169 (3) Take evidence and require by subpoena duces tecum the production of books, papers,
170 and other records relating to any matter being investigated or to the performance of the
171 commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and
172 enforced in the same manner provided by section 536.077, **except that during an investigation,**
173 **the commission may delegate the power to issue subpoenas duces tecum to the executive**
174 **director;**

175 (4) Employ such personnel, including legal counsel, and contract for services including
176 legal counsel, within the limits of its appropriation, as it deems necessary provided such legal
177 counsel, either employed or contracted, represents the Missouri ethics commission before any
178 state agency or before the courts at the request of the Missouri ethics commission. Nothing in
179 this section shall limit the authority of the Missouri ethics commission as provided for in
180 subsection 2 of section 105.961; and

181 (5) Obtain information from any department, division or agency of the state or any
182 political subdivision reasonably calculated to lead to the discovery of evidence which will
183 reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to
184 105.963 and chapter 130.

185 16. (1) Upon written request for an advisory opinion received by the commission, and
186 if the commission determines that the person requesting the opinion would be directly affected
187 by the application of law to the facts presented by the requesting person, the commission shall
188 issue a written opinion advising the person who made the request, in response to the person's

189 particular request, regarding any issue that the commission can receive a complaint on pursuant
190 to section 105.957. The commission may decline to issue a written opinion by a vote of four
191 members and shall provide to the requesting person the reason for the refusal in writing. The
192 commission shall give an approximate time frame as to when the written opinion shall be issued.
193 Such advisory opinions shall be issued no later than ninety days from the date of receipt by the
194 commission. Such requests and advisory opinions, deleting the name and identity of the
195 requesting person, shall be compiled and published by the commission on at least an annual
196 basis. Advisory opinions issued by the commission shall be maintained and made available for
197 public inspection and copying at the office of the commission during normal business hours.
198 Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall
199 be withdrawn by the commission if, after hearing thereon, the joint committee on administrative
200 rules finds that such advisory opinion is beyond or contrary to the statutory authority of the
201 commission or is inconsistent with the legislative intent of any law enacted by the general
202 assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings
203 and conclusions of the joint committee on administrative rules. Any such concurrent resolution
204 adopted by the general assembly shall be published at length by the commission in its publication
205 of advisory opinions of the commission next following the adoption of such resolution, and a
206 copy of such concurrent resolution shall be maintained by the commission, along with the
207 withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also
208 send a copy of such resolution to the person who originally requested the withdrawn advisory
209 opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any
210 person requesting such opinion and no person shall be liable for relying on the opinion and it
211 shall act as a defense of justification against prosecution. An advisory opinion of the
212 commission shall not be withdrawn unless:

213 (a) The authorizing statute is declared unconstitutional;
214 (b) The opinion goes beyond the power authorized by statute; or
215 (c) The authorizing statute is changed to invalidate the opinion.
216 (2) Upon request, the attorney general shall give the attorney general's opinion, without
217 fee, to the commission, any elected official of the state or any political subdivision, any member
218 of the general assembly, or any director of any department, division or agency of the state, upon
219 any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter
220 130. Such opinion need be in writing only upon request of such official, member or director, and
221 in any event shall be rendered within sixty days [that] **after** such request is delivered to the
222 attorney general.

223 17. The state auditor and the state auditor's duly authorized employees who have taken
224 the oath of confidentiality required by section 29.070 may audit the commission and in

225 connection therewith may inspect materials relating to the functions of the commission. Such
226 audit shall include a determination of whether appropriations were spent within the intent of the
227 general assembly, but shall not extend to review of any file or document pertaining to any
228 particular investigation, audit or review by the commission, an investigator or any staff or person
229 employed by the commission or under the supervision of the commission or an investigator. The
230 state auditor and any employee of the state auditor shall not disclose the identity of any person
231 who is or was the subject of an investigation by the commission and whose identity is not public
232 information as provided by law.

