

FIRST REGULAR SESSION

HOUSE BILL NO. 250

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (50) (Sponsor), CORNEJO, SCHARNHORST, ROWDEN,
KORMAN, RICHARDSON, CIERPIOT AND ELMER (Co-sponsors).

0546L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.487, RSMo, sections 105.955, 105.957, 105.959, 105.961, 105.963, and 105.966 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, sections 105.955 and 105.966 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 105.961 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 sections 105.957, 105.959, and 105.963 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 to enact in lieu thereof seven new sections relating to Missouri ethics commission operations and procedures, with penalty provisions.

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

Section A. Sections 105.487, RSMo, sections 105.955, 105.957, 105.959, 105.961,
2 105.963, and 105.966 as truly agreed to and finally passed by conference committee substitute
3 no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly,
4 second regular session, sections 105.955 and 105.966 as enacted by conference committee
5 substitute no. 2 for house committee substitute for senate committee substitute for senate bills
6 nos. 31 & 285, ninety-second general assembly, first regular session, section 105.961 as enacted
7 by conference committee substitute no. 2 for house substitute for house committee substitute for

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.

8 senate committee substitute for senate bill no. 16, eighty-ninth general assembly, first regular
9 session, and sections 105.957, 105.959, and 105.963 as enacted by conference committee
10 substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-
11 third general assembly, second regular session, are repealed and seven new sections enacted in
12 lieu thereof, to be known as sections 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, and
13 105.966, to read as follows:

105.487. The financial interest statements shall be filed at the following times, but no
2 person is required to file more than one financial interest statement in any calendar year:

3 (1) Each candidate for elective office, except those candidates for county committee of
4 a political party pursuant to section 115.609 or section 115.611, who is required to file a personal
5 financial disclosure statement shall file a financial interest statement no later than fourteen days
6 after the close of filing at which the candidate seeks nomination or election, and the statement
7 shall be for the twelve months prior to the closing date, except that in the event an individual
8 does not become a candidate until after the date of certification for candidates, the statement
9 shall be filed within fourteen days of the individual's nomination by caucus. An individual
10 required to file a financial interest statement because of the individual's candidacy for office prior
11 to a primary election in accordance with this section is also required to amend such statement
12 no later than the close of business on Monday prior to the general election to reflect any changes
13 in financial interest during the interim. The appropriate election authority shall provide to the
14 candidate at the time of filing for election written notice of the candidate's obligation to file
15 pursuant to sections 105.483 to 105.492 and the candidate shall sign a statement acknowledging
16 receipt of such notice;

17 (2) Each person appointed to office, except any person elected for county committee of
18 a political party pursuant to section 115.617, and each official or employee described in section
19 105.483 who is not otherwise covered in this subsection shall file the statement within thirty days
20 of such appointment or employment;

21 (3) Every other person required by sections 105.483 to 105.492 to file a financial interest
22 statement shall file the statement annually not later than the first day of May and the statement
23 shall cover the calendar year ending the immediately preceding December thirty-first; provided
24 that the governor, lieutenant governor, any member of the general assembly or any member of
25 the governing body of a political subdivision may supplement such person's financial interest
26 statement to report additional interests acquired after December thirty-first of the covered year
27 until the date of filing of the financial interest statement;

28 (4) The deadline for filing any statement required by sections 105.483 to 105.492 shall
29 be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls
30 on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00

31 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement
32 required within a specified time shall be deemed to be timely filed if it is postmarked not later
33 than midnight of the day [previous to the last day] designated for filing the statement.

2 [105.955. 1. A bipartisan "Missouri Ethics Commission", composed of
3 six members, is hereby established. The commission shall be assigned to the
4 office of administration with supervision by the office of administration only for
5 budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6
6 of section 1 of the Reorganization Act of 1974. Supervision by the office of
7 administration shall not extend to matters relating to policies, regulative functions
8 or appeals from decisions of the commission, and the commissioner of
9 administration, any employee of the office of administration, or the governor,
10 either directly or indirectly, shall not participate or interfere with the activities of
11 the commission in any manner not specifically provided by law and shall not in
12 any manner interfere with the budget request of or withhold any moneys
13 appropriated to the commission by the general assembly. All members of the
14 commission shall be appointed by the governor with the advice and consent of
15 the senate from lists submitted pursuant to this section. Each congressional
16 district committee of the political parties having the two highest number of votes
17 cast for their candidate for governor at the last gubernatorial election shall submit
18 two names of eligible nominees for membership on the commission to the
19 governor, and the governor shall select six members from such nominees to serve
20 on the commission.

21 2. Within thirty days of submission of the person's name to the governor
22 as provided in subsection 1 of this section, and in order to be an eligible nominee
23 for appointment to the commission, a person shall file a financial interest
24 statement in the manner provided by section 105.485 and shall provide the
25 governor, the president pro tempore of the senate, and the commission with a list
26 of all political contributions and the name of the candidate or committee, political
27 party, or political action committee, as defined in chapter 130, to which those
28 contributions were made within the four-year period prior to such appointment,
29 made by the nominee, the nominee's spouse, or any business entity in which the
30 nominee has a substantial interest. The information shall be maintained by the
31 commission and available for public inspection during the period of time during
32 which the appointee is a member of the commission. In order to be an eligible
33 nominee for membership on the commission, a person shall be a citizen and a
34 resident of the state and shall have been a registered voter in the state for a period
35 of at least five years preceding the person's appointment.

36 3. The term of each member shall be for four years, except that of the
37 members first appointed, the governor shall select three members from
38 even-numbered congressional districts and three members from odd-numbered
39 districts. Not more than three members of the commission shall be members of
40 the same political party, nor shall more than one member be from any one United
States congressional district. Not more than two members appointed from the

41 even-numbered congressional districts shall be members of the same political
42 party, and no more than two members from the odd-numbered congressional
43 districts shall be members of the same political party. Of the members first
44 appointed, the terms of the members appointed from the odd-numbered
45 congressional districts shall expire on March 15, 1994, and the terms of the
46 members appointed from the even-numbered congressional districts shall expire
47 on March 15, 1996. Thereafter all successor members of the commission shall
48 be appointed for four-year terms. Terms of successor members of the
49 commission shall expire on March fifteenth of the fourth year of their term. No
50 member of the commission shall serve on the commission after the expiration of
51 the member's term. No person shall be appointed to more than one full four-year
52 term on the commission.

53 4. Vacancies or expired terms on the commission shall be filled in the
54 same manner as the original appointment was made, except as provided in this
55 subsection. Within thirty days of the vacancy or ninety days before the expiration
56 of the term, the names of two eligible nominees for membership on the
57 commission shall be submitted to the governor by the congressional district
58 committees of the political party or parties of the vacating member or members,
59 from the even- or odd-numbered congressional districts, based on the residence
60 of the vacating member or members, other than from the congressional district
61 committees from districts then represented on the commission and from the same
62 congressional district party committee or committees which originally appointed
63 the member or members whose positions are vacated. Appointments to fill
64 vacancies or expired terms shall be made within forty-five days after the deadline
65 for submission of names by the congressional district committees, and shall be
66 subject to the same qualifications for appointment and eligibility as is provided
67 in subsections 2 and 3 of this section. Appointments to fill vacancies for
68 unexpired terms shall be for the remainder of the unexpired term of the member
69 whom the appointee succeeds, and such appointees shall be eligible for
70 appointment to one full four-year term. If the congressional district committee
71 does not submit the required two nominees within the thirty days or if the
72 congressional district committee does not submit the two nominees within an
73 additional thirty days after receiving notice from the governor to submit the
74 nominees, then the governor may appoint a person or persons who shall be
75 subject to the same qualifications for appointment and eligibility as provided in
76 subsections 2 and 3 of this section.

77 5. The governor, with the advice and consent of the senate, may remove
78 any member only for substantial neglect of duty, inability to discharge the powers
79 and duties of office, gross misconduct or conviction of a felony or a crime
80 involving moral turpitude. Members of the commission also may be removed
81 from office by concurrent resolution of the general assembly signed by the
82 governor. If such resolution receives the vote of two-thirds or more of the
83 membership of both houses of the general assembly, the signature of the governor

84 shall not be necessary to effect removal. The office of any member of the
85 commission who moves from the congressional district from which the member
86 was appointed shall be deemed vacated upon such change of residence.

87 6. The commission shall elect biennially one of its members as the
88 chairman. The chairman may not succeed himself or herself after two years. No
89 member of the commission shall succeed as chairman any member of the same
90 political party as himself or herself. At least four members are necessary to
91 constitute a quorum, and at least four affirmative votes shall be required for any
92 action or recommendation of the commission.

93 7. No member or employee of the commission, during the person's term
94 of service, shall hold or be a candidate for any other public office.

95 8. In the event that a retired judge is appointed as a member of the
96 commission, the judge shall not serve as a special investigator while serving as
97 a member of the commission.

