

SECOND REGULAR SESSION

HOUSE BILL NO. 3423

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHAPPELL.

7386H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 105.464, 105.483, 105.489, 476.180, and 476.560, RSMo, and to enact in lieu thereof five new sections relating to judges, with penalty provisions.

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

Section A. Sections 105.464, 105.483, 105.489, 476.180, and 476.560, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 105.464,
3 105.483, 105.489, 476.180, and 476.560, to read as follows:

105.464. 1. No person serving in a judicial or quasi-judicial capacity shall participate
2 in such capacity in any proceeding in which the person knows that a party is any of the
3 following: the person or the person's great-grandparent, grandparent, parent, stepparent,
4 guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece,
5 nephew, brother, sister, uncle, aunt, or cousin, **or a person who gave any thing of value to**
6 **the judge.**

7 2. No provision in the section shall be construed to prohibit him from entering an
8 order disqualifying himself or herself or transferring the matter to another court, body, or
9 person for further proceedings.

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

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

5 (2) Persons holding an elective office of the state, whether by election or
6 appointment, and candidates for such elective office, except those running for or serving as

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.

7 county committee members for a political party pursuant to section 115.609 or section
8 115.611;

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

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

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

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

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

23 (8) Any board member of a metropolitan sewer district authorized under Section 30
24 (a) of Article VI of the State Constitution;

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

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

30 (11) Each elected official, candidate for elective office, the chief administrative
31 officer, the chief purchasing officer and the general counsel, if employed full time, of each
32 political subdivision with an annual operating budget in excess of one million dollars, and
33 each official or employee of a political subdivision who is authorized by the governing body
34 of the political subdivision to promulgate rules and regulations with the force of law or to
35 vote on the adoption of rules and regulations with the force of law; unless the political
36 subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section
37 105.485;

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

40 (13) Any person selected by the state auditor as an applicant to be considered by the
41 majority leader and minority leader of the senate for the post of nonpartisan state
42 demographer pursuant to Article III, Section 3 of the Missouri Constitution;

43 **(14) Any member of a commission appointed or operating under Article V,**
44 **Section 25(d) of the Constitution of Missouri.**

105.489. The financial interest statements required to be filed pursuant to the
2 provisions of sections 105.483 to 105.492, other than pursuant to subsection 4 of section
3 105.485, shall be filed with the appropriate filing officer or officers. For the purpose of
4 sections 105.483 to 105.492, the term "filing officer" is defined as:

5 (1) In the case of state elected officials and candidates for such office, **judges of**
6 **courts of law** and all other state officials and employees, the filing officer is the commission;

7 (2) ~~[In the case of judges of courts of law, the filing officer shall be the clerk of the~~
8 ~~supreme court. Financial interest statements filed by judges shall be made available for~~
9 ~~public inspection unless otherwise provided by supreme court rule;~~

10 ~~(3)~~ In the case of persons holding elective office in any political subdivision and
11 candidates for such offices, and in the case of all other officers or employees of a political
12 subdivision, the filing officer shall be the commission.

476.180. No judge of any court of record, who is interested in any suit or related to
2 either party, or who shall have been of counsel in any suit or proceeding pending before ~~him~~
3 **the judge**, shall, without the express consent of the parties thereto, sit on the trial or
4 determination thereof. **No judge of any court of record shall sit on any proceeding before**
5 **the court where the judge received any thing of value from a party or attorney of record**
6 **involved in the proceeding.**

476.560. Except as provided in section 476.540, the benefits under sections 476.515
2 to 476.570 shall not apply to any judge who **violates the provisions of section 476.180 or**
3 **has been convicted of a felony in any court or who has been removed from office by**
4 **impeachment or for misconduct or disbarred from the practice of law.**

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