

SECOND REGULAR SESSION

HOUSE BILL NO. 1121

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KANDER.

4609L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.483, 105.485, and 105.487, RSMo, and to enact in lieu thereof three new sections relating to financial interest statements.

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

Section A. Sections 105.483, 105.485, and 105.487, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 105.483, 105.485, and 105.487, to read as follows:

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

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

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

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

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

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

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.

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

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

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

24 (9) Any member of a commission appointed or operating pursuant to sections 64.650 to
25 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

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

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

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

37 **(13) Any person who is identified as a public official or employee with access to**
38 **confidential nonpublic information about a business enterprise by virtue of the person's**
39 **office or employment.**

105.485. 1. Each financial interest statement required by sections 105.483 to 105.492
2 shall be on a form prescribed by the commission and shall be signed and verified by a written
3 declaration that it is made under penalties of perjury; provided, however, the form shall not seek
4 information which is not specifically required by sections 105.483 to 105.492.

5 **2. Each person required to file a financial interest statement under sections 105.483**
6 **to 105.492 shall attest:**

7 **(1) That at no time during the period covered by such person's statement did such**
8 **person knowingly engage in a financial transaction to advance a personal pecuniary**
9 **interest or a pecuniary interest for or on behalf of a member of such person's family within**
10 **the third degree of consanguinity, using confidential business information only available**
11 **to such person by virtue of such person's public office or employment; and**

12 **(2) That at no time during the period covered by such person's statement did such**
13 **person knowingly provide or transmit confidential business information only available to**

14 **such person by virtue of such person's public office or employment to any person intending**
15 **to use such information for a nongovernmental purpose, unless the provision or**
16 **transmission of such information is otherwise provided for or required by law.**

17 **3.** Each person required to file a financial interest statement pursuant to subdivisions (1)
18 to [(12)] **(13)** of section 105.483 shall file the following information for [himself, his] **such**
19 **person's** spouse and dependent children at any time during the period covered by the statement,
20 whether singularly or collectively; provided, however, that said person, if [he] **such person** does
21 not know and [his] **such person's** spouse will not divulge any information required to be
22 reported by this section concerning the financial interest of [his] **such person's** spouse, shall
23 state on [his] **such person's** financial interest statement that [he] **such person** has disclosed that
24 information known to [him] **such person** and that [his] **such person's** spouse has refused or
25 failed to provide other information upon [his] **such person's** bona fide request, and such
26 statement shall be deemed to satisfy the requirements of this section for such financial interest
27 of [his] **such person's** spouse; and provided further if the spouse of any person required to file
28 a financial interest statement is also required by section 105.483 to file a financial interest
29 statement, the financial interest statement filed by each need not disclose the financial interest
30 of the other, provided that each financial interest statement shall state that the spouse of the
31 person has filed a separate financial interest statement and the name under which the statement
32 was filed:

33 (1) The name and address of each of the employers of such person from whom **any**
34 income [of one thousand dollars or more] was received during the year covered by the statement;

35 (2) The name and address of each sole proprietorship which [he] such person owned; the
36 name, address and the general nature of the business conducted of each general partnership and
37 joint venture in which [he] **such person** was a partner or participant; the name and address of
38 each partner or coparticipant for each partnership or joint venture unless such names and
39 addresses are filed by the partnership or joint venture with the secretary of state; the name,
40 address and general nature of the business conducted of any closely held corporation or limited
41 partnership in which the person owned [ten percent or more] **any amount** of any class of the
42 outstanding stock or limited partners' units; and the name of any publicly traded corporation or
43 limited partnership which is listed on a regulated stock exchange or automated quotation system
44 in which the person owned [two percent or more] **any amount** of any class of outstanding stock,
45 limited partnership units or other equity interests;

46 (3) The name and address of any other source not reported pursuant to subdivisions (1)
47 and (2) and subdivisions (4) to (9) of this subsection from which such person received [one
48 thousand] **two hundred** dollars or more of income during the year covered by the statement,
49 including, but not limited to, any income otherwise required to be reported on any tax return such

50 person is required by law to file; [except that only the name of any publicly traded corporation
51 or limited partnership which is listed on a regulated stock exchange or automated quotation
52 system need be reported pursuant to this subdivision;]