98 9. No member of the commission shall, during the member's term of
99 service or within one year thereafter:

- 100 (1) Be employed by the state or any political subdivision of the state;
101 (2) Be employed as a lobbyist;
102 (3) Serve on any other governmental board or commission;
103 (4) Be an officer of any political party or political organization;
104 (5) Permit the person's name to be used, or make contributions, in
105 support of or in opposition to any candidate or proposition;
106 (6) Participate in any way in any election campaign; except that a
107 member or employee of the commission shall retain the right to register and vote
108 in any election, to express the person's opinion privately on political subjects or
109 candidates, to participate in the activities of a civic, community, social, labor or
110 professional organization and to be a member of a political party.

111 10. Each member of the commission shall receive, as full compensation
112 for the member's services, the sum of one hundred dollars per day for each full
113 day actually spent on work of the commission, and the member's actual and
114 necessary expenses incurred in the performance of the member's official duties.

115 11. The commission shall appoint an executive director who shall serve
116 subject to the supervision of and at the pleasure of the commission, but in no
117 event for more than six years. The executive director shall be responsible for the
118 administrative operations of the commission and perform such other duties as
119 may be delegated or assigned to the director by law or by rule of the commission.
120 The executive director shall employ staff and retain such contract services as the
121 director deems necessary, within the limits authorized by appropriations by the
122 general assembly.

123 12. Beginning on January 1, 1993, all lobbyist registration and
124 expenditure reports filed pursuant to section 105.473, financial interest
125 statements filed pursuant to subdivision (1) of section 105.489, and campaign
126 finance disclosure reports filed other than with election authorities or local

127 election authorities as provided by section 130.026 shall be filed with the
128 commission.

129 13. Within sixty days of the initial meeting of the first commission
130 appointed, the commission shall obtain from the clerk of the supreme court or the
131 state courts administrator a list of retired appellate and circuit court judges who
132 did not leave the judiciary as a result of being defeated in an election. The
133 executive director shall determine those judges who indicate their desire to serve
134 as special investigators and to investigate any and all complaints referred to them
135 by the commission. The executive director shall maintain an updated list of those
136 judges qualified and available for appointment to serve as special investigators.
137 Such list shall be updated at least annually. The commission shall refer
138 complaints to such special investigators on that list on a rotating schedule which
139 ensures a random assignment of each special investigator. Each special
140 investigator shall receive only one unrelated investigation at a time and shall not
141 be assigned to a second or subsequent investigation until all other eligible
142 investigators on the list have been assigned to an investigation. In the event that
143 no special investigator is qualified or available to conduct a particular
144 investigation, the commission may appoint a special investigator to conduct such
145 particular investigation.

146 14. The commission shall have the following duties and responsibilities
147 relevant to the impartial and effective enforcement of sections 105.450 to
148 105.496 and chapter 130, as provided in sections 105.955 to 105.963:

149 (1) Receive and review complaints regarding alleged violation of sections
150 105.450 to 105.496 and chapter 130, conduct initial reviews and investigations
151 regarding such complaints as provided herein; refer complaints to appropriate
152 prosecuting authorities and appropriate disciplinary authorities along with
153 recommendations for sanctions; and initiate judicial proceedings as allowed by
154 sections 105.955 to 105.963;

155 (2) Review and investigate any reports and statements required by the
156 campaign finance disclosure laws contained in chapter 130, and financial interest
157 disclosure laws or lobbyist registration and reporting laws as provided by sections
158 105.470 to 105.492, for timeliness, accuracy and completeness of content as
159 provided in sections 105.955 to 105.963;

160 (3) Conduct investigations as provided in subsection 2 of section
161 105.959;

162 (4) Develop appropriate systems to file and maintain an index of all such
163 reports and statements to facilitate public access to such information, except as
164 may be limited by confidentiality requirements otherwise provided by law,
165 including cross-checking of information contained in such statements and reports.
166 The commission may enter into contracts with the appropriate filing officers to
167 effectuate such system. Such filing officers shall cooperate as necessary with the
168 commission as reasonable and necessary to effectuate such purposes;

169 (5) Provide information and assistance to lobbyists, elected and
170 appointed officials, and employees of the state and political subdivisions in
171 carrying out the provisions of sections 105.450 to 105.496 and chapter 130;

172 (6) Make recommendations to the governor and general assembly or any
173 state agency on the need for further legislation with respect to the ethical conduct
174 of public officials and employees and to advise state and local government in the
175 development of local government codes of ethics and methods of disclosing
176 conflicts of interest as the commission may deem appropriate to promote high
177 ethical standards among all elected and appointed officials or employees of the
178 state or any political subdivision thereof and lobbyists;

179 (7) Render advisory opinions as provided by this section;

180 (8) Promulgate rules relating to the provisions of sections 105.955 to
181 105.963 and chapter 130. All rules and regulations issued by the commission
182 shall be prospective only in operation;

183 (9) Request and receive from the officials and entities identified in
184 subdivision (6) of section 105.450 designations of decision-making public
185 servants.

186 15. In connection with such powers provided by sections 105.955 to
187 105.963 and chapter 130, the commission may:

188 (1) Subpoena witnesses and compel their attendance and testimony.
189 Subpoenas shall be served and enforced in the same manner provided by section
190 536.077;

191 (2) Administer oaths and affirmations;

192 (3) Take evidence and require by subpoena duces tecum the production
193 of books, papers, and other records relating to any matter being investigated or
194 to the performance of the commission's duties or exercise of its powers.
195 Subpoenas duces tecum shall be served and enforced in the same manner
196 provided by section 536.077;

197 (4) Employ such personnel, including legal counsel, and contract for
198 services including legal counsel, within the limits of its appropriation, as it deems
199 necessary provided such legal counsel, either employed or contracted, represents
200 the Missouri ethics commission before any state agency or before the courts at
201 the request of the Missouri ethics commission. Nothing in this section shall limit
202 the authority of the Missouri ethics commission as provided for in subsection 2
203 of section 105.961; and

204 (5) Obtain information from any department, division or agency of the
205 state or any political subdivision reasonably calculated to lead to the discovery
206 of evidence which will reasonably assist the commission in carrying out the
207 duties prescribed in sections 105.955 to 105.963 and chapter 130.

208 16. (1) Upon written request for an advisory opinion received by the
209 commission, and if the commission determines that the person requesting the
210 opinion would be directly affected by the application of law to the facts presented
211 by the requesting person, the commission shall issue a written opinion advising

212 the person who made the request, in response to the person's particular request,
213 regarding any issue that the commission can receive a complaint on pursuant to
214 section 105.957. The commission may decline to issue a written opinion by a
215 vote of four members and shall provide to the requesting person the reason for
216 the refusal in writing. The commission shall give an approximate time frame as
217 to when the written opinion shall be issued. Such advisory opinions shall be
218 issued no later than ninety days from the date of receipt by the commission. Such
219 requests and advisory opinions, deleting the name and identity of the requesting
220 person, shall be compiled and published by the commission on at least an annual
221 basis. Advisory opinions issued by the commission shall be maintained and
222 made available for public inspection and copying at the office of the commission
223 during normal business hours. Any advisory opinion or portion of an advisory
224 opinion rendered pursuant to this subsection shall be withdrawn by the
225 commission if, after hearing thereon, the joint committee on administrative rules
226 finds that such advisory opinion is beyond or contrary to the statutory authority
227 of the commission or is inconsistent with the legislative intent of any law enacted
228 by the general assembly, and after the general assembly, by concurrent resolution,
229 votes to adopt the findings and conclusions of the joint committee on
230 administrative rules. Any such concurrent resolution adopted by the general
231 assembly shall be published at length by the commission in its publication of
232 advisory opinions of the commission next following the adoption of such
233 resolution, and a copy of such concurrent resolution shall be maintained by the
234 commission, along with the withdrawn advisory opinion, in its public file of
235 advisory opinions. The commission shall also send a copy of such resolution to
236 the person who originally requested the withdrawn advisory opinion. Any
237 advisory opinion issued by the ethics commission shall act as legal direction to
238 any person requesting such opinion and no person shall be liable for relying on
239 the opinion and it shall act as a defense of justification against prosecution. An
240 advisory opinion of the commission shall not be withdrawn unless:

241 (a) The authorizing statute is declared unconstitutional;
242 (b) The opinion goes beyond the power authorized by statute; or
243 (c) The authorizing statute is changed to invalidate the opinion.
244 (2) Upon request, the attorney general shall give the attorney general's
245 opinion, without fee, to the commission, any elected official of the state or any
246 political subdivision, any member of the general assembly, or any director of any
247 department, division or agency of the state, upon any question of law regarding
248 the effect or application of sections 105.450 to 105.496 or chapter 130. Such
249 opinion need be in writing only upon request of such official, member or director,
250 and in any event shall be rendered within sixty days after such request is
251 delivered to the attorney general.

