

SECOND REGULAR SESSION

SENATE BILL NO. 1102

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 7, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4915S.01I

AN ACT

To repeal sections 21.145, 105.456, 105.961, 105.963, 130.021, RSMo, and section 130.032 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, eighty-ninth general assembly, first regular session, and section 130.032 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and sections 130.047 and 130.048, RSMo, and to enact in lieu thereof eleven 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 21.145, 105.456, 105.961, 105.963, 130.021, RSMo, and
2 section 130.032 as enacted by conference committee substitute no. 2 for house
3 substitute for house committee substitute for senate committee substitute for
4 senate bill no. 16, eighty-ninth general assembly, first regular session, and
5 section 130.032 as enacted by conference committee substitute for senate
6 substitute for house committee substitute for house bill no. 1900, ninety-third
7 general assembly, second regular session, and sections 130.047 and 130.048,
8 RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known
9 as sections 21.145, 105.453, 105.455, 105.456, 105.474, 105.961, 105.963, 130.021,
10 130.032, 130.047, and 130.048, to read as follows:

21.145. Each senator or representative shall be reimbursed from the state
2 treasury for actual and necessary expenses in an amount equal to [eighty] **one**
3 **hundred** percent of the federal per diem established by the Internal Revenue
4 Service for Jefferson City for each day on which the journal of the senate or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 house, respectively, shows the presence of such senator or representative. Upon
6 certification by the president and secretary of the senate and by the speaker and
7 chief clerk of the house of representatives as to the respective members thereof,
8 the commissioner of administration shall approve and the state treasurer shall
9 pay monthly such expense allowance.

**105.453. 1. As used in this section, the following terms shall
2 mean:**

3 (1) "Decision-making public servant", as defined in subdivision
4 (6) of section 105.450, including those running for offices mentioned in
5 that section;

6 (2) "Disclosure", complete and timely disclosure of all relevant
7 information known to the person making the disclosure;

8 (3) "Promptly", within forty-eight hours, excluding weekends and
9 state, county, and federal holidays.

10 2. Any decision-making public servant who receives any offer of
11 anything of value in consideration for any vote, opinion, judgment,
12 exercise of discretion, or other action by such servant shall disclose the
13 offer promptly to the county sheriff and the county prosecutor of the
14 county in which the offer was made or received, or to the state attorney
15 general, or to the federal law enforcement agency with jurisdiction
16 over such matters. Any decision-making public servant who fails to
17 disclose an offer as required by this subsection shall be guilty of a class
18 B felony.

19 3. Any person who, on the person's own behalf or on behalf of
20 any other person or entity, is seeking or has solicited within the
21 preceding year either a contract with any public agency or for the vote
22 of a decision-making public servant and from whom anything of value
23 is solicited in consideration for any vote, opinion, judgment, exercise
24 of discretion, or other action by such servant, shall promptly disclose
25 the solicitation to the county sheriff and the county prosecutor of the
26 county in which the offer was made or received, or to the state attorney
27 general, or to the federal law enforcement agency with jurisdiction
28 over such matters. Any person who fails to make disclosure of a
29 solicitation as required by this subsection shall be guilty of a class C
30 felony.

31 4. No person shall be guilty of a violation of this section due
32 solely to the unavailability of the law enforcement personnel or agency

33 to whom disclosure must be made, provided the person makes a good
34 faith attempt to make the required disclosure to the law enforcement
35 personnel or agency when the personnel or agency becomes available.

36 5. Any decision-making public servant who receives a disclosure
37 of an offer or solicitation under this section shall promptly make a full
38 written record of the disclosure.

39 6. No offer of a bribe by any person as part of an undercover
40 investigation by a law enforcement agency shall be subject to this
41 section if the chief of police or other head of the law enforcement
42 agency specifically authorizes the offer in writing as part of an
43 approved official investigation.

44 7. This section does not affect rights and duties that matured,
45 penalties that were incurred, and proceedings that were begun, before
46 its effective date.

105.455. 1. No public official or state employee shall engage in
2 any lobbying activity, as defined in section 105.470, in relation to the
3 state agency in which the official serves or in which the employee
4 serves, if such official or employee accepts compensation specifically
5 attributable to such lobbying, other than that provided for the
6 performance of such official's or employee's official duties. Nothing in
7 this section shall prohibit a public official or state employee from
8 lobbying without compensation other than that which such official or
9 employee is entitled to receive for performance of such official's or
10 employee's official duties.

11 2. None of the following individuals shall engage in lobbying or
12 be employed as a lobbyist within two years after leaving their
13 respective office or employment:

- 14 (1) Member of the general assembly;
- 15 (2) Legislative staff and caucus employees;
- 16 (3) Governor, lieutenant governor, treasurer, auditor, secretary
17 of state, or attorney general;
- 18 (4) Commissioner, deputy commissioner, or head of any state
19 department or agency; or
- 20 (5) Researcher, legislative analyst, or attorney in senate research
21 or house research.

