

FIRST REGULAR SESSION

HOUSE BILL NO. 374

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

0143H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 105.485, 105.487, and 105.955, RSMo, and to enact in lieu thereof four new sections relating to the Missouri ethics commission, with penalty provisions.

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

Section A. Sections 105.485, 105.487, and 105.955, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 105.484, 105.485, 105.487, and 105.955, to read as follows:

105.484. 1. Before July sixteenth of each calendar year, the governing body of each political subdivision shall submit an attestation to the commission of whether the body's annual operating budget for the current fiscal year exceeds one million dollars.

2. Before December sixteenth of each calendar year, all offices or entities delineated in paragraphs (a) to (h) of subdivision (6) of section 105.450, shall send the commission a list of the names of all officials, appointees, or employees required by statute, or by designation as a decision-making public servant, to file a financial interest statement with the commission including, but not limited to, those required to file under section 105.483.

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

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself or herself, his or her spouse and dependent children at any time during the period covered by the statement,

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 whether singularly or collectively; provided, however, that said person, if he or she does not
9 know and his or her spouse will not divulge any information required to be reported by this
10 section concerning the financial interest of his or her spouse, shall state on his or her financial
11 interest statement that he or she has disclosed that information known to him or her and that
12 his or her spouse has refused or failed to provide other information upon his or her bona fide
13 request, and such statement shall be deemed to satisfy the requirements of this section for
14 such financial interest of his or her spouse; and provided further if the spouse of any person
15 required to file a financial interest statement is also required by section 105.483 to file a
16 financial interest statement, the financial interest statement filed by each need not disclose the
17 financial interest of the other, provided that each financial interest statement shall state that
18 the spouse of the person has filed a separate financial interest statement and the name under
19 which the statement was filed:

20 (1) The name and address of each of the employers of such person from whom
21 income of one thousand dollars or more was received during the year covered by the
22 statement;

23 (2) The name and address of each sole proprietorship which he or she owned; the
24 name, address and the general nature of the business conducted of each general partnership
25 and joint venture in which he or she was a partner or participant; the name and address of
26 each partner or coparticipant for each partnership or joint venture unless such names and
27 addresses are filed by the partnership or joint venture with the secretary of state; the name,
28 address and general nature of the business conducted of any closely held corporation or
29 limited partnership in which the person owned ten percent or more of any class of the
30 outstanding stock or limited partners' units; and the name of any publicly traded corporation
31 or limited partnership which is listed on a regulated stock exchange or automated quotation
32 system in which the person owned two percent or more of any class of outstanding stock,
33 limited partnership units or other equity interests;

34 (3) The name and address of any other source not reported pursuant to subdivisions
35 (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one
36 thousand dollars or more of income during the year covered by the statement, including, but
37 not limited to, any income otherwise required to be reported on any tax return such person is
38 required by law to file; except that only the name of any publicly traded corporation or limited
39 partnership which is listed on a regulated stock exchange or automated quotation system need
40 be reported pursuant to this subdivision;

41 (4) The location by county, the subclassification for property tax assessment
42 purposes, the approximate size and a description of the major improvements and use for each
43 parcel of real property in the state, other than the individual's personal residence, having a fair
44 market value of ten thousand dollars or more in which such person held a vested interest

45 including a leasehold for a term of ten years or longer, and, if the property was transferred
46 during the year covered by the statement, the name and address of the persons furnishing or
47 receiving consideration for such transfer;

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

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

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

67 (8) The name and address of each source from which such person received a gift or
68 gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during
69 the year covered by the statement other than gifts from persons within the third degree of
70 consanguinity or affinity of the person filing the financial interest statement. For the purposes
71 of this section, a "gift" shall not be construed to mean political contributions otherwise
72 required to be reported by law or hospitality such as food, beverages or admissions to social,
73 art, or sporting events or the like, or informational material. For the purposes of this section,
74 a "gift" shall include gifts to or by creditors of the individual for the purpose of cancelling,
75 reducing or otherwise forgiving the indebtedness of the individual to that creditor;

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

79 (a) Paid in the ordinary course of business for businesses described in subdivisions
80 (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official;
81 or

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

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

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

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

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

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

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

99 (b) Is a lobbyist; or

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

101 (12) The name and address of each campaign committee, political committee,
102 candidate committee, or continuing committee for which such person or any corporation
103 listed on such person's financial interest statement received payment; and

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

107 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an
108 individual shall be deemed to have received a salary from his or her employer or income from
109 any source at the time when he or she shall receive a negotiable instrument whether or not
110 payable at a later date and at the time when under the practice of his or her employer or the
111 terms of an agreement he or she has earned or is entitled to anything of actual value whether
112 or not delivery of the value is deferred or right to it has vested. The term income as used in
113 this section shall have the same meaning as provided in the Internal Revenue Code of 1986,
114 and amendments thereto, as the same may be or becomes effective, at any time or from time
115 to time for the taxable year, provided that income shall not be considered received or earned
116 for purposes of this section from a partnership or sole proprietorship until such income is
117 converted from business to personal use.