233 18. From time to time but no more frequently than annually the commission may request
234 the officials and entities described in subdivision (6) of section 105.450 to identify for the
235 commission in writing those persons associated with such office or entity which such office or
236 entity has designated as a decision-making public servant. Each office or entity delineated in
237 subdivision (6) of section 105.450 receiving such a request shall identify those so designated
238 within thirty days of the commission's request.

239 **19. (1) Notwithstanding any other provision of law to the contrary, fifty percent**
240 **of any fine, fee, or penalty imposed for violations of any provisions subject to the ethics**
241 **commission's jurisdiction, excluding the clear proceeds of any penalty, forfeiture, and fine**
242 **collected for any breach of the penal laws of the state that are distributed as provided in**
243 **article IX, section 7 of the Constitution of Missouri, shall be deposited in the Missouri**
244 **ethics commission enforcement fund created in this subsection.**

245 **(2) There is hereby created in the state treasury the "Missouri Ethics Commission**
246 **Enforcement Fund", which shall consist of moneys collected under this subsection. The**
247 **state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**
248 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**
249 **and, upon appropriation, moneys in the fund shall be used solely to fund authorized**
250 **activities of the ethics commission. Notwithstanding the provisions of section 33.080 to the**
251 **contrary, any moneys remaining in the fund at the end of the biennium shall not revert to**
252 **the credit of the general revenue fund. The state treasurer shall invest moneys in the fund**
253 **in the same manner as other funds are invested. Any interest and moneys earned on such**
254 **investments shall be credited to the fund.**

255 **(3) All funds in the Missouri ethics commission enforcement fund shall be deemed**
256 **to be additional funding to allow the ethics commission to fulfill the duties required of the**
257 **commission by state law, and no amount appropriated to the ethics commission for any**
258 **fiscal year beginning on or after July 1, 2016, shall be reduced below the appropriation**
259 **made for the fiscal year ending on June 30, 2016.**

2 [105.957. 1. The commission shall receive any complaints alleging
violation of the provisions of:

3 (1) The requirements imposed on lobbyists by sections 105.470 to
4 105.478;

5 (2) The financial interest disclosure requirements contained in sections
6 105.483 to 105.492;

7 (3) The campaign finance disclosure requirements contained in chapter
8 130;

9 (4) Any code of conduct promulgated by any department, division or
10 agency of state government, or by state institutions of higher education, or by
11 executive order;

12 (5) The conflict of interest laws contained in sections 105.450 to 105.468
13 and section 171.181; and

14 (6) The provisions of the constitution or state statute or order, ordinance
15 or resolution of any political subdivision relating to the official conduct of
16 officials or employees of the state and political subdivisions.

17 2. Complaints filed with the commission shall be in writing and filed
18 only by a natural person. The complaint shall contain all facts known by the
19 complainant that have given rise to the complaint and the complaint shall be
20 sworn to, under penalty of perjury, by the complainant. No complaint shall be
21 investigated unless the complaint alleges facts which, if true, fall within the
22 jurisdiction of the commission. Within five days after receipt by the commission
23 of a complaint which is properly signed and notarized, and which alleges facts
24 which, if true, fall within the jurisdiction of the commission, a copy of the
25 complaint, including the name of the complainant, shall be delivered to the
26 alleged violator.

27 3. No complaint shall be investigated which concerns alleged criminal
28 conduct which allegedly occurred previous to the period of time allowed by law
29 for criminal prosecution for such conduct. The commission may refuse to
30 investigate any conduct which is the subject of civil or criminal litigation. The
31 commission, its executive director or an investigator shall not investigate any
32 complaint concerning conduct which is not criminal in nature which occurred
33 more than two years prior to the date of the complaint. A complaint alleging
34 misconduct on the part of a candidate for public office, other than those alleging
35 failure to file the appropriate financial interest statements or campaign finance
36 disclosure reports, shall not be accepted by the commission within sixty days
37 prior to the primary election at which such candidate is running for office, and
38 until after the general election.

