

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 809, Page 1, Section A, Line 2, by
2 inserting after all of said section and line the following:

3
4 "30.753. 1. The state treasurer may invest in linked deposits; however, the total amount so
5 deposited at any one time shall not exceed, in the aggregate, [~~eight hundred million~~] one billion
6 dollars. [~~No more than three hundred thirty million dollars of~~] The aggregate deposit shall be used
7 for linked deposits to eligible farming operations, eligible locally owned businesses, eligible
8 agribusinesses, eligible beginning farmers, eligible livestock operations, [~~and~~] eligible facility
9 borrowers, [~~no more than one hundred ninety million of the aggregate deposit shall be used for~~
10 ~~linked deposits to~~] and eligible small businesses[~~5~~]. No more than [~~twenty million dollars~~] five
11 percent shall be used for linked deposits to eligible multitenant development enterprises, and no
12 more than [~~twenty million dollars~~] five percent of the aggregate deposit shall be used for linked
13 deposits to eligible residential property developers and eligible residential property owners, and no
14 more than [~~two hundred twenty million dollars~~] twenty percent of the aggregate deposit shall be
15 used for linked deposits to eligible job enhancement businesses, and no more than [~~twenty million~~
16 ~~dollars~~] five percent of the aggregate deposit shall be used for linked deposit loans to eligible water
17 systems. Linked deposit loans may be made to eligible student borrowers, eligible alternative
18 energy operations, eligible alternative energy consumers, and eligible governmental entities from
19 the aggregate deposit. If demand for a particular type of linked deposit exceeds the initial
20 allocation, and funds initially allocated to another type are available and not in demand, the state
21 treasurer may commingle allocations among the types of linked deposits.

22 2. The minimum deposit to be made by the state treasurer to an eligible lending institution
23 for eligible job enhancement business loans shall be ninety thousand dollars. Linked deposit loans
24 for eligible job enhancement businesses may be made for the purposes of assisting with relocation
25 expenses, working capital, interim construction, inventory, site development, machinery and
26 equipment, or other expenses necessary to create or retain jobs in the recipient firm.

27 130.011. As used in this chapter, unless the context clearly indicates otherwise, the
28 following terms mean:

29 (1) "Appropriate officer" or "appropriate officers", the person or persons designated in
30 section 130.026 to receive certain required statements and reports;

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1 (2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to
2 qualified voters for their approval or rejection, including any proposal submitted by initiative
3 petition, referendum petition, or by the general assembly or any local governmental body having
4 authority to refer proposals to the voter;

5 (3) "Candidate", an individual who seeks nomination or election to public office. The term
6 "candidate" includes an elected officeholder who is the subject of a recall election, an individual
7 who seeks nomination by the individual's political party for election to public office, an individual
8 standing for retention in an election to an office to which the individual was previously appointed,
9 an individual who seeks nomination or election whether or not the specific elective public office to
10 be sought has been finally determined by such individual at the time the individual meets the
11 conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in
12 candidate as defined in subdivision (28) of this section. A candidate shall be deemed to seek
13 nomination or election when the person first:

14 (a) Receives contributions or makes expenditures or reserves space or facilities with intent
15 to promote the person's candidacy for office; or

16 (b) Knows or has reason to know that contributions are being received or expenditures are
17 being made or space or facilities are being reserved with the intent to promote the person's
18 candidacy for office; except that, such individual shall not be deemed a candidate if the person files
19 a statement with the appropriate officer within five days after learning of the receipt of
20 contributions, the making of expenditures, or the reservation of space or facilities disavowing the
21 candidacy and stating that the person will not accept nomination or take office if elected; provided
22 that, if the election at which such individual is supported as a candidate is to take place within five
23 days after the person's learning of the above-specified activities, the individual shall file the
24 statement disavowing the candidacy within one day; or

25 (c) Announces or files a declaration of candidacy for office;

26 (4) "Cash", currency, coin, United States postage stamps, or any negotiable instrument
27 which can be transferred from one person to another person without the signature or endorsement of
28 the transferor;

29 (5) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order of
30 withdrawal account in a savings and loan association or a share draft account in a credit union;

31 (6) "Closing date", the date through which a statement or report is required to be complete;

32 (7) "Committee", a person or any combination of persons, who accepts contributions or
33 makes expenditures for the primary or incidental purpose of influencing or attempting to influence
34 the action of voters for or against the nomination or election to public office of one or more
35 candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying
36 a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a
37 committee or for the purpose of contributing funds to another committee:

38 (a) "Committee", does not include:

1 a. A person or combination of persons, if neither the aggregate of expenditures made nor the
2 aggregate of contributions received during a calendar year exceeds five hundred dollars and if no
3 single contributor has contributed more than two hundred fifty dollars of such aggregate
4 contributions;

5 b. An individual, other than a candidate, who accepts no contributions and who deals only
6 with the individual's own funds or property;

7 c. A corporation, cooperative association, partnership, proprietorship, or joint venture
8 organized or operated for a primary or principal purpose other than that of influencing or attempting
9 to influence the action of voters for or against the nomination or election to public office of one or
10 more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no
11 contributions, and all expenditures it makes are from its own funds or property obtained in the usual
12 course of business or in any commercial or other transaction and which are not contributions as
13 defined by subdivision (12) of this section;

14 d. A labor organization organized or operated for a primary or principal purpose other than
15 that of influencing or attempting to influence the action of voters for or against the nomination or
16 election to public office of one or more candidates, or the qualification, passage, or defeat of any
17 ballot measure, and it accepts no contributions, and expenditures made by the organization are from
18 its own funds or property received from membership dues or membership fees which were given or
19 solicited for the purpose of supporting the normal and usual activities and functions of the
20 organization and which are not contributions as defined by subdivision (12) of this section;

21 e. A person who acts as an authorized agent for a committee in soliciting or receiving
22 contributions or in making expenditures or incurring indebtedness on behalf of the committee if
23 such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an
24 accurate account of each receipt or other transaction in the detail required by the treasurer to comply
25 with all record-keeping and reporting requirements of this chapter;

26 f. Any department, agency, board, institution or other entity of the state or any of its
27 subdivisions or any officer or employee thereof, acting in the person's official capacity;

28 (b) The term "committee" includes, but is not limited to, each of the following committees:
29 campaign committee, candidate committee, continuing committee and political party committee;

30 (8) "Campaign committee", a committee, other than a candidate committee, which shall be
31 formed by an individual or group of individuals to receive contributions or make expenditures and
32 whose sole purpose is to support or oppose the qualification and passage of one or more particular
33 ballot measures in an election or the retention of judges under the nonpartisan court plan, such
34 committee shall be formed no later than thirty days prior to the election for which the committee
35 receives contributions or makes expenditures, and which shall terminate the later of either thirty
36 days after the general election or upon the satisfaction of all committee debt after the general
37 election, except that no committee retiring debt shall engage in any other activities in support of a
38 measure for which the committee was formed;

1 (9) "Candidate committee", a committee which shall be formed by a candidate to receive
2 contributions or make expenditures in behalf of the person's candidacy and which shall continue in
3 existence for use by an elected candidate or which shall terminate the later of either thirty days after
4 the general election for a candidate who was not elected or upon the satisfaction of all committee
5 debt after the election, except that no committee retiring debt shall engage in any other activities in
6 support of the candidate for which the committee was formed. Any candidate for elective office
7 shall have only one candidate committee for the elective office sought, which is controlled directly
8 by the candidate for the purpose of making expenditures. A candidate committee is presumed to be
9 under the control and direction of the candidate unless the candidate files an affidavit with the
10 appropriate officer stating that the committee is acting without control or direction on the
11 candidate's part;

12 (10) "Continuing committee", a committee of continuing existence which is not formed,
13 controlled or directed by a candidate, and is a committee other than a candidate committee or
14 campaign committee, whose primary or incidental purpose is to receive contributions or make
15 expenditures to influence or attempt to influence the action of voters whether or not a particular
16 candidate or candidates or a particular ballot measure or measures to be supported or opposed has
17 been determined at the time the committee is required to file any statement or report pursuant to the
18 provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee
19 organized or sponsored by a business entity, a labor organization, a professional association, a trade
20 or business association, a club or other organization and whose primary purpose is to solicit, accept
21 and use contributions from the members, employees or stockholders of such entity and any
22 individual or group of individuals who accept and use contributions to influence or attempt to
23 influence the action of voters. Such committee shall be formed no later than sixty days prior to the
24 election for which the committee receives contributions or makes expenditures;

25 (11) "Connected organization", any organization such as a corporation, a labor organization,
26 a membership organization, a cooperative, or trade or professional association which expends funds
27 or provides services or facilities to establish, administer or maintain a committee or to solicit
28 contributions to a committee from its members, officers, directors, employees or security holders.
29 An organization shall be deemed to be the connected organization if more than fifty percent of the
30 persons making contributions to the committee during the current calendar year are members,
31 officers, directors, employees or security holders of such organization or their spouses;

32 (12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or
33 anything of value for the purpose of supporting or opposing the nomination or election of any
34 candidate for public office or the qualification, passage or defeat of any ballot measure, or for the
35 support of any committee supporting or opposing candidates or ballot measures or for paying debts
36 or obligations of any candidate or committee previously incurred for the above purposes. A
37 contribution of anything of value shall be deemed to have a money value equivalent to the fair
38 market value. "Contribution" includes, but is not limited to:

1 (a) A candidate's own money or property used in support of the person's candidacy other
2 than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing
3 for public office;

4 (b) Payment by any person, other than a candidate or committee, to compensate another
5 person for services rendered to that candidate or committee;

6 (c) Receipts from the sale of goods and services, including the sale of advertising space in a
7 brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or
8 political merchandise;

9 (d) Receipts from fund-raising events including testimonial affairs;

10 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other
11 obligation by a third party, or payment of a loan or debt or other obligation by a third party if the
12 loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an
13 election campaign or used or intended for the payment of such debts or obligations of a candidate or
14 committee previously incurred, or which was made or received by a committee;

15 (f) Funds received by a committee which are transferred to such committee from another
16 committee or other source, except funds received by a candidate committee as a transfer of funds
17 from another candidate committee controlled by the same candidate but such transfer shall be
18 included in the disclosure reports;

19 (g) Facilities, office space or equipment supplied by any person to a candidate or committee
20 without charge or at reduced charges, except gratuitous space for meeting purposes which is made
21 available regularly to the public, including other candidates or committees, on an equal basis for
22 similar purposes on the same conditions;

23 (h) The direct or indirect payment by any person, other than a connected organization, of the
24 costs of establishing, administering, or maintaining a committee, including legal, accounting and
25 computer services, fund raising and solicitation of contributions for a committee;

26 (i) "Contribution" does not include:

27 a. Ordinary home hospitality or services provided without compensation by individuals
28 volunteering their time in support of or in opposition to a candidate, committee or ballot measure,
29 nor the necessary and ordinary personal expenses of such volunteers incidental to the performance
30 of voluntary activities, so long as no compensation is directly or indirectly asked or given;

31 b. An offer or tender of a contribution which is expressly and unconditionally rejected and
32 returned to the donor within ten business days after receipt or transmitted to the state treasurer;

33 c. Interest earned on deposit of committee funds;

34 d. The costs incurred by any connected organization listed pursuant to subdivision ~~[(4)]~~ (5)
35 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for
36 the solicitation of contributions to a committee which solicitation is solely directed or related to the
37 members, officers, directors, employees or security holders of the connected organization;

38 (13) "County", any one of the several counties of this state or the city of St. Louis;

1 (14) "Disclosure report", an itemized report of receipts, expenditures and incurred
2 indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at
3 the times and places prescribed;

