

SECOND REGULAR SESSION

HOUSE BILL NO. 1080

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KANDER (Sponsor), LAMPE, AULL, SCHUPP,
STILL AND ELLINGER (Co-sponsors).

4048L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.450, 105.456, 105.483, 105.485, 105.959, 130.031, 575.021, and 610.010, RSMo, and to enact in lieu thereof nine new sections relating to ethics, with penalty provisions.

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

Section A. Sections 105.450, 105.456, 105.483, 105.485, 105.959, 130.031, 575.021, 2 and 610.010, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as 3 sections 105.450, 105.456, 105.483, 105.485, 105.959, 130.031, 130.032, 575.021, and 610.010, 4 to read as follows:

105.450. As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless 2 the context clearly requires otherwise, the following terms mean:

3 (1) "Adversary proceeding", any proceeding in which a record of the proceedings may 4 be kept and maintained as a public record at the request of either party by a court reporter, notary 5 public or other person authorized to keep such record by law or by any rule or regulation of the 6 agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or 7 any proceeding from the decision of which any party must be granted, on request, a hearing de 8 novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political 9 subdivision; or an investigative proceeding initiated by an official, department, division, or 10 agency which pertains to matters which, depending on the conclusion of the investigation, could 11 lead to a judicial or administrative proceeding being initiated against the party by the official, 12 department, division or agency;

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

13 (2) "Business entity", a corporation, association, firm, partnership, proprietorship, or
14 business entity of any kind or character;

15 (3) "Business with which a person is associated":

16 (a) Any sole proprietorship owned by himself or herself, the person's spouse or any
17 dependent child in the person's custody;

18 (b) Any partnership or joint venture in which the person or the person's spouse is a
19 partner, other than as a limited partner of a limited partnership, and any corporation or limited
20 partnership in which the person is an officer or director or of which either the person or the
21 person's spouse or dependent child in the person's custody whether singularly or collectively
22 owns in excess of ten percent of the outstanding shares of any class of stock or partnership units;
23 or

24 (c) Any trust in which the person is a trustee or settlor or in which the person or the
25 person's spouse or dependent child whether singularly or collectively is a beneficiary or holder
26 of a reversionary interest of ten percent or more of the corpus of the trust;

27 (4) "Commission", the Missouri ethics commission established in section 105.955;

28 (5) "Confidential information", all information whether transmitted orally or in writing
29 which is of such a nature that it is not, at that time, a matter of public record or public
30 knowledge;

31 (6) "Decision-making public servant", an official, appointee or employee of the offices
32 or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory
33 authority over the negotiation of contracts, or has the legal authority to adopt or vote on the
34 adoption of rules and regulations with the force of law or exercises primary supervisory
35 responsibility over purchasing decisions. The following officials or entities shall be responsible
36 for designating a decision-making public servant:

37 (a) The governing body of the political subdivision with a general operating budget in
38 excess of one million dollars;

39 (b) A department director;

40 (c) A judge vested with judicial power by article V of the Constitution of the state of
41 Missouri;

42 (d) Any commission empowered by interstate compact;

43 (e) A statewide elected official;

44 (f) The speaker of the house of representatives;

45 (g) The president pro tem of the senate;

46 (h) The president or chancellor of a state institution of higher education;

47 (7) "Dependent child" or "dependent child in the person's custody", all children,
48 stepchildren, foster children and wards under the age of eighteen residing in the person's
49 household and who receive in excess of fifty percent of their support from the person;

50 (8) **"Paid political consultant", a person who is paid to provide political consulting**
51 **services to promote the election of a certain candidate or the interest of an organization,**
52 **including but not limited to, planning campaign strategies, coordinating campaign staff,**
53 **organizing meetings and public events to publicize the candidate or cause, public opinion**
54 **polling, providing research on issues or opposition background, coordinating, producing,**
55 **or purchasing print or broadcast media, direct mail production, phone solicitation, fund**
56 **raising, and any other political activities;**

57 (9) "Political subdivision" shall include any political subdivision of the state, and any
58 special district or subdistrict;

59 [(9)] (10) "Public document", a state tax return or a document or other record maintained
60 for public inspection without limitation on the right of access to it and a document filed in a
61 juvenile court proceeding;