252 17. The state auditor and the state auditor's duly authorized employees
253 who have taken the oath of confidentiality required by section 29.070 may audit
254 the commission and in connection therewith may inspect materials relating to the

255 functions of the commission. Such audit shall include a determination of whether
256 appropriations were spent within the intent of the general assembly, but shall not
257 extend to review of any file or document pertaining to any particular
258 investigation, audit or review by the commission, an investigator or any staff or
259 person employed by the commission or under the supervision of the commission
260 or an investigator. The state auditor and any employee of the state auditor shall
261 not disclose the identity of any person who is or was the subject of an
262 investigation by the commission and whose identity is not public information as
263 provided by law.

264 18. From time to time but no more frequently than annually the
265 commission may request the officials and entities described in subdivision (6) of
266 section 105.450 to identify for the commission in writing those persons
267 associated with such office or entity which such office or entity has designated
268 as a decision-making public servant. Each office or entity delineated in
269 subdivision (6) of section 105.450 receiving such a request shall identify those
270 so designated within thirty days of the commission's request.]

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is
2 hereby established. The commission shall be assigned to the office of administration with
3 supervision by the office of administration only for budgeting and reporting as provided by
4 subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974.
5 Supervision by the office of administration shall not extend to matters relating to policies,
6 regulative functions or appeals from decisions of the commission, and the commissioner of
7 administration, any employee of the office of administration, or the governor, either directly or
8 indirectly, shall not participate or interfere with the activities of the commission in any manner
9 not specifically provided by law and shall not in any manner interfere with the budget request
10 of or withhold any moneys appropriated to the commission by the general assembly. All
11 members of the commission shall be appointed by the governor with the advice and consent of
12 the senate from lists submitted pursuant to this section. Each congressional district committee
13 of the political parties having the two highest number of votes cast for their candidate for
14 governor at the last gubernatorial election shall submit two names of eligible nominees for
15 membership on the commission to the governor, and the governor shall select six members from
16 such nominees to serve on the commission.

17 2. Within thirty days of submission of the person's name to the governor as provided in
18 subsection 1 of this section, and in order to be an eligible nominee for appointment to the
19 commission, a person shall file a financial interest statement in the manner provided by section
20 105.485 and shall provide the governor, the president pro tempore of the senate, and the
21 commission with a list of all political contributions and the name of the candidate or committee,
22 political party, or continuing committee, as defined in chapter 130, to which those contributions
23 were made within the four-year period prior to such appointment, made by the nominee, the

24 nominee's spouse, or any business entity in which the nominee has a substantial interest. The
25 information shall be maintained by the commission and available for public inspection during
26 the period of time during which the appointee is a member of the commission. In order to be an
27 eligible nominee for membership on the commission, a person shall be a citizen and a resident
28 of the state and shall have been a registered voter in the state for a period of at least five years
29 preceding the person's appointment.

30 3. The term of each member shall be for four years, except that of the members first
31 appointed, the governor shall select three members from even-numbered congressional districts
32 and three members from odd-numbered districts. Not more than three members of the
33 commission shall be members of the same political party, nor shall more than one member be
34 from any one United States congressional district. Not more than two members appointed from
35 the even-numbered congressional districts shall be members of the same political party, and no
36 more than two members from the odd-numbered congressional districts shall be members of the
37 same political party. Of the members first appointed, the terms of the members appointed from
38 the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the
39 members appointed from the even-numbered congressional districts shall expire on March 15,
40 1996. Thereafter all successor members of the commission shall be appointed for four-year
41 terms. Terms of successor members of the commission shall expire on March fifteenth of the
42 fourth year of their term. No member of the commission shall serve on the commission after the
43 expiration of the member's term. No person shall be appointed to more than one full four-year
44 term on the commission.

45 4. Vacancies or expired terms on the commission shall be filled in the same manner as
46 the original appointment was made, except as provided in this subsection. Within thirty days of
47 the vacancy or ninety days before the expiration of the term, the names of two eligible nominees
48 for membership on the commission shall be submitted to the governor by the congressional
49 district committees of the political party or parties of the vacating member or members, from the
50 even- or odd-numbered congressional districts, based on the residence of the vacating member
51 or members, other than from the congressional district committees from districts then represented
52 on the commission and from the same congressional district party committee or committees
53 which originally appointed the member or members whose positions are vacated. Appointments
54 to fill vacancies or expired terms shall be made within forty-five days after the deadline for
55 submission of names by the congressional district committees, and shall be subject to the same
56 qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section.
57 Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired
58 term of the member whom the appointee succeeds, and such appointees shall be eligible for
59 appointment to one full four-year term. If the congressional district committee does not submit

60 the required two nominees within the thirty days or if the congressional district committee does
61 not submit the two nominees within an additional thirty days after receiving notice from the
62 governor to submit the nominees, then the governor may appoint a person or persons who shall
63 be subject to the same qualifications for appointment and eligibility as provided in subsections
64 2 and 3 of this section.

65 5. The governor, with the advice and consent of the senate, may remove any member
66 only for substantial neglect of duty, inability to discharge the powers and duties of office, gross
67 misconduct or conviction of a felony or a crime involving moral turpitude. Members of the
68 commission also may be removed from office by concurrent resolution of the general assembly
69 signed by the governor. If such resolution receives the vote of two-thirds or more of the
70 membership of both houses of the general assembly, the signature of the governor shall not be
71 necessary to effect removal. The office of any member of the commission who moves from the
72 congressional district from which the member was appointed shall be deemed vacated upon such
73 change of residence.

74 6. The commission shall elect biennially one of its members as the chairman. The
75 chairman may not succeed himself or herself after two years. No member of the commission
76 shall succeed as chairman any member of the same political party as himself or herself. At least
77 four members are necessary to constitute a quorum, and at least four affirmative votes shall be
78 required for any action or recommendation of the commission.

79 7. No member or employee of the commission, during the person's term of service, shall
80 hold or be a candidate for any other public office.

81 8. In the event that a retired judge is appointed as a member of the commission, the judge
82 shall not serve as a special investigator while serving as a member of the commission.

83 9. No member of the commission shall, during the member's term of service or within
84 one year thereafter:

85 (1) Be employed by the state or any political subdivision of the state;

86 (2) Be employed as a lobbyist;

87 (3) Serve on any other governmental board or commission;

88 (4) Be an officer of any political party or political organization;

89 (5) Permit the person's name to be used, or make contributions, in support of or in
90 opposition to any candidate or proposition;

91 (6) Participate in any way in any election campaign; except that a member or employee
92 of the commission shall retain the right to register and vote in any election, to express the
93 person's opinion privately on political subjects or candidates, to participate in the activities of
94 a civic, community, social, labor or professional organization and to be a member of a political
95 party.

96 10. Each member of the commission shall receive, as full compensation for the member's
97 services, the sum of one hundred dollars per day for each full day actually spent on work of the
98 commission, and the member's actual and necessary expenses incurred in the performance of the
99 member's official duties.

100 11. The commission shall appoint an executive director who shall serve subject to the
101 supervision of and at the pleasure of the commission[, but in no event for more than six years].
102 The executive director shall be responsible for the administrative operations of the commission
103 and perform such other duties as may be delegated or assigned to the director by law or by rule
104 of the commission. The executive director shall employ staff and retain such contract services
105 as the director deems necessary, within the limits authorized by appropriations by the general
106 assembly.

107 12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed
108 pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of
109 section 105.489, and campaign finance disclosure reports filed other than with election
110 authorities or local election authorities as provided by section 130.026 shall be filed with the
111 commission. **Notwithstanding section 130.057 to the contrary, all committees required to**
112 **file campaign financial disclosure reports with the Missouri ethics commission shall file any**
113 **required disclosure report in an electronic format as prescribed by the ethics commission.**

114 13. Within sixty days of the initial meeting of the first commission appointed, the
115 commission shall obtain from the clerk of the supreme court or the state courts administrator a
116 list of retired appellate and circuit court judges who did not leave the judiciary as a result of
117 being defeated in an election. The executive director shall determine those judges who indicate
118 their desire to serve as special investigators and to investigate any and all complaints referred to
119 them by the commission. The executive director shall maintain an updated list of those judges
120 qualified and available for appointment to serve as special investigators. Such list shall be
121 updated at least annually. The commission shall refer complaints to such special investigators
122 on that list on a rotating schedule which ensures a random assignment of each special
123 investigator. Each special investigator shall receive only one unrelated investigation at a time
124 and shall not be assigned to a second or subsequent investigation until all other eligible
125 investigators on the list have been assigned to an investigation. In the event that no special
126 investigator is qualified or available to conduct a particular investigation, the commission may
127 appoint a special investigator to conduct such particular investigation.

