

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 363**  
**100TH GENERAL ASSEMBLY**

0277H.03C

DANA RADEMAN MILLER, 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Section A. Section 115.646, RSMo, is repealed and one new section enacted in lieu  
2 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  
2 officer, **board member, director, administrator,** employee, or agent of any political  
3 subdivision **or special district** to advocate, support, or oppose any ballot measure ~~[or]~~ , any  
4 candidate for public office, **or any issue before the general assembly.** No officer, board  
5 member, director, administrator, employee, or agent of any political subdivision or special  
6 district shall directly use public resources or property paid for with public funds to  
7 advocate, support, or oppose any ballot measure, any candidate for public office, or any  
8 issue before the general assembly. This section shall not be construed to prohibit any ~~[public~~  
9 ~~official]~~ officer, board member, director, administrator, employee, or agent of a political  
10 subdivision **or special district** from making public appearances ~~[or from]~~ , issuing press releases  
11 ~~[concerning any such ballot measure]~~ , or testifying before the general assembly as long as  
12 such officer, board member, director, administrator, employee, or agent does so for  
13 informational purposes only and does not do so in his or her official capacity while  
14 receiving compensation by the political subdivision or special district for time worked  
15 unless such actions are part of his or her job description.

16 **2.** This section shall not be construed to prohibit a political subdivision or special  
17 district from employing a legislative liaison to communicate with members of the general

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 assembly regarding policies or procedures, including ballot measures, of the political  
19 subdivision or special district.

20       3. Any resident of a political subdivision or special district who wishes to challenge  
21 any contribution or expenditure of public funds or any use of public resources or property  
22 paid for with public funds may bring an action in any circuit court of the political  
23 subdivision or special district in which the alleged violation occurred. The political  
24 subdivision or special district and the officer, board member, director, administrator,  
25 employee, or agent who allegedly violated this section shall be named as party defendants.  
26 The petition shall set forth a description of any use of public resources or property paid  
27 for with public funds at issue, any contribution at issue, and any expenditure at issue and  
28 the facts that gave rise to a violation and shall pray leave to produce such proof. The court  
29 shall consider the petition and evidence, hear arguments, and in its decision determine  
30 whether a violation of this section occurred.

31       4. If the court decides a violation of this section occurred, the court shall order  
32 payment by the political subdivision or special district of all the plaintiff's costs and  
33 attorney's fees. If the court determines that the action was not filed in good faith or is  
34 frivolous, the court shall order payment by the plaintiff of the defendant's costs and  
35 attorney's fees.

36       5. (1) If the court decides a contribution or expenditure of public funds was made  
37 by an officer, board member, director, or administrator of the political subdivision or  
38 special district in violation of this section, the political subdivision or special district shall  
39 be subject to a civil penalty in an amount equal to ten times the amount of the contribution  
40 or expenditure or one thousand dollars, whichever is greater.

41       (2) If the court decides public resources or property paid for with public funds  
42 were used by an officer, board member, director, or administrator of the political  
43 subdivision or special district in violation of this section, the political subdivision or special  
44 district shall be subject to a civil penalty in the amount of one thousand dollars.

45       (3) If an officer, board member, director, or administrator of the political  
46 subdivision or special district knew or should have known of a violation under subsection  
47 6 of this section, the political subdivision or special district shall be subject to a civil penalty  
48 in an amount described in subdivision (1) or (2) of this subsection, corresponding to the  
49 type of violation that occurred.

50       6. If the court decides a contribution or expenditure of public funds was made or  
51 public resources or property paid for with public funds were used by an employee or agent  
52 of the political subdivision or special district who is not an officer, board member, director,  
53 or administrator of the political subdivision or special district in violation of this section

54 and it was the first such violation by such employee or agent, the court shall not impose a  
55 civil penalty. A second or subsequent violation of this section by such employee or agent  
56 shall subject the political subdivision or special district to the penalties under subsection  
57 5 of this section.

✓