62 [(10)] (11) "Substantial interest", ownership by the individual, the individual's spouse,
63 or the individual's dependent children, whether singularly or collectively, directly or indirectly,
64 of ten percent or more of any business entity, or of an interest having a value of ten thousand
65 dollars or more, or the receipt by an individual, the individual's spouse or the individual's
66 dependent children, whether singularly or collectively, of a salary, gratuity, or other
67 compensation or remuneration of five thousand dollars, or more, per year from any individual,
68 partnership, organization, or association within any calendar year;

69 [(11)] (12) "Substantial personal or private interest in any measure, bill, order or
70 ordinance", any interest in a measure, bill, order or ordinance which results from a substantial
71 interest in a business entity.

105.456. 1. No member of the general assembly or the governor, lieutenant governor,
2 attorney general, secretary of state, state treasurer, or state auditor shall:

3 (1) Perform any service for the state or any political subdivision of the state or any
4 agency of the state or any political subdivision thereof or act in his or her official capacity or
5 perform duties associated with his or her position for any person for any consideration other than
6 the compensation provided for the performance of his or her official duties; [or]

7 (2) Sell, rent or lease any property to the state or political subdivision thereof or any
8 agency of the state or any political subdivision thereof for consideration in excess of five hundred
9 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is
10 made pursuant to an award on a contract let or sale made after public notice and in the case of

11 property other than real property, competitive bidding, provided that the bid or offer accepted
12 is the lowest received; [or]

13 (3) Attempt, for compensation other than the compensation provided for the performance
14 of his or her official duties, to influence the decision of any agency of the state on any matter,
15 except that this provision shall not be construed to prohibit such person from participating for
16 compensation in any adversary proceeding or in the preparation or filing of any public document
17 or conference thereon. The exception for a conference upon a public document shall not permit
18 any member of the general assembly or the governor, lieutenant governor, attorney general,
19 secretary of state, state treasurer or state auditor to receive any consideration for the purpose of
20 attempting to influence the decision of any agency of the state on behalf of any person with
21 regard to any application, bid or request for a state grant, loan, appropriation, contract, award,
22 permit other than matters involving a driver's license, or job before any state agency,
23 commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or
24 any other court rule or law to the contrary, other members of a firm, professional corporation or
25 partnership shall not be prohibited pursuant to this subdivision from representing a person or
26 other entity solely because a member of the firm, professional corporation or partnership serves
27 in the general assembly, provided that such official does not share directly in the compensation
28 earned, so far as the same may reasonably be accounted, for such activity by the firm or by any
29 other member of the firm. This subdivision shall not be construed to prohibit any inquiry for
30 information or the representation of a person without consideration before a state agency or in
31 a matter involving the state if no consideration is given, charged or promised in consequence
32 thereof;

33 (4) **Solicit any registered lobbyist for any position with a hiring date beginning after**
34 **such person is no longer an elected official, whether compensated or not, while such person**
35 **holds office;**

36 (5) **Register or act as a lobbyist within the two-year period after such person is no**
37 **longer an elected official.**

38 2. No sole proprietorship, partnership, joint venture, or corporation in which a member
39 of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state
40 treasurer, state auditor or spouse of such official is the sole proprietor, a partner having more than
41 a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the
42 outstanding shares of any class of stock, shall:

43 (1) Perform any service for the state or any political subdivision thereof or any agency
44 of the state or political subdivision for any consideration in excess of five hundred dollars per
45 transaction or one thousand five hundred dollars per annum unless the transaction is made

46 pursuant to an award on a contract let or sale made after public notice and competitive bidding,
47 provided that the bid or offer accepted is the lowest received; or

48 (2) Sell, rent, or lease any property to the state or any political subdivision thereof or any
49 agency of the state or political subdivision thereof for consideration in excess of five hundred
50 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is
51 made pursuant to an award on a contract let or a sale made after public notice and in the case of
52 property other than real property, competitive bidding, provided that the bid or offer accepted
53 is the lowest and best received.

54 3. No statewide elected official, member of the general assembly, or any person acting
55 on behalf of such official or member shall expressly and explicitly make any offer or promise
56 to confer any paid employment, where the individual is compensated above actual and necessary
57 expenses, to any statewide elected official or member of the general assembly in exchange for
58 the official's or member's official vote on any public matter. Any person making such offer or
59 promise is guilty of the crime of bribery of a public servant under section 576.010.