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

3 auditor shall:

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

9 (2) Sell, rent or lease any property to the state or political subdivision
10 thereof or any agency of the state or any political subdivision thereof for
11 consideration in excess of five hundred dollars per transaction or one thousand
12 five hundred dollars per annum unless the transaction is made pursuant to an
13 award on a contract let or sale made after public notice and in the case of
14 property other than real property, competitive bidding, provided that the bid or
15 offer accepted is the lowest received; or

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

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

45 (1) Perform any service for the state or any political subdivision thereof
46 or any agency of the state or political subdivision for any consideration in excess
47 of five hundred dollars per transaction or one thousand five hundred dollars per
48 annum unless the transaction is made pursuant to an award on a contract let or
49 sale made after public notice and competitive bidding, provided that the bid or
50 offer accepted is the lowest received; or

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

58 **3. A member of the general assembly shall not accept meals, food,**
59 **beverages, or other gifts from a lobbyist or the lobbyist's principal. A**
60 **violation of this section may be cured by reimbursing said lobbyist or**
61 **lobbyist principal within thirty days of obtaining actual knowledge that**
62 **reimbursement is necessary to meet the requirements of this section.**

105.474. 1. All lobbyists as defined in section 105.470, shall file
2 **a supplemental report documenting the lobbyist's activities during each**
3 **reporting period, as required by section 105.473, with the commission.**

4 **2. The report shall include the name and address of each client**
5 **whom the lobbyist has represented under contract at any time within**
6 **the duration of the previous reporting period, and the monetary value**
7 **of all payments, including but not limited to salary, fees, and**
8 **reimbursement of expenses, received in consideration for or directly or**
9 **indirectly in support of or in connection with influencing legislative or**
10 **administrative action on behalf of that client.**

11 **3. All lobbyists shall supply a copy of the most recent report**
12 **required under this section and section 105.473 to all clients upon**

13 **entering into any contract to represent such client. If a lobbyist**
14 **contracts to represent a client and the subsequent client's interests are**
15 **materially adverse to the interests of a current client, the lobbyist shall**
16 **notify the current client within forty-eight hours of entering the**
17 **contract.**

105.961. 1. Upon receipt of a complaint as described by section 105.957,
2 the commission shall assign the complaint to a special investigator, who may be
3 a commission employee, who shall investigate and determine the merits of the
4 complaint. Within ten days of such assignment, the special investigator shall
5 review such complaint and disclose, in writing, to the commission any conflict of
6 interest which the special investigator has or might have with respect to the
7 investigation and subject thereof. Within one hundred twenty days of receipt of
8 the complaint from the commission, the special investigator shall submit the
9 special investigator's report to the commission. The commission, after review of
10 such report, shall determine:

11 (1) That there is reasonable grounds for belief that a violation has
12 occurred; or

13 (2) That there are no reasonable grounds for belief that a violation exists
14 and the complaint should be dismissed; or

15 (3) That additional time is necessary to complete the investigation, and
16 the status and progress of the investigation to date. The commission, in its
17 discretion, may allow the investigation to proceed for additional successive
18 periods of one hundred twenty days each, pending reports regarding the status
19 and progress of the investigation at the end of each such period.

20 2. When the commission concludes, based on the report from the special
21 investigator, or based on an audit conducted pursuant to section 105.959, that
22 there are reasonable grounds to believe that a violation of any criminal law has
23 occurred, and if the commission believes that criminal prosecution would be
24 appropriate upon a vote of four members of the commission, the commission shall
25 refer the report to the Missouri office of prosecution services, prosecutors
26 coordinators training council established in section 56.760, RSMo, which shall
27 submit a panel of five attorneys for recommendation to the court having criminal
28 jurisdiction, for appointment of an attorney to serve as a special prosecutor;
29 except that, the attorney general of Missouri or any assistant attorney general
30 shall not act as such special prosecutor. The court shall then appoint from such
31 panel a special prosecutor pursuant to section 56.110, RSMo, who shall have all

32 the powers provided by section 56.130, RSMo. The court shall allow a reasonable
33 and necessary attorney's fee for the services of the special prosecutor. Such fee
34 shall be assessed as costs if a case is filed, or ordered by the court if no case is
35 filed, and paid together with all other costs in the proceeding by the state, in
36 accordance with rules and regulations promulgated by the state courts
37 administrator, subject to funds appropriated to the office of administration for
38 such purposes. If the commission does not have sufficient funds to pay a special
39 prosecutor, the commission shall refer the case to the prosecutor or prosecutors
40 having criminal jurisdiction. If the prosecutor having criminal jurisdiction is not
41 able to prosecute the case due to a conflict of interest, the court may appoint a
42 special prosecutor, paid from county funds, upon appropriation by the county or
43 the attorney general to investigate and, if appropriate, prosecute the case. The
44 special prosecutor or prosecutor shall commence an action based on the report by
45 the filing of an information or seeking an indictment within sixty days of the date
46 of such prosecutor's appointment, or shall file a written statement with the
47 commission explaining why criminal charges should not be sought. If the special
48 prosecutor or prosecutor fails to take either action required by this subsection,
49 upon request of the commission, a new special prosecutor, who may be the
50 attorney general, shall be appointed. The report may also be referred to the
51 appropriate disciplinary authority over the person who is the subject of the
52 report.

