

SECOND REGULAR SESSION

HOUSE BILL NO. 2450

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ARTHUR.

6232H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 130.044 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, and to enact in lieu thereof two new sections relating to ethics reform.

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

Section A. Section 130.044 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, are repealed and two new sections enacted in lieu thereof, to be known as sections 130.039 and 130.044, to read as follows:

130.039. 1. In addition to the limitations imposed under section 130.031, beginning January 1, 2017, the amount of contributions made by or accepted from any person other than the candidate in any one election shall not exceed the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor, or attorney general, five thousand dollars;

(2) To elect an individual to the office of state senator, one thousand five hundred dollars;

(3) To elect an individual to the office of state representative, seven hundred fifty dollars;

(4) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census does not exceed fifty thousand, seven hundred fifty dollars;

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.

13 **(5) To elect an individual to any other office, including judicial office, if the**
14 **population of the electoral district, ward, or other unit according to the latest decennial**
15 **census is more than fifty thousand but does not exceed one hundred fifty thousand, one**
16 **thousand five hundred dollars; and**

17 **(6) To elect an individual to any other office, including judicial office, if the**
18 **population of the electoral district, ward, or other unit according to the latest decennial**
19 **census is greater than one hundred fifty thousand, five thousand dollars.**

20 **2. Beginning January 1, 2017, the amount of aggregate contributions made by any**
21 **single contributor in a calendar year to any political party committee shall not exceed**
22 **thirty-two thousand four hundred dollars.**

23 **3. For purposes of this subsection, "base year amount" shall be the contribution**
24 **limits prescribed in this section on January 1, 2017. Such limits shall be increased on the**
25 **first day of January in each odd-numbered year by multiplying the base year amount by**
26 **the cumulative consumer price index, as defined in section 104.010, and rounded to the**
27 **nearest twenty-five dollar amount for all years since January 1, 2017.**

28 **4. Beginning January 1, 2017, every committee established under this chapter shall**
29 **be subject to the limits prescribed under subsection 1 of this section. The provisions of this**
30 **subsection shall not limit the amount of contributions that may be accumulated by a**
31 **candidate committee and used for expenditures to further the nomination or election of the**
32 **candidate who controls such candidate committee.**

33 **5. Contributions from persons under fourteen years of age shall be considered**
34 **made by the parents or guardians of such person and shall be attributed toward any**
35 **contribution limits prescribed in this chapter. If the contributor under fourteen years of**
36 **age has two custodial parents or guardians, fifty percent of the contribution shall be**
37 **attributed to each parent or guardian, and if such contributor has one custodial parent or**
38 **guardian, all such contributions shall be attributed to the custodial parent or guardian.**

39 **6. Contributions received and expenditures made before January 1, 2017, shall be**
40 **reported as a separate account and under the laws in effect at the time such contributions**
41 **are received or expenditures made. Contributions received and expenditures made on or**
42 **after January 1, 2017, shall be reported under the provisions of this chapter as a separate**
43 **account from the other separate account described in this subsection. The account**
44 **reported under the prior law shall be retained as a separate account and any remaining**
45 **funds in such account may be used under this chapter.**

46 **7. Any committee that accepts or gives contributions other than those allowed shall**
47 **be subject to a surcharge of one thousand dollars plus an amount equal to the contribution**
48 **per nonallowable contribution, to be paid to the ethics commission and which shall be**

49 transferred to the director of revenue, upon notification of such nonallowable contribution
50 by the ethics commission, and after the candidate has had ten business days after receipt
51 of notice to return the contribution to the contributor. The candidate and the candidate
52 committee treasurer or deputy treasurer owing a surcharge shall be personally liable for
53 the payment of the surcharge or may pay such surcharge only from campaign funds
54 existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the
55 state enforceable under, but not limited to, the provisions of chapter 143.

2 [130.044. 1. All individuals and committees required to file disclosure
3 reports under section 130.041 shall electronically report any contribution by any
4 single contributor which exceeds five thousand dollars to the Missouri ethics
5 commission within forty-eight hours of receiving the contribution.

6 2. Any individual currently holding office as a state representative, state
7 senator, or any candidate for such office or such individual's campaign committee
8 shall electronically report any contribution exceeding five hundred dollars made
9 by any contributor to his or her campaign committee during the regular legislative
10 session of the general assembly, within forty-eight hours of receiving the
11 contribution.

12 3. Any individual currently holding office as the governor, lieutenant
13 governor, treasurer, attorney general, secretary of state or auditor or any candidate
14 for such office or such person's campaign committee shall electronically report
15 any contribution exceeding five hundred dollars made by any contributor to his
16 or her campaign committee during the regular legislative session or any time
17 when legislation from the regular legislative session awaits gubernatorial action,
18 within forty-eight hours of receiving the contribution.

19 4. Reports required under this section shall contain the same content
20 required under section 130.041 and shall be filed in accordance with the
21 standards established by the commission for electronic filing and other rules the
22 commission may deem necessary to promulgate for the effective administration
23 of this section.

24 5. Any rule or portion of a rule, as that term is defined in section 536.010,
25 that is created under the authority delegated in this section shall become effective
26 only if it complies with and is subject to all of the provisions of chapter 536 and,
27 if applicable, section 536.028. This section and chapter 536 are nonseverable and
28 if any of the powers vested with the general assembly pursuant to chapter 536 to
29 review, to delay the effective date, or to disapprove and annul a rule are
30 subsequently held unconstitutional, then the grant of rulemaking authority and
31 any rule proposed or adopted after August 28, 2008, shall be invalid and void.]

2 130.044. 1. All individuals and committees required to file disclosure reports under
3 section 130.041 shall electronically report any contribution by any single contributor which is

3 **equal to or exceeds [five] two** thousand dollars to the Missouri ethics commission within
4 forty-eight hours of receiving the contribution. [Such]

5 **2. Any individual currently holding office as a state representative, state senator,**
6 **or any candidate for such office or such individual's campaign committee shall**
7 **electronically report any contribution equal to or exceeding five hundred dollars made by**
8 **any contributor to his or her campaign committee during the regular legislative session of**
9 **the general assembly or any time when legislation from the regular legislative session**
10 **awaits gubernatorial action, within forty-eight hours of receiving the contribution.**

11 **3. Any individual currently holding office as the governor, lieutenant governor,**
12 **treasurer, attorney general, secretary of state, or auditor or any candidate for such office**
13 **or such person's campaign committee shall electronically report any contribution equal to**
14 **or exceeding five hundred dollars made by any contributor to his or her campaign**
15 **committee during the regular legislative session or any time when legislation from the**
16 **regular legislative session awaits gubernatorial action, within forty-eight hours of receiving**
17 **the contribution.**

18 **4. Reports required under this section** shall contain the same content required under
19 section 130.041 and shall be filed in accordance with the standards established by the
20 commission for electronic filing and other rules the commission may deem necessary to
21 promulgate for the effective administration of this section.

22 [2.] **5.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
23 created under the authority delegated in this section shall become effective only if it complies
24 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
25 This section and chapter 536 are nonseverable and if any of the powers vested with the general
26 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
27 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
28 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

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