39 4. If the commission finds that any complaint is frivolous in nature, the
40 commission shall dismiss the case. For purposes of this subsection, "frivolous"
41 shall mean a complaint clearly lacking any basis in fact or law. Any person who
42 submits a frivolous complaint shall be liable for actual and compensatory
43 damages to the alleged violator for holding the alleged violator before the public

44 in a false light. If the commission finds that a complaint is frivolous, the
45 commission shall issue a public report to the complainant and the alleged violator
46 stating with particularity its reasons for dismissal of the complaint. Upon such
47 issuance, the complaint and all materials relating to the complaint shall be a
48 public record as defined in chapter 610.

49 5. Complaints which allege violations as described in this section which
50 are filed with the commission shall be handled as provided by section 105.961.]

105.957. 1. The commission shall receive any complaints alleging violation of the
2 provisions of:

3 (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

4 (2) The financial interest disclosure requirements contained in sections 105.483 to
5 105.492;

6 (3) The campaign finance disclosure requirements contained in chapter 130;

7 (4) Any code of conduct promulgated by any department, division or agency of state
8 government, or by state institutions of higher education, or by executive order;

9 (5) The conflict of interest laws contained in sections 105.450 to [105.468] **105.467** and
10 section 171.181; and

11 (6) The provisions of the constitution or state statute or order, ordinance or resolution
12 of any political subdivision relating to the official conduct of officials or employees of the state
13 and political subdivisions.

14 2. Complaints filed with the commission shall be in writing and filed only by a natural
15 person. The complaint shall contain all facts known by the complainant that have given rise to
16 the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant.
17 No complaint shall be investigated unless the complaint alleges facts which, if true, fall within
18 the jurisdiction of the commission. Within five days after receipt [of a complaint] by the
19 commission **of a complaint that is properly signed and notarized, and that alleges facts that,**
20 **if true, fall within the jurisdiction of the commission,** a copy of the complaint, including the
21 name of the complainant, shall be delivered to the alleged violator.

22 3. No complaint shall be investigated which concerns alleged criminal conduct which
23 allegedly occurred previous to the period of time allowed by law for criminal prosecution for
24 such conduct. The commission may refuse to investigate any conduct which is the subject of
25 civil or criminal litigation. The commission, its executive director or an investigator shall not
26 investigate any complaint concerning conduct which is not criminal in nature which occurred
27 more than two years prior to the date of the complaint. A complaint alleging misconduct on the
28 part of a candidate for public office, other than those alleging failure to file the appropriate
29 financial interest statements or campaign finance disclosure reports, shall not be accepted by the

30 commission within sixty days prior to the primary election at which such candidate is running
31 for office, and until after the general election.

32 4. If the commission finds that any complaint is frivolous in nature [or finds no probable
33 cause to believe that there has been a violation], the commission shall dismiss the case. For
34 purposes of this subsection, "frivolous" shall mean a complaint clearly lacking any basis in fact
35 or law. Any person who submits a frivolous complaint shall be liable for actual and
36 compensatory damages to the alleged violator for holding the alleged violator before the public
37 in a false light. If the commission finds that a complaint is frivolous [or that there is not probable
38 cause to believe there has been a violation], the commission shall issue a public report to the
39 complainant and the alleged violator stating with particularity its reasons for dismissal of the
40 complaint. Upon such issuance, the complaint and all materials relating to the complaint shall
41 be a public record as defined in chapter 610.

42 5. Complaints which allege violations as described in this section which are filed with
43 the commission shall be handled as provided by section 105.961.

44 6. (1) **As used in this subsection, "original source of information" means**
45 **information no part of which has been previously disclosed to or known by the government**
46 **or public.**

47 (2) **If any person is the original source of information used by the ethics commission**
48 **in an investigation concluding that a violation of any provision of law under the ethics**
49 **commission's jurisdiction has occurred for which a fine, fee, or penalty is imposed,**
50 **excluding the clear proceeds of any penalty, forfeiture, and fine collected for any breach**
51 **of the penal laws of the state that are distributed as provided in article IX, section 7 of the**
52 **Constitution of Missouri, such person may be reimbursed for such information under this**
53 **subsection as determined by the ethics commission. No amount reimbursed to any person**
54 **under this subsection shall exceed ten percent of the amount of such fines, fees, or penalties**
55 **resulting from such investigation. Any amount reimbursed under this subsection shall be**
56 **reimbursed solely from funds in the Missouri ethics commission enforcement fund created**
57 **in section 105.955.**