60 4. Any statewide elected official or member of the general assembly who accepts or
61 agrees to accept an offer described in subsection 3 of this section is guilty of the crime of
62 acceding to corruption under section 576.020.

63 **5. No member of the general assembly shall accept any tangible or intangible item,**
64 **service, or thing of value from any lobbyist, as defined in section 105.470.**

65 **6. No individual holding office as a state representative or state senator shall accept**
66 **or receive compensation of any kind as a paid political consultant for another individual**
67 **holding the office of state representative, state senator, governor, lieutenant governor,**
68 **attorney general, secretary of state, state treasurer, or state auditor, or for any campaign**
69 **committee, candidate committee, continuing committee, or political party committee as**
70 **defined in chapter 130, nor shall any spouse, dependent child, or parent accept or receive**
71 **compensation of any kind on behalf of any individual holding office as a state**
72 **representative or state senator who acts as a paid political consultant.**

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

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

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

8 (3) The principal administrative or deputy officers or assistants serving the governor,
9 lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which
10 officers shall be designated by the respective elected state official;

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

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

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

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

22 (8) Any board member of a metropolitan sewer district authorized under section 30(a)
23 of article VI of the state constitution;

24 (9) Any member of a commission appointed or operating pursuant to sections 64.650 to
25 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

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

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

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

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

41 **2. This section shall apply to all persons listed in this section regardless of whether**
42 **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 the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership

36 which is listed on a regulated stock exchange or automated quotation system need be reported
37 pursuant to this subdivision;

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

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

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

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

66 (8) The name and address of each source from which such person received a gift or gifts,
67 or honorarium or honoraria in excess of two hundred dollars in value per source during the year
68 covered by the statement other than gifts from persons within the third degree of consanguinity
69 or affinity of the person filing the financial interest statement, **and the source, date, and**
70 **amount of payments made to charitable organizations in lieu of honoraria.** For the purposes
71 of this section, a "gift" shall not be construed to mean political contributions otherwise required

72 to be reported by law or hospitality such as food, beverages or admissions to social, art, or
73 sporting events or the like, or informational material. For the purposes of this section, a "gift"
74 shall include gifts to or by creditors of the individual for the purpose of canceling, reducing or
75 otherwise forgiving the indebtedness of the individual to that creditor;

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

79 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
80 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

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

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

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

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

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

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

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

98 (b) Is a lobbyist; or

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

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

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

106 **(14) A brief description, the date, and category of value of any purchase, sale, or**
107 **exchange during the preceding calendar year which exceeds one thousand dollars in real**

108 **property, other than property used solely as a personal residence of the reporting**
109 **individual or the individual's spouse, or in stocks, bonds, commodities futures, and other**
110 **forms of securities. Reporting is not required under this subdivision of any transaction**
111 **solely by and between the reporting individual, the individual's spouse, or dependent**
112 **children;**

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

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

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

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

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

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

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

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

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

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

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

105.959. 1. The executive director of the commission, under the supervision of the
2 commission, shall review reports and statements filed with the commission or other appropriate
3 officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130 for completeness,
4 accuracy and timeliness of filing of the reports or statements and any records relating to the
5 reports or statements, and upon review, if there are reasonable grounds to believe that a violation
6 has occurred, shall conduct an investigation of such reports, statements, and records and assign
7 a special investigator following the provisions of subsection 1 of section 105.961.

8 2. (1) If there are reasonable grounds to believe that a violation has occurred and after
9 **a majority of** the commission [unanimously] votes to proceed [with all six members voting],

10 the executive director shall, without receipt of a complaint, conduct an independent investigation
11 of any potential violations of the provisions of:

12 (a) The requirements imposed on lobbyists by sections 105.470 to 105.478;

13 (b) The financial interest disclosure requirements contained in sections 105.483 to
14 105.492;

15 (c) The campaign finance disclosure requirements contained in chapter 130;

16 (d) Any code of conduct promulgated by any department, division, or agency of state
17 government, or by state institutions of higher education, or by executive order;

18 (e) The conflict of interest laws contained in sections 105.450 to 105.468 and section
19 171.181; and

20 (f) The provisions of the constitution or state statute or order, ordinance, or resolution
21 of any political subdivision relating to the official conduct of officials or employees of the state
22 and political subdivisions.

