

FIRST REGULAR SESSION

HOUSE BILL NO. 237

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ZIMMERMAN (Sponsor) TAYLOR, WEBB, OXFORD, ANDERS, McDONALD, BLACK, ATKINS, PACE, CONWAY (27), STILL, FALLERT, KANDER, HUMMEL, BROWN (50), AULL, NICHOLS, NEWMAN, LAMPE, WALTON GRAY, MONTECILLO, CARLSON, HARRIS, SPRENG, ELLINGER, SIFTON, KELLY (24), McNEIL, PETERS-BAKER, McCANN BEATTY, PIERSON, COLONA, SCHUPP, KIRKTON, McMANUS, McGEOGHEGAN, MEADOWS AND TALBOY (Co-sponsors).

0870L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.452 and 130.021, RSMo, and to enact in lieu thereof four new sections relating to ethics.

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

Section A. Sections 105.452 and 130.021, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 21.033, 105.452, 130.021, and 130.032, to read as follows:

21.033. Any individual currently holding office as a state representative or state senator shall not contract with or solicit any other current representative or senator for the purposes of securing services for political fund-raising, campaigning, or consulting that in any way relates to the election of any state or federal office.

105.452. 1. No elected or appointed official or employee of the state or any political subdivision thereof shall:

(1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; or

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.

9 (2) Use confidential information obtained in the course of or by reason of his
10 employment or official capacity in any manner with intent to result in financial gain for himself,
11 his spouse, his dependent child in his custody, or any business with which he is associated;

12 (3) Disclose confidential information obtained in the course of or by reason of his
13 employment or official capacity in any manner with intent to result in financial gain for himself
14 or any other person;

15 (4) Favorably act on any matter that is so specifically designed so as to provide a special
16 monetary benefit to such official or his spouse or dependent children, including but not limited
17 to increases in retirement benefits, whether received from the state of Missouri or any third party
18 by reason of such act. For the purposes of this subdivision, "special monetary benefit" means
19 being materially affected in a substantially different manner or degree than the manner or degree
20 in which the public in general will be affected or, if the matter affects only a special class of
21 persons, then affected in a substantially different manner or degree than the manner or degree
22 in which such class will be affected. In all such matters such officials [must] **shall** recuse
23 themselves from acting, except that such official may act on increases in compensation subject
24 to the restrictions of section 13 of article VII of the Missouri Constitution; [or]

25 (5) Use his decision-making authority for the purpose of obtaining a financial gain which
26 materially enriches himself, his spouse or dependent children by acting or refraining from acting
27 for the purpose of coercing or extorting from another anything of actual pecuniary value; **or**

28 **(6) Register or act as a lobbyist, other than as a lobbyist solely for a governmental**
29 **entity within this state, within the one-year period after leaving office or leaving**
30 **employment of the state or political subdivision. This subdivision shall apply only to an**
31 **elected official or such official's staff.**

32 2. No elected or appointed official or employee of any political subdivision shall offer,
33 promote, or advocate for a political appointment in exchange for anything of value to any
34 political subdivision.

130.021. 1. Every committee shall have a treasurer who, except as provided in
2 subsection 10 of this section, shall be a resident of this state **and reside in the district or county**
3 **in which the committee sits.** A committee may also have a deputy treasurer who, except as
4 provided in subsection 10 of this section, shall be a resident of this state and **reside in the**
5 **district or county in which the committee sits to** serve in the capacity of committee treasurer
6 in the event the committee treasurer is unable for any reason to perform the treasurer's duties.
7 **No person shall hold the designation of, serve as, control the activities of, or carry out the**
8 **duties of treasurer or deputy treasurer for more than one committee concurrently. Any**
9 **person who violates this provision shall, upon a determination by the Missouri ethics**
10 **commission that the person is a treasurer or deputy treasurer of more than one committee,**

11 **vacate the position of treasurer or deputy treasurer of all committees. The Missouri ethics**
12 **commission shall be empowered to seek injunctive relief in the circuit court of Cole County**
13 **to enforce an order of vacation, or to prohibit persons not holding the designation of**
14 **treasurer but having actual control of the activities of more than one committee from**
15 **exercising such control.**

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

28 3. A candidate who has more than one candidate committee supporting the person's
29 candidacy shall designate one of those candidate committees as the committee responsible for
30 consolidating the aggregate contributions to all such committees under the candidate's control
31 and direction as required by section 130.041. No person shall form a new committee or serve
32 as a deputy treasurer of any committee as defined in section 130.011 until the person or the
33 treasurer of any committee previously formed by the person or where the person served as
34 treasurer or deputy treasurer has filed all required campaign disclosure reports and statements
35 of limited activity for all prior elections and paid outstanding previously imposed fees assessed
36 against that person by the ethics commission.