128 14. The commission shall have the following duties and responsibilities relevant to the
129 impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, as provided
130 in sections 105.955 to 105.963:

131 (1) Receive and review complaints regarding alleged violation of sections 105.450 to
132 105.496 and chapter 130, conduct initial reviews and investigations regarding such complaints
133 as provided herein; refer complaints to appropriate prosecuting authorities and appropriate
134 disciplinary authorities along with recommendations for sanctions; and initiate judicial
135 proceedings as allowed by sections 105.955 to 105.963;

136 (2) Review and audit any reports and statements required by the campaign finance
137 disclosure laws contained in chapter 130, and financial interest disclosure laws or lobbyist
138 registration and reporting laws as provided by sections 105.470 to 105.492, for timeliness,
139 accuracy and completeness of content as provided in sections 105.955 to 105.963;

140 (3) Develop appropriate systems to file and maintain an index of all such reports and
141 statements to facilitate public access to such information, except as may be limited by
142 confidentiality requirements otherwise provided by law, including cross-checking of information
143 contained in such statements and reports. The commission may enter into contracts with the
144 appropriate filing officers to effectuate such system. Such filing officers shall cooperate as
145 necessary with the commission as reasonable and necessary to effectuate such purposes;

146 (4) Provide information and assistance to lobbyists, elected and appointed officials, and
147 employees of the state and political subdivisions in carrying out the provisions of sections
148 105.450 to 105.496 and chapter 130;

149 (5) Make recommendations to the governor and general assembly or any state agency
150 on the need for further legislation with respect to the ethical conduct of public officials and
151 employees and to advise state and local government in the development of local government
152 codes of ethics and methods of disclosing conflicts of interest as the commission may deem
153 appropriate to promote high ethical standards among all elected and appointed officials or
154 employees of the state or any political subdivision thereof and lobbyists;

155 (6) Render advisory opinions as provided by this section;

156 (7) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and
157 chapter 130. All rules and regulations issued by the commission shall be prospective only in
158 operation;

159 (8) Request and receive from the officials and entities identified in subdivision (6) of
160 section 105.450 designations of decision-making public servants.

161 15. In connection with such powers provided by sections 105.955 to 105.963 and chapter
162 130, the commission may:

163 (1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be
164 served and enforced in the same manner provided by section 536.077;

165 (2) Administer oaths and affirmations;

166 (3) Take evidence and require by subpoena duces tecum the production of books, papers,
167 and other records relating to any matter being investigated or to the performance of the
168 commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and
169 enforced in the same manner provided by section 536.077;

170 (4) Employ such personnel, including legal counsel, and contract for services including
171 legal counsel, within the limits of its appropriation, as it deems necessary provided such legal
172 counsel, either employed or contracted, represents the Missouri ethics commission before any
173 state agency or before the courts at the request of the Missouri ethics commission. Nothing in
174 this section shall limit the authority of the Missouri ethics commission as provided for in
175 subsection 2 of section 105.961; and

176 (5) Obtain information from any department, division or agency of the state or any
177 political subdivision reasonably calculated to lead to the discovery of evidence which will
178 reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to
179 105.963 and chapter 130.

180 16. (1) Upon written request for an advisory opinion received by the commission, and
181 if the commission determines that the person requesting the opinion would be directly affected
182 by the application of law to the facts presented by the requesting person, the commission shall
183 issue a written opinion advising the person who made the request, in response to the person's
184 particular request, regarding any issue that the commission can receive a complaint on pursuant
185 to section 105.957. The commission may decline to issue a written opinion by a vote of four
186 members and shall provide to the requesting person the reason for the refusal in writing. The
187 commission shall give an approximate time frame as to when the written opinion shall be issued.
188 Such advisory opinions shall be issued no later than ninety days from the date of receipt by the
189 commission. Such requests and advisory opinions, deleting the name and identity of the
190 requesting person, shall be compiled and published by the commission on at least an annual
191 basis. Advisory opinions issued by the commission shall be maintained and made available for
192 public inspection and copying at the office of the commission during normal business hours.
193 Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall
194 be withdrawn by the commission if, after hearing thereon, the joint committee on administrative
195 rules finds that such advisory opinion is beyond or contrary to the statutory authority of the
196 commission or is inconsistent with the legislative intent of any law enacted by the general
197 assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings
198 and conclusions of the joint committee on administrative rules. Any such concurrent resolution
199 adopted by the general assembly shall be published at length by the commission in its publication
200 of advisory opinions of the commission next following the adoption of such resolution, and a
201 copy of such concurrent resolution shall be maintained by the commission, along with the

202 withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also
203 send a copy of such resolution to the person who originally requested the withdrawn advisory
204 opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any
205 person requesting such opinion and no person shall be liable for relying on the opinion and it
206 shall act as a defense of justification against prosecution. An advisory opinion of the
207 commission shall not be withdrawn unless:

- 208 (a) The authorizing statute is declared unconstitutional;
- 209 (b) The opinion goes beyond the power authorized by statute; or
- 210 (c) The authorizing statute is changed to invalidate the opinion.

211 (2) Upon request, the attorney general shall give the attorney general's opinion, without
212 fee, to the commission, any elected official of the state or any political subdivision, any member
213 of the general assembly, or any director of any department, division or agency of the state, upon
214 any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter
215 130. Such opinion need be in writing only upon request of such official, member or director, and
216 in any event shall be rendered within sixty days that such request is delivered to the attorney
217 general.

218 17. The state auditor and the state auditor's duly authorized employees who have taken
219 the oath of confidentiality required by section 29.070 may audit the commission and in
220 connection therewith may inspect materials relating to the functions of the commission. Such
221 audit shall include a determination of whether appropriations were spent within the intent of the
222 general assembly, but shall not extend to review of any file or document pertaining to any
223 particular investigation, audit or review by the commission, an investigator or any staff or person
224 employed by the commission or under the supervision of the commission or an investigator. The
225 state auditor and any employee of the state auditor shall not disclose the identity of any person
226 who is or was the subject of an investigation by the commission and whose identity is not public
227 information as provided by law.

228 18. From time to time but no more frequently than annually the commission may request
229 the officials and entities described in subdivision (6) of section 105.450 to identify for the
230 commission in writing those persons associated with such office or entity which such office or
231 entity has designated as a decision-making public servant. Each office or entity delineated in
232 subdivision (6) of section 105.450 receiving such a request shall identify those so designated
233 within thirty days of the commission's request.

2 [105.957. 1. The commission shall receive any complaints alleging
3 violation of the provisions of:

- 3 (1) The requirements imposed on lobbyists by sections 105.470 to
4 105.478;

5 (2) The financial interest disclosure requirements contained in sections
6 105.483 to 105.492;

7 (3) The campaign finance disclosure requirements contained in chapter
8 130;

9 (4) Any code of conduct promulgated by any department, division or
10 agency of state government, or by state institutions of higher education, or by
11 executive order;

12 (5) The conflict of interest laws contained in sections 105.450 to 105.468
13 and section 171.181; and

14 (6) The provisions of the constitution or state statute or order, ordinance
15 or resolution of any political subdivision relating to the official conduct of
16 officials or employees of the state and political subdivisions.

17 2. Complaints filed with the commission shall be in writing and filed
18 only by a natural person. The complaint shall contain all facts known by the
19 complainant that have given rise to the complaint and the complaint shall be
20 sworn to, under penalty of perjury, by the complainant. No complaint shall be
21 investigated unless the complaint alleges facts which, if true, fall within the
22 jurisdiction of the commission. Within five days after receipt by the commission
23 of a complaint which is properly signed and notarized, and which alleges facts
24 which, if true, fall within the jurisdiction of the commission, a copy of the
25 complaint, including the name of the complainant, shall be delivered to the
26 alleged violator.

27 3. No complaint shall be investigated which concerns alleged criminal
28 conduct which allegedly occurred previous to the period of time allowed by law
29 for criminal prosecution for such conduct. The commission may refuse to
30 investigate any conduct which is the subject of civil or criminal litigation. The
31 commission, its executive director or an investigator shall not investigate any
32 complaint concerning conduct which is not criminal in nature which occurred
33 more than two years prior to the date of the complaint. A complaint alleging
34 misconduct on the part of a candidate for public office, other than those alleging
35 failure to file the appropriate financial interest statements or campaign finance
36 disclosure reports, shall not be accepted by the commission within sixty days
37 prior to the primary election at which such candidate is running for office, and
38 until after the general election.

39 4. If the commission finds that any complaint is frivolous in nature, the
40 commission shall dismiss the case. For purposes of this subsection, "frivolous"
41 shall mean a complaint clearly lacking any basis in fact or law. Any person who
42 submits a frivolous complaint shall be liable for actual and compensatory
43 damages to the alleged violator for holding the alleged violator before the public
44 in a false light. If the commission finds that a complaint is frivolous, the
45 commission shall issue a public report to the complainant and the alleged violator
46 stating with particularity its reasons for dismissal of the complaint. Upon such

47 issuance, the complaint and all materials relating to the complaint shall be a
48 public record as defined in chapter 610.