53 3. When the commission concludes, based on the report from the special
54 investigator or based on an audit conducted pursuant to section 105.959, that
55 there are reasonable grounds to believe that a violation of any law has occurred
56 which is not a violation of criminal law or that criminal prosecution is not
57 appropriate, the commission shall conduct a hearing which shall be a closed
58 meeting and not open to the public. The hearing shall be conducted pursuant to
59 the procedures provided by sections 536.063 to 536.090, RSMo, and shall be
60 considered to be a contested case for purposes of such sections. The commission
61 shall determine, in its discretion, whether or not that there is probable cause that
62 a violation has occurred. If the commission determines, by a vote of at least four
63 members of the commission, that probable cause exists that a violation has
64 occurred, the commission may refer its findings and conclusions to the
65 appropriate disciplinary authority over the person who is the subject of the
66 report, as described in subsection 7 of this section. After the commission
67 determines by a vote of at least four members of the commission that probable

68 cause exists that a violation has occurred, and the commission has referred the
69 findings and conclusions to the appropriate disciplinary authority over the person
70 subject of the report, the subject of the report may appeal the determination of
71 the commission to the [administrative hearing commission] **circuit court of**
72 **Cole County**. Such appeal shall stay the action of the Missouri ethics
73 commission. Such appeal shall be filed not later than the fourteenth day after
74 the subject of the commission's action receives actual notice of the commission's
75 action.

76 4. If the appropriate disciplinary authority receiving a report from the
77 commission pursuant to subsection 3 of this section fails to follow, within sixty
78 days of the receipt of the report, the recommendations contained in the report, or
79 if the commission determines, by a vote of at least four members of the
80 commission that some action other than referral for criminal prosecution or for
81 action by the appropriate disciplinary authority would be appropriate, the
82 commission shall take any one or more of the following actions:

83 (1) Notify the person to cease and desist violation of any provision of law
84 which the report concludes was violated and that the commission may seek
85 judicial enforcement of its decision pursuant to subsection 5 of this section;

86 (2) Notify the person of the requirement to file, amend or correct any
87 report, statement, or other document or information required by sections 105.473,
88 105.483 to 105.492, or chapter 130, RSMo, and that the commission may seek
89 judicial enforcement of its decision pursuant to subsection 5 of this section; and

90 (3) File the report with the executive director to be maintained as a public
91 document; or

92 (4) Issue a letter of concern or letter of reprimand to the person, which
93 would be maintained as a public document; or

94 (5) Issue a letter that no further action shall be taken, which would be
95 maintained as a public document; or

96 (6) Through reconciliation agreements or civil action, the power to seek
97 fees for violations in an amount not greater than one thousand dollars or double
98 the amount involved in the violation.

99 5. Upon vote of at least four members, the commission may initiate formal
100 judicial proceedings seeking to obtain any of the following orders:

101 (1) Cease and desist violation of any provision of sections 105.450 to
102 105.496, or chapter 130, RSMo, or sections 105.955 to 105.963;

103 (2) Pay any civil penalties required by sections 105.450 to 105.496 or

104 chapter 130, RSMo;

105 (3) File any reports, statements, or other documents or information
106 required by sections 105.450 to 105.496, or chapter 130, RSMo; or

107 (4) Pay restitution for any unjust enrichment the violator obtained as a
108 result of any violation of any criminal statute as described in subsection 6 of this
109 section.

110 The Missouri ethics commission shall give actual notice to the subject of the
111 complaint of the proposed action as set out in this section. The subject of the
112 complaint may appeal the action of the Missouri ethics commission, other than
113 a referral for criminal prosecution, to the [administrative hearing commission]
114 **circuit court of Cole County**. Such appeal shall stay the action of the
115 Missouri ethics commission. Such appeal shall be filed no later than fourteen
116 days after the subject of the commission's actions receives actual notice of the
117 commission's actions.

118 6. In the proceeding in circuit court, the commission may seek restitution
119 against any person who has obtained unjust enrichment as a result of violation
120 of any provision of sections 105.450 to 105.496, or chapter 130, RSMo, and may
121 recover on behalf of the state or political subdivision with which the alleged
122 violator is associated, damages in the amount of any unjust enrichment obtained
123 and costs and attorney's fees as ordered by the court.

