

FIRST REGULAR SESSION

HOUSE BILL NO. 269

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROEBER.

0283H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 115.646, RSMo, and to enact in lieu thereof one new section relating to ethics.

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

Section A. Section 115.646, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.646, to read as follows:

115.646. **1.** No contribution or expenditure of public funds shall be made directly **or indirectly** by any officer, **board member, director**, employee, or agent of any political subdivision to advocate, support, or oppose any ballot measure, **any measure proposed or pending before the general assembly**, or candidate for public office. This section shall not be construed to prohibit any ~~[public official]~~ **officer, board member, director, employee, or agent** of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure **or any measure proposed or pending before the general assembly as long as such officer, board member, director, employee, or agent does not do so in his or her official capacity.**

2. If a contribution or expenditure of public funds to any person results in the use of any part of such funds to advocate, support, or oppose any ballot measure, any measure proposed or pending before the general assembly, or candidate for public office, the contribution or expenditure shall be considered to have been made indirectly in violation of subsection 1 of this section.

3. Any resident of a political subdivision who wishes to challenge a contribution or expenditure of public funds may bring an action in any circuit court of the political subdivision in which any alleged violation occurred. The political subdivision and the officer, board member, director, employee, or agent who allegedly violated this section

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.

19 shall be named as party defendants. The petition shall set forth the contribution,
20 expenditure, or contribution and expenditure at issue and the facts that gave rise to a
21 violation and shall pray leave to produce such proof. The court shall consider the petition
22 and evidence, hear arguments, and in its decision determine whether a violation of this
23 section occurred. If the court decides the contribution or expenditure of public funds was
24 made in violation of this section:

25 (1) The political subdivision shall be subject to a civil penalty in an amount ten
26 times the amount of the contribution or expenditure or one thousand dollars, whichever
27 is greater;

28 (2) The officer, board member, director, employee, or agent shall be subject to a
29 civil penalty in an amount ten times the amount of the contribution or expenditure or one
30 thousand dollars, whichever is greater;

31 (3) The court shall order payment by the political subdivision of all the plaintiff's
32 costs and attorney fees; and

33 (4) The court shall enjoin the political subdivision from such actions in the future
34 and order a bond posted of at least one hundred thousand dollars to ensure compliance.

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