49 5. Complaints which allege violations as described in this section which
50 are filed with the commission shall be handled as provided by section 105.961.]

105.957. 1. The commission shall receive any complaints alleging violation of the
2 provisions of:

3 (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

4 (2) The financial interest disclosure requirements contained in sections 105.483 to
5 105.492;

6 (3) The campaign finance disclosure requirements contained in chapter 130;

7 (4) Any code of conduct promulgated by any department, division or agency of state
8 government, or by state institutions of higher education, or by executive order;

9 (5) The conflict of interest laws contained in sections 105.450 to 105.468 and section
10 171.181; and

11 (6) The provisions of the constitution or state statute or order, ordinance or resolution
12 of any political subdivision relating to the official conduct of officials or employees of the state
13 and political subdivisions.

14 2. Complaints filed with the commission shall be in writing and filed only by a natural
15 person. The complaint shall contain all facts known by the complainant that have given rise to
16 the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant.
17 No complaint shall be investigated unless the complaint alleges facts which, if true, fall within
18 the jurisdiction of the commission. **Notwithstanding subsection 2 of section 130.054 to the**
19 **contrary**, within five days after receipt of a complaint by the commission, a copy of the
20 complaint, including the name of the complainant, shall be delivered to the alleged violator.

21 3. No complaint shall be investigated which concerns alleged criminal conduct which
22 allegedly occurred previous to the period of time allowed by law for criminal prosecution for
23 such conduct. The commission may refuse to investigate any conduct which is the subject of
24 civil or criminal litigation. The commission, its executive director or an investigator shall not
25 investigate any complaint concerning conduct which is not criminal in nature which occurred
26 more than two years prior to the date of the complaint. A complaint alleging misconduct on the
27 part of a candidate for public office, other than those alleging failure to file the appropriate
28 financial interest statements or campaign finance disclosure reports, shall not be accepted by the
29 commission within sixty days prior to the primary election at which such candidate is running
30 for office, and until after the general election.

31 4. If the commission finds that any complaint is frivolous in nature [or finds no probable
32 cause to believe that there has been a violation], the commission shall dismiss the case. For
33 purposes of this subsection, "frivolous" shall mean a complaint clearly lacking any basis in fact

34 or law. Any person who submits a frivolous complaint shall be liable for actual and
35 compensatory damages to the alleged violator for holding the alleged violator before the public
36 in a false light. If the commission finds that a complaint is frivolous [or that there is not probable
37 cause to believe there has been a violation], the commission shall issue a public report to the
38 complainant and the alleged violator stating with particularity its reasons for dismissal of the
39 complaint. Upon such issuance, the complaint and all materials relating to the complaint shall
40 be a public record as defined in chapter 610.

41 5. Complaints which allege violations as described in this section which are filed with
42 the commission shall be handled as provided by section 105.961.

2 [105.959. 1. The executive director of the commission, under the
3 supervision of the commission, shall review reports and statements filed with the
4 commission or other appropriate officers pursuant to sections 105.470, 105.483
5 to 105.492, and chapter 130 for completeness, accuracy and timeliness of filing
6 of the reports or statements and any records relating to the reports or statements,
7 and upon review, if there are reasonable grounds to believe that a violation has
8 occurred, shall conduct an investigation of such reports, statements, and records
9 and assign a special investigator following the provisions of subsection 1 of
10 section 105.961.

11 2. (1) If there are reasonable grounds to believe that a violation has
12 occurred and after the commission unanimously votes to proceed with all six
13 members voting, the executive director shall, without receipt of a complaint,
14 conduct an independent investigation of any potential violations of the provisions
15 of:

16 (a) The requirements imposed on lobbyists by sections 105.470 to
17 105.478;

18 (b) The financial interest disclosure requirements contained in sections
19 105.483 to 105.492;

20 (c) The campaign finance disclosure requirements contained in chapter
21 130;

22 (d) Any code of conduct promulgated by any department, division, or
23 agency of state government, or by state institutions of higher education, or by
24 executive order;

25 (e) The conflict of interest laws contained in sections 105.450 to 105.468
26 and section 171.181; and

27 (f) The provisions of the constitution or state statute or order, ordinance,
28 or resolution of any political subdivision relating to the official conduct of
29 officials or employees of the state and political subdivisions.

30 (2) If an investigation conducted under this subsection fails to establish
31 reasonable grounds to believe that a violation has occurred, the investigation shall
32 be terminated and the person who had been under investigation shall be notified
of the reasons for the disposition of the complaint.

33 3. Upon findings of the appropriate filing officer which are reported to
34 the commission in accordance with the provisions of section 130.056, the
35 executive director shall investigate disclosure reports, statements and records
36 pertaining to such findings within a reasonable time after receipt of the reports
37 from the appropriate filing officer.

38 4. The commission may make such investigations and inspections within
39 or outside of this state as are necessary to determine compliance.

40 5. The commission shall notify the person under investigation under this
41 section, by registered mail, within five days of the decision to conduct such
42 investigation and assign a special investigator following the provisions of
43 subsection 1 of section 105.961.

44 6. After completion of an investigation, the executive director shall
45 provide a detailed report of such investigation to the commission. Upon
46 determination that there are reasonable grounds to believe that a person has
47 violated the requirements of sections 105.470, 105.483 to 105.492, or chapter
48 130, by a vote of four members of the commission, the commission may refer the
49 report with the recommendations of the commission to the appropriate
50 prosecuting authority together with the details of the investigation by the
51 commission as is provided in subsection 2 of section 105.961.

52 7. All investigations by the executive director of an alleged violation
53 shall be strictly confidential with the exception of notification of the commission
54 and the complainant and the person under investigation. Revealing any such
55 confidential investigation information shall be cause for removal or dismissal of
56 the executive director or a commission member or employee.]

105.959. 1. The executive director of the commission, under the supervision of the
2 commission, shall review reports and statements **required to be** filed with the commission or
3 other appropriate officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130,
4 **and any records relating to the reports or statements**, for completeness, accuracy and
5 timeliness of filing of the reports or statements, and upon review, if there are reasonable grounds
6 to believe that a violation has occurred, shall conduct an audit of such reports [and] , statements,
7 **and records and assign a special investigator following the provisions of subsection 1 of**
8 **section 105.961.** All investigations by the executive director of an alleged violation shall be
9 strictly confidential with the exception of notification of the commission and the complainant
10 or the person under investigation. All investigations by the executive director shall be limited
11 to the information contained in the reports [or] , statements, **and records.** The commission shall
12 notify the complainant or the person under investigation, by registered mail, within five days of
13 the decision to conduct such investigation. Revealing any such confidential investigation
14 information shall be cause for removal or dismissal of the executive director or a commission
15 member or employee.

16 2. Upon findings of the appropriate filing officer which are reported to the commission
17 in accordance with the provisions of section 130.056, the executive director shall audit disclosure
18 reports, statements and records pertaining to such findings within a reasonable time after receipt
19 of the reports from the appropriate filing officer.

20 3. [Upon a sworn written complaint of any natural person filed with the commission
21 pursuant to section 105.957, the commission shall audit and investigate alleged violations.
22 Within sixty days after receipt of a sworn written complaint alleging a violation, the executive
23 director shall notify the complainant in writing of the action, if any, the executive director has
24 taken and plans to take on the complaint. If an investigation conducted pursuant to this
25 subsection fails to establish reasonable grounds to believe that a violation has occurred, the
26 investigation shall be terminated and the complainant and the person who had been under
27 investigation shall be notified of the reasons for the disposition of the complaint.

28 4.] The commission may make such investigations and inspections within or outside of
29 this state as are necessary to determine compliance.

30 [5. If, during an audit or investigation, the commission determines that a formal
31 investigation is necessary, the commission shall assign the investigation to a special investigator
32 in the manner provided by subsection 1 of section 105.961.

33 6.] **4.** After completion of an audit or investigation, the executive director shall provide
34 a detailed report of such audit or investigation to the commission. Upon determination that there
35 are reasonable grounds to believe that a person has violated the requirements of sections
36 105.470, 105.483 to 105.492, or chapter 130, by a vote of four members of the commission, the
37 commission may refer the **cause for a hearing as provided in subsection 3 of section 105.961**
38 report with the recommendations of the commission to the appropriate prosecuting authority
39 together with a copy of the audit and the details of the investigation by the commission as is
40 provided in subsection 2 of section 105.961.

 [105.961. 1. Upon receipt of a complaint as described by section 105.957
2 or upon notification by the commission of an investigation under subsection 5 of
3 section 105.959, the commission shall assign the complaint or investigation to
4 a special investigator, who may be a commission employee, who shall investigate
5 and determine the merits of the complaint or investigation. Within ten days of
6 such assignment, the special investigator shall review such complaint and
7 disclose, in writing, to the commission any conflict of interest which the special
8 investigator has or might have with respect to the investigation and subject
9 thereof. Within ninety days of receipt of the complaint from the commission, the
10 special investigator shall submit the special investigator's report to the
11 commission. The commission, after review of such report, shall determine:

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

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

16 (3) That additional time is necessary to complete the investigation, and
17 the status and progress of the investigation to date. The commission, in its
18 discretion, may allow the investigation to proceed for no more than two
19 additional successive periods of ninety days each, pending reports regarding the
20 status and progress of the investigation at the end of each such period.