124 7. The appropriate disciplinary authority to whom a report shall be sent
125 pursuant to subsection 2 or 3 of this section shall include, but not be limited to,
126 the following:

127 (1) In the case of a member of the general assembly, the ethics committee
128 of the house of which the subject of the report is a member;

129 (2) In the case of a person holding an elective office or an appointive office
130 of the state, if the alleged violation is an impeachable offense, the report shall be
131 referred to the ethics committee of the house of representatives;

132 (3) In the case of a person holding an elective office of a political
133 subdivision, the report shall be referred to the governing body of the political
134 subdivision;

135 (4) In the case of any officer or employee of the state or of a political
136 subdivision, the report shall be referred to the person who has immediate
137 supervisory authority over the employment by the state or by the political
138 subdivision of the subject of the report;

139 (5) In the case of a judge of a court of law, the report shall be referred to

140 the commission on retirement, removal and discipline, or if the inquiry involves
141 an employee of the judiciary to the applicable presiding judge;

142 (6) In the case of a person holding an appointive office of the state, if the
143 alleged violation is not an impeachable offense, the report shall be referred to the
144 governor;

145 (7) In the case of a statewide elected official, the report shall be referred
146 to the attorney general;

147 (8) In a case involving the attorney general, the report shall be referred
148 to the prosecuting attorney of Cole County.

149 8. The special investigator having a complaint referred to the special
150 investigator by the commission shall have the following powers:

151 (1) To request and shall be given access to information in the possession
152 of any person or agency which the special investigator deems necessary for the
153 discharge of the special investigator's responsibilities;

154 (2) To examine the records and documents of any person or agency, unless
155 such examination would violate state or federal law providing for confidentiality;

156 (3) To administer oaths and affirmations;

157 (4) Upon refusal by any person to comply with a request for information
158 relevant to an investigation, an investigator may issue a subpoena for any person
159 to appear and give testimony, or for a subpoena duces tecum to produce
160 documentary or other evidence which the investigator deems relevant to a matter
161 under the investigator's inquiry. The subpoenas and subpoenas duces tecum may
162 be enforced by applying to a judge of the circuit court of Cole County or any
163 county where the person or entity that has been subpoenaed resides or may be
164 found, for an order to show cause why the subpoena or subpoena duces tecum
165 should not be enforced. The order and a copy of the application therefor shall be
166 served in the same manner as a summons in a civil action, and if, after hearing,
167 the court determines that the subpoena or subpoena duces tecum should be
168 sustained and enforced, the court shall enforce the subpoena or subpoena duces
169 tecum in the same manner as if it had been issued by the court in a civil action;
170 and

171 (5) To request from the commission such investigative, clerical or other
172 staff assistance or advancement of other expenses which are necessary and
173 convenient for the proper completion of an investigation. Within the limits of
174 appropriations to the commission, the commission may provide such assistance,
175 whether by contract to obtain such assistance or from staff employed by the

176 commission, or may advance such expenses.

177 9. (1) Any retired judge may request in writing to have the judge's name
178 removed from the list of special investigators subject to appointment by the
179 commission or may request to disqualify himself or herself from any
180 investigation. Such request shall include the reasons for seeking removal;

181 (2) By vote of four members of the commission, the commission may
182 disqualify a judge from a particular investigation or may permanently remove the
183 name of any retired judge from the list of special investigators subject to
184 appointment by the commission.

185 10. Any person who is the subject of any investigation pursuant to this
186 section shall be entitled to be represented by counsel at any proceeding before the
187 special investigator or the commission.

188 11. The provisions of sections 105.957, 105.959 and 105.961 are in
189 addition to other provisions of law under which any remedy or right of appeal or
190 objection is provided for any person, or any procedure provided for inquiry or
191 investigation concerning any matter. The provisions of this section shall not be
192 construed to limit or affect any other remedy or right of appeal or objection.

193 12. No person shall be required to make or file a complaint to the
194 commission as a prerequisite for exhausting the person's administrative remedies
195 before pursuing any civil cause of action allowed by law.

196 13. If, in the opinion of the commission, the complaining party was
197 motivated by malice or reason contrary to the spirit of any law on which such
198 complaint was based, in filing the complaint without just cause, this finding shall
199 be reported to appropriate law enforcement authorities. Any person who
200 knowingly files a complaint without just cause, or with malice, is guilty of a class
201 A misdemeanor.

202 14. A respondent party who prevails in a formal judicial action brought
203 by the commission shall be awarded those reasonable fees and expenses incurred
204 by that party in the formal judicial action, unless the court finds that the position
205 of the commission was substantially justified or that special circumstances make
206 such an award unjust.

207 15. The special investigator and members and staff of the commission
208 shall maintain confidentiality with respect to all matters concerning a complaint
209 until and if a report is filed with the commission, with the exception of
210 communications with any person which are necessary to the investigation. The
211 report filed with the commission resulting from a complaint acted upon under the

212 provisions of this section shall not contain the name of the complainant or other
213 person providing information to the investigator, if so requested in writing by the
214 complainant or such other person. Any person who violates the confidentiality
215 requirements imposed by this section or subsection 17 of section 105.955 required
216 to be confidential is guilty of a class A misdemeanor and shall be subject to
217 removal from or termination of employment by the commission.