118 4. Each official, officer or employee or candidate of any political subdivision
119 described in subdivision (11) of section 105.483 shall be required to file a financial interest
120 statement as required by subsection 2 of this section, unless the political subdivision
121 ~~[biennially]~~ adopts an ordinance, order or resolution at an open meeting by September
122 fifteenth of the preceding year, which establishes and makes public its own method of
123 disclosing potential conflicts of interest and substantial interests and therefore excludes the
124 political subdivision or district and its officers and employees from the requirements of
125 subsection 2 of this section. **Such ordinance, order, or resolution shall remain in effect**
126 **until the ordinance, order, or resolution is amended or rescinded by the governing body**
127 **of the political subdivision.** A certified copy of the ordinance, order or resolution shall be
128 sent to the commission within ten days of its adoption. The commission shall assist any
129 political subdivision in developing forms to complete the requirements of this subsection.
130 The ordinance, order or resolution shall contain, at a minimum, the following requirements
131 with respect to disclosure of substantial interests:

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

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

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

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

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

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

155 5. The name and employer of dependent children under twenty-one years of age of
156 each person required to file a financial interest form under this section shall be redacted and
157 not made publicly available, upon the written request of such person to the commission.

158 6. Nothing in subsection 5 of this section shall be construed to abate the responsibility
159 of reporting the names and employers of dependent children of each person required to file a
160 financial interest form.

 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
4 of a political party pursuant to section 115.609 or section 115.611, who is required to file a
5 personal financial disclosure statement shall file a financial interest statement no later than
6 fourteen days after the close of filing at which the candidate seeks nomination or election, and
7 the statement shall be for the twelve months prior to the closing date, except that in the event
8 an individual does not become a candidate until after the date of certification for candidates,
9 the statement shall be filed within fourteen days of the individual's nomination by caucus. An
10 individual required to file a financial interest statement because of the individual's candidacy
11 for office prior to a primary election in accordance with this section is also required to amend
12 such statement no later than the close of business on Monday prior to the general election to
13 reflect any changes in financial interest during the interim. The appropriate election authority
14 shall provide to the candidate at the time of filing for election written notice of the candidate's
15 obligation to file pursuant to sections 105.483 to 105.492 and the candidate shall sign a
16 statement acknowledging receipt of such notice. **Political subdivisions, as defined in**
17 **section 105.450, and the secretary of state shall provide a list of candidates under this**
18 **subdivision to the commission no later than two business days after the close of**
19 **candidate filing;**

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

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

31 (4) The deadline for filing any statement required by sections 105.483 to 105.492
32 shall be 5:00 p.m. of the last day designated for filing the statement. When the last day of
33 filing falls on a Saturday or Sunday or on an official state holiday, the deadline for filing is
34 extended to 5:00 p.m. on the next day which is not a Saturday or Sunday or official holiday.
35 Any statement required within a specified time shall be deemed to be timely filed if it is
36 postmarked not later than midnight of the day previous to the last day designated for filing the
37 statement.

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members,
2 is 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
8 or indirectly, shall not participate or interfere with the activities of the commission in any
9 manner not specifically provided by law and shall not in any manner interfere with the budget
10 request of or withhold any moneys appropriated to the commission by the general assembly.
11 All members of the commission shall be appointed by the governor with the advice and
12 consent of the senate from lists submitted pursuant to this section. Each congressional district
13 committee of the political parties having the two highest number of votes cast for their
14 candidate for governor at the last gubernatorial election shall submit two names of eligible
15 nominees for membership on the commission to the governor, and the governor shall select
16 six members from such nominees to serve on the commission.