4 (15) "Election", any primary, general or special election held to nominate or elect an
5 individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to
6 the voters, and any caucus or other meeting of a political party or a political party committee at
7 which that party's candidate or candidates for public office are officially selected. A primary
8 election and the succeeding general election shall be considered separate elections;

9 (16) "Electronic means", any instrument, device, or service that facilitates an electronic
10 withdrawal of funds from a bank account including, but not limited to, credit cards, debit cards, and
11 the presentation of a credit or debit card account number;

12 (17) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of
13 money or anything of value for the purpose of supporting or opposing the nomination or election of
14 any candidate for public office or the qualification or passage of any ballot measure or for the
15 support of any committee which in turn supports or opposes any candidate or ballot measure or for
16 the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts
17 or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of
18 value, including a candidate's own money or property, for the purchase of goods, services, property,
19 facilities or anything of value for the purpose of supporting or opposing the nomination or election
20 of any candidate for public office or the qualification or passage of any ballot measure or for the
21 support of any committee which in turn supports or opposes any candidate or ballot measure or for
22 the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts
23 or obligations of a committee. An expenditure of anything of value shall be deemed to have a
24 money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

25 (a) Payment by anyone other than a committee for services of another person rendered to
26 such committee;

27 (b) The purchase of tickets, goods, services or political merchandise in connection with any
28 testimonial affair or fund-raising event of or for candidates or committees, or the purchase of
29 advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

30 (c) The transfer of funds by one committee to another committee;

31 (d) The direct or indirect payment by any person, other than a connected organization for a
32 committee, of the costs of establishing, administering or maintaining a committee, including legal,
33 accounting and computer services, fund raising and solicitation of contributions for a committee; but

34 (e) "Expenditure" does not include:

35 a. Any news story, commentary or editorial which is broadcast or published by any
36 broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to
37 any person supporting or opposing a candidate or ballot measure;

38 b. The internal dissemination by any membership organization, proprietorship, labor
39 organization, corporation, association or other entity of information advocating the election or defeat

1 of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors,
2 officers, members, employees or security holders, provided that the cost incurred is reported
3 pursuant to subsection 2 of section 130.051;

4 c. Repayment of a loan, but such repayment shall be indicated in required reports;

5 d. The rendering of voluntary personal services by an individual of the sort commonly
6 performed by volunteer campaign workers and the payment by such individual of the individual's
7 necessary and ordinary personal expenses incidental to such volunteer activity, provided no
8 compensation is, directly or indirectly, asked or given;

9 e. The costs incurred by any connected organization listed pursuant to subdivision ~~[(4)]~~ (5)
10 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for
11 the solicitation of contributions to a committee which solicitation is solely directed or related to the
12 members, officers, directors, employees or security holders of the connected organization;

13 f. The use of a candidate's own money or property for expense of the candidate's personal
14 food, lodging, travel, and payment of any fee necessary to the filing for public office, if such
15 expense is not reimbursed to the candidate from any source;

16 ~~[(17)]~~ (18) "Exploratory committees", a committee which shall be formed by an individual
17 to receive contributions and make expenditures on behalf of this individual in determining whether
18 or not the individual seeks elective office. Such committee shall terminate no later than December
19 thirty-first of the year prior to the general election for the possible office;

20 ~~[(18)]~~ (19) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee,
21 testimonial, rally, auction or similar affair through which contributions are solicited or received by
22 such means as the purchase of tickets, payment of attendance fees, donations for prizes or through
23 the purchase of goods, services or political merchandise;

24 ~~[(19)]~~ (20) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in
25 a form other than money;

26 ~~[(20)]~~ (21) "Labor organization", any organization of any kind, or any agency or employee
27 representation committee or plan, in which employees participate and which exists for the purpose,
28 in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of
29 pay, hours of employment, or conditions of work;

30 ~~[(21)]~~ (22) "Loan", a transfer of money, property or anything of ascertainable monetary
31 value in exchange for an obligation, conditional or not, to repay in whole or in part and which was
32 contracted, used, or intended for use in an election campaign, or which was made or received by a
33 committee or which was contracted, used, or intended to pay previously incurred campaign debts or
34 obligations of a candidate or the debts or obligations of a committee;

35 ~~[(22)]~~ (23) "Person", an individual, group of individuals, corporation, partnership,
36 committee, proprietorship, joint venture, any department, agency, board, institution or other entity of
37 the state or any of its political subdivisions, union, labor organization, trade or professional or
38 business association, association, political party or any executive committee thereof, or any other

1 club or organization however constituted or any officer or employee of such entity acting in the
2 person's official capacity;

3 ~~[(23)]~~ (24) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry,
4 literature, or other items sold or distributed at a fund-raising event or to the general public for
5 publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for
6 nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot
7 measure;

8 ~~[(24)]~~ (25) "Political party", a political party which has the right under law to have the
9 names of its candidates listed on the ballot in a general election;

10 ~~[(25)]~~ (26) "Political party committee", a state, district, county, city, or area committee of a
11 political party, as defined in section 115.603, which may be organized as a not-for-profit corporation
12 under Missouri law, and which committee is of continuing existence, and has the primary or
13 incidental purpose of receiving contributions and making expenditures to influence or attempt to
14 influence the action of voters on behalf of the political party;

15 ~~[(26)]~~ (27) "Public office" or "office", any state, judicial, county, municipal, school or other
16 district, ward, township, or other political subdivision office or any political party office which is
17 filled by a vote of registered voters;

18 ~~[(27)]~~ (28) "Regular session", includes that period beginning on the first Wednesday after
19 the first Monday in January and ending following the first Friday after the second Monday in May;

20 ~~[(28)]~~ (29) "Write-in candidate", an individual whose name is not printed on the ballot but
21 who otherwise meets the definition of candidate in subdivision (3) of this section.

22 130.021. 1. Every committee shall have a treasurer who, except as provided in subsection
23 10 of this section, shall be a resident of this state and reside in the district or county in which the
24 committee sits. A committee may also have a deputy treasurer who, except as provided in
25 subsection 10 of this section, shall be a resident of this state and reside in the district or county in
26 which the committee sits, to serve in the capacity of committee treasurer in the event the committee
27 treasurer is unable for any reason to perform the treasurer's duties.

28 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a
29 statement of exemption pursuant to that subsection and every candidate for offices listed in
30 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and
31 disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and
32 appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by
33 such candidate and any of the candidate's own funds to be used in support of the person's candidacy
34 shall be deposited in a candidate committee depository account established pursuant to the
35 provisions of subsection 4 of this section, and all expenditures shall be made through the candidate,
36 treasurer or deputy treasurer of the person's candidate committee. Nothing in this chapter shall
37 prevent a candidate from appointing himself or herself as a committee of one and serving as the
38 person's own treasurer, maintaining the candidate's own records and filing all the reports and
39 statements required to be filed by the treasurer of a candidate committee.

1 3. A candidate who has more than one candidate committee supporting the person's
2 candidacy shall designate one of those candidate committees as the committee responsible for
3 consolidating the aggregate contributions to all such committees under the candidate's control and
4 direction as required by section 130.041.

5 4. (1) Every committee shall have a single official fund depository within this state which
6 shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
7 association, or a federally or state-chartered credit union in which the committee shall open and
8 thereafter maintain at least one official depository account in its own name. An "official depository
9 account" shall be a checking account or some type of negotiable draft or negotiable order of
10 withdrawal account, and the official fund depository shall, regarding an official depository account,
11 be a type of financial institution which provides a record of deposits, cancelled checks or other
12 cancelled instruments of withdrawal evidencing each transaction by maintaining copies within this
13 state of such instruments and other transactions. All contributions which the committee receives in
14 money, checks and other negotiable instruments shall be deposited in a committee's official
15 depository account. Contributions shall not be accepted and expenditures shall not be made by a
16 committee except by or through an official depository account and the committee treasurer, deputy
17 treasurer or candidate; however, a committee may utilize a credit card or debit card in the name of
18 the committee when authorized by the treasurer, deputy treasurer, or candidate, provided that all
19 expenditures made by the committee through a credit card are paid through the official depository
20 account. Contributions received by a committee shall not be commingled with any funds of an
21 agent of the committee, a candidate or any other person, except that contributions from a candidate
22 of the candidate's own funds to the person's candidate committee shall be deposited to an official
23 depository account of the person's candidate committee. No expenditure shall be made by a
24 committee when the office of committee treasurer is vacant except that when the office of a
25 candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate
26 appoints a new treasurer.

27 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a
28 committee's official depository account and deposit such funds in one or more savings accounts in
29 the committee's name in any bank, savings and loan association or credit union within this state, and
30 may also withdraw funds from an official depository account for investment in the committee's
31 name in any certificate of deposit, bond or security. Proceeds from interest or dividends from a
32 savings account or other investment or proceeds from withdrawals from a savings account or from
33 the sale of an investment shall not be expended or reinvested, except in the case of renewals of
34 certificates of deposit, without first redepositing such proceeds in an official depository account.
35 Investments, other than savings accounts, held outside the committee's official depository account at
36 any time during a reporting period shall be disclosed by description, amount, any identifying
37 numbers and the name and address of any institution or person in which or through which it is held
38 in an attachment to disclosure reports the committee is required to file. Proceeds from an
39 investment such as interest or dividends or proceeds from its sale, shall be reported by date and

1 amount. In the case of the sale of an investment, the names and addresses of the persons involved in
2 the transaction shall also be stated. Funds held in savings accounts and investments, including
3 interest earned, shall be included in the report of money on hand as required by section 130.041.

4 (3) Notwithstanding any other provision of law to the contrary, funds held in candidate
5 committees, campaign committees, debt service committees, and exploratory committees shall be
6 liquid such that these funds shall be readily available for the specific and limited purposes allowed
7 by law. These funds may be invested only in short-term treasury instruments or short-term bank
8 certificates with durations of one year or less, or that allow the removal of funds at any time without
9 any additional financial penalty other than the loss of interest income. Continuing committees,
10 political party committees, and other committees such as out-of-state committees not formed for the
11 benefit of any single candidate or ballot issue shall not be subject to the provisions of this
12 subdivision. This subdivision shall not be interpreted to restrict the placement of funds in an
13 interest-bearing checking account.

14 5. The treasurer or deputy treasurer acting on behalf of any person or organization or group
15 of persons which is a committee by virtue of the definitions of committee in section 130.011 and
16 any candidate who is not excluded from forming a committee in accordance with the provisions of
17 section 130.016 shall file a statement of organization with the appropriate officer within twenty days
18 after the person or organization becomes a committee but no later than the date for filing the first
19 report required pursuant to the provisions of section 130.046. The statement of organization shall
20 contain the following information:

21 (1) The name, mailing address and telephone number, if any, of the committee filing the
22 statement of organization. If the committee is deemed to be affiliated with a connected organization
23 as provided in subdivision (11) of section 130.011, the name of the connected organization, or a
24 legally registered fictitious name which reasonably identifies the connected organization, shall
25 appear in the name of the committee. If the committee is a candidate committee, the name of the
26 candidate shall be a part of the committee's name;

27 (2) The name, mailing address and telephone number of the candidate;

28 (3) The name, mailing address and telephone number of the committee treasurer, and the
29 name, mailing address and telephone number of its deputy treasurer if the committee has named a
30 deputy treasurer;

31 (4) The names, mailing addresses and titles of its officers, if any;

32 (5) The name and mailing address of any connected organizations with which the committee
33 is affiliated;

34 (6) The name and mailing address of its depository, ~~and~~ the name and account number of
35 each account the committee has in the depository, and the account number and issuer of any credit
36 card in the committee's name. The account number of each account shall be redacted prior to
37 disclosing the statement to the public;

1 (7) Identification of the major nature of the committee such as a candidate committee,
2 campaign committee, continuing committee, political party committee, incumbent committee, or
3 any other committee according to the definition of committee in section 130.011;

4 (8) In the case of the candidate committee designated in subsection 3 of this section, the full
5 name and address of each other candidate committee which is under the control and direction of the
6 same candidate, together with the name, address and telephone number of the treasurer of each such
7 other committee;

8 (9) The name and office sought of each candidate supported or opposed by the committee;

9 (10) The ballot measure concerned, if any, and whether the committee is in favor of or
10 opposed to such measure.