218 16. Any judge of the court of appeals or circuit court who ceases to hold
219 such office by reason of the judge's retirement and who serves as a special
220 investigator pursuant to this section shall receive annual compensation, salary
221 or retirement for such services at the rates of compensation provided for senior
222 judges by subsections 1, 2 and 4 of section 476.682, RSMo. Such retired judges
223 shall by the tenth day of each month following any month in which the judge
224 provided services pursuant to this section certify to the commission and to the
225 state courts administrator the amount of time engaged in such services by hour
226 or fraction thereof, the dates thereof, and the expenses incurred and allowable
227 pursuant to this section. The commission shall then issue a warrant to the state
228 treasurer for the payment of the salary and expenses to the extent, and within
229 limitations, provided for in this section. The state treasurer upon receipt of such
230 warrant shall pay the same out of any appropriations made for this purpose on
231 the last day of the month during which the warrant was received by the state
232 treasurer.

105.963. 1. The executive director shall assess every committee, as
2 defined in section 130.011, RSMo, failing to file with a filing officer other than a
3 local election authority as provided by section 130.026, RSMo, a campaign
4 disclosure report as required by chapter 130, RSMo, other than the report
5 required pursuant to subdivision (1) of subsection 1 of section 130.046, RSMo, a
6 late filing fee of ten dollars for each day after such report is due to the
7 commission. The executive director shall mail a notice, by registered mail, to any
8 candidate and the treasurer of any committee who fails to file such report
9 informing such person of such failure and the fees provided by this section. If the
10 candidate or treasurer of any committee persists in such failure for a period in
11 excess of thirty days beyond receipt of such notice, the amount of the late filing
12 fee shall increase to one hundred dollars for each day that the report is not filed,
13 provided that the total amount of such fees assessed pursuant to this subsection
14 per report shall not exceed three thousand dollars.

15 2. (1) Any candidate for state or local office who fails to file a campaign

16 disclosure report required pursuant to subdivision (1) of subsection 1 of section
17 130.046, RSMo, other than a report required to be filed with a local election
18 authority as provided by section 130.026, RSMo, shall be assessed by the
19 executive director a late filing fee of one hundred dollars for each day that the
20 report is not filed, until the first day after the date of the election. After such
21 election date, the amount of such late filing fee shall accrue at the rate of ten
22 dollars per day that such report remains unfiled, except as provided in
23 subdivision (2) of this subsection.

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

32 3. The executive director shall assess every person required to file a
33 financial interest statement pursuant to sections 105.483 to 105.492 failing to file
34 such a financial interest statement with the commission a late filing fee of ten
35 dollars for each day after such statement is due to the commission. The executive
36 director shall mail a notice, by certified mail, to any person who fails to file such
37 statement informing the individual required to file of such failure and the fees
38 provided by this section. If the person persists in such failure for a period in
39 excess of thirty days beyond receipt of such notice, the amount of the late filing
40 fee shall increase to one hundred dollars for each day thereafter that the
41 statement is late, provided that the total amount of such fees assessed pursuant
42 to this subsection per statement shall not exceed six thousand dollars.

43 4. Any person assessed a late filing fee may seek review of such
44 assessment or the amount of late filing fees assessed, at the person's option, by
45 filing a petition within fourteen days after receiving actual notice of assessment
46 with the [administrative hearing commission, or without exhausting the person's
47 administrative remedies may seek review of such issues with the] circuit court
48 of Cole County.

49 5. The executive director of the Missouri ethics commission shall collect
50 such late filing fees as are provided for in this section. Unpaid late filing fees
51 shall be collected by action filed by the commission. The commission shall

52 contract with the appropriate entity to collect such late filing fees after a
53 thirty-day delinquency. If not collected within one hundred twenty days, the
54 Missouri ethics commission shall file a petition in Cole County circuit court to
55 seek a judgment on said fees. All late filing fees collected pursuant to this section
56 shall be transmitted to the state treasurer and deposited to the general revenue
57 fund.

58 6. The late filing fees provided by this section shall be in addition to any
59 penalty provided by law for violations of sections 105.483 to 105.492 or chapter
60 130, RSMo.

61 7. If any candidate fails to file a campaign disclosure report in a timely
62 manner and that candidate is assessed a late filing fee, the candidate, candidate
63 committee treasurer or assistant treasurer may file an appeal of the assessment
64 of the late filing fee with the commission. The commission may forgive the
65 assessment of the late filing fee upon a showing of good cause. Such appeal shall
66 be filed within ten days of the receipt of notice of the assessment of the late filing
67 fee.