53 (4) The location by county, the subclassification for property tax assessment purposes,
54 the approximate size and a description of the major improvements and use for each parcel of real
55 property in the state, other than the individual's personal residence, having a fair market value
56 of [ten] **one** thousand dollars or more in which such person held a vested interest including a
57 leasehold for a term of ten years or longer, and, if the property was transferred during the year
58 covered by the statement, the name and address of the persons furnishing or receiving
59 consideration for such transfer;

60 (5) The name and address of each entity in which such person owned stock, bonds or
61 other equity interest [with a value in excess of ten thousand dollars]; except that, if the entity is
62 a corporation listed on a regulated stock exchange, only the name of the corporation need be
63 listed; [and provided that any member of any board or commission of the state or any political
64 subdivision who does not receive any compensation for his services to the state or political
65 subdivision other than reimbursement for his actual expenses or a per diem allowance as
66 prescribed by law for each day of such service need not report interests in publicly traded
67 corporations or limited partnerships which are listed on a regulated stock exchange or automated
68 quotation system pursuant to this subdivision;] and provided further that the provisions of this
69 subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant
70 to the Employees' Retirement Income Security Act;

71 (6) The name and address of each corporation for which such person served in the
72 capacity of a director, officer or receiver;

73 (7) The name and address of each not-for-profit corporation and each association,
74 organization, or union, whether incorporated or not, except not-for-profit corporations formed
75 to provide church services, fraternal organizations or service clubs from which the officer or
76 employee draws no remuneration, in which such person was an officer, director, employee or
77 trustee at any time during the year covered by the statement, and for each such organization, a
78 general description of the nature and purpose of the organization;

79 (8) The name and address of each source from which such person received a gift or gifts,
80 or honorarium or honoraria in excess of two hundred dollars in value per source during the year
81 covered by the statement other than gifts from persons within the third degree of consanguinity
82 or affinity of the person filing the financial interest statement. For the purposes of this section,
83 a "gift" shall not be construed to mean political contributions otherwise required to be reported
84 by law or hospitality such as food, beverages or admissions to social, art, or sporting events or
85 the like, or informational material. For the purposes of this section, a "gift" shall include gifts

86 to or by creditors of the individual for the purpose of canceling, reducing or otherwise forgiving
87 the indebtedness of the individual to that creditor;

88 (9) The lodging and travel expenses provided by any third person for expenses incurred
89 outside the state of Missouri whether by gift or in relation to the duties of office of such official,
90 except that such statement shall not include travel or lodging expenses:

91 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
92 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

93 (b) For which the official may be reimbursed as provided by law; or

94 (c) Paid by persons related by the third degree of consanguinity or affinity to the person
95 filing the statement; or

96 (d) Expenses which are reported by the campaign committee or candidate committee of
97 the person filing the statement pursuant to the provisions of chapter 130; or

98 (e) Paid for purely personal purposes which are not related to the person's official duties
99 by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of
100 a member, of any association or entity which employs a lobbyist. The statement shall include
101 the name and address of such person who paid the expenses, the date such expenses were
102 incurred, the amount incurred, the location of the travel and lodging, and the nature of the
103 services rendered or reason for the expenses;

104 (10) The assets in any revocable trust of which the individual is the settlor if such assets
105 would otherwise be required to be reported under this section;

106 (11) The name, position and relationship of any relative within the first degree of
107 consanguinity or affinity to any other person who:

108 (a) Is employed by the state of Missouri, by a political subdivision of the state or special
109 district, as defined in section 115.013, of the state of Missouri;

110 (b) Is a lobbyist; or

111 (c) Is a fee agent of the department of revenue;

112 (12) The name and address of each campaign committee, political party committee,
113 candidate committee, or political action committee for which such person or any corporation
114 listed on such person's financial interest statement received payment; and

115 (13) For members of the general assembly or any statewide elected public official, their
116 spouses, and their dependent children, whether any state tax credits were claimed on the
117 member's, spouse's, or dependent child's most recent state income tax return.