21 2. When the commission concludes, based on the report from the special
22 investigator, or based on an investigation conducted pursuant to section 105.959,
23 that there are reasonable grounds to believe that a violation of any criminal law
24 has occurred, and if the commission believes that criminal prosecution would be
25 appropriate upon a vote of four members of the commission, the commission
26 shall refer the report to the Missouri office of prosecution services, prosecutors
27 coordinators training council established in section 56.760, which shall submit
28 a panel of five attorneys for recommendation to the court having criminal
29 jurisdiction, for appointment of an attorney to serve as a special prosecutor;
30 except that, the attorney general of Missouri or any assistant attorney general
31 shall not act as such special prosecutor. The court shall then appoint from such
32 panel a special prosecutor pursuant to section 56.110 who shall have all the
33 powers provided by section 56.130. The court shall allow a reasonable and
34 necessary attorney's fee for the services of the special prosecutor. Such fee shall
35 be assessed as costs if a case is filed, or ordered by the court if no case is filed,
36 and paid together with all other costs in the proceeding by the state, in accordance
37 with rules and regulations promulgated by the state courts administrator, subject
38 to funds appropriated to the office of administration for such purposes. If the
39 commission does not have sufficient funds to pay a special prosecutor, the
40 commission shall refer the case to the prosecutor or prosecutors having criminal
41 jurisdiction. If the prosecutor having criminal jurisdiction is not able to prosecute
42 the case due to a conflict of interest, the court may appoint a special prosecutor,
43 paid from county funds, upon appropriation by the county or the attorney general
44 to investigate and, if appropriate, prosecute the case. The special prosecutor or
45 prosecutor shall commence an action based on the report by the filing of an
46 information or seeking an indictment within sixty days of the date of such
47 prosecutor's appointment, or shall file a written statement with the commission
48 explaining why criminal charges should not be sought. If the special prosecutor
49 or prosecutor fails to take either action required by this subsection, upon request
50 of the commission, a new special prosecutor, who may be the attorney general,
51 shall be appointed. The report may also be referred to the appropriate
52 disciplinary authority over the person who is the subject of the report.

53 3. When the commission concludes, based on the report from the special
54 investigator or based on an investigation conducted pursuant to section 105.959,
55 that there are reasonable grounds to believe that a violation of any law has
56 occurred which is not a violation of criminal law or that criminal prosecution is

57 not 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 and shall be considered
60 to be a contested case for purposes of such sections. The commission shall
61 determine, in its discretion, whether or not that there is probable cause that a
62 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 report,
66 as described in subsection 8 of this section.

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

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

77 (2) Notify the person of the requirement to file, amend or correct any
78 report, statement, or other document or information required by sections 105.473,
79 105.483 to 105.492, or chapter 130 and that the commission may seek judicial
80 enforcement of its decision pursuant to subsection 5 of this section; and

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

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

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

87 (6) Through reconciliation agreements or action of the commission, the
88 power to seek fees for violations in an amount not greater than one thousand
89 dollars or double the amount involved in the violation.

90 5. Upon vote of at least four members, the commission may initiate
91 formal judicial proceedings in the circuit court of Cole County seeking to obtain
92 any of the following orders:

93 (1) Cease and desist violation of any provision of sections 105.450 to
94 105.496, or chapter 130, or sections 105.955 to 105.963;

95 (2) Pay any civil penalties required by sections 105.450 to 105.496 or
96 chapter 130;

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

99 (4) Pay restitution for any unjust enrichment the violator obtained as a
100 result of any violation of any criminal statute as described in subsection 7 of this
101 section.

102 6. After the commission determines by a vote of at least four members
103 of the commission that a violation has occurred, other than a referral for criminal
104 prosecution, and the commission has referred the findings and conclusions to the
105 appropriate disciplinary authority over the person who is the subject of the report,
106 or has taken an action under subsection 4 of this section, the subject of the report
107 may appeal the determination of the commission to the circuit court of Cole
108 County. The court shall conduct a de novo review of the determination of the
109 commission. Such appeal shall stay the action of the Missouri ethics
110 commission. Such appeal shall be filed not later than the fourteenth day after the
111 subject of the commission's action receives actual notice of the commission's
112 action. If a petition for judicial review of a final order is not filed as provided in
113 this section or when an order for fees under subsection 4 of this section becomes
114 final following an appeal to the circuit court of Cole County, the commission
115 may file a certified copy of the final order with the circuit court of Cole County.
116 When any order for fees under subsection 4 of this section becomes final, the
117 commission may file a certified copy of the final order with the circuit court of
118 Cole County. The order so filed shall have the same effect as a judgment of the
119 court and may be recorded, enforced, or satisfied in the same manner as a
120 judgment of the court.

121 7. In the proceeding in the circuit court of Cole County, the commission
122 may seek restitution against any person who has obtained unjust enrichment as
123 a result of violation of any provision of sections 105.450 to 105.496, or chapter
124 130 and may recover on behalf of the state or political subdivision with which the
125 alleged violator is associated, damages in the amount of any unjust enrichment
126 obtained and costs and attorney's fees as ordered by the court.

127 8. The appropriate disciplinary authority to whom a report shall be sent
128 pursuant to subsection 2 or 3 of this section shall include, but not be limited to,
129 the following:

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

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

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

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

142 (5) In the case of a judge of a court of law, the report shall be referred to
143 the commission on retirement, removal and discipline, or if the inquiry involves
144 an employee of the judiciary to the applicable presiding judge;

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

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

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

152 9. The special investigator having a complaint referred to the special
153 investigator by the commission shall have the following powers:

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

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

160 (3) To administer oaths and affirmations;

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

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

181 10. (1) Any retired judge may request in writing to have the judge's name
182 removed from the list of special investigators subject to appointment by the
183 commission or may request to disqualify himself or herself from any
184 investigation. Such request shall include the reasons for seeking removal;

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

189 11. Any person who is the subject of any investigation pursuant to this
190 section shall be entitled to be represented by counsel at any proceeding before the
191 special investigator or the commission.

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

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

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

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

211 16. The special investigator and members and staff of the commission
212 shall maintain confidentiality with respect to all matters concerning a complaint,
213 with the exception of communications with any person which are necessary to the
214 investigation. Any person who violates the confidentiality requirements imposed
215 by this section or subsection 17 of section 105.955 required to be confidential is
216 guilty of a class A misdemeanor and shall be subject to removal from or
217 termination of employment by the commission.

218 17. 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 or
221 retirement for such services at the rates of compensation provided for senior
222 judges by subsections 1, 2 and 4 of section 476.682. Such retired judges shall by
223 the tenth day of each month following any month in which the judge provided
224 services pursuant to this section certify to the commission and to the state courts
225 administrator the amount of time engaged in such services by hour or fraction
226 thereof, the dates thereof, and the expenses incurred and allowable pursuant to
227 this section. The commission shall then issue a warrant to the state treasurer for

228 the payment of the salary and expenses to the extent, and within limitations,
229 provided for in this section. The state treasurer upon receipt of such warrant shall
230 pay the same out of any appropriations made for this purpose on the last day of
231 the month during which the warrant was received by the state treasurer.]

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

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

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

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

18 2. When the commission concludes, based on the report from the special investigator,
19 or based on an audit conducted pursuant to section 105.959, that there are reasonable grounds
20 to believe that a violation of any criminal law has occurred, and if the commission believes that
21 criminal prosecution would be appropriate upon a vote of four members of the commission, the
22 commission shall refer the report to the Missouri office of prosecution services, prosecutors
23 coordinators training council established in section 56.760, which shall submit a panel of five
24 attorneys for recommendation to the court having criminal jurisdiction, for appointment of an
25 attorney to serve as a special prosecutor; except that, the attorney general of Missouri or any
26 assistant attorney general shall not act as such special prosecutor. The court shall then appoint
27 from such panel a special prosecutor pursuant to section 56.110 who shall have all the powers
28 provided by section 56.130. The court shall allow a reasonable and necessary attorney's fee for
29 the services of the special prosecutor. Such fee shall be assessed as costs if a case is filed, or
30 ordered by the court if no case is filed, and paid together with all other costs in the proceeding
31 by the state, in accordance with rules and regulations promulgated by the state courts
32 administrator, subject to funds appropriated to the office of administration for such purposes.
33 If the commission does not have sufficient funds to pay a special prosecutor, the commission

34 shall refer the case to the prosecutor or prosecutors having criminal jurisdiction. If the
35 prosecutor having criminal jurisdiction is not able to prosecute the case due to a conflict of
36 interest, the court may appoint a special prosecutor, paid from county funds, upon appropriation
37 by the county or the attorney general to investigate and, if appropriate, prosecute the case. The
38 special prosecutor or prosecutor shall commence an action based on the report by the filing of
39 an information or seeking an indictment within sixty days of the date of such prosecutor's
40 appointment, or shall file a written statement with the commission explaining why criminal
41 charges should not be sought. If the special prosecutor or prosecutor fails to take either action
42 required by this subsection, upon request of the commission, a new special prosecutor, who may
43 be the attorney general, shall be appointed. The report may also be referred to the appropriate
44 disciplinary authority over the person who is the subject of the report.