23 (2) If an investigation conducted under this subsection fails to establish reasonable
24 grounds to believe that a violation has occurred, the investigation shall be terminated and the
25 person who had been under investigation shall be notified of the reasons for the disposition of
26 the complaint.

27 3. Upon findings of the appropriate filing officer which are reported to the commission
28 in accordance with the provisions of section 130.056, the executive director shall investigate
29 disclosure reports, statements and records pertaining to such findings within a reasonable time
30 after receipt of the reports from the appropriate filing officer.

31 4. The commission may make such investigations and inspections within or outside of
32 this state as are necessary to determine compliance.

33 5. The commission shall notify the person under investigation under this section, by
34 registered mail, within five days of the decision to conduct such investigation and assign a
35 special investigator following the provisions of subsection 1 of section 105.961.

36 6. After completion of an investigation, the executive director shall provide a detailed
37 report of such investigation to the commission. Upon determination that there are reasonable
38 grounds to believe that a person has violated the requirements of sections 105.470, 105.483 to
39 105.492, or chapter 130, by a vote of four members of the commission, the commission may
40 refer the report with the recommendations of the commission to the appropriate prosecuting
41 authority together with the details of the investigation by the commission as is provided in
42 subsection 2 of section 105.961.

43 7. All investigations by the executive director of an alleged violation shall be strictly
44 confidential with the exception of notification of the commission and the complainant and the

45 person under investigation. Revealing any such confidential investigation information shall be
46 cause for removal or dismissal of the executive director or a commission member or employee.

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall
2 be made by or accepted from any single contributor for any election by a political action
3 committee, a campaign committee, a political party committee, an exploratory committee or a
4 candidate committee.

5 2. Except for expenditures from a petty cash fund which is established and maintained
6 by withdrawals of funds from the committee's depository account and with records maintained
7 pursuant to the record-keeping requirements of section 130.036 to account for expenditures made
8 from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall
9 be made by check drawn on the committee's depository and signed by the committee treasurer,
10 deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty
11 dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall
12 not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the
13 committee during that calendar year. A check made payable to "cash" shall not be made except
14 to replenish a petty cash fund.

15 3. No contribution shall be made or accepted and no expenditure shall be made or
16 incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or
17 through another person in such a manner as to conceal the identity of the actual source of the
18 contribution or the actual recipient and purpose of the expenditure. Any person who receives
19 contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or
20 candidate the recipient's own name and address and the name and address of the actual source
21 of each contribution such person has received for that committee. Any person who makes
22 expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or
23 candidate such person's own name and address, the name and address of each person to whom
24 an expenditure has been made and the amount and purpose of the expenditures the person has
25 made for that committee.

26 4. No anonymous contribution of more than twenty-five dollars shall be made by any
27 person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any
28 candidate or committee. If any anonymous contribution of more than twenty-five dollars is
29 received, it shall be returned immediately to the contributor, if the contributor's identity can be
30 ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee
31 treasurer or deputy treasurer shall immediately transmit that portion of the contribution which
32 exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

33 5. The maximum aggregate amount of anonymous contributions which shall be accepted
34 in any calendar year by any committee shall be the greater of five hundred dollars or one percent

35 of the aggregate amount of all contributions received by that committee in the same calendar
36 year. If any anonymous contribution is received which causes the aggregate total of anonymous
37 contributions to exceed the foregoing limitation, it shall be returned immediately to the
38 contributor, if the contributor's identity can be ascertained, and, if the contributor's identity
39 cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately
40 transmit the anonymous contribution to the state treasurer to escheat to the state.