130.021. 1. Every committee shall have a treasurer who, except as
2 provided in subsection 10 of this section, shall be a resident of this state. A
3 committee may also have a deputy treasurer who, except as provided in
4 subsection 10 of this section, shall be a resident of this state, to serve in the
5 capacity of committee treasurer in the event the committee treasurer is unable
6 for any reason to perform the treasurer's duties. **A treasurer for a committee
7 shall not hold that designation for, represent, or carry out the duties
8 of more than one committee concurrently.**

9 2. Every candidate for offices listed in subsection 1 of section 130.016 who
10 has not filed a statement of exemption pursuant to that subsection and every
11 candidate for offices listed in subsection 6 of section 130.016 who is not excluded
12 from filing a statement of organization and disclosure reports pursuant to
13 subsection 6 shall form a candidate committee and appoint a
14 treasurer. Thereafter, all contributions on hand and all further contributions
15 received by such candidate and any of the candidate's own funds to be used in
16 support of the person's candidacy shall be deposited in a candidate committee
17 depository account established pursuant to the provisions of subsection 4 of this
18 section, and all expenditures shall be made through the candidate, treasurer or
19 deputy treasurer of the person's candidate committee. Nothing in this chapter
20 shall prevent a candidate from appointing himself or herself as a committee of

21 one and serving as the person's own treasurer, maintaining the candidate's own
22 records and filing all the reports and statements required to be filed by the
23 treasurer of a candidate committee.

24 3. A candidate who has more than one candidate committee supporting
25 the person's candidacy shall designate one of those candidate committees as the
26 committee responsible for consolidating the aggregate contributions to all such
27 committees under the candidate's control and direction as required by section
28 130.041.

29 4. (1) Every committee shall have a single official fund depository within
30 this state which shall be a federally or state-chartered bank, a federally or
31 state-chartered savings and loan association, or a federally or state-chartered
32 credit union in which the committee shall open and thereafter maintain at least
33 one official depository account in its own name. An "official depository account"
34 shall be a checking account or some type of negotiable draft or negotiable order
35 of withdrawal account, and the official fund depository shall, regarding an official
36 depository account, be a type of financial institution which provides a record of
37 deposits, canceled checks or other canceled instruments of withdrawal evidencing
38 each transaction by maintaining copies within this state of such instruments and
39 other transactions. All contributions which the committee receives in money,
40 checks and other negotiable instruments shall be deposited in a committee's
41 official depository account. Contributions shall not be accepted and expenditures
42 shall not be made by a committee except by or through an official depository
43 account and the committee treasurer, deputy treasurer or
44 candidate. Contributions received by a committee shall not be commingled with
45 any funds of an agent of the committee, a candidate or any other person, except
46 that contributions from a candidate of the candidate's own funds to the person's
47 candidate committee shall be deposited to an official depository account of the
48 person's candidate committee. No expenditure shall be made by a committee
49 when the office of committee treasurer is vacant except that when the office of a
50 candidate committee treasurer is vacant, the candidate shall be the treasurer
51 until the candidate appoints a new treasurer.

52 (2) A committee treasurer, deputy treasurer or candidate may withdraw
53 funds from a committee's official depository account and deposit such funds in one
54 or more savings accounts in the committee's name in any bank, savings and loan
55 association or credit union within this state, and may also withdraw funds from
56 an official depository account for investment in the committee's name in any

57 certificate of deposit, bond or security. Proceeds from interest or dividends from
58 a savings account or other investment or proceeds from withdrawals from a
59 savings account or from the sale of an investment shall not be expended or
60 reinvested, except in the case of renewals of certificates of deposit, without first
61 redepositing such proceeds in an official depository account. Investments, other
62 than savings accounts, held outside the committee's official depository account at
63 any time during a reporting period shall be disclosed by description, amount, any
64 identifying numbers and the name and address of any institution or person in
65 which or through which it is held in an attachment to disclosure reports the
66 committee is required to file. Proceeds from an investment such as interest or
67 dividends or proceeds from its sale, shall be reported by date and amount. In the
68 case of the sale of an investment, the names and addresses of the persons
69 involved in the transaction shall also be stated. Funds held in savings accounts
70 and investments, including interest earned, shall be included in the report of
71 money on hand as required by section 130.041.

72 5. The treasurer or deputy treasurer acting on behalf of any person or
73 organization or group of persons which is a committee by virtue of the definitions
74 of "committee" in section 130.011 and any candidate who is not excluded from
75 forming a committee in accordance with the provisions of section 130.016 shall
76 file a statement of organization with the appropriate officer within twenty days
77 after the person or organization becomes a committee but no later than the date
78 for filing the first report required pursuant to the provisions of section
79 130.046. The statement of organization shall contain the following information:

80 (1) The name, mailing address and telephone number, if any, of the
81 committee filing the statement of organization. If the committee is deemed to be
82 affiliated with a connected organization as provided in subdivision (11) of section
83 130.011, the name of the connected organization, or a legally registered fictitious
84 name which reasonably identifies the connected organization, shall appear in the
85 name of the committee. If the committee is a candidate committee, the name of
86 the candidate shall be a part of the committee's name;

87 (2) The name, mailing address and telephone number of the candidate;

88 (3) The name, mailing address and telephone number of the committee
89 treasurer, and the name, mailing address and telephone number of its deputy
90 treasurer if the committee has named a deputy treasurer;

