

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 2344, Page 1, In the Title, Line 3, by  
2 deleting the words "public records" and inserting in lieu thereof the words "political subdivisions";  
3 and  
4

5 Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said  
6 section and line the following:  
7

8 "105.483. 1. Each of the following persons shall be required to file a financial interest  
9 statement:

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

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

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

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

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

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

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

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

33 (9) Any member of a commission appointed or operating pursuant to sections 64.650 to  
34 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

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

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

(13) Any person who is employed by the state or by any elected or appointed official of the state, or by any political subdivision of the state, including cities, towns, villages, counties, and public school districts, and who receives any compensation for political activities or consulting not directly associated with the person's official duties;

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

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

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

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse, shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

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

(2) The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and

1 the name of any publicly traded corporation or limited partnership which is listed on  
2 a regulated stock exchange or automated quotation system in which the person  
3 owned two percent or more of any class of outstanding stock, limited partnership  
4 units or other equity interests;

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

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

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

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

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

43 (8) The name and address of each source from which such person received a gift or  
44 gifts, or honorarium or honoraria in excess of two hundred dollars in value per  
45 source during the year covered by the statement other than gifts from persons within  
46 the third degree of consanguinity or affinity of the person filing the financial interest  
47 statement. For the purposes of this section, a "gift" shall not be construed to mean  
48 political contributions otherwise required to be reported by law or hospitality such as

1 food, beverages or admissions to social, art, or sporting events or the like, or  
2 informational material. For the purposes of this section, a "gift" shall include gifts to  
3 or by creditors of the individual for the purpose of cancelling, reducing or otherwise  
4 forgiving the indebtedness of the individual to that creditor;

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

9 (a) Paid in the ordinary course of business for businesses described in subdivisions  
10 (1), (2), (5) and (6) of this subsection which are related to the duties of office of such  
11 official; or

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

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

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

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

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

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

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

30 (b) Is a lobbyist; or

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

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

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

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

1 from a partnership or sole proprietorship until such income is converted from  
2 business to personal use.

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

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

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

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

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

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

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

40 105.485. 1. Each financial interest statement required by sections 105.483 to 105.492 shall  
41 be on a form prescribed by the commission and shall be signed and verified by a written declaration  
42 that it is made under penalties of perjury; provided, however, the form shall not seek information  
43 which is not specifically required by sections 105.483 to 105.492.

44 2. Each person required to file a financial interest statement pursuant to [subdivisions (1) to  
45 (12) of] section 105.483 shall file the following information for [himself, his] such person, such  
46 person's spouse and dependent children at any time during the period covered by the statement,  
47 whether singularly or collectively; provided, however, that [said person,] if [he] such person does  
48 not know and [his] such person's spouse will not divulge any information required to be reported by

1 this section concerning the financial interest of [his] such person's spouse, such person shall state on  
 2 [his] the financial interest statement that [he] such person has disclosed that information known to  
 3 [him] such person and that [his] such person's spouse has refused or failed to provide other  
 4 information upon [his] such person's bona fide request, and such statement shall be deemed to  
 5 satisfy the requirements of this section for such financial interest of [his] such person's spouse; and  
 6 provided further if the spouse of any person required to file a financial interest statement is also  
 7 required by section 105.483 to file a financial interest statement, the financial interest statement  
 8 filed by each need not disclose the financial interest of the other, provided that each financial  
 9 interest statement shall state that the spouse of the person has filed a separate financial interest  
 10 statement and the name under which the statement was filed:

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

13 (2) The name and address of each sole proprietorship which [he] such person owned; the  
 14 name, address, and the general nature of the business conducted of each limited liability company in  
 15 which the person had an interest; the name, address and the general nature of the business conducted  
 16 of each general partnership and joint venture in which [he] such person was a partner or participant;  
 17 the name and address of each partner or coparticipant for each partnership or joint venture unless  
 18 such names and addresses are filed by the partnership or joint venture with the secretary of state; the  
 19 name, address and general nature of the business conducted of any closely held corporation or  
 20 limited partnership in which the person owned ten percent or more of any class of the outstanding  
 21 stock or limited partners' units; and the name of any publicly traded corporation or limited  
 22 partnership which is listed on a regulated stock exchange or automated quotation system in which  
 23 the person owned two percent or more of any class of outstanding stock, limited partnership units or  
 24 other equity interests;