41 6. Notwithstanding the provisions of subsection 5 of this section, contributions from
42 individuals whose names and addresses cannot be ascertained which are received from a
43 fund-raising activity or event, such as defined in section 130.011, shall not be deemed
44 anonymous contributions, provided the following conditions are met:

45 (1) There are twenty-five or more contributing participants in the activity or event;

46 (2) The candidate, committee treasurer, deputy treasurer or the person responsible for
47 conducting the activity or event makes an announcement that it is illegal for anyone to make or
48 receive a contribution in excess of one hundred dollars unless the contribution is accompanied
49 by the name and address of the contributor;

50 (3) The person responsible for conducting the activity or event does not knowingly
51 accept payment from any single person of more than one hundred dollars unless the name and
52 address of the person making such payment is obtained and recorded pursuant to the
53 record-keeping requirements of section 130.036;

54 (4) A statement describing the event shall be prepared by the candidate or the treasurer
55 of the committee for whom the funds were raised or by the person responsible for conducting the
56 activity or event and attached to the disclosure report of contributions and expenditures required
57 by section 130.041. The following information to be listed in the statement is in addition to, not
58 in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of
59 contributions and expenditures:

60 (a) The name and mailing address of the person or persons responsible for conducting
61 the event or activity and the name and address of the candidate or committee for whom the funds
62 were raised;

63 (b) The date on which the event occurred;

64 (c) The name and address of the location where the event occurred and the approximate
65 number of participants in the event;

66 (d) A brief description of the type of event and the fund-raising methods used;

67 (e) The gross receipts from the event and a listing of the expenditures incident to the
68 event;

69 (f) The total dollar amount of contributions received from the event from participants
70 whose names and addresses were not obtained with such contributions and an explanation of
71 why it was not possible to obtain the names and addresses of such participants;

72 (g) The total dollar amount of contributions received from contributing participants in
73 the event who are identified by name and address in the records required to be maintained
74 pursuant to section 130.036.

75 7. No candidate or committee in this state shall accept contributions from any
76 out-of-state committee unless the out-of-state committee from whom the contributions are
77 received has filed a statement of organization pursuant to section 130.021 or has filed the reports
78 required by sections 130.049 and 130.050, whichever is applicable to that committee.

79 8. Any person publishing, circulating, or distributing any printed matter relative to any
80 candidate for public office or any ballot measure shall on the face of the printed matter identify
81 in a clear and conspicuous manner the person who paid for the printed matter with the words
82 "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For
83 the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular,
84 handbill, sample ballot, advertisement, including advertisements in any newspaper or other
85 periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered
86 material; but "printed matter" is defined to exclude materials printed and purchased prior to
87 May 20, 1982, if the candidate or committee can document that delivery took place prior to
88 May 20, 1982; any sign personally printed and constructed by an individual without
89 compensation from any other person and displayed at that individual's place of residence or on
90 that individual's personal motor vehicle; any items of personal use given away or sold, such as
91 campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is
92 paid for by a candidate or committee which supports a candidate or supports or opposes a ballot
93 measure and which is obvious in its identification with a specific candidate or committee and is
94 reported as required by this chapter; and any news story, commentary, or editorial printed by a
95 regularly published newspaper or other periodical without charge to a candidate, committee or
96 any other person.

97 (1) In regard to any printed matter paid for by a candidate from the candidate's personal
98 funds, it shall be sufficient identification to print the first and last name by which the candidate
99 is known.

100 (2) In regard to any printed matter paid for by a committee, it shall be sufficient
101 identification to print the name of the committee as required to be registered by subsection 5 of
102 section 130.021 and the name and title of the committee treasurer who was serving when the
103 printed matter was paid for.

104 (3) In regard to any printed matter paid for by a corporation or other business entity,
105 labor organization, or any other organization not defined to be a committee by subdivision (9)
106 of section 130.011 and not organized especially for influencing one or more elections, it shall
107 be sufficient identification to print the name of the entity, the name of the principal officer of the
108 entity, by whatever title known, and the mailing address of the entity, or if the entity has no
109 mailing address, the mailing address of the principal officer.

110 (4) In regard to any printed matter paid for by an individual or individuals, it shall be
111 sufficient identification to print the name of the individual or individuals and the respective
112 mailing address or addresses, except that if more than five individuals join in paying for printed
113 matter it shall be sufficient identification to print the words "For a list of other sponsors contact:"
114 followed by the name and address of one such individual responsible for causing the matter to
115 be printed, and the individual identified shall maintain a record of the names and amounts paid
116 by other individuals and shall make such record available for review upon the request of any
117 person. No person shall accept for publication or printing nor shall such work be completed until
118 the printed matter is properly identified as required by this subsection.