45 3. When the commission concludes, based on the report from the special investigator or
46 based on an audit conducted pursuant to section 105.959, that there are reasonable grounds to
47 believe that a violation of any law has occurred which is not a violation of criminal law or that
48 criminal prosecution is not appropriate, the commission shall conduct a hearing which shall be
49 a closed meeting and not open to the public. The hearing shall be conducted pursuant to the
50 procedures provided by sections 536.063 to 536.090 and shall be considered to be a contested
51 case for purposes of such sections. The commission shall determine, in its discretion, whether
52 or not that there is probable cause that a violation has occurred. If the commission determines,
53 by a vote of at least four members of the commission, that probable cause exists that a violation
54 has occurred, the commission may refer its findings and conclusions to the appropriate
55 disciplinary authority over the person who is the subject of the report, as described in subsection
56 [7] **8** of this section. [After the commission determines by a vote of at least four members of the
57 commission that probable cause exists that a violation has occurred, and the commission has
58 referred the findings and conclusions to the appropriate disciplinary authority over the person
59 subject of the report, the subject of the report may appeal the determination of the commission
60 to the administrative hearing commission. Such appeal shall stay the action of the Missouri
61 ethics commission. Such appeal shall be filed not later than the fourteenth day after the subject
62 of the commission's action receives actual notice of the commission's action.]

63 4. If the appropriate disciplinary authority receiving a report from the commission
64 pursuant to subsection 3 of this section fails to follow, within sixty days of the receipt of the
65 report, the recommendations contained in the report, or if the commission determines, by a vote
66 of at least four members of the commission that some action [other than referral for criminal
67 prosecution or for action by the appropriate disciplinary authority] would be appropriate, the
68 commission shall take any one or more of the following actions:

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

72 (2) Notify the person of the requirement to file, amend or correct any report, statement,
73 or other document or information required by sections 105.473, 105.483 to 105.492, or chapter
74 130 and that the commission may seek judicial enforcement of its decision pursuant to
75 subsection 5 of this section; and

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

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

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

81 (6) Through reconciliation agreements or [civil] action **of the commission**, the power
82 to seek fees for violations in an amount not greater than one thousand dollars or double the
83 amount involved in the violation.

84 5. Upon vote of at least four members, the commission may initiate formal judicial
85 proceedings **in the circuit court of Cole County** seeking to obtain any of the following orders:

86 (1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter
87 130, or sections 105.955 to 105.963;

88 (2) Pay any civil penalties required by sections 105.450 to 105.496 or chapter 130;

89 (3) File any reports, statements, or other documents or information required by sections
90 105.450 to 105.496, or chapter 130; or

91 (4) Pay restitution for any unjust enrichment the violator obtained as a result of any
92 violation of any criminal statute as described in subsection 6 of this section. [The Missouri
93 ethics commission shall give actual notice to the subject of the complaint of the proposed action
94 as set out in this section. The subject of the complaint may appeal the action of the Missouri
95 ethics commission, other than a referral for criminal prosecution, to the administrative hearing
96 commission. Such appeal shall stay the action of the Missouri ethics commission. Such appeal
97 shall be filed no later than fourteen days after the subject of the commission's actions receives
98 actual notice of the commission's actions.]

99 6. **After the commission determines by a vote of at least four members of the**
100 **commission that a violation has occurred, other than a referral for criminal prosecution,**
101 **and the commission has referred the findings and conclusions to the appropriate**
102 **disciplinary authority over the person who is the subject of the report, or has taken an**
103 **action under subsection 4 of this section, the subject of the report may appeal the**
104 **determination of the commission to the circuit court of Cole County. The court shall**

105 **conduct a de novo review of the determination of the commission. Such appeal shall stay**
106 **the action of the Missouri ethics commission. Such appeal shall be filed not later than the**
107 **fourteenth day after the subject of the commission's action receives actual notice of the**
108 **commission's action. If a petition for judicial review of a final order is not filed as**
109 **provided in this section or when an order for fees under subsection 4 of this section**
110 **becomes final following an appeal as provided by law, the commission may file a certified**
111 **copy of the final order with the circuit court of Cole County. When any order for fees**
112 **under subsection 4 of this section becomes final, the commission may file a certified copy**
113 **of the final order with the circuit court of Cole County. The order so filed shall have the**
114 **same effect as a judgment of the court and may be recorded, enforced, or satisfied in the**
115 **same manner as a judgment of the court.**

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

121 [7.] 8. The appropriate disciplinary authority to whom a report shall be sent pursuant to
122 subsection 2 or 3 of this section shall include, but not be limited to, the following:

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

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

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

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

133 (5) In the case of a judge of a court of law, the report shall be referred to the commission
134 on retirement, removal and discipline, or if the inquiry involves an employee of the judiciary to
135 the applicable presiding judge;

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

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

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

142 [8.] 9. The special investigator having a complaint referred to the special investigator by
143 the commission shall have the following powers:

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

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

149 (3) To administer oaths and affirmations;

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

161 (5) To request from the commission such investigative, clerical or other staff assistance
162 or advancement of other expenses which are necessary and convenient for the proper completion
163 of an investigation. Within the limits of appropriations to the commission, the commission may
164 provide such assistance, whether by contract to obtain such assistance or from staff employed
165 by the commission, or may advance such expenses.

166 [9.] 10. (1) Any retired judge may request in writing to have the judge's name removed
167 from the list of special investigators subject to appointment by the commission or may request
168 to disqualify himself or herself from any investigation. Such request shall include the reasons
169 for seeking removal;

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

173 [10.] 11. Any person who is the subject of any investigation pursuant to this section shall
174 be entitled to be represented by counsel at any proceeding before the special investigator or the
175 commission.

176 [11.] **12.** The provisions of sections 105.957, 105.959 and 105.961 are in addition to
177 other provisions of law under which any remedy or right of appeal or objection is provided for
178 any person, or any procedure provided for inquiry or investigation concerning any matter. The
179 provisions of this section shall not be construed to limit or affect any other remedy or right of
180 appeal or objection.

181 [12.] **13.** No person shall be required to make or file a complaint to the commission as
182 a prerequisite for exhausting the person's administrative remedies before pursuing any civil cause
183 of action allowed by law.

184 [13.] **14.** If, in the opinion of the commission, the complaining party was motivated by
185 malice or reason contrary to the spirit of any law on which such complaint was based, in filing
186 the complaint without just cause, this finding shall be reported to appropriate law enforcement
187 authorities. Any person who knowingly files a complaint without just cause, or with malice, is
188 guilty of a class A misdemeanor.

189 [14.] **15.** A respondent party who prevails in a formal judicial action brought by the
190 commission shall be awarded those reasonable fees and expenses incurred by that party in the
191 formal judicial action, unless the court finds that the position of the commission was
192 substantially justified or that special circumstances make such an award unjust.

193 [15.] **16.** The special investigator and members and staff of the commission shall
194 maintain confidentiality with respect to all matters concerning a complaint [until and if a report
195 is filed with the commission], with the exception of communications with any person which are
196 necessary to the investigation. [The report filed with the commission resulting from a complaint
197 acted upon under the provisions of this section shall not contain the name of the complainant or
198 other person providing information to the investigator, if so requested in writing by the
199 complainant or such other person.] Any person who violates the confidentiality requirements
200 imposed by this section or subsection 17 of section 105.955 required to be confidential is guilty
201 of a class A misdemeanor and shall be subject to removal from or termination of employment
202 by the commission.

203 [16.] **17.** Any judge of the court of appeals or circuit court who ceases to hold such office
204 by reason of the judge's retirement and who serves as a special investigator pursuant to this
205 section shall receive annual compensation, salary or retirement for such services at the rates of
206 compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682. Such
207 retired judges shall by the tenth day of each month following any month in which the judge
208 provided services pursuant to this section certify to the commission and to the state courts
209 administrator the amount of time engaged in such services by hour or fraction thereof, the dates
210 thereof, and the expenses incurred and allowable pursuant to this section. The commission shall
211 then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent,

212 and within limitations, provided for in this section. The state treasurer upon receipt of such
213 warrant shall pay the same out of any appropriations made for this purpose on the last day of the
214 month during which the warrant was received by the state treasurer.