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

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

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

1 to the Employees' Retirement Income Security Act;

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

5 (7) The name and address of each not-for-profit corporation and each association,  
6 organization, or union, whether incorporated or not, except not-for-profit corporations formed to  
7 provide church services, fraternal organizations or service clubs from which the officer or employee  
8 draws no remuneration, in which such person was an officer, director, employee [or], trustee,  
9 partner, proprietor, representative, or consultant at any time during the year covered by the  
10 statement, and for each such organization, a general description of the nature and purpose of the  
11 organization;

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

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

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

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

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

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

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

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

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

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

44 (b) Is a lobbyist; or

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

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

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

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

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

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

(17) For paid, full-time employees of members of the general assembly and designated officers and employees of statewide elected officials required to report under subdivision (3) of subsection 1 of section 105.483, any income received by or payments made to such person in connection with any political campaign; and

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

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

[4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required



by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

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

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

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

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

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

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

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

(1) Each candidate for elective office, except those candidates for county committee of a political party pursuant to section 115.609 or section 115.611, who is required to file a personal financial disclosure statement shall file a financial interest statement no later than fourteen days after the close of filing at which the candidate seeks nomination or election, and the statement shall be for the [twelve months prior to the closing date] previous calendar year ending the immediately preceding December thirty-first, except that in the event an individual does not become a candidate until after the date of certification for candidates, the statement shall be filed within fourteen days of the individual's nomination by caucus. An individual required to file a financial interest statement because of the individual's candidacy for office prior to a primary election in accordance with this section is also required to amend such statement no later than the close of business on Monday prior to the general election to reflect any changes in financial interest during the interim. The appropriate election authority shall provide to the candidate at the time of filing for [election] office written notice of the candidate's obligation to file pursuant to sections 105.483 to 105.492 and the candidate shall sign a statement acknowledging receipt of such notice;

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

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

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

(5) The deadline for filing any statement required by sections 105.483 to 105.492 shall be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement required within a specified time shall be deemed to be timely filed if it is postmarked not later 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 hereby established. The commission shall be assigned to the office of administration with supervision by the office of administration only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the office of administration shall not extend to matters relating to policies, regulative functions or appeals from decisions of the commission, and the commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law and shall not in any manner interfere with the budget request of or withhold any moneys appropriated to the commission by the general assembly. All members of the commission shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee of the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election shall submit two names of eligible nominees for membership on the commission to the governor, and the governor shall select six members from such nominees to serve on the commission.

2. Within thirty days of submission of the person's name to the governor as provided in subsection 1 of this section, and in order to be an eligible nominee for appointment to the commission, a person shall file a financial interest statement in the manner provided by section 105.485 and shall provide the governor, the president pro tempore of the senate, and the commission with a list of all political contributions and the name of the candidate or committee, political party, or [continuing] political action committee, as defined in chapter 130, to which those contributions were made within the four-year period prior to such appointment, made by the nominee, the nominee's spouse, or any business entity in which the nominee has a substantial interest. The information shall be maintained by the commission and available for public inspection during the

1 period of time during which the appointee is a member of the commission. In order to be an  
2 eligible nominee for membership on the commission, a person shall be a citizen and a resident of  
3 the state and shall have been a registered voter in the state for a period of at least five years  
4 preceding the person's appointment.

5 3. The term of each member shall be for four years, except that of the members first  
6 appointed, the governor shall select three members from even-numbered congressional districts and  
7 three members from odd-numbered districts. Not more than three members of the commission shall  
8 be members of the same political party, nor shall more than one member be from any one United  
9 States congressional district. Not more than two members appointed from the even-numbered  
10 congressional districts shall be members of the same political party, and no more than two members  
11 from the odd-numbered congressional districts shall be members of the same political party. Of the  
12 members first appointed, the terms of the members appointed from the odd-numbered congressional  
13 districts shall expire on March 15, 1994, and the terms of the members appointed from the even-  
14 numbered congressional districts shall expire on March 15, 1996. Thereafter all successor members  
15 of the commission shall be appointed for four-year terms. Terms of successor members of the  
16 commission shall expire on March fifteenth of the fourth year of their term. No member of the  
17 commission shall serve on the commission after the expiration of the member's term, except that a  
18 member's term may be extended one time for up to one hundred twenty days if there are vacancies  
19 on the commission. No person shall be appointed to more than one full four-year term on the  
20 commission plus one term extension of one hundred twenty days as provided in this subsection.