118 [3.] 4. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section,
119 an individual shall be deemed to have received a salary from [his] **such person's** employer or
120 income from any source at the time when [he] **such person** shall receive a negotiable instrument
121 whether or not payable at a later date and at the time when under the practice of [his] **such**

122 **person's** employer or the terms of an agreement [he] **such person** has earned or is entitled to
123 anything of actual value whether or not delivery of the value is deferred or right to it has vested.
124 The term income as used in this section shall have the same meaning as provided in the Internal
125 Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at
126 any time or from time to time for the taxable year, provided that income shall not be considered
127 received or earned for purposes of this section from a partnership or sole proprietorship until
128 such income is converted from business to personal use.

129 [4.] **5.** Each official, officer or employee or candidate of any political subdivision
130 described in subdivision (11) of section 105.483 shall be required to file a financial interest
131 statement as required by subsection 2 of this section, unless the political subdivision biennially
132 adopts an ordinance, order or resolution at an open meeting by September fifteenth of the
133 preceding year, which establishes and makes public its own method of disclosing potential
134 conflicts of interest and substantial interests and therefore excludes the political subdivision or
135 district and its officers and employees from the requirements of subsection 2 of this section. A
136 certified copy of the ordinance, order or resolution shall be sent to the commission within ten
137 days of its adoption. The commission shall assist any political subdivision in developing forms
138 to complete the requirements of this subsection. The ordinance, order or resolution shall contain,
139 at a minimum, the following requirements with respect to disclosure of substantial interests:

140 (1) Disclosure in writing of the following described transactions, if any such transactions
141 were engaged in during the calendar year:

142 (a) For such person, and all persons within the first degree of consanguinity or affinity
143 of such person, the date and the identities of the parties to each transaction with a total value in
144 excess of five hundred dollars, if any, that such person had with the political subdivision, other
145 than compensation received as an employee or payment of any tax, fee or penalty due to the
146 political subdivision, and other than transfers for no consideration to the political subdivision;

147 (b) The date and the identities of the parties to each transaction known to the person with
148 a total value in excess of five hundred dollars, if any, that any business entity in which such
149 person had a substantial interest, had with the political subdivision, other than payment of any
150 tax, fee or penalty due to the political subdivision or transactions involving payment for
151 providing utility service to the political subdivision, and other than transfers for no consideration
152 to the political subdivision;

153 (2) The chief administrative officer and chief purchasing officer of such political
154 subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6)
155 of subsection 2 of this section;

156 (3) Disclosure of such other financial interests applicable to officials, officers and
157 employees of the political subdivision, as may be required by the ordinance or resolution;

158 (4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the
159 commission and the governing body of the political subdivision. The clerk of such governing
160 body shall maintain such disclosure reports available for public inspection and copying during
161 normal business hours.

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) **After January first of each year, any department, agency, board, or commission**
22 **within the executive, judicial, and legislative branches of state government, as well as all**
23 **quasi-governmental bodies classified as a type III body under the Omnibus State**
24 **Reorganization Act of 1974, that hires or employs a new public official or employee**
25 **required under sections 105.483 to 105.492 to file a financial interest statement shall, within**
26 **ten business days of such new employment, notify the Missouri Ethics Commission of such**
27 **new public official or state employee on forms prescribed by the commission;**

28 (4) Every other person required by sections 105.483 to 105.492 to file a financial interest
29 statement shall file the statement annually not later than the first day of May and the statement
30 shall cover the calendar year ending the immediately preceding December thirty-first; provided
31 that the governor, lieutenant governor, any member of the general assembly or any member of
32 the governing body of a political subdivision may supplement such person's financial interest

33 statement to report additional interests acquired after December thirty-first of the covered year
34 until the date of filing of the financial interest statement;

35 **(5) On or before January first of each year, every department, agency, board, and**
36 **commission within the executive, judicial, and legislative branches of state government, as**
37 **well as all quasi-governmental bodies classified as a type III body under the Omnibus State**
38 **Reorganization Act of 1974, shall identify every public official and employee in such**
39 **department, agency, board, commission, or quasi-governmental body required by sections**
40 **105.483 to 105.492 to file a financial interest statement and submit the names of such public**
41 **officials and employees to the Missouri Ethics Commission on forms prescribed by the**
42 **commission;**

43 **[(4)] (6)** The deadline for filing any statement required by sections 105.483 to 105.492
44 shall be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing
45 falls on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended
46 to 5:00 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any
47 statement required within a specified time shall be deemed to be timely filed if it is postmarked
48 not later than midnight of the day previous to the last day designated for filing the statement.

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