58 (3) **If the ethics commission finds that the person who was the original source of the**
59 **information for such investigation planned, initiated, or participated in the conduct**
60 **investigated by the ethics commission, such person shall not be entitled to any amount**
61 **under this subsection.**

2 [105.963. 1. The executive director shall assess every committee, as
3 defined in section 130.011, failing to file with a filing officer other than a local
4 election authority as provided by section 130.026 a campaign disclosure report
5 as required by chapter 130, other than the report required pursuant to subdivision
(1) of subsection 1 of section 130.046, a late filing fee of ten dollars for each day

6 after such report is due to the commission. The executive director shall mail a
7 notice, by registered mail, to any candidate and the treasurer of any committee
8 who fails to file such report informing such person of such failure and the fees
9 provided by this section. If the candidate or treasurer of any committee persists
10 in such failure for a period in excess of thirty days beyond receipt of such notice,
11 the amount of the late filing fee shall increase to one hundred dollars for each day
12 that the report is not filed, provided that the total amount of such fees assessed
13 pursuant to this subsection per report shall not exceed three thousand dollars.

14 2. (1) Any candidate for state or local office who fails to file a campaign
15 disclosure report required pursuant to subdivision (1) of subsection 1 of section
16 130.046, other than a report required to be filed with a local election authority as
17 provided by section 130.026, shall be assessed by the executive director a late
18 filing fee of one hundred dollars for each day that the report is not filed, until the
19 first day after the date of the election. After such election date, the amount of
20 such late filing fee shall accrue at the rate of ten dollars per day that such report
21 remains unfiled, except as provided in subdivision (2) of this subsection.

22 (2) The executive director shall mail a notice, by certified mail or other
23 means to give actual notice, to any candidate who fails to file the report described
24 in subdivision (1) of this subsection informing such person of such failure and the
25 fees provided by this section. If the candidate persists in such failure for a period
26 in excess of thirty days beyond receipt of such notice, the amount of the late
27 filing fee shall increase to one hundred dollars for each day that the report is not
28 filed, provided that the total amount of such fees assessed pursuant to this
29 subsection per report shall not exceed six thousand dollars.

30 3. The executive director shall assess every person required to file a
31 financial interest statement pursuant to sections 105.483 to 105.492 failing to file
32 such a financial interest statement with the commission a late filing fee of ten
33 dollars for each day after such statement is due to the commission.

34 The executive director shall mail a notice, by certified mail, to any person who
35 fails to file such statement informing the individual required to file of such failure
36 and the fees provided by this section. If the person persists in such failure for a
37 period in excess of thirty days beyond receipt of such notice, the amount of the
38 late filing fee shall increase to one hundred dollars for each day thereafter that the
39 statement is late, provided that the total amount of such fees assessed pursuant
40 to this subsection per statement shall not exceed six thousand dollars.

41 4. Any person assessed a late filing fee may seek review of such
42 assessment or the amount of late filing fees assessed, at the person's option, by
43 filing a petition within fourteen days after receiving actual notice of assessment
44 with the administrative hearing commission, or without exhausting the person's
45 administrative remedies may seek review of such issues with the circuit court of
46 Cole County.

47 5. The executive director of the Missouri ethics commission shall collect
48 such late filing fees as are provided for in this section. Unpaid late filing fees

49 shall be collected by action filed by the commission. The commission shall
50 contract with the appropriate entity to collect such late filing fees after a
51 thirty-day delinquency. If not collected within one hundred twenty days, the
52 Missouri ethics commission shall file a petition in Cole County circuit court to
53 seek a judgment on said fees. All late filing fees collected pursuant to this
54 section shall be transmitted to the state treasurer and deposited to the general
55 revenue fund.

56 6. The late filing fees provided by this section shall be in addition to any
57 penalty provided by law for violations of sections 105.483 to 105.492 or chapter
58 130.