21 4. Vacancies or expired terms on the commission shall be filled in the same manner as the  
22 original appointment was made, except as provided in this subsection. Within thirty days of the  
23 vacancy or ninety days before the expiration of the term, the names of two eligible nominees for  
24 membership on the commission shall be submitted to the governor by the congressional district  
25 committees of the political party or parties of the vacating member or members, from the even- or  
26 odd-numbered congressional districts, based on the residence of the vacating member or members,  
27 other than from the congressional district committees from districts then represented on the  
28 commission and from the same congressional district party committee or committees which  
29 originally appointed the member or members whose positions are vacated. Appointments to fill  
30 vacancies or expired terms shall be made within forty-five days after the deadline for submission of  
31 names by the congressional district committees, and shall be subject to the same qualifications for  
32 appointment and eligibility as is provided in subsections 2 and 3 of this section. Appointments to  
33 fill vacancies for unexpired terms shall be for the remainder of the unexpired term of the member  
34 whom the appointee succeeds, and such appointees shall be eligible for appointment to one full  
35 four-year term. If the congressional district committee does not submit the required two nominees  
36 within the thirty days or if the congressional district committee does not submit the two nominees  
37 within an additional thirty days after receiving notice from the governor to submit the nominees,  
38 then the governor may appoint a person or persons who shall be subject to the same qualifications  
39 for appointment and eligibility as provided in subsections 2 and 3 of this section.

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

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

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

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

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

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

13           (2) Be employed as a lobbyist;

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

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

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

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

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

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

32          12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed  
 33 pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of section  
 34 105.489, and campaign finance disclosure reports filed other than with election authorities or local  
 35 election authorities as provided by section 130.026 shall be filed with the commission.

36          13. Within sixty days of the initial meeting of the first commission appointed, the  
 37 commission shall obtain from the clerk of the supreme court or the state courts administrator a list  
 38 of retired appellate and circuit court judges who did not leave the judiciary as a result of being  
 39 defeated in an election. The executive director shall determine those judges who indicate their  
 40 desire to serve as special investigators and to investigate any and all complaints referred to them by  
 41 the commission. The executive director shall maintain an updated list of those judges qualified and  
 42 available for appointment to serve as special investigators. Such list shall be updated at least  
 43 annually. The commission shall refer complaints to such special investigators on that list on a  
 44 rotating schedule which ensures a random assignment of each special investigator. Each special  
 45 investigator shall receive only one unrelated investigation at a time and shall not be assigned to a  
 46 second or subsequent investigation until all other eligible investigators on the list have been  
 47 assigned to an investigation. In the event that no special investigator is qualified or available to  
 48 conduct a particular investigation, the commission may appoint a special investigator to conduct

1 such particular investigation.

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

5 (1) Receive and review complaints regarding alleged violation of sections 105.450 to  
6 105.496 and chapter 130, conduct initial reviews and investigations regarding such complaints as  
7 provided herein; refer complaints to appropriate prosecuting authorities and appropriate disciplinary  
8 authorities along with recommendations for sanctions; and initiate judicial proceedings as allowed  
9 by sections 105.955 to 105.963;

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

14 (3) Conduct investigations as provided in section 105.959;

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

21 ~~[(4)]~~ (5) Provide information and assistance to lobbyists, elected and appointed officials,  
22 and employees of the state and political subdivisions in carrying out the provisions of sections  
23 105.450 to 105.496 and chapter 130;

24 ~~[(5)]~~ (6) Make recommendations to the governor and general assembly or any state agency  
25 on the need for further legislation with respect to the ethical conduct of public officials and  
26 employees and to advise state and local government in the development of local government codes  
27 of ethics and methods of disclosing conflicts of interest as the commission may deem appropriate to  
28 promote high ethical standards among all elected and appointed officials or employees of the state  
29 or any political subdivision thereof and lobbyists;

30 ~~[(6)]~~ (7) Render advisory opinions as provided by this section;

31 ~~[(7)]~~ (8) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and  
32 chapter 130. All rules and regulations issued by the commission shall be prospective only in  
33 operation;

34 ~~[(8)]~~ (9) Request and receive from the officials and entities identified in subdivision (6) of  
35 section 105.450 designations of decision-making public servants.