2 [105.963. 1. The executive director shall assess every committee, as
3 defined in section 130.011, failing to file with a filing officer other than a local
4 election authority as provided by section 130.026 a campaign disclosure report
5 or statement of limited activity as required by chapter 130, other than the report
6 required pursuant to subdivision (1) of subsection 1 of section 130.046, a late
7 filing fee of fifty dollars for each day after such report is due to the commission,
8 provided that the total amount of such fees assessed under this subsection per
9 report shall not exceed three thousand dollars. The executive director shall send
10 a notice to any candidate and the treasurer of any committee who fails to file such
11 report within seven business days of such failure to file informing such person of
12 such failure and the fees provided by this section.

13 2. Any committee that fails to file a campaign disclosure report required
14 pursuant to subdivision (1) of subsection 1 of section 130.046, other than a report
15 required to be filed with a local election authority as provided by section 130.026,
16 shall be assessed by the executive director a late filing fee of one hundred dollars
17 for each day that the report is not filed, provided that the total amount of such
18 fees assessed under this subsection per report shall not exceed three thousand
19 dollars. The executive director shall send a notice to any candidate and the
20 treasurer of any committee who fails to file the report described in this subsection
21 within seven business days of such failure to file informing such person of such
22 failure and the fees provided by this section.

23 3. The executive director shall assess every person required to file a
24 financial interest statement pursuant to sections 105.483 to 105.492 failing to file
25 such a financial interest statement with the commission a late filing fee of ten
26 dollars for each day after such statement is due to the commission. The executive
27 director shall send a notice to any person who fails to file such statement
28 informing the individual required to file of such failure and the fees provided by
29 this section. If the person persists in such failure for a period in excess of thirty
30 days beyond receipt of such notice, the amount of the late filing fee shall increase
31 to one hundred dollars for each day thereafter that the statement is late, provided
32 that the total amount of such fees assessed pursuant to this subsection per
33 statement shall not exceed six thousand dollars.

34 4. Any person assessed a late filing fee may seek review of such
35 assessment or the amount of late filing fees assessed, at the person's option, by
36 filing a petition within fourteen days after receiving notice of assessment with the
37 circuit court of Cole County.

38 5. The executive director of the Missouri ethics commission shall collect
39 such late filing fees as are provided for in this section. Unpaid late filing fees
40 shall be collected by action filed by the commission. The commission shall
contract with the appropriate entity to collect such late filing fees after a

41 thirty-day delinquency. If not collected within one hundred twenty days, the
 42 Missouri ethics commission shall file a petition in Cole County circuit court to
 43 seek a judgment on said fees. After obtaining a judgment for the unpaid late
 44 filing fees, the commission or any entity contracted by the commission may
 45 proceed to collect the judgment in any manner authorized by law, including but
 46 not limited to garnishment of and execution against the committee's official
 47 depository account as set forth in subsection 4 of section 130.021 after a
 48 thirty-day delinquency. All late filing fees collected pursuant to this section shall
 49 be transmitted to the state treasurer and deposited to the general revenue fund.

50 6. The late filing fees provided by this section shall be in addition to any
 51 penalty provided by law for violations of sections 105.483 to 105.492 or chapter
 52 130.

53 7. If any lobbyist fails to file a lobbyist report in a timely manner and that
 54 lobbyist is assessed a late fee, or if any individual who is required to file a
 55 personal financial disclosure statement fails to file such disclosure statement in
 56 a timely manner and is assessed a late fee, or if any candidate or the treasurer of
 57 any committee fails to file a campaign disclosure report or a statement of limited
 58 activity in a timely manner and that candidate or treasurer of any committee who
 59 fails to file a disclosure statement in a timely manner and is assessed a late filing
 60 fee, the lobbyist, individual, candidate, or the treasurer of any committee may file
 61 an appeal of the assessment of the late filing fee with the commission. The
 62 commission may forgive the assessment of the late filing fee upon a showing of
 63 good cause. Such appeal shall be filed within ten days of the receipt of notice of
 64 the assessment of the late filing fee.]

105.963. 1. The executive director shall assess every committee, as defined in section
 2 130.011, failing to file with a filing officer other than a local election authority as provided by
 3 section 130.026 a campaign disclosure report **or statement of limited activity** as required by
 4 chapter 130, other than the report required pursuant to subdivision (1) of subsection 1 of section
 5 130.046, a late filing fee of ten dollars for each day after such report is due to the commission.
 6 The executive director shall [mail] **send** a notice, by [registered] mail **and, at the discretion of**
 7 **the executive director, by other means**, to any candidate and the treasurer of any committee
 8 who fails to file such report informing such person of such failure and the fees provided by this
 9 section. If the candidate or treasurer of any committee persists in such failure for a period in
 10 excess of thirty days beyond [receipt] **the sending** of such notice, the amount of the late filing
 11 fee shall increase to one hundred dollars for each day that the report is not filed, provided that
 12 the total amount of such fees assessed pursuant to this subsection per report shall not exceed
 13 three thousand dollars. **For purposes of this subsection, evidence that the notice was**
 14 **properly addressed and sent by mail or electronic mail to the address designated by the**
 15 **committee shall create a rebuttable presumption that the committee, treasurer, deputy**
 16 **treasurer, or candidate received the notice.**

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

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

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

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

47 5. The executive director of the Missouri ethics commission shall collect such late filing
48 fees as are provided for in this section. Unpaid late filing fees shall be collected [by action filed]
49 by the commission. The commission shall contract with the appropriate entity to collect such
50 late filing fees after a thirty-day delinquency. If [not collected within one hundred twenty days]
51 **a petition is not filed under subsection 4 of this section or when an order for fees becomes**
52 **final following an appeal as provided by law**, the Missouri ethics commission shall file a

53 [petition in] **certified statement of account with the circuit clerk of the Cole County circuit**
 54 **court [to seek a judgment on said fees]. The certified statement of account shall state the**
 55 **total amount of fees and that all administrative appeals have been exhausted and shall**
 56 **certify that a copy was sent to the individual at the individual's last known address. The**
 57 **certified statement of account filed with the circuit clerk shall have the same effect as a**
 58 **judgment of the court and may be recorded, enforced, or satisfied in the same manner as**
 59 **a judgment of the court. After filing the account, the commission or any entity contracted**
 60 **by the commission may proceed to collect the judgment in any manner authorized by law,**
 61 **including but not limited to garnishment of and execution against the committee's official**
 62 **depository account as set forth in subsection 4 of section 130.021 after a thirty-day**
 63 **delinquency.** All late filing fees collected pursuant to this section shall be transmitted to the
 64 state treasurer and deposited to the general revenue fund.

65 6. The late filing fees provided by this section shall be in addition to any penalty
 66 provided by law for violations of sections 105.483 to 105.492 or chapter 130.

67 7. If any **lobbyist fails to file a lobbyist report in a timely manner and that lobbyist**
 68 **is assessed a late fee, or if any individual who is required to file a personal financial**
 69 **disclosure statement fails to file such disclosure statement in a timely manner and is**
 70 **assessed a late fee, or if any candidate or the treasurer of any committee** fails to file a
 71 campaign disclosure report **or a statement of limited activity** in a timely manner and that
 72 candidate **or treasurer of any committee who fails to file a disclosure statement in a timely**
 73 **manner and** is assessed a late filing fee, the **lobbyist, individual,** candidate, [candidate
 74 committee treasurer or assistant] **or the treasurer of such committee** may file an appeal of the
 75 assessment of the late filing fee with the commission. The commission may forgive the
 76 assessment of the late filing fee upon a showing of good cause. Such appeal shall be filed within
 77 ten days of the receipt of notice of the assessment of the late filing fee.

2 [105.966. 1. The ethics commission shall complete and make
 3 determinations pursuant to subsection 1 of section 105.961 on all complaint
 4 investigations within ninety days of initiation.

5 2. Any complaint investigation not completed and decided upon by the
 6 ethics commission within the time allowed by this section shall be deemed to not
 have been a violation.]

2 105.966. 1. [Except as provided in subsection 2 of this section,] The ethics commission
 3 shall complete and make determinations pursuant to subsection 1 of section 105.961 on all
 4 complaint investigations[, except those complaint investigations assigned to a retired judge,]
 5 within ninety days of initiation.

6 2. [The commission may file a petition in the Cole County circuit court to request an
 additional ninety days for investigation upon proving by a preponderance of the evidence that

7 additional time is needed. Upon filing the petition, the ninety-day period shall be tolled until the
8 court determines whether additional time is needed.

9 3. The hearing shall be held in camera before the Cole County circuit court and all
10 records of the proceedings shall be closed.

11 4. The provisions of this section shall apply to all ongoing complaint investigations on
12 July 13, 1999.

13 5.] Any complaint investigation not completed and decided upon by the ethics
14 commission within the time allowed by this section shall be deemed to not have been a violation.

✓