91 (4) The names, mailing addresses and titles of its officers, if any;

92 (5) The name and mailing address of any connected organizations with

93 which the committee is affiliated;

94 (6) The name and mailing address of its depository, and the name and
95 account number of each account the committee has in the depository;

96 (7) Identification of the major nature of the committee such as a candidate
97 committee, campaign committee, continuing committee, political party committee,
98 incumbent committee, or any other committee according to the definition of
99 "committee" in section 130.011;

100 (8) In the case of the candidate committee designated in subsection 3 of
101 this section, the full name and address of each other candidate committee which
102 is under the control and direction of the same candidate, together with the name,
103 address and telephone number of the treasurer of each such other committee;

104 (9) The name and office sought of each candidate supported or opposed by
105 the committee;

106 (10) The ballot measure concerned, if any, and whether the committee is
107 in favor of or opposed to such measure.

108 6. A committee may omit the information required in subdivisions (9) and
109 (10) of subsection 5 of this section if, on the date on which it is required to file a
110 statement of organization, the committee has not yet determined the particular
111 candidates or particular ballot measures it will support or oppose. Any
112 contribution received over the allowable contribution limits described in section
113 130.032 shall be returned to the contributor by the committee within five
114 business days of the declaration of candidacy or position on a candidate or a
115 particular ballot measure of the committee.

116 7. A committee which has filed a statement of organization and has not
117 terminated shall not be required to file another statement of organization, except
118 that when there is a change in any of the information previously reported as
119 required by subdivisions (1) to (8) of subsection 5 of this section an amended
120 statement of organization shall be filed within twenty days after the change
121 occurs, but no later than the date of the filing of the next report required to be
122 filed by that committee by section 130.046.

123 8. Upon termination of a committee, a termination statement indicating
124 dissolution shall be filed not later than ten days after the date of dissolution with
125 the appropriate officer or officers with whom the committee's statement of
126 organization was filed. The termination statement shall include: the distribution
127 made of any remaining surplus funds and the disposition of any deficits; and the
128 name, mailing address and telephone number of the individual responsible for

129 preserving the committee's records and accounts as required in section 130.036.

130 9. Any statement required by this section shall be signed and attested by
131 the committee treasurer or deputy treasurer, and by the candidate in the case of
132 a candidate committee.

133 10. A committee domiciled outside this state shall be required to file a
134 statement of organization and appoint a treasurer residing in this state and open
135 an account in a depository within this state; provided that either of the following
136 conditions prevails:

137 (1) The aggregate of all contributions received from persons domiciled in
138 this state exceeds twenty percent in total dollar amount of all funds received by
139 the committee in the preceding twelve months; or

140 (2) The aggregate of all contributions and expenditures made to support
141 or oppose candidates and ballot measures in this state exceeds one thousand five
142 hundred dollars in the current calendar year.

143 11. If a committee domiciled in this state receives a contribution of one
144 thousand five hundred dollars or more from any committee domiciled outside of
145 this state, the committee domiciled in this state shall file a disclosure report with
146 the commission. The report shall disclose the full name, mailing address,
147 telephone numbers and domicile of the contributing committee and the date and
148 amount of the contribution. The report shall be filed within forty-eight hours of
149 the receipt of such contribution if the contribution is received after the last
150 reporting date before the election.

2 [130.032. 1. Monetary contributions shall not be made from
3 any political party committee as defined in subdivision (25) of
4 section 130.011 to any candidate committee, continuing committee,
5 or political party committee. Nothing in this section shall be
6 construed to limit any candidate committee from making
7 contributions to any other committee.

8 2. Any candidate for the office of state representative, the
9 office of state senator, or a statewide elected office shall not accept
10 any contributions from the first Wednesday after the first Monday
11 in January through the first Friday after the second Monday of
12 May of each year at 6:00 p.m. Only candidates for special election
13 to the house of representatives, senate, or statewide elected office
14 may, during such time, accept contributions from the date of the
candidate's nomination by his or her respective political party until

15 thirty days after the date of the election.]

130.032. 1. In addition to the limitations imposed pursuant to section
2 130.031, the amount of contributions made by or accepted from any person other
3 than the candidate in any one election shall not exceed the following:

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

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

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

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

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

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

21 2. For purposes of this subsection "base year amount" shall be the
22 contribution limits prescribed in this section on January 1, 1995. Such limits
23 shall be increased on the first day of January in each even-numbered year by
24 multiplying the base year amount by the cumulative consumer price index, as
25 defined in section 104.010, RSMo, and rounded to the nearest twenty-five-dollar
26 amount, for all years since January 1, 1995.

27 3. Candidate committees, exploratory committees, campaign committees
28 [and], continuing committees, [other than those continuing committees which are]
29 **and** political party committees[,] shall be subject to the limits prescribed in
30 subsection 1 of this section. The provisions of this subsection shall not limit the
31 amount of contributions which may be accumulated by a candidate committee and
32 used for expenditures to further the nomination or election of the candidate who
33 controls such candidate committee, except as provided in section 130.052.