36 15. In connection with such powers provided by sections 105.955 to 105.963 and chapter  
37 130, the commission may:

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

41 (2) Administer oaths and affirmations;

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

47 (4) Employ such personnel, including legal counsel, and contract for services including  
48 legal counsel, within the limits of its appropriation, as it deems necessary provided such legal

1 counsel, either employed or contracted, represents the Missouri ethics commission before any state  
2 agency or before the courts at the request of the Missouri ethics commission. Nothing in this  
3 section shall limit the authority of the Missouri ethics commission as provided for in subsection 2 of  
4 section 105.961; and

5 (5) Obtain information from any department, division or agency of the state or any political  
6 subdivision reasonably calculated to lead to the discovery of evidence which will reasonably assist  
7 the commission in carrying out the duties prescribed in sections 105.955 to 105.963 and chapter  
8 130.

9 16. (1) Upon written request for an advisory opinion received by the commission, and if the  
10 commission determines that the person requesting the opinion would be directly affected by the  
11 application of law to the facts presented by the requesting person, the commission shall issue a  
12 written opinion advising the person who made the request, in response to the person's particular  
13 request, regarding any issue that the commission can receive a complaint on pursuant to section  
14 105.957. The commission may decline to issue a written opinion by a vote of four members and  
15 shall provide to the requesting person the reason for the refusal in writing. The commission shall  
16 give an approximate time frame as to when the written opinion shall be issued. Such advisory  
17 opinions shall be issued no later than ninety days from the date of receipt by the commission. Such  
18 requests and advisory opinions, deleting the name and identity of the requesting person, shall be  
19 compiled and published by the commission on at least an annual basis. Advisory opinions issued by  
20 the commission shall be maintained and made available for public inspection and copying at the  
21 office of the commission during normal business hours. Any advisory opinion or portion of an  
22 advisory opinion rendered pursuant to this subsection shall be withdrawn by the commission if, after  
23 hearing thereon, the joint committee on administrative rules finds that such advisory opinion is  
24 beyond or contrary to the statutory authority of the commission or is inconsistent with the legislative  
25 intent of any law enacted by the general assembly, and after the general assembly, by concurrent  
26 resolution, votes to adopt the findings and conclusions of the joint committee on administrative  
27 rules. Any such concurrent resolution adopted by the general assembly shall be published at length  
28 by the commission in its publication of advisory opinions of the commission next following the  
29 adoption of such resolution, and a copy of such concurrent resolution shall be maintained by the  
30 commission, along with the withdrawn advisory opinion, in its public file of advisory opinions. The  
31 commission shall also send a copy of such resolution to the person who originally requested the  
32 withdrawn advisory opinion. Any advisory opinion issued by the ethics commission shall act as  
33 legal direction to any person requesting such opinion and no person shall be liable for relying on the  
34 opinion and it shall act as a defense of justification against prosecution. An advisory opinion of the  
35 commission shall not be withdrawn unless:

- 36 (a) The authorizing statute is declared unconstitutional;  
37 (b) The opinion goes beyond the power authorized by statute; or  
38 (c) The authorizing statute is changed to invalidate the opinion.

39 (2) Upon request, the attorney general shall give the attorney general's opinion, without fee,  
40 to the commission, any elected official of the state or any political subdivision, any member of the  
41 general assembly, or any director of any department, division or agency of the state, upon any  
42 question of law regarding the effect or application of sections 105.450 to 105.496, or chapter 130.  
43 Such opinion need be in writing only upon request of such official, member or director, and in any  
44 event shall be rendered within sixty days [that] after such request is delivered to the attorney  
45 general.

46 17. The state auditor and the state auditor's duly authorized employees who have taken the  
47 oath of confidentiality required by section 29.070 may audit the commission and in connection  
48 therewith may inspect materials relating to the functions of the commission. Such audit shall

include a determination of whether appropriations were spent within the intent of the general assembly, but shall not extend to review of any file or document pertaining to any particular investigation, audit or review by the commission, an investigator or any staff or person employed by the commission or under the supervision of the commission or an investigator. The state auditor and any employee of the state auditor shall not disclose the identity of any person who is or was the subject of an investigation by the commission and whose identity is not public information as provided by law.