11 6. A committee may omit the information required in subdivisions (9) and (10) of
12 subsection 5 of this section if, on the date on which it is required to file a statement of organization,
13 the committee has not yet determined the particular candidates or particular ballot measures it will
14 support or oppose.

15 7. A committee which has filed a statement of organization and has not terminated shall not
16 be required to file another statement of organization, except that when there is a change in any of the
17 information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section
18 an amended statement of organization shall be filed within twenty days after the change occurs, but
19 no later than the date of the filing of the next report required to be filed by that committee by section
20 130.046.

21 8. Upon termination of a committee, a termination statement indicating dissolution shall be
22 filed not later than ten days after the date of dissolution with the appropriate officer or officers with
23 whom the committee's statement of organization was filed. The termination statement shall include:
24 the distribution made of any remaining surplus funds and the disposition of any deficits; and the
25 name, mailing address and telephone number of the individual responsible for preserving the
26 committee's records and accounts as required in section 130.036.

27 9. Any statement required by this section shall be signed and attested by the committee
28 treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

29 10. A committee domiciled outside this state shall be required to file a statement of
30 organization and appoint a treasurer residing in this state and open an account in a depository within
31 this state; provided that either of the following conditions prevails:

32 (1) The aggregate of all contributions received from persons domiciled in this state exceeds
33 twenty percent in total dollar amount of all funds received by the committee in the preceding twelve
34 months; or

35 (2) The aggregate of all contributions and expenditures made to support or oppose
36 candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current
37 calendar year.

38 11. If a committee domiciled in this state receives a contribution of one thousand five
39 hundred dollars or more from any committee domiciled outside of this state, the committee

1 domiciled in this state shall file a disclosure report with the commission. The report shall disclose
 2 the full name, mailing address, telephone numbers and domicile of the contributing committee and
 3 the date and amount of the contribution. The report shall be filed within forty-eight hours of the
 4 receipt of such contribution if the contribution is received after the last reporting date before the
 5 election.

6 12. Each legislative and senatorial district committee shall retain only one address in the
 7 district it sits for the purpose of receiving contributions.

8 130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be
 9 made by or accepted from any single contributor for any election by a continuing committee, a
 10 campaign committee, a political party committee, an exploratory committee or a candidate
 11 committee.

12 2. ~~[Except for expenditures from a petty cash fund which is established and maintained by~~
 13 ~~withdrawals of funds from the committee's depository account and with records maintained pursuant~~
 14 ~~to the record-keeping requirements of section 130.036 to account for expenditures made from petty~~
 15 ~~cash,]~~ Each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by
 16 check signed by the committee treasurer, deputy treasurer, or candidate or by other electronic means
 17 authorized by the treasurer, deputy treasurer, or candidate and drawn on the committee's depository
 18 [and signed by the committee treasurer, deputy treasurer or candidate] or credit card in the name of
 19 the committee and authorized by the treasurer, deputy treasurer, or candidate. A single expenditure
 20 ~~[from a petty] of cash [fund]~~ shall not exceed fifty dollars, and the aggregate of all expenditures
 21 ~~[from a petty] of cash [fund]~~ during a calendar year shall not exceed the lesser of five thousand
 22 dollars or ten percent of all expenditures made by the committee during that calendar year. ~~[A~~
 23 ~~check made payable to "cash" shall not be made except to replenish a petty cash fund.]~~

24 3. No contribution shall be made or accepted and no expenditure shall be made or incurred,
 25 directly or indirectly, in a fictitious name, in the name of another person, or by or through another
 26 person in such a manner as to conceal the identity of the actual source of the contribution or the
 27 actual recipient and purpose of the expenditure. Any person who receives contributions for a
 28 committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's
 29 own name and address and the name and address of the actual source of each contribution such
 30 person has received for that committee. Any person who makes expenditures for a committee shall
 31 disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and
 32 address, the name and address of each person to whom an expenditure has been made and the
 33 amount and purpose of the expenditures the person has made for that committee.

34 4. No anonymous contribution of more than twenty-five dollars shall be made by any
 35 person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any
 36 candidate or committee. If any anonymous contribution of more than twenty-five dollars is
 37 received, it shall be returned immediately to the contributor, if the contributor's identity can be
 38 ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee

1 treasurer or deputy treasurer shall immediately transmit that portion of the contribution which
2 exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

3 5. The maximum aggregate amount of anonymous contributions which shall be accepted in
4 any calendar year by any committee shall be the greater of five hundred dollars or one percent of the
5 aggregate amount of all contributions received by that committee in the same calendar year. If any
6 anonymous contribution is received which causes the aggregate total of anonymous contributions to
7 exceed the foregoing limitation, it shall be returned immediately to the contributor, if the
8 contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the
9 committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous
10 contribution to the state treasurer to escheat to the state.

11 6. Notwithstanding the provisions of subsection 5 of this section, contributions from
12 individuals whose names and addresses cannot be ascertained which are received from a fund-
13 raising activity or event, such as defined in section 130.011, shall not be deemed anonymous
14 contributions, provided the following conditions are met:

15 (1) There are twenty-five or more contributing participants in the activity or event;

16 (2) The candidate, committee treasurer, deputy treasurer or the person responsible for
17 conducting the activity or event makes an announcement that it is illegal for anyone to make or
18 receive a contribution in excess of one hundred dollars unless the contribution is accompanied by
19 the name and address of the contributor;

20 (3) The person responsible for conducting the activity or event does not knowingly accept
21 payment from any single person of more than one hundred dollars unless the name and address of
22 the person making such payment is obtained and recorded pursuant to the record-keeping
23 requirements of section 130.036;

24 (4) A statement describing the event shall be prepared by the candidate or the treasurer of
25 the committee for whom the funds were raised or by the person responsible for conducting the
26 activity or event and attached to the disclosure report of contributions and expenditures required by
27 section 130.041. The following information to be listed in the statement is in addition to, not in lieu
28 of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions
29 and expenditures:

30 (a) The name and mailing address of the person or persons responsible for conducting the
31 event or activity and the name and address of the candidate or committee for whom the funds were
32 raised;

33 (b) The date on which the event occurred;

34 (c) The name and address of the location where the event occurred and the approximate
35 number of participants in the event;

36 (d) A brief description of the type of event and the fund-raising methods used;

37 (e) The gross receipts from the event and a listing of the expenditures incident to the event;

1 (f) The total dollar amount of contributions received from the event from participants whose
2 names and addresses were not obtained with such contributions and an explanation of why it was
3 not possible to obtain the names and addresses of such participants;

4 (g) The total dollar amount of contributions received from contributing participants in the
5 event who are identified by name and address in the records required to be maintained pursuant to
6 section 130.036.

7 7. No candidate or committee in this state shall accept contributions from any out-of-state
8 committee unless the out-of-state committee from whom the contributions are received has filed a
9 statement of organization pursuant to section 130.021 or has filed the reports required by sections
10 130.049 and 130.050, whichever is applicable to that committee.

11 8. Any person publishing, circulating, or distributing any printed matter relative to any
12 candidate for public office or any ballot measure shall on the face of the printed matter identify in a
13 clear and conspicuous manner the person who paid for the printed matter with the words "Paid for
14 by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of
15 this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample
16 ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including
17 signs for display on motor vehicles, or other imprinted or lettered material; but "printed matter" is
18 defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or
19 committee can document that delivery took place prior to May 20, 1982; any sign personally printed
20 and constructed by an individual without compensation from any other person and displayed at that
21 individual's place of residence or on that individual's personal motor vehicle; any items of personal
22 use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign
23 jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or
24 supports or opposes a ballot measure and which is obvious in its identification with a specific
25 candidate or committee and is reported as required by this chapter; and any news story, commentary,
26 or editorial printed by a regularly published newspaper or other periodical without charge to a
27 candidate, committee or any other person.

28 (1) In regard to any printed matter paid for by a candidate from the candidate's personal
29 funds, it shall be sufficient identification to print the first and last name by which the candidate is
30 known.

31 (2) In regard to any printed matter paid for by a committee, it shall be sufficient
32 identification to print the name of the committee as required to be registered by subsection 5 of
33 section 130.021 and the name and title of the committee treasurer who was serving when the printed
34 matter was paid for.

35 (3) In regard to any printed matter paid for by a corporation or other business entity, labor
36 organization, or any other organization not defined to be a committee by subdivision (7) of section
37 130.011 and not organized especially for influencing one or more elections, it shall be sufficient
38 identification to print the name of the entity, the name of the principal officer of the entity, by

1 whatever title known, and the mailing address of the entity, or if the entity has no mailing address,
2 the mailing address of the principal officer.

3 (4) In regard to any printed matter paid for by an individual or individuals, it shall be
4 sufficient identification to print the name of the individual or individuals and the respective mailing
5 address or addresses, except that if more than five individuals join in paying for printed matter it
6 shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by
7 the name and address of one such individual responsible for causing the matter to be printed, and the
8 individual identified shall maintain a record of the names and amounts paid by other individuals and
9 shall make such record available for review upon the request of any person. No person shall accept
10 for publication or printing nor shall such work be completed until the printed matter is properly
11 identified as required by this subsection.

12 9. Any broadcast station transmitting any matter relative to any candidate for public office
13 or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by
14 federal law.

15 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for
16 elective federal office, provided that persons causing matter to be printed or broadcast concerning
17 such candidacies shall comply with the requirements of federal law for identification of the sponsor
18 or sponsors.

19 11. It shall be a violation of this chapter for any person required to be identified as paying
20 for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to
21 subsection 9 of this section to refuse to provide the information required or to purposely provide
22 false, misleading, or incomplete information.

23 12. It shall be a violation of this chapter for any committee to offer chances to win prizes or
24 money to persons to encourage such persons to endorse, send election material by mail, deliver
25 election material in person or contact persons at their homes; except that, the provisions of this
26 subsection shall not be construed to prohibit hiring and paying a campaign staff.

27 130.036. 1. The candidate, treasurer or deputy treasurer of a committee shall maintain
28 accurate records and accounts on a current basis. The records and accounts shall be maintained in
29 accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts,
30 deposit records, cancelled checks, credit card statements, and records and other detailed information
31 necessary to prepare and substantiate any statement or report required to be filed pursuant to this
32 chapter. Every person who acts as an agent for a committee in receiving contributions, making
33 expenditures or incurring indebtedness for the committee shall, on request of that committee's
34 treasurer, deputy treasurer or candidate, but in any event within five days after any such action,
35 render to the candidate, committee treasurer or deputy treasurer a detailed account thereof, including
36 names, addresses, dates, exact amounts and any other details required by the candidate, treasurer or
37 deputy treasurer to comply with this chapter. Notwithstanding the provisions of subsection 4 of
38 section 130.021 prohibiting commingling of funds, an individual, trade or professional association,
39 business entity, or labor organization which acts as an agent for a committee in receiving

1 contributions may deposit contributions received on behalf of the committee to the agent's account
2 within a financial institution within this state, for purposes of facilitating transmittal of the
3 contributions to the candidate, committee treasurer or deputy treasurer. Such contributions shall not
4 be held in the agent's account for more than five days after the date the contribution was received by
5 the agent, and shall not be transferred to the account of any other agent or person, other than the
6 committee treasurer.