119 9. Any broadcast station transmitting any matter relative to any candidate for public
120 office or ballot measure as defined by this chapter shall identify the sponsor of such matter as
121 required by federal law.

122 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for
123 elective federal office, provided that persons causing matter to be printed or broadcast
124 concerning such candidacies shall comply with the requirements of federal law for identification
125 of the sponsor or sponsors.

126 11. It shall be a violation of this chapter for any person required to be identified as
127 paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter
128 pursuant to subsection 9 of this section to refuse to provide the information required or to
129 purposely provide false, misleading, or incomplete information.

130 12. It shall be a violation of this chapter for any committee to offer chances to win prizes
131 or money to persons to encourage such persons to endorse, send election material by mail,
132 deliver election material in person or contact persons at their homes; except that, the provisions
133 of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

134 13. Political action committees shall only receive contributions from individuals; unions;
135 federal political action committees; and corporations, associations, and partnerships formed
136 under chapters 347 to 360, and shall be prohibited from receiving contributions from other
137 political action committees, candidate committees, political party committees, campaign
138 committees, exploratory committees, or debt service committees. However, candidate
139 committees, political party committees, campaign committees, exploratory committees, and debt

140 service committees shall be allowed to return contributions to a donor political action committee
141 that is the origin of the contribution.

142 14. The prohibited committee transfers described in subsection 13 of this section shall
143 not apply to the following committees:

144 (1) The state house committee per political party designated by the respective majority
145 or minority floor leader of the house of representatives or the chair of the state party if the party
146 does not have majority or minority party status;

147 (2) The state senate committee per political party designated by the respective majority
148 or minority floor leader of the senate or the chair of the state party if the party does not have
149 majority or minority party status.

150 15. No person shall transfer anything of value to any committee with the intent to
151 conceal, from the ethics commission, the identity of the actual source. Any violation of this
152 subsection shall be punishable as follows:

153 (1) For the first violation, the ethics commission shall notify such person that the transfer
154 to the committee is prohibited under this section within five days of determining that the transfer
155 is prohibited, and that such person shall notify the committee to which the funds were transferred
156 that the funds must be returned within ten days of such notification. **If such funds are not
157 returned within ten days, the ethics commission may impose a fine in an amount not less
158 than the amount of the funds that were transferred in violation of this subsection but not
159 more than three times the amount of the funds transferred in violation of this section;**

160 (2) [For the second violation, the person transferring the funds shall be guilty of a class
161 C misdemeanor;

162 (3)] For the [third] **second** and subsequent violations, the person transferring the funds
163 shall be guilty of a class D felony.

164 16. Beginning January 1, 2011, all committees required to file campaign financial
165 disclosure reports with the Missouri ethics commission shall file any required disclosure report
166 in an electronic format as prescribed by the ethics commission.

167 **17. No committee shall transfer any funds to another committee if the treasurer of
168 the committee receiving the funds is the treasurer for the committee transferring the funds.**

169 **18. No committee shall receive any contribution from any organization exempt
170 from taxation under 26 U.S.C. Section 501(c)(4), as amended, unless such organization has
171 disclosed to the ethics commission the name and address of each person donating to such
172 organization. In lieu of disclosing such donors to the ethics commission, the organization
173 may provide a list of all donors to the general public on the organization's website.**

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

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

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

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

(4) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is under one hundred thousand, five hundred dollars;

(5) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least one hundred thousand but less than two hundred fifty thousand, one thousand dollars; and

(6) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least two hundred fifty thousand, two thousand dollars.

2. For purposes of this subsection, "base year amount" shall be the contribution limits prescribed in this section on January 1, 2013. Such limits shall be increased on the first day of January in each even-numbered year by multiplying the base year amount by the cumulative consumer price index, as defined in section 104.010 and rounded to the nearest twenty-five-dollar amount, for all years since January 1, 2013.

3. Every committee established under this chapter shall be subject to the limits prescribed in subsection 1 of this section. The provisions of this subsection shall not limit the amount of contributions that may be accumulated by a candidate committee and used for expenditures to further the nomination or election of the candidate who controls such candidate committee.

4. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.

5. Contributions received and expenditures made before January 1, 2013, shall be reported as a separate account and under the laws in effect at the time such contributions

37 are received or expenditures made. Contributions received and expenditures made after
38 January 1, 2013, shall be reported under the provisions of this chapter as a separate
39 account from the other separate account described in this subsection. The account
40 reported under the prior law shall be retained as a separate account and any remaining
41 funds in such account may be used under this chapter.

42 **6. Any committee that accepts or gives contributions other than those allowed shall**
43 **be subject to a surcharge of one thousand dollars plus an amount equal to the contribution**
44 **per nonallowable contribution, to be paid to the ethics commission and which shall be**
45 **transferred to the director of revenue, upon notification of such nonallowable contribution**
46 **by the ethics commission, and after the candidate has had ten business days after receipt**
47 **of notice to return the contribution to the contributor. The candidate and the candidate**
48 **committee treasurer or deputy treasurer owing a surcharge shall be personally liable for**
49 **the payment of the surcharge or may pay such surcharge only from campaign funds**
50 **existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the**
51 **state enforceable under, but not limited to, the provisions of chapter 143.**

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

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

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

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

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

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

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

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

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

25 4. Obstruction of an ethics investigation under this section is a class [A misdemeanor]
26 **D felony.**

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

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

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

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

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

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

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

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

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

27 (e) Any committee appointed by or at the direction of any of the entities and which is
28 authorized to report to any of the above-named entities, any advisory committee appointed by
29 or at the direction of any of the named entities for the specific purpose of recommending, directly

30 to the public governmental body's governing board or its chief administrative officer, policy or
31 policy revisions or expenditures of public funds including, but not limited to, entities created to
32 advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory
33 body, policy advisory committee or policy advisory group appointed by a president, chancellor
34 or chief executive officer of any college or university system or individual institution at the
35 direction of the governing body of such institution which is supported in whole or in part with
36 state funds for the specific purpose of recommending directly to the public governmental body's
37 governing board or the president, chancellor or chief executive officer policy, policy revisions
38 or expenditures of public funds provided, however, the staff of the college or university
39 president, chancellor or chief executive officer shall not constitute such a policy advisory
40 committee. The custodian of the records of any public governmental body shall maintain a list
41 of the policy advisory committees described in this subdivision;

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

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

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

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

57 **(h) Any public official, statewide elected official, or employee of the state and its**
58 **agencies when such persons are operating in their official capacities and using state-funded**
59 **equipment for their official communications;**

60 (5) "Public meeting", any meeting of a public governmental body subject to sections
61 610.010 to 610.030 at which any public business is discussed, decided, or public policy
62 formulated, whether such meeting is conducted in person or by means of communication
63 equipment, including, but not limited to, conference call, video conference, Internet chat, or
64 Internet message board. The term "public meeting" shall not include an informal gathering of
65 members of a public governmental body for ministerial or social purposes when there is no intent

66 to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority
67 of the members of a public governmental body, by electronic communication or any other means,
68 conducted in lieu of holding a public meeting with the members of the public governmental body
69 gathered at one location in order to conduct public business;

70 (6) "Public record", any record, whether written or electronically stored, retained by or
71 of any public governmental body including any report, survey, memorandum, or other document
72 or study prepared for the public governmental body by a consultant or other professional service
73 paid for in whole or in part by public funds, including records created or maintained by private
74 contractors under an agreement with a public governmental body or on behalf of a public
75 governmental body; provided, however, that personally identifiable student records maintained
76 by public educational institutions shall be open for inspection by the parents, guardian or other
77 custodian of students under the age of eighteen years and by the parents, guardian or other
78 custodian and the student if the student is over the age of eighteen years. The term "public
79 record" shall not include any internal memorandum or letter received or prepared by or on behalf
80 of a member of a public governmental body consisting of advice, opinions and recommendations
81 in connection with the deliberative decision-making process of said body, unless such records
82 are retained by the public governmental body or presented at a public meeting. Any document
83 or study prepared for a public governmental body by a consultant or other professional service
84 as described in this subdivision shall be retained by the public governmental body in the same
85 manner as any other public record;

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

✓