

FIRST REGULAR SESSION

SENATE BILL NO. 123

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Pre-filed December 3, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0653L.02I

AN ACT

To repeal section 130.044 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, and to enact in lieu thereof three new sections relating to ethics reform.

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

Section A. Section 130.044 as enacted by senate bill no. 844, ninety-fifth
2 general assembly, second regular session, and section 130.044 as enacted by
3 senate bill no. 1038, ninety-fourth general assembly, second regular session, are
4 repealed and three new sections enacted in lieu thereof, to be known as sections
5 21.431, 130.032, and 130.044, to read as follows:

**21.431. No member elected to either chamber of the general
2 assembly who vacates the office, whether by resignation, expulsion,
3 term limitation under Section 8, Article III, Constitution of Missouri, or
4 otherwise, shall act, serve, or register as a lobbyist as defined in
5 section 105.470 until one full regular session of the general assembly
6 has both convened and adjourned as provided in Sections 20 and 20(a),
7 Article III, Constitution of Missouri, after such member vacates the
8 office.**

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

**(1) To elect an individual to the office of governor, lieutenant
5 governor, secretary of state, state treasurer, state auditor, or attorney
6**

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

7 general, five thousand dollars;

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

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

12 (4) To elect an individual to any other office, including judicial
13 office, if the population of the electoral district, ward, or other unit
14 according to the latest decennial census does not exceed fifty thousand,
15 seven hundred fifty dollars;

16 (5) To elect an individual to any other office, including judicial
17 office, if the population of the electoral district, ward, or other unit
18 according to the latest decennial census is more than fifty thousand but
19 does not exceed one hundred fifty thousand, one thousand five hundred
20 dollars; and

21 (6) To elect an individual to any other office, including judicial
22 office, if the population of the electoral district, ward, or other unit
23 according to the latest decennial census is greater than one hundred
24 fifty thousand, five thousand dollars.

25 2. The amount of aggregate contributions made by any single
26 contributor in a calendar year to any political party committee shall
27 not exceed thirty-two thousand four hundred dollars.

28 3. For purposes of this subsection, "base year amount" shall be
29 the contribution limits prescribed in this section on January 1,
30 2016. Such limits shall be increased on the first day of January in each
31 odd-numbered year by multiplying the base year amount by the
32 cumulative consumer price index, as defined in section 104.010 and
33 rounded to the nearest twenty-five dollar amount, for all years since
34 January 1, 2016.

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

41 5. Contributions from persons under fourteen years of age shall
42 be considered made by the parents or guardians of such person and
43 shall be attributed toward any contribution limits prescribed in this

44 chapter. Where the contributor under fourteen years of age has two
45 custodial parents or guardians, fifty percent of the contribution shall
46 be attributed to each parent or guardian, and where such contributor
47 has one custodial parent or guardian, all such contributions shall be
48 attributed to the custodial parent or guardian.

49 6. Contributions received and expenditures made before January
50 1, 2016, shall be reported as a separate account and under the laws in
51 effect at the time such contributions are received or expenditures
52 made. Contributions received and expenditures made after January 1,
53 2016, shall be reported under the provisions of this chapter as a
54 separate account from the other separate account described in this
55 subsection. The account reported under the prior law shall be retained
56 as a separate account and any remaining funds in such account may be
57 used under this chapter.

58 7. Any committee that accepts or gives contributions other than
59 those allowed shall be subject to a surcharge of one thousand dollars
60 plus an amount equal to the contribution per nonallowable
61 contribution, to be paid to the ethics commission and which shall be
62 transferred to the director of revenue, upon notification of such
63 nonallowable contribution by the ethics commission, and after the
64 candidate has had ten business days after receipt of notice to return
65 the contribution to the contributor. The candidate and the candidate
66 committee treasurer or deputy treasurer owing a surcharge shall be
67 personally liable for the payment of the surcharge or may pay such
68 surcharge only from campaign funds existing on the date of the receipt
69 of notice. Such surcharge shall constitute a debt to the state
70 enforceable under, but not limited to, the provisions of chapter 143.

130.044. 1. All individuals and committees required to file disclosure
2 reports under section 130.041 shall electronically report any contribution by any
3 single contributor which **is equal to or** exceeds [five] **two** thousand dollars to
4 the Missouri ethics commission within forty-eight hours of receiving the
5 contribution.

6 2. Any individual currently holding office as a state representative, state
7 senator, or any candidate for such office or such individual's campaign committee
8 shall electronically report any contribution **equal to or** exceeding five hundred
9 dollars made by any contributor to his or her campaign committee during the
10 regular legislative session of the general assembly **or any time when**

11 **legislation from the regular legislative session awaits gubernatorial**
12 **action**, within forty-eight hours of receiving the contribution.

13 3. Any individual currently holding office as the governor, lieutenant
14 governor, treasurer, attorney general, secretary of state or auditor or any
15 candidate for such office or such person's campaign committee shall electronically
16 report any contribution **equal to or** exceeding five hundred dollars made by any
17 contributor to his or her campaign committee during the regular legislative
18 session or any time when legislation from the regular legislative session awaits
19 gubernatorial action, within forty-eight hours of receiving the contribution.

20 4. Reports required under this section shall contain the same content
21 required under section 130.041 and shall be filed in accordance with the
22 standards established by the commission for electronic filing and other rules the
23 commission may deem necessary to promulgate for the effective administration
24 of this section.

25 5. Any rule or portion of a rule, as that term is defined in section 536.010,
26 that is created under the authority delegated in this section shall become effective
27 only if it complies with and is subject to all of the provisions of chapter 536 and,
28 if applicable, section 536.028. This section and chapter 536 are nonseverable and
29 if any of the powers vested with the general assembly pursuant to chapter 536 to
30 review, to delay the effective date, or to disapprove and annul a rule are
31 subsequently held unconstitutional, then the grant of rulemaking authority and
32 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

[130.044. 1. All individuals and committees required to file
2 disclosure reports under section 130.041 shall electronically report
3 any contribution by any single contributor which exceeds five
4 thousand dollars to the Missouri ethics commission within
5 forty-eight hours of receiving the contribution. Such reports shall
6 contain the same content required under section 130.041 and shall
7 be filed in accordance with the standards established by the
8 commission for electronic filing and other rules the commission
9 may deem necessary to promulgate for the effective administration
10 of this section.

11 2. Any rule or portion of a rule, as that term is defined in
12 section 536.010, that is created under the authority delegated in
13 this section shall become effective only if it complies with and is
14 subject to all of the provisions of chapter 536 and, if applicable,

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17 to chapter 536 to review, to delay the effective date, or to
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Bill

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