59 7. If any candidate fails to file a campaign disclosure report in a timely
60 manner and that candidate is assessed a late filing fee, the candidate, candidate
61 committee treasurer or assistant treasurer may file an appeal of the assessment of
62 the late filing fee with the commission. The commission may forgive the
63 assessment of the late filing fee upon a showing of good cause. Such appeal shall
64 be filed within ten days of the receipt of notice of the assessment of the late filing
65 fee.]

105.963. 1. The executive director shall assess every committee, as defined in section
2 130.011, failing to file with a filing officer other than a local election authority as provided by
3 section 130.026 a campaign disclosure report or statement of limited activity as required by
4 chapter 130, other than the report required pursuant to subdivision (1) of subsection 1 of section
5 130.046, a late filing fee of fifty dollars for each day after such report is due to the commission[,
6 provided that the total amount of such fees assessed under this subsection per report shall not
7 exceed three thousand dollars]. The executive director shall send a notice to any candidate and
8 the treasurer of any committee who fails to file such report within seven business days of such
9 failure to file informing such person of such failure and the fees provided by this section.

10 2. Any committee that fails to file a campaign disclosure report required pursuant to
11 subdivision (1) of subsection 1 of section 130.046, other than a report required to be filed with
12 a local election authority as provided by section 130.026, shall be assessed by the executive
13 director a late filing fee of one hundred dollars for each day that the report is not filed[, provided
14 that the total amount of such fees assessed under this subsection per report shall not exceed three
15 thousand dollars]. The executive director shall send a notice to any candidate and the treasurer
16 of any committee who fails to file the report described in this subsection within seven business
17 days of such failure to file informing such person of such failure and the fees provided by this
18 section.

19 3. The executive director shall assess every person required to file a financial interest
20 statement pursuant to sections 105.483 to 105.492 failing to file such a financial interest
21 statement with the commission a late filing fee of ten dollars for each day after such statement
22 is due to the commission. The executive director shall send a notice to any person who fails to

23 file such statement informing the individual required to file of such failure and the fees provided
24 by this section. If the person persists in such failure for a period in excess of thirty days beyond
25 receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for
26 each day thereafter that the statement is late[, provided that the total amount of such fees
27 assessed pursuant to this subsection per statement shall not exceed six thousand dollars].

28 4. Any person assessed a late filing fee may seek review of such assessment or the
29 amount of late filing fees assessed, at the person's option, by filing a petition within fourteen days
30 after receiving notice of assessment with the circuit court of Cole County.

31 5. The executive director of the Missouri ethics commission shall collect such late filing
32 fees as are provided for in this section. Unpaid late filing fees shall be collected by action filed
33 by the commission. The commission shall contract with the appropriate entity to collect such
34 late filing fees after a thirty-day delinquency. If not collected within one hundred twenty days,
35 the Missouri ethics commission shall file a petition in Cole County circuit court to seek a
36 judgment on said fees. After obtaining a judgment for the unpaid late filing fees, the commission
37 or any entity contracted by the commission may proceed to collect the judgment in any manner
38 authorized by law, including but not limited to garnishment of and execution against the
39 committee's official depository account as set forth in subsection 4 of section 130.021 after a
40 thirty-day delinquency. All late filing fees collected pursuant to this section shall be transmitted
41 to the state treasurer and deposited to the general revenue fund.

42 6. The late filing fees provided by this section shall be in addition to any penalty
43 provided by law for violations of sections 105.483 to 105.492 or chapter 130.

44 7. If any lobbyist fails to file a lobbyist report in a timely manner and that lobbyist is
45 assessed a late fee, or if any individual who is required to file a personal financial disclosure
46 statement fails to file such disclosure statement in a timely manner and is assessed a late fee, or
47 if any candidate or the treasurer of any committee fails to file a campaign disclosure report or a
48 statement of limited activity in a timely manner and that candidate or treasurer of any committee
49 who fails to file a disclosure statement in a timely manner and is assessed a late filing fee, the
50 lobbyist, individual, candidate, or the treasurer of any committee may file an appeal of the
51 assessment of the late filing fee with the commission. The commission may forgive the
52 assessment of the late filing fee upon a showing of good cause. Such appeal shall be filed within
53 ten days of the receipt of notice of the assessment of the late filing fee.

