

SECOND REGULAR SESSION

HOUSE BILL NO. 2056

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ARTHUR.

5647H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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

Section A. Section 130.044 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, are repealed and three new sections enacted in lieu thereof, to be known as sections 21.431, 130.039, and 130.044, to read as follows:

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

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

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

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

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

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

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

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

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

23 3. For purposes of this subsection, "base year amount" shall be the contribution
24 limits prescribed in this section on January 1, 2017. Such limits shall be increased on the
25 first day of January in each odd-numbered year by multiplying the base year amount by
26 the cumulative consumer price index, as defined in section 104.010, and rounded to the
27 nearest twenty-five dollar amount, for all years since January 1, 2017.

28 4. Every committee established under this chapter shall be subject to the limits
29 prescribed under subsection 1 of this section. The provisions of this subsection shall not
30 limit the amount of contributions that may be accumulated by a candidate committee and
31 used for expenditures to further the nomination or election of the candidate who controls
32 such candidate committee.

33 5. Contributions from persons under fourteen years of age shall be considered
34 made by the parents or guardians of such person and shall be attributed toward any
35 contribution limits prescribed in this chapter. If the contributor under fourteen years of
36 age has two custodial parents or guardians, fifty percent of the contribution shall be
37 attributed to each parent or guardian, and if such contributor has one custodial parent or
38 guardian, all such contributions shall be attributed to the custodial parent or guardian.

39 6. Contributions received and expenditures made before January 1, 2017, shall be
40 reported as a separate account and under the laws in effect at the time such contributions
41 are received or expenditures made. Contributions received and expenditures made on or
42 after January 1, 2017, shall be reported under the provisions of this chapter as a separate
43 account from the other separate account described in this subsection. The account

44 reported under the prior law shall be retained as a separate account and any remaining
45 funds in such account may be used under this chapter.

46 **7. Any committee that accepts or gives contributions other than those allowed shall**
47 **be subject to a surcharge of one thousand dollars plus an amount equal to the contribution**
48 **per nonallowable contribution, to be paid to the ethics commission and which shall be**
49 **transferred to the director of revenue, upon notification of such nonallowable contribution**
50 **by the ethics commission, and after the candidate has had ten business days after receipt**
51 **of notice to return the contribution to the contributor. The candidate and the candidate**
52 **committee treasurer or deputy treasurer owing a surcharge shall be personally liable for**
53 **the payment of the surcharge or may pay such surcharge only from campaign funds**
54 **existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the**
55 **state enforceable under, but not limited to, the provisions of chapter 143.**

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

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

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

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

22 [2.] **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
23 **created under the authority delegated in this section shall become effective only if it complies**
24 **with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**

25 This section and chapter 536 are nonseverable and if any of the powers vested with the general
26 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
27 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
28 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

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3 reports under section 130.041 shall electronically report any contribution by any
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8 shall electronically report any contribution exceeding five hundred dollars made
9 by any contributor to his or her campaign committee during the regular legislative
10 session of the general assembly, within forty-eight hours of receiving the
11 contribution.

12 3. Any individual currently holding office as the governor, lieutenant
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14 for such office or such person's campaign committee shall electronically report
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16 or her campaign committee during the regular legislative session or any time
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19 4. Reports required under this section shall contain the same content
20 required under section 130.041 and shall be filed in accordance with the
21 standards established by the commission for electronic filing and other rules the
22 commission may deem necessary to promulgate for the effective administration
23 of this section.

24 5. Any rule or portion of a rule, as that term is defined in section 536.010,
25 that is created under the authority delegated in this section shall become effective
26 only if it complies with and is subject to all of the provisions of chapter 536 and,
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28 if any of the powers vested with the general assembly pursuant to chapter 536 to
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30 subsequently held unconstitutional, then the grant of rulemaking authority and
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