7 2. Unless a contribution is rejected by the candidate or committee and returned to the donor
8 or transmitted to the state treasurer within ten business days after its receipt, it shall be considered
9 received and accepted on the date received, notwithstanding the fact that it was not deposited by the
10 closing date of a reporting period.

11 3. Notwithstanding the provisions of section 130.041 that only contributors of more than
12 one hundred dollars shall be reported by name and address for all committees, the committee's
13 records shall contain a listing of each contribution received by the committee, including those
14 accepted and those which are rejected and either returned to the donor or transmitted to the state
15 treasurer. Each contribution, regardless of the amount, shall be recorded by date received, name and
16 address of the contributor and the amount of the contribution, except that any contributions from
17 unidentifiable persons which are received through fund-raising activities and events as permitted in
18 subsection 6 of section 130.031 shall be recorded to show the dates and amounts of all such
19 contributions received together with information contained in statements required by subsection 6 of
20 section 130.031. The procedure for recording contributions shall be of a type which enables the
21 candidate, committee treasurer or deputy treasurer to maintain a continuing total of all contributions
22 received from any one contributor.

23 4. ~~[Notwithstanding the provisions of section 130.041 that certain expenditures need not be~~
24 ~~identified in reports by name and address of the payee,]~~ The committee's records shall include a
25 listing of each expenditure made and each contract, promise or agreement to make an expenditure,
26 showing the date and amount of each transaction, the name and address of the person to whom the
27 expenditure was made or promised, and the purpose of each expenditure made or promised.

28 5. In the case of a committee which makes expenditures for both the support or opposition
29 of any candidate and the passage or defeat of a ballot measure, the committee treasurer shall
30 maintain records segregated according to each candidate or measure for which the expenditures
31 were made.

32 6. Records shall indicate which transactions, either contributions received or expenditures
33 made, were cash transactions or in-kind transactions.

34 7. Any candidate who, pursuant to section 130.016, is exempt from the requirements to form
35 a committee shall maintain records of each contribution received or expenditure made in support of
36 his candidacy. Any other person or combination of persons who, although not deemed to be a
37 committee according to the definition of the term "committee" in section 130.011, accepts
38 contributions or makes expenditures, other than direct contributions from the person's own funds,
39 for the purpose of supporting or opposing the election or defeat of any candidate or for the purpose

1 of supporting or opposing the qualifications, passage or defeat of any ballot measure shall maintain
2 records of each contribution received or expenditure made. The records shall include name, address
3 and amount pertaining to each contribution received or expenditure made and any bills, receipts,
4 cancelled checks or other documents relating to each transaction.

5 8. All records and accounts of receipts and expenditures shall be preserved for at least three
6 years after the date of the election to which the records pertain. Records and accounts regarding
7 supplemental disclosure reports or reports not required pursuant to an election shall be preserved for
8 at least three years after the date of the report to which the records pertain. Such records shall be
9 available for inspection by the [~~campaign finance review board~~] Missouri ethics commission and its
10 duly authorized representatives.

11 130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if
12 applicable, treasurer or deputy treasurer of every committee which is required to file a statement of
13 organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The
14 reports shall be filed with the appropriate officer designated in section 130.026 at the times and for
15 the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050,
16 each report shall set forth:

17 (1) The full name, as required in the statement of organization pursuant to subsection 5 of
18 section 130.021, and mailing address of the committee filing the report and the full name, mailing
19 address and telephone number of the committee's treasurer and deputy treasurer if the committee has
20 named a deputy treasurer;

21 (2) The amount of money, including cash on hand at the beginning of the reporting period;

22 (3) Receipts for the period, including:

23 (a) Total amount of all monetary contributions received which can be identified in the
24 committee's records by name and address of each contributor. In addition, the candidate committee
25 shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or
26 notation of retirement, of each person from whom the committee received one or more contributions
27 which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to
28 obtain and report a description of any contractual relationship over five hundred dollars between the
29 contributor and the state if the candidate is seeking election to a state office or between the
30 contributor and any political subdivision of the state if the candidate is seeking election to another
31 political subdivision of the state;

32 (b) Total amount of all anonymous contributions accepted;

33 (c) Total amount of all monetary contributions received through fund-raising events or
34 activities from participants whose names and addresses were not obtained with such contributions,
35 with an attached statement or copy of the statement describing each fund-raising event as required in
36 subsection 6 of section 130.031;

37 (d) Total dollar value of all in-kind contributions received;

38 (e) A separate listing by name and address and employer, or occupation if self-employed or
39 notation of retirement, of each person from whom the committee received contributions, in money

1 or any other thing of value, aggregating more than one hundred dollars, together with the date and
2 amount of each such contribution;

3 (f) A listing of each loan received by name and address of the lender and date and amount of
4 the loan. For each loan of more than one hundred dollars, a separate statement shall be attached
5 setting forth the name and address of the lender and each person liable directly, indirectly or
6 contingently, and the date, amount and terms of the loan;

7 (4) Expenditures for the period, including:

8 (a) The total dollar amount of expenditures made by check drawn on the committee's
9 depository;

10 (b) The total dollar amount of expenditures made in cash;

11 (c) The total dollar value of all in-kind expenditures made;

12 (d) The total dollar amount of expenditures made via electronic means;

13 (e) The full name and mailing address of each person to whom an expenditure of money or
14 any other thing of value in the amount of more than one hundred dollars has been made, contracted
15 for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of
16 one hundred dollars or less may be grouped and listed by categories of expenditure showing the total
17 dollar amount of expenditures in each category, except that the report shall contain an itemized
18 listing of each payment made to campaign workers by name, address, date, amount and purpose of
19 each payment and the aggregate amount paid to each such worker;

20 ~~[(e)]~~ (f) A list of each loan made, by name and mailing address of the person receiving the
21 loan, together with the amount, terms and date;

22 (5) The total amount of cash on hand as of the closing date of the reporting period covered,
23 including amounts in depository accounts and in petty cash fund;

24 (6) The total amount of outstanding indebtedness as of the closing date of the reporting
25 period covered;

26 (7) The amount of expenditures for or against a candidate or ballot measure during the
27 period covered and the cumulative amount of expenditures for or against that candidate or ballot
28 measure, with each candidate being listed by name, mailing address and office sought. For the
29 purpose of disclosure reports, expenditures made in support of more than one candidate or ballot
30 measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In
31 apportioning expenditures to each candidate or ballot measure, political party committees and
32 continuing committees need not include expenditures for maintaining a permanent office, such as
33 expenditures for salaries of regular staff, office facilities and equipment or other expenditures not
34 designed to support or oppose any particular candidates or ballot measures; however, all such
35 expenditures shall be listed pursuant to subdivision (4) of this subsection;

36 (8) A separate listing by full name and address of any committee including a candidate
37 committee controlled by the same candidate for which a transfer of funds or a contribution in any
38 amount has been made during the reporting period, together with the date and amount of each such
39 transfer or contribution;

1 (9) A separate listing by full name and address of any committee, including a candidate
2 committee controlled by the same candidate from which a transfer of funds or a contribution in any
3 amount has been received during the reporting period, together with the date and amount of each
4 such transfer or contribution;

5 (10) Each committee that receives a contribution which is restricted or designated in whole
6 or in part by the contributor for transfer to a particular candidate, committee or other person shall
7 include a statement of the name and address of that contributor in the next disclosure report required
8 to be filed after receipt of such contribution, together with the date and amount of any such
9 contribution which was so restricted or designated by that contributor, together with the name of the
10 particular candidate or committee to whom such contribution was so designated or restricted by that
11 contributor and the date and amount of such contribution.

12 2. For the purpose of this section and any other section in this chapter except sections
13 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified
14 amount, the aggregate amount shall be computed by adding all contributions received from any one
15 person during the following periods:

16 (1) In the case of a candidate committee, the period shall begin on the date on which the
17 candidate became a candidate according to the definition of the term "candidate" in section 130.011
18 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at
19 11:59 p.m. on the day of the general election. If the candidate has a general election held after a
20 primary election, the next aggregating period shall begin at 12:00 midnight on the day after the
21 primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for
22 contributions received during the thirty-day period immediately following a primary election, the
23 candidate shall designate whether such contribution is received as a primary election contribution or
24 a general election contribution;

25 (2) In the case of a campaign committee, the period shall begin on the date the committee
26 received its first contribution and end on the closing date for the period for which the report or
27 statement is required;

28 (3) In the case of a political party committee or a continuing committee, the period shall
29 begin on the first day of January of the year in which the report or statement is being filed and end
30 on the closing date for the period for which the report or statement is required; except, if the report
31 or statement is required to be filed prior to the first day of July in any given year, the period shall
32 begin on the first day of July of the preceding year.

33 3. The disclosure report shall be signed and attested by the committee treasurer or deputy
34 treasurer and by the candidate in case of a candidate committee.

35 4. The words "consulting or consulting services, fees, or expenses", or similar words, shall
36 not be used to describe the purpose of a payment as required in this section. The reporting of any
37 payment to such an independent contractor shall be on a form supplied by the appropriate officer,
38 established by the ethics commission and shall include identification of the specific service or
39 services provided including, but not limited to, public opinion polling, research on issues or

1 opposition background, print or broadcast media production, print or broadcast media purchase,
 2 computer programming or data entry, direct mail production, postage, rent, utilities, phone
 3 solicitation, or fund raising, and the dollar amount prorated for each service."; and
 4

5 Further amend said bill, Page 2, Section 170.281, Line 30, by inserting after all of said section and
 6 line the following:
 7

8 "285.1000. For purposes of sections 285.1000 to 285.1055, the following terms shall mean:

9 (1) "Administrative fund" or "Show-Me MyRetirement Savings administrative fund", the
 10 Show-Me MyRetirement Savings administrative fund described in section 285.1045;

11 (2) "Association", any legal association of individuals, corporations, limited liability
 12 companies, partnerships, associations, or other entities that has been in continuous existence for at
 13 least one year;

14 (3) "Board", the Show-Me MyRetirement Savings board established under section
 15 285.1005;

16 (4) "Eligible employee", an individual who is employed by a participating employer, who
 17 has wages or other compensation that is allocable to the state, and who is eighteen years of age or
 18 older. "Eligible employee" shall not include any of the following:

19 (a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. Section 151;

20 (b) Any employee on whose behalf an employer makes contributions to a multiemployer
 21 pension trust fund under 29 U.S.C. Section 186; or

22 (c) Any individual who is an employee of:

23 a. The federal government;

24 b. Any state government in the United States; or

25 c. Any county, municipal corporation, or political subdivision of any state in the United
 26 States;

27 (5) "Eligible employer", a person or entity engaged in a business, industry, profession, trade,
 28 or other enterprise in the state of Missouri, whether for profit or not for profit, provided that such a
 29 person or entity employs no more than fifty employees. A person or entity that qualifies as an
 30 eligible employer but that later employs more than fifty employees shall be permitted to remain an
 31 eligible employer for a period of five years, beginning on the date on which the person or entity first
 32 employs more than fifty employees. After such five-year period has ended, the person or entity
 33 shall immediately cease to qualify as an eligible employer and shall be prohibited from further
 34 participation in the plan unless the employer no longer has more than fifty employees. An employer
 35 includes an association and its members. For purposes of this subdivision, an eligible employer
 36 shall not include:

37 (a) The federal government;

38 (b) The state of Missouri;

39 (c) Any county, municipal corporation, or political subdivision of the state of Missouri; or