2 [105.966. 1. The ethics commission shall complete and make
3 determinations pursuant to subsection 1 of section 105.961 on all complaint
4 investigations within ninety days of initiation.

5 2. Any complaint investigation not completed and decided upon by the
6 ethics commission within the time allowed by this section shall be deemed to not
have been a violation.]

105.966. 1. [Except as provided in subsection 2 of this section,] The ethics commission shall complete and make determinations pursuant to subsection 1 of section 105.961 on all complaint investigations[, except those complaint investigations assigned to a retired judge,] within ninety days of initiation.

2. The commission may file a petition in the Cole County circuit court to request an additional ninety days for investigation upon proving by a preponderance of the evidence that additional time is needed. Upon filing the petition, the ninety-day period shall be tolled until the court determines whether additional time is needed.

3. The hearing shall be held in camera before the Cole County circuit court and all records of the proceedings shall be closed.

4. [The provisions of this section shall apply to all ongoing complaint investigations on July 13, 1999.

5.] Any complaint investigation not completed and decided upon by the ethics commission within the time allowed by this section shall be deemed to not have been a violation.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

2. No declaration of candidacy for nomination in a primary election shall be accepted for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the primary election.

3. Each declaration of candidacy for nomination in a primary election shall state the candidate's full name, residence address, office for which such candidate proposes to be a candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and elected he or she will qualify. The declaration shall be in substantially the following form: I,, a resident and registered voter of the county of and the state of Missouri, residing at, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary election to be held on the day of, ..., and I further declare that if nominated and elected to such office I will qualify.

I further declare that I am not a feigned candidate in order to conceal the candidacy of another or to divide the opposition. I acknowledge that my signature hereon may subject me to criminal prosecution and disciplinary action under the laws of this state if it is found by the ethics commission that I am a feigned candidate.

..... Subscribed and sworn to

23 Signature of candidate before me this day
 24 of,
 25
 26 Residence address Signature of election
 27 official or other officer
 28 authorized to administer oaths
 29
 30 Mailing address (if different)
 31
 32 Telephone Number (Optional)

33
 34 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate
 35 before an official authorized to accept his or her declaration of candidacy. If the declaration is
 36 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall
 37 be subscribed and sworn to by the candidate before a notary public or other officer authorized
 38 by law to administer oaths.

115.635. The following offenses, and any others specifically so described by law, shall
 2 be class three election offenses and are deemed misdemeanors connected with the exercise of
 3 the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
 4 of not more than one year or by fine of not more than two thousand five hundred dollars, or by
 5 both such imprisonment and fine:

6 (1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to
 7 procure, any money or valuable consideration, office, or place of employment, to or for any
 8 voter, to or for any person on behalf of any voter, or to or for any person, in order to induce any
 9 voter to vote or refrain from voting or corruptly doing any such act on account of such voter
 10 having already voted or refrained from voting at any election;

11 (2) Making use of, or threatening to make use of, any force, violence, or restraint, or
 12 inflicting or threatening to inflict any injury, damage, harm or loss upon or against any person,
 13 in order to induce or compel such person to vote or refrain from voting at any election;

14 (3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress or
 15 any fraudulent device or contrivance, the free exercise of the franchise of any voter or, by
 16 abduction, duress, or any fraudulent device, compelling, inducing, or prevailing upon any voter
 17 to vote or refrain from voting at any election;

18 (4) Giving, or making an agreement to give, any money, property, right in action, or
 19 other gratuity or reward, in consideration of any grant or deputation of office;

20 (5) Bringing into this state any nonresident person with intent that such person shall vote
21 at an election without possessing the requisite qualifications;

22 (6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or
23 other device or agreeing or contracting for any money, gift, office, employment, or other reward,
24 for giving, or refraining from giving, his or her vote in any election;

25 (7) Removing, destroying or altering any supplies or information placed in or near a
26 voting booth for the purpose of enabling a voter to prepare his or her ballot;

