

SECOND REGULAR SESSION

HOUSE BILL NO. 1434

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHEY.

3059H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 105.485, RSMo, and to enact in lieu thereof one new section relating to financial interest forms.

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

Section A. Section 105.485, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.485, to read as follows:

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

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.

17 person has filed a separate financial interest statement and the name under which the statement
18 was filed:

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

21 (2) The name and address of each sole proprietorship which he owned; the name, address
22 and the general nature of the business conducted of each general partnership and joint venture
23 in which he was a partner or participant; the name and address of each partner or coparticipant
24 for each partnership or joint venture unless such names and addresses are filed by the partnership
25 or joint venture with the secretary of state; the name, address and general nature of the business
26 conducted of any closely held corporation or limited partnership in which the person owned ten
27 percent or more of any class of the outstanding stock or limited partners' units; and the name of
28 any publicly traded corporation or limited partnership which is listed on a regulated stock
29 exchange or automated quotation system in which the person owned two percent or more of any
30 class of outstanding stock, limited partnership units or other equity interests;

31 (3) The name and address of any other source not reported pursuant to subdivisions (1)
32 and (2) and subdivisions (4) to (9) of this subsection from which such person received one
33 thousand dollars or more of income during the year covered by the statement, including, but not
34 limited to, any income otherwise required to be reported on any tax return such person is required
35 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;

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

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

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

76 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
77 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

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

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

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

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

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

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

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

95 (b) Is a lobbyist; or

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

97 (12) The name and address of each campaign committee, political committee, candidate
98 committee, or continuing committee for which such person or any corporation listed on such
99 person's financial interest statement received payment; and

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

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

113 4. Each official, officer or employee or candidate of any political subdivision described
114 in subdivision (11) of section 105.483 shall be required to file a financial interest statement as
115 required by subsection 2 of this section, unless the political subdivision biennially adopts an
116 ordinance, order or resolution at an open meeting by September fifteenth of the preceding year,
117 which establishes and makes public its own method of disclosing potential conflicts of interest
118 and substantial interests and therefore excludes the political subdivision or district and its
119 officers and employees from the requirements of subsection 2 of this section. A certified copy
120 of the ordinance, order or resolution shall be sent to the commission within ten days of its
121 adoption. The commission shall assist any political subdivision in developing forms to complete
122 the requirements of this subsection. The ordinance, order or resolution shall contain, at a
123 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.

5. The name and employer of dependent children under twenty-one years of age of each person required to file a financial interest form under this section shall be redacted and not made publicly available.

6. Nothing in subsection 5 of this section shall be construed to abate the responsibility of reporting the names and employers of dependent children of each person required to file a financial interest form.

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