1 (d) Five years after the commencement of the program, an employer that maintains a
 2 specified tax-favored retirement plan, other than the Show-Me MyRetirement Savings plan, for its
 3 employees or that has effectively done so in form and operation at any time within the current or
 4 two preceding calendar years. If an employer does not maintain a specified tax-favored retirement
 5 plan, other than the Show-Me MyRetirement Savings plan, for a portion of a calendar year ending
 6 on or after the effective date of sections 285.1000 to 285.1055 and adopts such a plan effective for
 7 the remainder of that calendar year, the employer shall not be treated as an eligible employer for that
 8 remainder of the year;

9 (6) "ERISA", the Employee Retirement Income Security Act of 1974, as amended, 29
 10 U.S.C. Section 1001 et seq.;

11 (7) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;

12 (8) "Participant", an eligible employee or other individual who has a balance credited to his
 13 or her account under the plan;

14 (9) "Participating employer", an eligible employer that is participating in the plan provided
 15 for by sections 285.1000 to 285.1055;

16 (10) "Plan" or "Show-Me MyRetirement Savings plan", the multiple-employer retirement
 17 savings plan established by sections 285.1000 to 285.1055, which shall be treated as a single plan
 18 under Title I of ERISA and is described in Sections 401(a), 401(k), and 413(c) of the Internal
 19 Revenue Code of 1986, as amended, in which multiple employers may choose to participate
 20 regardless of whether any relationship exists between and among the employers other than their
 21 participation in the plan. Based on the context, the term "plan" may also refer to multiple plans if
 22 multiple plans are established under sections 285.1000 to 285.1055;

23 (11) "Self-employed individual", an individual who is eighteen years of age or older, is self-
 24 employed, and has self-employment income or other compensation from self-employment that is
 25 allocable to the state of Missouri;

26 (12) "Specified tax-favored retirement plan", a retirement plan that is tax-qualified under, or
 27 is described in and satisfies the requirements of, Section 401(a), 401(k), 403(a), 403(b),
 28 408(k)(Simplified Employee Pension), or 408(p)(SIMPLE-IRA) of the Internal Revenue Code of
 29 1986, as amended;

30 (13) "Total fees and expenses", all fees, costs, and expenses including, but not limited to,
 31 administrative expenses, investment expenses, investment advice expenses, accounting costs,
 32 actuarial costs, legal costs, marketing expenses, education expenses, trading costs, insurance
 33 annuitization costs, and other miscellaneous costs;

34 (14) "Trust", the trust in which the assets of the plan are held.

35 285.1005. 1. The "Show-Me MyRetirement Savings Board" is hereby established in the
 36 office of the state treasurer.

37 2. The board shall consist of the following members, with the state treasurer, or his or her
 38 designee, serving as chair:

39 (1) The state treasurer, or his or her designee;

1 (2) An individual who has skill, knowledge, and experience in the field of retirement
2 savings and investments, to be appointed by the governor with the advice and consent of the senate;

3 (3) An individual who has skill, knowledge, and experience relating to small business, to be
4 appointed by the governor with the advice and consent of the senate;

5 (4) Three members of the house of representatives, to be appointed by the speaker of the
6 house of representatives, to include one representative from the minority party; and

7 (5) Three members of the senate, to be appointed by the president pro tempore of the senate,
8 to include one senator from the minority party.

9 3. The governor, the president pro tempore of the senate, and the speaker of the house of
10 representatives shall make the respective initial appointments to the board for terms of office
11 beginning on January 1, 2024.

12 4. Members of the board appointed by the governor, the president pro tempore of the senate,
13 and the speaker of the house of representatives shall serve at the pleasure of the appointing
14 authority.

15 5. The term of office of each member of the board shall be four years. Any member is
16 eligible to be reappointed. If there is a vacancy for any reason, the appropriate appointing authority
17 shall make an appointment, to become immediately effective, for the unexpired term.

18 6. All members of the board shall serve without compensation and shall be reimbursed from
19 the administrative fund for necessary travel expenses incurred in carrying out the duties of the
20 board.

21 7. A majority of the voting members of the board shall constitute a quorum for the
22 transaction of business.

23 285.1010. 1. The board, subject to the authority granted under sections 285.1000 to
24 285.1055, shall design, develop, and implement the plan and, to that end, may conduct market,
25 legal, and feasibility analyses.

26 2. The members of the board shall be fiduciaries of the plan under ERISA, and the board
27 shall have the following powers, authorities, and duties:

28 (1) To establish, implement, and maintain the plan, in each case acting on behalf of the state
29 of Missouri, including, in its discretion, more than one plan;

30 (2) To cause the plan, trust, and arrangements and accounts established under the plan to be
31 designed, established, and operated:

32 (a) In accordance with best practices for retirement savings vehicles;

33 (b) To encourage participation, saving, sound investment practices, and appropriate
34 selection of default investments;

35 (c) To maximize simplicity and ease of administration for eligible employers;

36 (d) To minimize costs, including by collective investment and economies of scale; and

37 (e) To promote portability of benefits;

1 (3) To arrange for collective, common, and pooled investment of assets of the plan and trust,
2 including investments in conjunction with other funds with which assets are permitted to be
3 collectively invested, to save costs through efficiencies and economies of scale;

4 (4) To develop and disseminate educational information designed to educate participants
5 and citizens about the benefits of planning and saving for retirement and to help participants and
6 citizens decide the level of participation and savings strategies that may be appropriate, including
7 information in furtherance of financial capability and financial literacy;

8 (5) To adopt rules and regulations necessary or advisable for the implementation of sections
9 285.1000 to 285.1055 and the administration and operation of the plan consistent with the Internal
10 Revenue Code and regulations thereunder, including to ensure that the plan satisfies all criteria for
11 favorable federal tax-qualified treatment, and complies, to the extent necessary, with ERISA and
12 any other applicable federal or Missouri law. Any rule or portion of a rule, as that term is defined in
13 section 536.010, that is created under the authority delegated in this section shall become effective
14 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
15 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested
16 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
17 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void;

19 (6) To arrange for and facilitate compliance with the plan or arrangements established
20 thereunder with all applicable requirements for the plan under the Internal Revenue Code, ERISA,
21 and any other applicable federal or Missouri law and accounting requirements, and to provide or
22 arrange for assistance to eligible employers, eligible employees, and self-employed individuals in
23 complying with applicable law and tax-related requirements in a cost-effective manner. The board
24 may establish any processes deemed reasonably necessary or advisable to verify whether a person or
25 entity is an eligible employer, including reference to online data and possible use of questions in
26 employer tax filings;

27 (7) To employ or retain a plan administrator; executive director; staff; trustee; record-
28 keeper; investment managers; investment advisors; and other administrative, professional, and
29 expert advisors and service providers, none of whom shall be members of the board and all of whom
30 shall serve at the pleasure of the board, which shall determine their duties and compensation. The
31 board may authorize the executive director and other officials to oversee requests for proposals or
32 other public competitions and enter into contracts on behalf of the board or conduct any business
33 necessary for the efficient operation of the plan or the board;

34 (8) To establish procedures for the timely and fair resolution of participant and other
35 disputes related to accounts or program operation and, if necessary, determine the eligibility of an
36 employer, employee, or other individual to participate in the plan;

37 (9) To develop and implement an investment policy that defines the plan's investment
38 objectives, consistent with the objectives of the plan, and that provides for policies and procedures
39 consistent with those investment objectives;

1 (10) (a) To designate appropriate default investments that include a mix of asset classes,
2 such as target date and balanced funds;

3 (b) To seek to minimize participant fees and expenses of investment and administration;

4 (c) To strive to design and implement investment options available to holders of accounts
5 established as part of the plan and other plan features that are intended to achieve maximum
6 possible income replacement balanced with an appropriate level of risk, consistent with the
7 investment objectives under the investment policy. The investment options may encompass a range
8 of risk and return opportunities and allow for a rate of return commensurate with an appropriate
9 level of risk in view of the investment objectives under the policy. The menu of investment options
10 shall be determined taking into account the nature and objectives of the plan, the desirability of
11 limiting investment choices under the plan to a reasonable number, based on behavioral research
12 findings, and the extensive investment choices available to participants in the event that funds roll
13 over to an individual retirement account (IRA) outside the program; and

14 (d) In accordance with subdivision (7) of this subsection, the board, to the extent it deems
15 necessary or advisable, in carrying out its responsibilities and exercising its powers under sections
16 285.1000 to 285.1055, shall employ or retain appropriate entities or personnel to assist or advise it
17 or to whom to delegate the carrying out of such responsibilities and exercising of such powers;

18 (11) To discharge its duties and see that the members of the board discharge their duties with
19 respect to the plan solely in the interests of the participants as follows:

20 (a) For the exclusive purpose of providing benefits to participants and defraying reasonable
21 expenses of administering the plan; and

22 (b) With the care, skill, prudence, and diligence under the circumstances then prevailing that
23 a prudent person acting in a like capacity and familiar with those matters would use in the conduct
24 of an enterprise of a like character and with like aims;

25 (12) To cause expenses incurred to initiate, implement, maintain, and administer the plan to
26 be paid from contributions to, or investment returns or assets of the plan or other moneys collected
27 by or for the plan or pursuant to arrangements established under the plan to the extent permitted
28 under federal and Missouri law;

29 (13) To collect application, account, or administrative fees and to accept any grants, gifts,
30 legislative appropriations, loans, and other moneys from the state of Missouri; any unit of federal,
31 state, or local government; or any other person, firm, or entity to defray the costs of administering
32 and operating the plan;

33 (14) To make and enter into competitively procured contracts, agreements, or arrangements
34 with; to collaborate and cooperate with; and to retain, employ, and contract with or for any of the
35 following to the extent necessary or desirable for the effective and efficient design, implementation,
36 and administration of the plan consistent with the purposes set forth in sections 285.1000 to
37 285.1055 and to maximize outreach to eligible employers and eligible employees:

38 (a) Services of private and public financial institutions, depositories, consultants, actuaries,
39 counsel, auditors, investment advisors, investment administrators, investment management firms,

1 other investment firms, third-party administrators, other professionals and service providers, and
2 state public retirement systems;

3 (b) Research, technical, financial, administrative, and other services; and

4 (c) Services of other state agencies to assist the board in the exercise of its powers and
5 duties;

6 (15) To develop and implement an outreach plan to gain input and disseminate information
7 regarding the plan and retirement savings in general;

8 (16) To cause moneys to be held and invested and reinvested under the plan;

9 (17) To ensure that all contributions under the plan shall be used only to:

10 (a) Pay benefits to participants under the plan;

11 (b) Pay the costs of administering the plan; and

12 (c) Make investments for the benefit of the plan, and ensure that no assets of the plan or
13 trust are transferred to the general revenue fund or to any other fund of the state or are otherwise
14 encumbered or used for any purpose other than those specified in this paragraph or section
15 285.1045;

16 (18) To make provisions for the payment of costs of administration and operation of the
17 program and trust;

18 (19) To evaluate the need for and procure as needed insurance against any and all loss in
19 connection with the property, assets, or activities of the program, including fiduciary liability
20 coverage;

21 (20) To evaluate the need for and procure as needed pooled private insurance;

22 (21) To indemnify, including procurement of insurance as needed for this purpose, each
23 member of the board from personal loss or liability resulting from a member's action or inaction as a
24 member of the board and as a fiduciary;

25 (22) To collaborate with and evaluate the role of financial advisors or other financial
26 professionals, including in assisting and providing guidance for covered employees; and

27 (23) To carry out the powers and duties of the program under sections 285.1000 to 285.1055
28 and exercise any and all other powers as are appropriate to effect the purposes, objectives, and
29 provisions of such sections pertaining to the program.

30 3. A board member, program administrator, or other staff of the board shall not:

31 (1) Directly or indirectly, have any interest in the making of any investment under the
32 program or in any gains or profits accruing from any such investment;

33 (2) Borrow any program-related funds or deposits, or use any such funds or deposits in any
34 manner, for himself or herself or as an agent or partner of others; or

35 (3) Become an endorser, surety, or obligor on investments made under the program.