27 (8) Entering a voting booth or compartment except as specifically authorized by law;

28 (9) On the part of any election official, challenger, watcher or person assisting a person
29 to vote, revealing or disclosing any information as to how any voter may have voted, indicated
30 that the person had voted except as authorized by this chapter, indicated an intent to vote or
31 offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court proceeding
32 relating to an election offense;

33 (10) On the part of any registration or election official, refusing to permit any person to
34 register to vote or to vote when such official knows the person is legally entitled to register or
35 legally entitled to vote;

36 (11) Attempting to commit or participating in an attempt to commit any class one or
37 class two election offense;

38 **(12) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring**
39 **to procure any money or valuable consideration with the intent of inducing any person to**
40 **run for any such office in this state if the person has a name that is identical or similar to**
41 **another candidate for the same elective public office and would not otherwise run for**
42 **elective public office but for the inducement. Campaign donations made in accordance**
43 **with the laws of this state shall not be construed to be an inducement to run for elective**
44 **public office under this subdivision.**

575.021. 1. A person commits the [crime] offense of obstruction of an ethics
2 investigation if such person, for the purpose of obstructing or preventing an ethics investigation,
3 knowingly commits any of the following acts:

4 (1) Confers or agrees to confer anything of pecuniary benefit to any person in direct
5 exchange for that person's concealing or withholding any information concerning any violation
6 of sections 105.450 to 105.496 and chapter 130;

7 (2) Accepting or agreeing to accept anything of pecuniary benefit in direct exchange for
8 concealing or withholding any information concerning any violation of sections 105.450 to
9 105.496 or chapter 130;

10 (3) Utters or submits a false statement that the person does not believe to be true to any
11 member or employee of the Missouri ethics commission or to any official investigating any
12 violation of sections 105.450 to 105.496 or chapter 130; or

13 (4) Submits any writing or other documentation that is inaccurate and that the person
14 does not believe to be true to any member or employee of the Missouri ethics commission or to
15 any official investigating any violation of sections 105.450 to 105.496 or chapter 130.

16 2. It is a defense to a prosecution under subdivisions (3) and (4) of subsection 1 of this
17 section that the person retracted the false statement, writing, or other documentation, but this
18 defense shall not apply if the retraction was made after:

19 (1) The falsity of the statement, writing, or other documentation was exposed; or

20 (2) Any member or employee of the Missouri ethics commission or any official
21 investigating any violation of sections 105.450 to 105.496 or chapter 130 took substantial action
22 in reliance on the statement, writing, or other documentation.

23 3. The defendant shall have the burden of injecting the issue of retraction under this
24 section.

25 4. Obstruction of an ethics investigation under this section is a class [A misdemeanor]
26 **D felony until December 31, 2016, and a class E felony beginning January 1, 2017.**

27 610.010. As used in this chapter, unless the context otherwise indicates, the following
28 terms mean:

29 (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote
30 closed to the public;

31 (2) "Copying", if requested by a member of the public, copies provided as detailed in
32 section 610.026, if duplication equipment is available;

33 (3) "Public business", all matters which relate in any way to the performance of the
34 public governmental body's functions or the conduct of its business;

35 (4) "Public governmental body", any legislative, administrative or governmental entity
36 created by the constitution or statutes of this state, by order or ordinance of any political
37 subdivision or district, judicial entities when operating in an administrative capacity, or by
38 executive order, including:

39 (a) Any body, agency, board, bureau, council, commission, committee, board of regents
40 or board of curators or any other governing body of any institution of higher education, including
41 a community college, which is supported in whole or in part from state funds, including but not
42 limited to the administrative entity known as "The Curators of the University of Missouri" as
43 established by section 172.020;

44 (b) Any advisory committee or commission appointed by the governor by executive
45 order;

46 (c) Any department or division of the state, of any political subdivision of the state, of
47 any county or of any municipal government, school district or special purpose district including
48 but not limited to sewer districts, water districts, and other subdistricts of any political
49 subdivision;

50 (d) Any other legislative or administrative governmental deliberative body under the
51 direction of three or more elected or appointed members having rulemaking or quasi-judicial
52 power;