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

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

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

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

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

- (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;
  - (2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;
  - (3) The campaign finance disclosure requirements contained in chapter 130;
  - (4) Any code of conduct promulgated by any department, division or agency of state government, or by state institutions of higher education, or by executive order;
  - (5) The conflict of interest laws contained in sections 105.450 to 105.468 and section 171.181; and
  - (6) The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.
2. Complaints filed with the commission shall be in writing and filed only by a natural person. The complaint shall contain all facts known by the complainant that

1 have given rise to the complaint and the complaint shall be sworn to, under penalty  
 2 of perjury, by the complainant. No complaint shall be investigated unless the  
 3 complaint alleges facts which, if true, fall within the jurisdiction of the commission.  
 4 Within five days after receipt by the commission of a complaint which is properly  
 5 signed and notarized, and which alleges facts which, if true, fall within the  
 6 jurisdiction of the commission, a copy of the complaint, including the name of the  
 7 complainant, shall be delivered to the alleged violator.

8 3. No complaint shall be investigated which concerns alleged criminal conduct  
 9 which allegedly occurred previous to the period of time allowed by law for criminal  
 10 prosecution for such conduct. The commission may refuse to investigate any  
 11 conduct which is the subject of civil or criminal litigation. The commission, its  
 12 executive director or an investigator shall not investigate any complaint concerning  
 13 conduct which is not criminal in nature which occurred more than two years prior to  
 14 the date of the complaint. A complaint alleging misconduct on the part of a  
 15 candidate for public office, other than those alleging failure to file the appropriate  
 16 financial interest statements or campaign finance disclosure reports, shall not be  
 17 accepted by the commission within sixty days prior to the primary election at which  
 18 such candidate is running for office, and until after the general election.

19 4. If the commission finds that any complaint is frivolous in nature, the commission  
 20 shall dismiss the case. For purposes of this subsection, "frivolous" shall mean a  
 21 complaint clearly lacking any basis in fact or law. Any person who submits a  
 22 frivolous complaint shall be liable for actual and compensatory damages to the  
 23 alleged violator for holding the alleged violator before the public in a false light. If  
 24 the commission finds that a complaint is frivolous, the commission shall issue a  
 25 public report to the complainant and the alleged violator stating with particularity its  
 26 reasons for dismissal of the complaint. Upon such issuance, the complaint and all  
 27 materials relating to the complaint shall be a public record as defined in chapter 610.

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

30 105.957. 1. The commission shall receive any complaints alleging violation of the  
 31 provisions of:

- 32 (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;
- 33 (2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;
- 34 (3) The campaign finance disclosure requirements contained in chapter 130;
- 35 (4) Any code of conduct promulgated by any department, division or agency of state  
 36 government, or by state institutions of higher education, or by executive order;
- 37 (5) The conflict of interest laws contained in sections 105.450 to [105.468] 105.467 and  
 38 section 171.181; and
- 39 (6) The provisions of the constitution or state statute or order, ordinance or resolution of any  
 40 political subdivision relating to the official conduct of officials or employees of the state and  
 41 political subdivisions.

42 2. Complaints filed with the commission shall be in writing and filed only by a natural  
 43 person. The complaint shall contain all facts known by the complainant that have given rise to the  
 44 complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant. No  
 45 complaint shall be investigated unless the complaint alleges facts which, if true, fall within the  
 46 jurisdiction of the commission. Within five days after receipt [of a complaint] by the commission of  
 47 a complaint that is properly signed and notarized, and that alleges facts that, if true, fall within the  
 48 jurisdiction of the commission, a copy of the complaint, including the name of the complainant,



1 shall be delivered to the alleged violator.

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

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

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

24 6. (1) As used in this subsection, "original source of information" means information no  
25 part of which has been previously disclosed to or known by the government or public.