36 4. Each board member shall be subject to the provisions of sections 105.452 and 105.454.
37 285.1015. 1. The board shall, consistent with federal law and regulation, adopt and
38 implement the plan, which shall remain in compliance with federal law and regulations once
39 implemented and shall be called the "Show-Me MyRetirement Savings Plan".

1 2. In accordance with terms and conditions specified and regulations promulgated by the
2 board, the plan shall:

3 (1) Be set forth in documents prescribing the terms and conditions of the plan;

4 (2) Be available on a voluntary basis to eligible employers and self-employed individuals;

5 (3) Be available to eligible members of an association who may elect to participate in the
6 plan if the association or its members do not maintain a plan or a specified tax-favored retirement
7 plan, other than the Show-Me MyRetirement Savings plan;

8 (4) Enroll self-employed individuals who wish to participate;

9 (5) Provide participants the option to terminate their participation at any time;

10 (6) Allow voluntary pre-tax or designated Roth 401(k) contributions;

11 (7) Allow voluntary employer contributions;

12 (8) Be overseen by the board and its designees;

13 (9) Be administered and managed by one or more trustees, other fiduciaries, custodians,
14 third-party administrators, investment managers, record-keepers, or other service providers;

15 (10) Provide on a uniform basis, if and when the board so determines, in its discretion, for
16 an increase of each participant's contribution rate, by a minimum increment of one percent of salary
17 or wages per year, for each additional year the participant is employed or is participating in the plan
18 up to the maximum percentage of such participant's salary or wages that may be contributed to the
19 plan under federal law. Any such increases shall apply to participants, as determined by the board,
20 by default or only if initiated by affirmative participant election;

21 (11) Provide for direct deposit of contributions into investments under the plan. To the
22 extent consistent with ERISA, the investment alternatives under the plan shall be limited to an
23 automatic investment for participants who do not actively and affirmatively elect a particular
24 investment option, which unless the board provides otherwise, shall be a diversified target date fund,
25 including a series of such diversified funds to apply to different participants depending on their
26 choice or their target retirement dates, a principal-protected option, and at least four additional
27 investment alternatives as may be selected by the board in its discretion. To the extent consistent
28 with ERISA, the investment options may, at the discretion of the board, include a principal-
29 protection fund as a temporary "security corridor" option that applies as the sole initial investment
30 before participants may choose other investments or as the initial default investment for a specified
31 period of time or up to a specified dollar amount of contributions or account balance;

32 (12) Be professionally managed;

33 (13) Provide for reports on the status of each participant's account to be provided to each
34 participant at least quarterly and make best efforts to provide participants frequent or continual
35 online access to information on the status of their accounts;

36 (14) When possible and practicable, use existing employer and public infrastructure to
37 facilitate contributions, record keeping, and outreach and use pooled or collective investment
38 arrangements;

1 (15) Provide that each account holder owns the contributions to or earnings on amounts
2 contributed to his or her account under the plan and that the state and employers have no proprietary
3 interest in those contributions or earnings;

4 (16) Be designed and implemented in a manner consistent with federal law to the extent that
5 it applies;

6 (17) Make provisions for the participation in the plan of individuals who are not employees,
7 if allowed under federal law;

8 (18) Establish rules and procedures governing the distribution of funds from the plan,
9 including such distributions as may be permitted or required by the plan and any applicable
10 provisions of ERISA, the tax-qualification rules, and the other tax laws, with the objectives of
11 maximizing financial security in retirement, protecting spousal rights, and assisting participants to
12 effectively manage the decumulation of their savings and to receive payment of their benefits under
13 the plan. The board shall have the authority, in its discretion, to provide for one or more reasonably
14 priced distribution options to provide a source of fixed regular retirement income, including income
15 for life or for the participant's life expectancy, or for joint lives and life expectancies, as applicable;

16 (19) Establish rules and procedures promoting portability of benefits, including the ability to
17 make roll-overs or transfers to and from the plan that are exempt from federal income tax, provided
18 that any roll-over is initiated by participants; and

19 (20) Encourage choices by employers in the state to adopt a specified tax-favored retirement
20 plan, including the plan.

21 285.1020. The board shall adopt rules to implement the plan that:

22 (1) Establish the processes for enrollment and contributions under the plan, including
23 withholding by participating employers of employee payroll deduction contributions from wages
24 and remittance for deposit to the plan; voluntary contributions by others, including self-employed
25 individuals and independent contractors, through payroll deduction or otherwise; the making of
26 default contributions using default investments; and participant selection of alternative contribution
27 rates or amounts and alternative investments from among the options offered under the plan;

28 (2) Conduct outreach to individuals, employers, other stakeholders, and the public regarding
29 the plan. The rules shall specify the contents, frequency, timing, and means of required disclosures
30 from the plan to eligible employees, participants, and self-employed individuals, eligible employers,
31 participating employers, and other interested parties. These disclosures shall include, but not be
32 limited to:

33 (a) The benefits associated with tax-favored retirement saving;

34 (b) The potential advantages and disadvantages associated with participating in the plan;

35 (c) Instructions for enrolling and making contributions;

36 (d) The potential availability of a saver's tax credit, including the eligibility conditions for
37 the credit and instructions on how to claim it;

1 (e) A disclaimer that employees seeking tax, investment, or other financial advice should
 2 contact appropriate professional advisors, and that participating employers are not in a position to
 3 provide such advice and are not liable for decisions individuals make in relation to the plan;

4 (f) The potential implications of account balances under the plan for the application of asset
 5 limits under certain public assistance programs;

6 (g) A disclaimer that the account owner is solely responsible for investment performance,
 7 including market gains and losses, and that plan accounts and rates of return are not guaranteed by
 8 any employer, the state, the board, any board member or state official, or the plan;

9 (h) Any additional information about retirement and saving and other information designed
 10 to promote financial literacy and capability, which may take the form of links to, or explanations of
 11 how to obtain, such information; and

12 (i) Instructions on how to obtain additional information about the plan; and

13 (3) Ensure that the assets of the trust and plan shall at all times be preserved, invested, and
 14 expended only for the purposes set forth in sections 285.1000 to 285.1055, and that no property
 15 rights therein shall exist in favor of the state, except as provided under section 285.1045.

16 285.1025. An eligible employer, a participating employer, or other employer is not and shall
 17 not be liable for or bear responsibility for:

18 (1) An employee's decision as to which investments to choose;

19 (2) Participants' or the board's investment decisions;

20 (3) The administration, investment, investment returns, or investment performance of the
 21 plan including, but not limited to, any interest rate or other rate of return on any contribution or
 22 account balance, provided that the eligible employer, participating employer, or other employer is
 23 not involved in the administration or investment of the plan;

24 (4) The plan design or the benefits paid to participants; or

25 (5) Any loss, failure to realize any gain, or any other adverse consequences including, but
 26 not limited to, any adverse tax consequences or loss of favorable tax treatment, public assistance, or
 27 other benefits, incurred by any person solely and directly as a result of participating in the plan.

28 285.1030. 1. The state of Missouri; the board; each member of the board; any other state
 29 official, state board, commission, and agency; any member, officer, and employee thereof; and the
 30 plan:

31 (1) Shall not guarantee any interest rate or other rate of return on or investment performance
 32 of any contribution or account balance; and

33 (2) Shall not be liable or responsible for any loss, deficiency, failure to realize any gain, or
 34 any other adverse consequences including, but not limited to, any adverse tax consequences or loss
 35 of favorable tax treatment, public assistance, or other benefits, incurred by any person as a result of
 36 participating in the plan.

37 2. The debts, contracts, and obligations of the plan or the board are not the debts, contracts,
 38 and obligations of the state, and neither the faith and credit nor the taxing power of the state is

1 pledged directly or indirectly to the payment of the debts, contracts, and obligations of the plan or
 2 the board.

3 3. Nothing in sections 285.1000 to 285.1055 shall be construed to guarantee any interest rate
 4 or other rate of return on or investment performance of any contribution or account balance.

5 285.1035. 1. Individual account information relating to accounts under the plan and relating
 6 to individual participants including, but not limited to, names, addresses, telephone numbers, email
 7 addresses, personal identification information, investments, contributions, and earnings shall be
 8 confidential and shall be maintained as confidential, provided that such information may be
 9 disclosed:

10 (1) To the extent necessary to administer the plan in a manner consistent with sections
 11 285.1000 to 285.1055, ERISA, the Internal Revenue Code, or any other federal or Missouri law; or

12 (2) If the individual who provides the information or who is the subject of the information
 13 expressly agrees in writing to the disclosure of the information.

14 2. Information required to be confidential under subsection 1 of this section shall be
 15 considered a "closed record" as that term is defined in section 610.010, regardless as to whether
 16 such information has been disclosed as allowed by subsection 1 of this section.

17 285.1040. The board may enter into an intergovernmental agreement or memorandum of
 18 understanding with the state of Missouri, another state or states, and any agency thereof to receive
 19 outreach, technical assistance, enforcement and compliance services, collection or dissemination of
 20 information pertinent to the plan, subject to such obligations of confidentiality as may be agreed or
 21 required by law, or other services or assistance. The state of Missouri, another state or states, and
 22 any agency thereof that enters into such agreements or memoranda of understanding shall
 23 collaborate to provide the outreach, assistance, information, and compliance or other services or
 24 assistance to the board. The memoranda of understanding may cover the sharing of costs incurred
 25 in gathering and disseminating information and the reimbursement of costs for any enforcement
 26 activities or assistance.

27 285.1045. 1. There is hereby created in the state treasury the "Show-Me MyRetirement
 28 Savings Administrative Fund", which shall consist of moneys collected under this section. The state
 29 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
 30 treasurer may approve disbursements. Subject to appropriation, moneys in the fund shall be
 31 distributed by the state treasurer solely for the administration of sections 285.1000 to 285.1055.

32 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
 33 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

34 3. The state treasurer shall invest moneys in the fund in the same manner as other funds are
 35 invested. Any interest and moneys earned on such investments shall be credited to the fund.

36 4. The Show-Me MyRetirement Savings administrative fund shall consist of:

37 (1) Moneys appropriated to the administrative fund by the general assembly;

38 (2) Moneys transferred to the administrative fund from the federal government, other state
 39 agencies, or local governments;

1 (3) Moneys from the payment of application, account, administrative, or other fees and the
2 payment of other moneys due to the board;

3 (4) Any gifts, donations, or grants made to the state of Missouri for deposit in the
4 administrative fund;

5 (5) Moneys collected for the administrative fund from contributions to, or investment
6 returns or assets of, the plan or other moneys collected by or for the plan or pursuant to
7 arrangements established under the plan to the extent permitted under federal and Missouri law; and

8 (6) Earnings on moneys in the administrative fund.

9 5. To the extent consistent with ERISA, the tax qualification rules, and other federal law, the
10 board shall accept any grants, gifts, appropriations, or other moneys from the state; any unit of
11 federal, state, or local government; or any other person, firm, partnership, corporation, or other
12 entity solely for deposit into the administrative fund, whether for investment or administrative
13 expenses.

14 6. To enable or facilitate the start-up and continuing operation, maintenance, administration,
15 and management of the program until the plan accumulates sufficient balances and can generate
16 sufficient funding through fees assessed on program accounts for the plan to become financially
17 self-sustaining:

18 (1) The board may borrow from the state of Missouri; any unit of federal, state, or local
19 government; or any other person, firm, partnership, corporation, or other entity working capital
20 funds and other funds as may be necessary for this purpose, provided that such funds are borrowed
21 in the name of the plan and board only and that any such borrowings shall be payable solely from
22 the revenues of the plan; and

23 (2) The board may enter into long-term procurement contracts with one or more financial
24 providers that provide a fee structure that would assist the plan in avoiding or minimizing the need
25 to borrow or to rely upon general assets of the state.

