

SECOND REGULAR SESSION

HOUSE BILL NO. 1423

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROEBER.

4381H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 115.646, RSMo, and to enact in lieu thereof one new section relating to ethics, with penalty provisions.

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

Section A. Section 115.646, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.646, to read as follows:

115.646. **1.** No contribution or expenditure of public funds shall be made directly by any officer, **board member, director**, employee, or agent of any political subdivision **or special district** to advocate, support, or oppose any ballot measure, **any measure proposed or pending before the general assembly**, or candidate for public office. This section shall not be construed to prohibit any ~~[public official]~~ **officer, board member, director, employee, or agent** of a political subdivision **or special district** from making public appearances or from issuing press releases **or testifying before the general assembly** concerning any such ballot measure **or any measure proposed or pending before the general assembly as long as such officer, board member, director, employee, or agent does not do so in his or her official capacity while receiving compensation by the political subdivision or special district for time worked.**

2. This section shall not be construed to prohibit a political subdivision or special district from employing a legislative liaison to communicate with members of the general assembly regarding policies or procedures of the political subdivision or special district.

3. Any resident of a political subdivision or special district who wishes to challenge a contribution or expenditure of public funds may bring an action in any circuit court of the political subdivision or special district in which the alleged violation occurred. The political subdivision or special district and the officer, board member, director, employee,

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.

18 or agent who allegedly violated this section shall be named as party defendants. The
19 petition shall set forth the contribution, expenditure, or contribution and expenditure at
20 issue and the facts that gave rise to a violation and shall pray leave to produce such proof.
21 The court shall consider the petition and evidence, hear arguments, and in its decision
22 determine whether a violation of this section occurred. If the court decides the
23 contribution or expenditure of public funds was made in violation of this section:

24 (1) The political subdivision or special district shall be subject to a civil penalty in
25 an amount ten times the amount of the contribution or expenditure or one thousand
26 dollars, whichever is greater;

27 (2) The court shall order payment by the political subdivision or special district of
28 all the plaintiff's costs and attorney's fees; and

29 (3) The court shall enjoin the political subdivision or special district from such
30 actions in the future and order a bond posted to ensure compliance.

✓