17 2. Within thirty days of submission of the person's name to the governor as provided
18 in 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
20 section 105.485 and shall provide the governor, the president pro tempore of the senate, and
21 the commission with a list of all political contributions and the name of the candidate or
22 committee, political party, or continuing committee, as defined in chapter 130, to which those
23 contributions were made within the four-year period prior to such appointment, made by the
24 nominee, the nominee's spouse, or any business entity in which the nominee has a substantial
25 interest. The information shall be maintained by the commission and available for public
26 inspection during the period of time during which the appointee is a member of the
27 commission. In order to be an eligible nominee for membership on the commission, a person
28 shall be a citizen and a resident of the state and shall have been a registered voter in the state
29 for a period of at least five years 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
32 districts and three members from odd-numbered districts. Not more than three members of
33 the commission shall be members of the same political party, nor shall more than one member
34 be from any one United States congressional district. Not more than two members appointed
35 from the even-numbered congressional districts shall be members of the same political party,
36 and no more than two members from the odd-numbered congressional districts shall be
37 members of the same political party. Of the members first appointed, the terms of the
38 members appointed from the odd-numbered congressional districts shall expire on March 15,
39 1994, and the terms of the members appointed from the even-numbered congressional
40 districts shall expire on March 15, 1996. Thereafter all successor members of the commission
41 shall be appointed for four-year terms. Terms of successor members of the commission shall
42 expire on March fifteenth of the fourth year of their term. No member of the commission
43 shall serve on the commission after the expiration of the member's term. No person shall be
44 appointed to more than one full four-year 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
47 of the vacancy or ninety days before the expiration of the term, the names of two eligible
48 nominees for membership on the commission shall be submitted to the governor by the
49 congressional district committees of the political party or parties of the vacating member or
50 members, from the even- or odd-numbered congressional districts, based on the residence of
51 the vacating member or members, other than from the congressional district committees from
52 districts then represented on the commission and from the same congressional district party
53 committee or committees which originally appointed the member or members whose
54 positions are vacated. Appointments to fill vacancies or expired terms shall be made within
55 forty-five days after the deadline for submission of names by the congressional district
56 committees, and shall be subject to the same qualifications for appointment and eligibility as
57 is provided in subsections 2 and 3 of this section. Appointments to fill vacancies for
58 unexpired terms shall be for the remainder of the unexpired term of the member whom the
59 appointee succeeds, and such appointees shall be eligible for appointment to one full four-
60 year term. If the congressional district committee does not submit the required two nominees
61 within the thirty days or if the congressional district committee does not submit the two
62 nominees within an additional thirty days after receiving notice from the governor to submit
63 the nominees, then the governor may appoint a person or persons who shall be subject to the
64 same qualifications for appointment and eligibility as provided in subsections 2 and 3 of this
65 section.

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

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

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

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

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

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

87 (2) Be employed as a lobbyist;

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

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

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

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

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

101 11. The commission shall appoint an executive director who shall serve subject to the
102 supervision of and at the pleasure of the commission, but in no event for more than six years.

103 The executive director shall be responsible for the administrative operations of the
104 commission and perform such other duties as may be delegated or assigned to the director by
105 law or by rule of the commission. The executive director shall employ staff and retain such
106 contract services as the director deems necessary, within the limits authorized by
107 appropriations by the general assembly.

108 12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports
109 filed pursuant to section 105.473, financial interest statements filed pursuant to subdivision
110 (1) of section 105.489, and campaign finance disclosure reports filed other than with election
111 authorities or local election authorities as provided by section 130.026 shall be filed with the
112 commission.

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

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

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

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

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

146 (4) Provide information and assistance to lobbyists, elected and appointed officials,
147 and 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 **and a list of all other**
161 **individuals connected to the official or entity who are otherwise required to file a**
162 **financial interest statement with the commission;**

163 (9) **Request and receive from all political subdivisions the statement required**
164 **under subsection 1 of section 105.484;**

165 (10) **Request and receive from all political subdivisions a list of all candidates**
166 **required to file a financial interest statement with the commission.**

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

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

171 (2) Administer oaths and affirmations;

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

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

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

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

213 act as a defense of justification against prosecution. An advisory opinion of the commission
214 shall not be withdrawn unless:

215 (a) The authorizing statute is declared unconstitutional;

216 (b) The opinion goes beyond the power authorized by statute; or

217 (c) The authorizing statute is changed to invalidate the opinion.

218 (2) Upon request, the attorney general shall give the attorney general's opinion,
219 without fee, to the commission, any elected official of the state or any political subdivision,
220 any member of the general assembly, or any director of any department, division or agency of
221 the state, upon any question of law regarding the effect or application of sections 105.450 to
222 105.496, or chapter 130. Such opinion need be in writing only upon request of such official,
223 member or director, and in any event shall be rendered within sixty days that such request is
224 delivered to the attorney general.

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

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

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