26 7. Subject to appropriation, the state of Missouri may pay administrative costs associated
27 with the creation, maintenance, operation, and management of the plan and trust until sufficient
28 assets are available in the administrative fund for that purpose. Thereafter, all administrative costs
29 of the administrative fund, including any repayment of start-up funds provided by the state of
30 Missouri, shall be repaid only out of moneys on deposit therein. However, private funds or federal
31 funding received in order to implement the program until the administrative fund is self-sustaining
32 shall not be repaid unless those funds were offered contingent upon the promise of such repayment.

33 8. The board may use the moneys in the administrative fund solely to pay the administrative
34 costs and expenses of the plan and the administrative costs and expenses the board incurs in the
35 performance of its duties under sections 285.1000 to 285.1055.

36 9. The state treasurer's office shall follow the competitive bids procedure adopted by the
37 office of administration for the following:

38 (1) The contracting or hiring of a contractor with the relevant skills, knowledge, and
39 expertise determined by the board for managing the program, every five years; and

1 (2) At the state treasurer's discretion, the contracting or hiring of a contractor who has
 2 qualified staff with the relevant skills, knowledge, and expertise as determined by the state
 3 treasurer's office when the number of the participants in the plan reaches fifty thousand participants.
 4

5 The office of administration is authorized to provide the state treasurer's office with the necessary
 6 assistance and services as may be needed.

7 285.1050. 1. The board shall keep an accurate account of all the activities, operations,
 8 receipts, and expenditures of the plan, the trust, and the board. Each year, a full audit of the books
 9 and accounts of the board pertaining to those activities, operations, receipts and expenditures,
 10 personnel, services, or facilities shall be conducted by a certified public accountant and shall
 11 include, but not be limited to, direct and indirect costs attributable to the use of outside consultants,
 12 independent contractors, and any other persons who are not state employees for the administration
 13 of the plan. For the purposes of the audit, the auditors shall have access to the properties and
 14 records of the plan and board and may prescribe methods of accounting and the rendering of
 15 periodic reports in relation to projects undertaken by the plan.

16 2. By August first of each year, the board shall submit to the governor, the state treasurer,
 17 the president pro tempore of the senate, and the speaker of the house of representatives a public
 18 report on the operation of the plan and trust and activities of the board, including an audited
 19 financial report, prepared in accordance with generally accepted accounting principles, detailing the
 20 activities, operations, receipts, and expenditures of the plan and board during the preceding calendar
 21 year. The report shall also include a summary of the benefits provided by the plan, the number of
 22 participants, average account balance, the number of participating employers, the contribution
 23 formulas and amounts of contributions made by participants and by each participating employer, the
 24 withdrawals, the account balances, total assets under management, investments, investment returns,
 25 fees and expenses associated with the investments and with the administration of the plan, projected
 26 activities of the plan for the current calendar year, and any other information regarding the plan and
 27 its operations that the board may determine to provide.

28 285.1055. 1. The board shall establish the plan so that individuals are able to begin
 29 contributing under the plan on or before September 1, 2025.

30 2. The board may, in its discretion, phase in the plan so that the ability to contribute first
 31 applies on different dates for different classes of individuals, including employees of employers of
 32 different sizes or types and individuals who are not employees; provided that, any such staged or
 33 phased-in implementation schedule shall be substantially completed on or before September 1,
 34 2025.

35 361.020. 1. The division of finance shall have charge of the execution of:

36 (1) The laws relating to banks, trust companies, and the banking business of this state;
 37 ~~[credit unions; and of]~~

38 (2) The laws relating to persons~~[-, copartnerships and corporations]~~ or entities engaged in the
 39 small loan or consumer credit business in this state;

1 (3) The laws relating to persons and entities engaged in the mortgage loan business in this
 2 state; and

3 (4) The laws relating to persons and entities engaged in any other financial-services-related
 4 business over which the division of finance is granted express authority.

5 2. The director of finance may institute, in the name of the state of Missouri, and defend
 6 suits in the courts of this state and the United States.

7 361.098. 1. The members of the state banking and savings and loan board shall receive as
 8 compensation for their services the sum of one hundred dollars per day while discharging their
 9 duties[;] and shall be entitled to receive their necessary traveling and other expenses incurred while
 10 actually engaged in the performance of their duties as such members, which shall be paid out of the
 11 division of finance fund.

12 2. ~~[A majority of the]~~ Any three members of the board shall constitute a quorum for the
 13 transaction of any business, for the performance of any duty, or for the exercise of any power of the
 14 board.

15 3. The board may meet and exercise its powers in any place in this state and shall meet at
 16 any time upon the call of its chairman or of the director of the division of finance or of any two
 17 members of the board.

18 4. The board shall have an official seal bearing the inscription, "State Banking and Savings
 19 and Loan Board of the State of Missouri", which shall be judicially noticed.

20 5. The division of finance may provide administrative services to the board to assist the
 21 board with fulfilling its statutory responsibilities.

22 361.106. 1. As used in this section, the following terms mean:

23 (1) "Bulletin", an informal written communication to inform or educate individuals or
 24 entities licensed, chartered, or regulated by the division of finance and the general public about a
 25 regulatory topic or issue. A "bulletin" is informational in nature and is not an evaluation of specific
 26 facts and circumstances;

27 (2) "Industry letter", a written communication from the director of finance in response to a
 28 specific individual or entity chartered, licensed, or regulated by the division of finance that provides
 29 the position of the division of finance on a particular regulatory topic or issue with respect to a
 30 specific set of facts and circumstances.

31 2. Notwithstanding any law to the contrary, the director of finance may at his or her
 32 discretion issue bulletins addressing the business of the individuals and entities licensed, chartered,
 33 or regulated by the division in this state. Bulletins shall not have the force or effect of law and shall
 34 not be considered statements of general applicability that would require promulgation by rule.

35 3. Notwithstanding any law to the contrary, the director of finance may at his or her
 36 discretion issue industry letters in response to a written request from an individual or entity licensed,
 37 chartered, or regulated by the division that seeks the position of the division of finance on the
 38 application of law. In addition to any materials or information requested by the division, the written
 39 request for an industry letter shall include:

1 (1) A brief summary of the applicable laws and rules that pertain to the request;

2 (2) A detailed statement of facts regarding every relevant aspect of the proposed business
3 activity, transaction, event, or circumstance;

4 (3) A discussion of current statutes, rules, and legal principles relevant to the facts set forth;

5 (4) A statement by the person or entity requesting the industry letter of the person's own
6 opinion regarding the matter and the basis for such opinion; and

7 (5) A statement that the proposed business activity or transaction has not commenced or, if
8 it has commenced, the present status of the proposed business activity or transaction.

9 4. With respect to the requesting person or entity, an industry letter is binding on the
10 division. The requesting person or entity shall not be subject to any administrative proceeding or
11 penalty for any acts or omissions done in reliance on an industry letter, so long as no change in any
12 material fact or law has occurred and so long as the requesting person or entity did not misrepresent
13 or omit a material fact.

14 5. An industry letter request and response shall be confidential, but the director may publish
15 an industry letter with nonidentifying facts and information from the request.

16 6. After redacting all identifying information, the director may publish industry letters for
17 informational purposes. Because the division may have a different position in response to similar
18 but nonidentical facts and circumstances, published industry letters shall not have the force or effect
19 of law, shall not be binding on the division, and shall not be considered statements of general
20 applicability that would require promulgation by rule.

21 7. Industry letters issued under this section are distinct from letters issued by the director
22 under subsection 5 of section 362.106, and this section shall not apply to section 362.106.

23 361.160. 1. The director of finance at least once each year, either personally or by a deputy
24 or examiner appointed by the director, shall visit and examine every bank and trust company
25 organized and doing business under the laws of this state, and every other corporation which is by
26 law required to report to the director; except, for banks or trust companies receiving a
27 Camel/MOECA 1 or Camel/MOECA 2 rating from the division of finance, the director of finance at
28 least once each eighteen calendar months, or for a private trust company at least once each thirty-six
29 months, either personally or by a deputy or examiner appointed by the director, shall visit and
30 examine such bank or trust company, and the director of finance, at the director's discretion, may
31 conduct the director's examination, or any part thereof, on the basis of information contained in
32 examination reports of other states, the Federal Deposit Insurance Corporation or the Federal
33 Reserve Board or in audits performed by certified public accountants. For purposes of this
34 subsection, a private trust company is one that does not engage in trust company business with the
35 general public or otherwise hold itself out as a trustee or fiduciary for hire by advertising,
36 solicitation, or other means and instead operates for the primary benefit of a family, relative of same
37 family, or single family lineage, regardless of whether compensation is received or anticipated. The
38 director shall be afforded prompt and free access to any workpapers upon which a certified public
39 accountant bases an audit. A certified public accountant shall retain workpapers for a minimum of

1 three years after the date of issuance of the certified public accountant's report to the bank or trust
2 company. The director or the director's agent may concentrate the examinations on institutions
3 which the director believes have safety or soundness concerns.

4 2. The director, or the deputy or examiners designated by the director for that purpose, shall
5 have power to examine any such corporation whenever, in the director's judgment, it may be
6 deemed necessary or expedient, and shall have power to examine every agency located in this state
7 of any foreign banking corporation and every branch in this state of any out-of-state bank, for the
8 purpose of ascertaining whether it has violated any law of this state, and for such other purposes and
9 as to such other matters as the director may prescribe.

10 3. The director and the director's deputy and examiners shall have power to administer oaths
11 to any person whose testimony may be required in such examination or investigation of any such
12 corporation or agency, and to compel the appearance and attendance of any person for the purpose
13 of any such examination or investigation.

14 4. On every such examination inquiry shall be made as to the condition and resources of
15 such corporation, the mode of conducting and managing its affairs, the actions of its directors or
16 trustees, the investment of its funds, the safety and prudence of its management, the security
17 afforded to its creditors, and whether the requirements of its charter and of law have been complied
18 with in the administration of its affairs, and as to such other matters as the director may prescribe.

19 5. The director may also make such special investigations as the director deems necessary to
20 determine whether any individual or corporation has violated any of the provisions of this law.

21 6. Such examination may be made and such inquiry instituted or continued in the discretion
22 of the director after the director has taken possession of the property and business of any such
23 corporation, until it shall resume business or its affairs shall be finally liquidated in accordance with
24 the provisions of this chapter.

25 7. The result of each examination shall be certified by the director or the examiner upon the
26 records of the corporation examined [~~and the result of all examinations during the biennial period~~
27 ~~shall be embodied in the report to be made by the director of the department of commerce and~~
28 ~~insurance to the legislature~~].

29 8. The director may contract with regulators in other states to provide for the examination of
30 Missouri branches of out-of-state banks and branches of banks whose home state is Missouri. The
31 agreements may provide for the payment by the home state of the cost of examinations conducted
32 by the host state at the request of the home state regulators.

33 361.260. 1. Whenever the director shall have reason to believe that the capital stock of any
34 corporation subject to the provisions of this chapter is reduced by impairment or otherwise, below
35 the amount required by law, or by its certificates or articles of agreement, [~~he~~] the director shall
36 issue a notice of charges in respect thereof.

