

SECOND REGULAR SESSION

SENATE BILL NO. 926

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Read 1st time January 10, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

3736S.011

AN ACT

To repeal sections 105.483, 130.021, 130.032, 130.050, and 130.072, RSMo, and to enact in lieu thereof five new sections relating to ethics.

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

Section A. Sections 105.483, 130.021, 130.032, 130.050, and 130.072, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 105.483, 130.021, 130.032, 130.050, and 130.072, to read as follows:

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

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

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

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

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

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

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

19 of state government;

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

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

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

29 (9) Any member of a commission appointed or operating pursuant to
30 sections 64.650 to 64.950, RSMo, sections 67.650 to 67.658, RSMo, or sections
31 70.840 to 70.859, RSMo;

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

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

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

46 **(13) Any staff member of the speaker of the house of**
47 **representatives, the president pro tem of the senate, the speaker pro**
48 **tem of the house of representatives, the majority floor leader of the**
49 **house and senate, the minority floor leader of the house and senate, the**
50 **assistant majority floor leader of the house and senate, and the**
51 **assistant minority floor leader of the house and senate.**

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 **and**
3 **reside in the district or county in which the committee sits.** A committee

4 may also have a deputy treasurer who, except as provided in subsection 10 of this
5 section, shall be a resident of this state **and reside in the district or county**
6 **in which the committee sits**, to serve in the capacity of committee treasurer
7 in the event the committee treasurer is unable for any reason to perform the
8 treasurer's duties.

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.

151 **12. Each legislative and senatorial district committee shall retain**
152 **only one address in the district it sits for the purpose of receiving**
153 **contributions.**

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

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

130.050. 1. An out-of-state committee which, according to the provisions
2 of subsection 10 of section 130.021, is not required to file a statement of
3 organization and is not required to file the full disclosure reports required by
4 section 130.041 shall file reports with the Missouri ethics commission according
5 to the provisions of this subsection if the committee makes contributions or
6 expenditures in support of or in opposition to candidates or ballot measures in
7 this state in any election covered by this chapter or makes contributions to any
8 committee domiciled in this state. An initial report shall be filed on or within
9 fourteen days prior to the date such out-of-state committee first makes a
10 contribution or expenditure in this state, and thereafter reports shall be filed at
11 the times and for the reporting periods prescribed in subsection 1 of section
12 130.046. Each report shall contain:

13 (1) The full name, address and domicile of the committee making the
14 report and the name, residential and business addresses, domicile and telephone
15 numbers of the committee's treasurer;

16 (2) The name and address of any entity such as a labor union, trade or
17 business or professional association, club or other organization or any business

18 entity with which the committee is affiliated;

19 (3) A statement of the total dollar amount of all funds received by the
20 committee in the current calendar year and a statement of the total contributions
21 in the same period from persons domiciled in this state and a list by name,
22 address, date and amount of each Missouri resident who contributed an aggregate
23 of more than two hundred dollars in the current calendar year;

24 (4) A list by name, address, date and amount regarding any contributor
25 to the out-of-state committee, regardless of state of residency, who made a
26 contribution during the reporting period [which was restricted or designated in
27 whole or in part for use in supporting or opposing a candidate, ballot measure or
28 committee in this state or was restricted for use in this state at the committee's
29 discretion, or a statement that no such contributions were received];

30 (5) A statement as to whether the committee is required to file reports
31 with the Federal Election Commission, and a listing of agencies in other states
32 with which the committee files reports, if any;

33 (6) A separate listing showing contributions made in support of or
34 opposition to each candidate or ballot measure in this state, together with the
35 date and amount of each contribution;

36 (7) A separate listing showing contributions made to any committee
37 domiciled in this state with the date and amount of each contribution.

38 2. In the case of a political party committee's selection of an individual to
39 be the party's nominee for public office in an election covered by this chapter, any
40 individual who seeks such nomination and who is a candidate according to the
41 definition of the term candidate in section 130.011 shall be required to comply
42 with all requirements of this chapter; except that, for the purposes of this
43 subsection, the reporting dates and reporting periods in section 130.046 shall not
44 apply, and the first reporting date shall be no later than the fifteenth day after
45 the date on which a nomination covered by this subsection was made and for the
46 period beginning on the date the individual became a candidate, as the term
47 candidate is defined in section 130.011, and closing on the tenth day after the
48 date the nomination was made, with subsequent reports being made as closely as
49 practicable to the times required in section 130.046.

50 3. The receipt of any late contribution or loan of more than two hundred
51 fifty dollars by a candidate committee supporting a candidate for statewide office
52 or by any other committee shall be reported to the appropriate officer no later
53 than twenty-four hours after receipt. For purposes of this subsection the term

54 "late contribution or loan" means a contribution or loan received after the closing
55 date of the last disclosure report required to be filed before an election but
56 received prior to the date of the election itself. The disclosure report of a late
57 contribution may be made by any written means of communication, setting forth
58 the name and address of the contributor or lender and the amount of the
59 contribution or loan and need not contain the signatures and certification
60 required for a full disclosure report described in section 130.041. A late
61 contribution or loan shall be included in subsequent disclosure reports without
62 regard to any special reports filed pursuant to this subsection.

130.072. Any person who knowingly accepts or makes a contribution or
2 makes an expenditure in violation of any provision of this chapter or who
3 [~~knowingly conceals a contribution or expenditure by filing~~] **files** a false or
4 incomplete report [~~or by not filing~~] **or fails to file** a required report, in addition
5 to or in the alternative to any other penalty imposed by this chapter, [~~may~~] **shall**
6 be held liable to the state in civil penalties in [~~twice the~~] **an amount [of] equal**
7 **to** any such contribution or expenditure[, not to exceed a total amount of five
8 thousand dollars].

Bill ✓

Copy