26 (2) If any person is the original source of information used by the ethics commission in an  
27 investigation concluding that a violation of any provision of law under the ethics commission's  
28 jurisdiction has occurred for which a fine, fee, or penalty is imposed, excluding the clear proceeds  
29 of any penalty, forfeiture, and fine collected for any breach of the penal laws of the state that are  
30 distributed as provided in article IX, section 7 of the Constitution of Missouri, such person may be  
31 reimbursed for such information under this subsection as determined by the ethics commission. No  
32 amount reimbursed to any person under this subsection shall exceed ten percent of the amount of  
33 such fines, fees, or penalties resulting from such investigation. Any amount reimbursed under this  
34 subsection shall be reimbursed solely from funds in the Missouri ethics commission enforcement  
35 fund created in section 105.955.

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

39 [105.963. 1. The executive director shall assess every committee, as defined in  
40 section 130.011, failing to file with a filing officer other than a local election  
41 authority as provided by section 130.026 a campaign disclosure report as required by  
42 chapter 130, other than the report required pursuant to subdivision (1) of subsection 1  
43 of section 130.046, a late filing fee of ten dollars for each day after such report is due  
44 to the commission. The executive director shall mail a notice, by registered mail, to  
45 any candidate and the treasurer of any committee who fails to file such report  
46 informing such person of such failure and the fees provided by this section. If the  
47 candidate or treasurer of any committee persists in such failure for a period in excess  
48 of thirty days beyond receipt of such notice, the amount of the late filing fee shall

1 increase to one hundred dollars for each day that the report is not filed, provided that  
2 the total amount of such fees assessed pursuant to this subsection per report shall not  
3 exceed three thousand dollars.

4 2. (1) Any candidate for state or local office who fails to file a campaign disclosure  
5 report required pursuant to subdivision (1) of subsection 1 of section 130.046, other  
6 than a report required to be filed with a local election authority as provided by  
7 section 130.026, shall be assessed by the executive director a late filing fee of one  
8 hundred dollars for each day that the report is not filed, until the first day after the  
9 date of the election. After such election date, the amount of such late filing fee shall  
10 accrue at the rate of ten dollars per day that such report remains unfiled, except as  
11 provided in subdivision (2) of this subsection.

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

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

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

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

36 5. The executive director of the Missouri ethics commission shall collect such late  
37 filing fees as are provided for in this section. Unpaid late filing fees shall be  
38 collected by action filed by the commission. The commission shall contract with the  
39 appropriate entity to collect such late filing fees after a thirty-day delinquency. If not  
40 collected within one hundred twenty days, the Missouri ethics commission shall file a  
41 petition in Cole County circuit court to seek a judgment on said fees. All late filing  
42 fees collected pursuant to this section shall be transmitted to the state treasurer and  
43 deposited to the general revenue fund.

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

46 7. If any candidate fails to file a campaign disclosure report in a timely manner and  
47 that candidate is assessed a late filing fee, the candidate, candidate committee  
48 treasurer or assistant treasurer may file an appeal of the assessment of the late filing

1 fee with the commission. The commission may forgive the assessment of the late  
2 filing fee upon a showing of good cause. Such appeal shall be filed within ten days  
3 of the receipt of notice of the assessment of the late filing fee.]  
4

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

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

22 3. The executive director shall assess every person required to file a financial interest  
23 statement pursuant to sections 105.483 to 105.492 failing to file such a financial interest statement  
24 with the commission a late filing fee of ten dollars for each day after such statement is due to the  
25 commission. The executive director shall send a notice to any person who fails to file such  
26 statement informing the individual required to file of such failure and the fees provided by this  
27 section. If the person persists in such failure for a period in excess of thirty days beyond receipt of  
28 such notice, the amount of the late filing fee shall increase to one hundred dollars for each day  
29 thereafter that the statement is late[, provided that the total amount of such fees assessed pursuant to  
30 this subsection per statement shall not exceed six thousand dollars].

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

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

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

47 7. If any lobbyist fails to file a lobbyist report in a timely manner and that lobbyist is  
48 assessed a late fee, or if any individual who is required to file a personal financial disclosure

statement fails to file such disclosure statement in a timely manner and is assessed a late fee, or if any candidate or the treasurer of any committee fails to file a campaign disclosure report or a statement of limited activity in a timely manner and that candidate or treasurer of any committee who fails to file a disclosure statement in a timely manner and is assessed a late filing fee, the lobbyist, individual, candidate, or the treasurer of any committee may file an appeal of the assessment of the late filing fee with the commission. The commission may forgive the assessment of the late filing fee upon a showing of good cause. Such appeal shall be filed within ten days of the receipt of notice of the assessment of the late filing fee.