37 4. (1) Every committee shall have a single official fund depository within this state
38 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
39 association, or a federally or state-chartered credit union in which the committee shall open and
40 thereafter maintain at least one official depository account in its own name. An "official
41 depository account" shall be a checking account or some type of negotiable draft or negotiable
42 order of withdrawal account, and the official fund depository shall, regarding an official
43 depository account, be a type of financial institution which provides a record of deposits,
44 canceled checks or other canceled instruments of withdrawal evidencing each transaction by
45 maintaining copies within this state of such instruments and other transactions. All contributions
46 which the committee receives in money, checks and other negotiable instruments shall be

47 deposited in a committee's official depository account. Contributions shall not be accepted and
48 expenditures shall not be made by a committee except by or through an official depository
49 account and the committee treasurer, deputy treasurer or candidate. Contributions received by
50 a committee shall not be commingled with any funds of an agent of the committee, a candidate
51 or any other person, except that contributions from a candidate of the candidate's own funds to
52 the person's candidate committee shall be deposited to an official depository account of the
53 person's candidate committee. No expenditure shall be made by a committee when the office
54 of committee treasurer is vacant except that when the office of a candidate committee treasurer
55 is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

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

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

80 (1) The name, mailing address and telephone number, if any, of the committee filing the
81 statement of organization. If the committee is deemed to be affiliated with a connected
82 organization as provided in subdivision (10) of section 130.011, the name of the connected

83 organization, or a legally registered fictitious name which reasonably identifies the connected
84 organization, shall appear in the name of the committee. If the committee is a candidate
85 committee, the name of the candidate shall be a part of the committee's name;

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

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

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

91 (5) The name and mailing address of any connected organizations with which the
92 committee is affiliated;

93 (6) The name and mailing address of its depository, and the name and account number
94 of each account the committee has in the depository. The account number of each account shall
95 be redacted prior to disclosing the statement to the public;

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

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

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

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

107 6. A committee may omit the information required in subdivisions (9) and (10) of
108 subsection 5 of this section if, on the date on which it is required to file a statement of
109 organization, the committee has not yet determined the particular candidates or particular ballot
110 measures it will support or oppose.

111 7. A committee which has filed a statement of organization and has not terminated shall
112 not be required to file another statement of organization, except that when there is a change in
113 any of the information previously reported as required by subdivisions (1) to (8) of subsection
114 5 of this section an amended statement of organization shall be filed within twenty days after the
115 change occurs, but no later than the date of the filing of the next report required to be filed by
116 that committee by section 130.046.

117 8. Upon termination of a committee, a termination statement indicating dissolution shall
118 be filed not later than ten days after the date of dissolution with the appropriate officer or officers

119 with whom the committee's statement of organization was filed. The termination statement shall
120 include: the distribution made of any remaining surplus funds and the disposition of any deficits;
121 and the name, mailing address and telephone number of the individual responsible for preserving
122 the committee's records and accounts as required in section 130.036.

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

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

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

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

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

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

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

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

6 (2) **To elect an individual to the office of state senator, one thousand dollars;**

7 (3) **To elect an individual to the office of state representative, five hundred dollars;**

8 (4) **To elect an individual to any other office, including judicial office, if the**
9 **population of the electoral district, ward, or other unit according to the latest decennial**
10 **census is under one hundred thousand, five hundred dollars;**

11 (5) **To elect an individual to any other office, including judicial office, if the**
12 **population of the electoral district, ward, or other unit according to the latest decennial**

13 census is at least one hundred thousand but less than two hundred fifty thousand, one
14 thousand dollars; and

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

18 2. For purposes of this subsection, "base year amount" shall be the contribution
19 limits prescribed in this section on January 1, 2012. Such limits shall be increased on the
20 first day of January in each even-numbered year by multiplying the base- year amount by
21 the cumulative consumer price index, as defined in section 104.010 and rounded to the
22 nearest twenty-five-dollar amount, for all years since January 1, 2012.

23 3. Every committee established under this chapter shall be subject to the limits
24 prescribed in subsection 1 of this section. The provisions of this subsection shall not limit
25 the amount of contributions that may be accumulated by a candidate committee and used
26 for expenditures to further the nomination or election of the candidate who controls such
27 candidate committee.

28 4. Contributions from persons under fourteen years of age shall be considered
29 made by the parents or guardians of such person and shall be attributed toward any
30 contribution limits prescribed in this chapter. Where the contributor under fourteen years
31 of age has two custodial parents or guardians, fifty percent of the contribution shall be
32 attributed to each parent or guardian, and where such contributor has one custodial
33 parent or guardian, all such contributions shall be attributed to the custodial parent or
34 guardian.

35 5. Contributions received and expenditures made before January 1, 2012, shall be
36 reported as a separate account and under the laws in effect at the time such contributions
37 are received or expenditures made. Contributions received and expenditures made after
38 January 1, 2012, shall be reported under the provisions of this chapter as a separate
39 account from the other separate account described in this subsection. The account
40 reported under the prior law shall be retained as a separate account and any remaining
41 funds in such account may be used under this chapter.

42 6. Any committee that accepts or gives contributions other than those allowed shall
43 be subject to a surcharge of one thousand dollars plus an amount equal to the contribution
44 per nonallowable contribution, to be paid to the ethics commission and which shall be
45 transferred to the director of revenue, upon notification of such nonallowable contribution
46 by the ethics commission, and after the candidate has had ten business days after receipt
47 of notice to return the contribution to the contributor. The candidate and the candidate
48 committee treasurer or deputy treasurer owing a surcharge shall be personally liable for

49 **the payment of the surcharge or may pay such surcharge only from campaign funds**
50 **existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the**
51 **state enforceable under, but not limited to, the provisions of chapter 143.**

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