53 (e) Any committee appointed by or at the direction of any of the entities and which is
54 authorized to report to any of the above-named entities, any advisory committee appointed by
55 or at the direction of any of the named entities for the specific purpose of recommending, directly
56 to the public governmental body's governing board or its chief administrative officer, policy or
57 policy revisions or expenditures of public funds including, but not limited to, entities created to
58 advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory
59 body, policy advisory committee or policy advisory group appointed by a president, chancellor
60 or chief executive officer of any college or university system or individual institution at the
61 direction of the governing body of such institution which is supported in whole or in part with
62 state funds for the specific purpose of recommending directly to the public governmental body's
63 governing board or the president, chancellor or chief executive officer policy, policy revisions
64 or expenditures of public funds provided, however, the staff of the college or university
65 president, chancellor or chief executive officer shall not constitute such a policy advisory
66 committee. The custodian of the records of any public governmental body shall maintain a list
67 of the policy advisory committees described in this subdivision;

68 (f) Any quasi-public governmental body. The term "quasi-public governmental body"
69 means any person, corporation or partnership organized or authorized to do business in this state
70 pursuant to the provisions of chapter 352, 353, or 355, or unincorporated association which
71 either:

72 a. Has as its primary purpose to enter into contracts with public governmental bodies,
73 or to engage primarily in activities carried out pursuant to an agreement or agreements with
74 public governmental bodies; or

75 b. Performs a public function as evidenced by a statutorily based capacity to confer or
76 otherwise advance, through approval, recommendation or other means, the allocation or issuance
77 of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the
78 contracting of leaseback agreements on structures whose annualized payments commit public
79 tax revenues; or any association that directly accepts the appropriation of money from a public
80 governmental body, but only to the extent that a meeting, record, or vote relates to such
81 appropriation; and

82 (g) Any bi-state development agency established pursuant to section 70.370;

83 (h) **Any public official, statewide elected official, or employee of the state and its**
84 **agencies when such persons are operating in their official capacities and using state-funded**
85 **equipment for their official communications. This paragraph shall be construed to apply**
86 **to individual members of the general assembly and the staff or employees of such**
87 **members;**

88 (5) "Public meeting", any meeting of a public governmental body subject to sections
89 610.010 to 610.030 at which any public business is discussed, decided, or public policy
90 formulated, whether such meeting is conducted in person or by means of communication
91 equipment, including, but not limited to, conference call, video conference, internet chat, or
92 internet message board. The term "public meeting" shall not include an informal gathering of
93 members of a public governmental body for ministerial or social purposes when there is no intent
94 to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority
95 of the members of a public governmental body, by electronic communication or any other means,
96 conducted in lieu of holding a public meeting with the members of the public governmental body
97 gathered at one location in order to conduct public business;

98 (6) "Public record", any record, whether written or electronically stored, retained by or
99 of any public governmental body including any report, survey, memorandum, or other document
100 or study prepared for the public governmental body by a consultant or other professional service
101 paid for in whole or in part by public funds, including records created or maintained by private
102 contractors under an agreement with a public governmental body or on behalf of a public
103 governmental body; provided, however, that personally identifiable student records maintained
104 by public educational institutions shall be open for inspection by the parents, guardian or other
105 custodian of students under the age of eighteen years and by the parents, guardian or other
106 custodian and the student if the student is over the age of eighteen years. The term "public
107 record" shall not include any internal memorandum or letter received or prepared by or on behalf
108 of a member of a public governmental body consisting of advice, opinions and recommendations
109 in connection with the deliberative decision-making process of said body, unless such records
110 are retained by the public governmental body or presented at a public meeting. Any document
111 or study prepared for a public governmental body by a consultant or other professional service
112 as described in this subdivision shall be retained by the public governmental body in the same
113 manner as any other public record;

114 (7) "Public vote", any vote, whether conducted in person, by telephone, or by any other
115 electronic means, cast at any public meeting of any public governmental body.

Section B. The provisions of this act shall become effective on January 1, 2017.

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