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

2. 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.]

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

1 commission that I am a feigned candidate.

2  
3 ..... Subscribed and sworn to Signature of candidate before me this .....  
4 day

5 ..... of .....  
6 ..... Residence address Signature of election  
7 ..... official or other officer  
8 ..... authorized to administer oaths  
9 ..... Mailing address (if different) ..... Telephone Number  
10 (Optional)  
11

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

17 115.635. The following offenses, and any others specifically so described by law, shall be  
18 class three election offenses and are deemed misdemeanors connected with the exercise of the right  
19 of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more  
20 than one year or by fine of not more than two thousand five hundred dollars, or by both such  
21 imprisonment and fine:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (e) Any committee appointed by or at the direction of any of the entities and which is  
 13 authorized to report to any of the above-named entities, any advisory committee appointed by or at  
 14 the direction of any of the named entities for the specific purpose of recommending, directly to the  
 15 public governmental body's governing board or its chief administrative officer, policy or policy  
 16 revisions or expenditures of public funds including, but not limited to, entities created to advise bi-  
 17 state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy  
 18 advisory committee or policy advisory group appointed by a president, chancellor or chief executive  
 19 officer of any college or university system or individual institution at the direction of the governing  
 20 body of such institution which is supported in whole or in part with state funds for the specific  
 21 purpose of recommending directly to the public governmental body's governing board or the  
 22 president, chancellor or chief executive officer policy, policy revisions or expenditures of public  
 23 funds provided, however, the staff of the college or university president, chancellor or chief  
 24 executive officer shall not constitute such a policy advisory committee. The custodian of the  
 25 records of any public governmental body shall maintain a list of the policy advisory committees  
 26 described in this subdivision;

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

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

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

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

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

45 (5) "Public meeting", any meeting of a public governmental body subject to sections  
 46 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated,  
 47 whether such meeting is conducted in person or by means of communication equipment, including,  
 48 but not limited to, conference call, video conference, internet chat, or internet message board. The

1 term "public meeting" shall not include an informal gathering of members of a public governmental  
2 body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter,  
3 but the term shall include a public vote of all or a majority of the members of a public governmental  
4 body, by electronic communication or any other means, conducted in lieu of holding a public  
5 meeting with the members of the public governmental body gathered at one location in order to  
6 conduct public business;

7 (6) "Public record", any record, whether written or electronically stored, retained by or of  
8 any public governmental body including any report, survey, memorandum, or other document or  
9 study prepared for the public governmental body by a consultant or other professional service paid  
10 for in whole or in part by public funds, including records created or maintained by private  
11 contractors under an agreement with a public governmental body or on behalf of a public  
12 governmental body; provided, however, that personally identifiable student records maintained by  
13 public educational institutions shall be open for inspection by the parents, guardian or other  
14 custodian of students under the age of eighteen years and by the parents, guardian or other custodian  
15 and the student if the student is over the age of eighteen years. The term "public record" shall not  
16 include any internal memorandum or letter received or prepared by or on behalf of a member of a  
17 public governmental body consisting of advice, opinions and recommendations in connection with  
18 the deliberative decision-making process of said body, unless such records are retained by the public  
19 governmental body or presented at a public meeting. Any document or study prepared for a public  
20 governmental body by a consultant or other professional service as described in this subdivision  
21 shall be retained by the public governmental body in the same manner as any other public record;

22 (7) "Public vote", any vote, whether conducted in person, by telephone, or by any other  
23 electronic means, cast at any public meeting of any public governmental body."; and  
24

25 Further amend said bill, Page 6, Section 610.100, Line 140, by inserting after all of said section and  
26 line the following:  
27

28 "Section B. The provisions of sections 105.483, 105.485, 105.487, 105.955, 105.957,  
29 105.963, 105.966, 115.349, 115.635, 575.021, and 610.010 shall become effective on January 1,  
30 2017."; and  
31

32 Further amend said bill by amending the title, enacting clause, and intersectional references  
33 accordingly.