34 4. [Except as limited by this subsection, the amount of cash contributions,
35 and a separate amount for the amount of in-kind contributions, made by or

36 accepted from a political party committee in any one election shall not exceed the
37 following:

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

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

43 (3) To elect an individual to the office of state representative, two
44 thousand five hundred dollars; and

45 (4) To elect an individual to any other office of an electoral district, ward
46 or unit, ten times the allowable contribution limit for the office sought. The
47 amount of contributions which may be made by or accepted from a political party
48 committee in the primary election to elect any candidate who is unopposed in
49 such primary shall be fifty percent of the amount of the allowable contributions
50 as determined in this subsection.

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

58 [6.] 5. Contributions received and expenditures made prior to January
59 1, 1995, shall be reported as a separate account and pursuant to the laws in effect
60 at the time such contributions are received or expenditures made. Contributions
61 received and expenditures made after January 1, 1995, shall be reported as a
62 separate account from the aforementioned account and pursuant to the provisions
63 of this chapter. The account reported pursuant to the prior law shall be retained
64 as a separate account and any remaining funds in such account may be used
65 pursuant to this chapter and section 130.034.

66 **6. Monetary contributions shall not be made from any continuing**
67 **committee to any other committee.**

68 7. Any committee which accepts or gives contributions other than those
69 allowed shall be subject to a surcharge of one thousand dollars plus an amount
70 equal to the contribution per nonallowable contribution, to be paid to the ethics
71 commission and which shall be transferred to the director of revenue, upon

72 notification of such nonallowable contribution by the ethics commission, and after
73 the candidate has had ten business days after receipt of notice to return the
74 contribution to the contributor. The candidate and the candidate committee
75 treasurer or deputy treasurer owing a surcharge shall be personally liable for the
76 payment of the surcharge or may pay such surcharge only from campaign funds
77 existing on the date of the receipt of notice. Such surcharge shall constitute a
78 debt to the state enforceable under, but not limited to, the provisions of chapter
79 143, RSMo.

130.047. Any person who is not a defined committee who makes an
2 expenditure or expenditures aggregating five hundred dollars or more in support
3 of, or opposition to, one or more candidates or in support of, or in opposition to,
4 the qualification or passage of one or more ballot measures, other than a
5 contribution made directly to a candidate or committee, shall file a report signed
6 by the person making the expenditures, or that person's authorized agent. The
7 report shall include the name and address of the person making the expenditure,
8 the date and amount of the expenditure or expenditures, the name and address
9 of the payee, and a description of the nature and purpose of each
10 expenditure. Such report shall be filed with the appropriate officer having
11 jurisdiction over the election of the candidate or ballot measure in question as set
12 forth in section 130.026 no later than fourteen days after the date of making an
13 expenditure which by itself or when added to all other such expenditures during
14 the same campaign equals five hundred dollars or more. If, after filing such
15 report, additional expenditures are made, a further report shall be filed no later
16 than fourteen days after the date of making the additional expenditures; except
17 that, if any such expenditure is made within ~~[fourteen]~~ **twelve** days prior to an
18 election, the report shall be filed no later than ~~[forty-eight]~~ **twenty-four** hours
19 after the date of such expenditure. The provisions of this subsection shall not
20 apply to a person who uses only the person's funds or resources to make an
21 expenditure or expenditures in support of or in coordination or consultation with
22 a candidate or committee; provided that, any such expenditure is recorded as a
23 contribution to such candidate or committee and so reported by the candidate or
24 committee being supported by the expenditure or expenditures.

130.048. The internal dissemination by any membership organization,
2 proprietorship, labor organization, corporation, association or other entity, except
3 a committee as defined in section 130.011, of information advocating the election
4 or defeat of a candidate or the passage or defeat of a ballot measure to its

5 members, employees or shareholders, the cost of which is more than two thousand
6 dollars in support of or in opposition to one or more candidates or in support of
7 or in opposition to the qualification or passage of one or more ballot measures in
8 a calendar year, other than a contribution made directly to a candidate or
9 committee, shall be reported in a report signed by the person responsible for
10 making the expenditure or that person's authorized agent. The report shall
11 include the name and address of the person making the expenditure, the date and
12 amount of the expenditure or expenditures, the name and address of the payee
13 and a description of nature and purpose of the dissemination of
14 information. Such report shall be filed with the appropriate officer having
15 jurisdiction over the election of the candidate or ballot measure in question as set
16 forth in section 130.026 no later than fourteen days after the date of making an
17 expenditure. If, after filing such report, additional expenditures are made, a
18 further report shall be filed at the date set forth in section 130.046 for any
19 reporting period in which the additional expenditures are made; except that, such
20 expenditure is made no later than [fourteen] **twelve** days prior to an election, the
21 report shall be filed no later than [forty-eight] **twenty-four** hours after the date
22 of such expenditure.

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