37 2. Whenever [~~it shall appear to~~] the director has reason to believe, from any examination or
38 investigation made by [~~him~~] the director or his or her examiners, that any corporation subject to the
39 provisions of this chapter, or any director, officer, employee, agent, or other person participating in

1 the conduct of the affairs of such corporation, or any foreign corporation licensed by the director to
 2 do business under this chapter or chapter 362 is engaging in ~~[or]~~, has engaged in, or ~~[there is~~
 3 ~~reasonable cause to believe that the corporation or any director, officer, employee, agent, or other~~
 4 ~~person participating in the conduct of the affairs of such corporation]~~ is about to engage in~~;~~:

5 (1) An unsafe or unsound practice in conducting the business of such corporation ~~[or is~~
 6 ~~violating or has violated, or there is reasonable cause to believe that the corporation or any director,~~
 7 ~~officer, employee, agent, or other person participating in the conduct of the affairs of such~~
 8 ~~corporation is about to violate]~~:

9 (2) A violation of law, rule, or director-imposed written condition ~~[imposed, in writing, by~~
 10 ~~the director in connection with the granting of any application or other request by the corporation~~
 11 ~~or]~~:

12 (3) A violation of any written agreement entered into with the director~~;~~; or

13 (4) A violation of the corporation's charter,

14
 15 the director may issue and serve upon the corporation or such director, officer, employee, agent, or
 16 other person a notice of charges in respect thereof.

17 3. Whenever it shall appear to the director that any corporation subject to the provisions of
 18 this chapter does not keep its books and accounts in such manner as to enable him or her readily to
 19 ascertain its true condition or that wrong entries or unlawful uses of the funds of the corporation
 20 have been made, the director may issue and serve upon the corporation or any appropriate director,
 21 officer, employee, agent, or other person a notice of charges in respect thereof.

22 4. The notice of charges shall contain a statement of the facts constituting the deficiencies,
 23 ~~[the]~~ alleged violation or violations, improper use of funds, or ~~[the]~~ unsafe or unsound practice or
 24 practices~~;~~ and shall fix a time and place at which a contested hearing will be held to determine
 25 whether an order to cease and desist therefrom should ~~[issue]~~ be issued against the corporation or
 26 the director, officer, employee, agent, or other person participating in the conduct of the affairs of
 27 such corporation.

28 5. In the event the party or parties so served shall fail to appear at the hearing, or shall
 29 consent to the cease and desist order, or in the event the director shall find that the fact of any
 30 deficiency, violation, unsafe or unsound practice, inadequate recordkeeping, or improper use of
 31 funds specified has been established, the director may issue and serve upon the corporation or the
 32 director, officer, employee, agent, or other person participating in the conduct of the affairs of the
 33 corporation an order to cease and desist from the actions, violations, or practices charged.

34 6. The cease and desist order:

35 (1) May require the corporation or its directors, officers, employees, agents, and other
 36 persons participating in the conduct of the affairs of such corporation to cease and desist from ~~[same~~
 37 ~~and, further,]~~ such actions, violations, or practices;

1 (2) May require the corporation or its directors, officers, employees, agents, and other
2 persons participating in the conduct of the affairs of such corporation to take affirmative action to
3 correct the conditions resulting from any such actions, violations, or practices[-];

4 (3) Shall require that, if the director determines that the capital of the corporation is
5 impaired, [~~the order shall require that~~] the corporation make good the deficiency forthwith or within
6 a time specified in the order[-];

7 (4) May, if the director determines that the corporation does not keep adequate records, [~~the~~
8 ~~order may~~] determine and prescribe such books of account as the director, in his or her discretion,
9 shall require of the corporation for the purpose of keeping accurate and convenient records of the
10 transactions and accounts[-]; and

11 (5) Shall, if the director [~~shall determine~~] determines that wrong entries or unlawful uses of
12 the funds of the corporation have been made, [~~he shall~~] order that the entries shall be corrected[-]
13 and that the sums unlawfully paid out be restored by the person or persons responsible for the
14 wrongful or illegal payment thereof.

15 [6-] 7. If a notice of charges served under this section specifies, on the basis of particular
16 facts and circumstances, that a corporation's books and records are so incomplete or inaccurate that
17 the director is unable, through the normal supervisory process, to determine the financial condition
18 of that corporation or the details or purpose of any transaction or transactions that may have a
19 material effect on the financial condition of that corporation, the director may issue a temporary
20 order requiring the cessation of any activity or practice which gave rise, whether in whole or in part,
21 to the incomplete or inaccurate state of the books or records, or affirmative action to restore such
22 books or records to a complete and accurate state, until the completion of the proceedings under this
23 section. Any temporary order issued under this subsection shall become effective upon service and,
24 unless set aside, limited or suspended by a court, shall remain in effect and enforceable until the
25 earlier of the completion of the proceedings initiated under this section or the date on which the
26 director determines by examination or otherwise that the corporation's books and records are
27 accurate and reflect the financial condition of the corporation.

28 [7-] 8. Whenever it shall appear to the director that the violation or threatened violation or
29 the unsafe or unsound practice or practices specified in the notice of charges served upon the
30 corporation or any director, officer, employee, agent, or other person participating in the conduct of
31 the affairs of such corporation pursuant to subsection 4 of this section, or the continuation thereof, is
32 likely to cause insolvency or significant dissipation of assets or earnings of the corporation, or is
33 likely to weaken the condition of the corporation or otherwise prejudice the interests of its
34 depositors prior to the completion of the proceedings conducted pursuant to said subsection, the
35 director may issue a temporary order, effective immediately, requiring the corporation or such
36 director, officer, employee, agent, or other person to cease and desist from any such violation or
37 practice and to take affirmative action to prevent such insolvency, dissipation, condition, or
38 prejudice pending completion of such proceedings. Such order shall remain effective and
39 enforceable pending the completion of the administrative proceedings pursuant to such notice and

1 until such time as the director shall dismiss the charges specified in such notice or if a cease and
 2 desist order is issued against the corporation or such director, officer, employee, agent, or other
 3 person, until the effective date of such order. The corporation, director, officer, employee, agent, or
 4 other person may, within ten days after having been served with a temporary cease and desist order,
 5 apply to the circuit court of Cole County for an order setting aside, limiting, or suspending the
 6 enforcement, operation, or effectiveness of such order.

7 ~~[&]~~ 9. If any corporation, or any director, officer, employee, agent, or other person
 8 participating in the conduct of the affairs of such corporation shall fail or refuse to comply with any
 9 duly issued order provided for in this chapter and chapter 362, the corporation or such director,
 10 officer, employee, agent, or other person shall pay a civil penalty of not more than one thousand
 11 dollars per day for each day the failure or refusal shall continue. The penalty shall be assessed and
 12 collected by the director of the division. In determining the amount of the penalty, the director shall
 13 take into account the appropriateness of the penalty with respect to the size of the financial
 14 resources and good faith of the corporation or person charged, the gravity of the violation, the
 15 history of previous violations, and such other matters as justice may require. In addition to the
 16 penalty, the director may, in his or her discretion, report the delinquency to the attorney general,
 17 with a request that ~~[he]~~ the attorney general proceed as provided in section 361.270, and in the event
 18 of such request, the attorney general shall proceed.

19 361.262. 1. Whenever it shall appear to the director, from any examination or investigation
 20 made by ~~[him]~~ the director or ~~[his]~~ the director's examiners, that:

21 (1) Any director, officer, or any other person participating in the conduct of the affairs of a
 22 corporation subject to this chapter has ~~[committed any violation of]~~:

23 (a) Violated a law or regulation ~~[or of]~~;

24 (b) Violated a cease and desist order ~~[, or has violated]~~;

25 (c) Violated any director-imposed written condition ~~[imposed in writing by the director]~~ in
 26 connection with the grant of any application or other request by such corporation ~~[or]~~;

27 (d) Violated any written agreement between such corporation and the director ~~[, or has]~~;

28 (e) Engaged or participated in any unsafe or unsound practice in connection with the
 29 corporation ~~[, or has]~~; or

30 (f) Committed or engaged in any act, omission, or practice ~~[which]~~ that constitutes a breach
 31 of his or her fiduciary duty to the corporation ~~[,]~~; and

32 (2) The director determines that:

33 (a) The corporation has suffered or will probably suffer financial loss or other damage ~~[or~~
 34 ~~that]~~;

35 (b) The interests of its depositors, beneficiaries, or other customers could be prejudiced by
 36 reason of such violation or practice or breach of fiduciary duty ~~[,]~~; or ~~[that]~~

37 (c) The director ~~[or]~~, officer, or other person has received financial gain by reason of ~~[such]~~
 38 his or her violation or practice or breach of fiduciary duty ~~[,]~~; and

39 (3) The director determines that such violation or practice or breach of fiduciary duty is:

1 (a) One involving personal dishonesty on the part of such director, officer, or other
2 person^[5]; or

3 (b) One ~~[which]~~ that demonstrates a willful or continuing disregard for the safety or
4 soundness of the corporation,

5
6 the director may serve upon such director, officer, or other person a written notice of ~~[his]~~ the
7 director's intention to remove him or her from office.

8 2. ~~[When]~~ If it ~~[shall appear]~~ appears to the director, from any examination ~~[made by him or~~
9 ~~his examiners]~~ or investigation, that the conduct or practice of any director or officer of a
10 corporation subject to this chapter, ~~[by conduct or practice]~~ with respect to ~~[another]~~ such
11 corporation or ~~[any]~~ other corporation or business institution ~~[which]:~~

12 (1) Resulted in financial loss or other damage^[5, has];

13 (2) Evidenced either ~~[his]~~;

14 (a) Personal dishonesty; or

15 (b) A willful or continuing disregard for ~~[its]~~ the corporation's safety and soundness; and ~~[, in~~
16 addition, has]

17 (3) Evidenced his or her unfitness to continue as a director or officer ~~[and whenever it shall~~
18 ~~appear to the director that any other person participating in the conduct of the affairs of a~~
19 ~~corporation subject to this chapter, by conduct or practice with respect to such corporation or other~~
20 ~~corporation or other business institution which resulted in financial loss or other damage, has~~
21 ~~evidenced either his personal dishonesty or willful or continuing disregard for its safety and~~
22 ~~soundness and, in addition, has evidenced his unfitness to participate in the conduct of the affairs of~~
23 ~~such corporation]~~,

24
25 then the director may serve upon such director^[5] or officer^[5, or other person] a written notice of
26 intention to remove him or her from office or to prohibit his or her further participation in any
27 manner in the conduct of the affairs of the corporation or from any other banking, savings, or trust
28 institution supervised by the director.

29 3. If it appears to the director, from any examination or investigation, that the conduct or
30 practice of any person participating in the affairs of a corporation subject to this chapter, with
31 respect to the corporation or other corporation or business institution:

32 (1) Resulted in financial loss or other damage;

33 (2) Evidenced either:

34 (a) Personal dishonesty; or

35 (b) A willful or continuing disregard for safety and sound practices; and

36 (3) Evidenced the person's unfitness to participate in the affairs of the corporation,

37
38 then the director may serve upon such person a written notice of intention to remove him or her

1 from office or to prohibit him or her from any further participation in the affairs of the corporation
 2 or of any other banking, savings, or trust institution supervised by the director.

3 ~~[3-]~~ 4. Whenever it shall appear to the director to be necessary for the protection of any
 4 corporation or its depositors, ~~[he]~~ beneficiaries, or other customers, the director may, by written
 5 notice to such effect served upon any director, officer, or other person referred to in subsection 1, 2,
 6 or ~~[2]~~ 3 of this section, suspend him or her from office or prohibit him or her from further
 7 participation in any manner in the conduct of the affairs of the corporation. Such suspension or
 8 prohibition shall become effective upon service of such notice and shall remain in effect pending the
 9 completion of the administrative proceedings pursuant to the notice served under subsection 1, 2, or
 10 ~~[2]~~ 3 of this section and until such time as the director shall dismiss the charges specified in such
 11 notice or, if an order of removal or prohibition is issued against the director or officer or other
 12 person, until the effective date of any such order. Copies of any such notice shall also be served
 13 upon the corporation of which he or she is a director or officer or in the conduct of whose affairs he
 14 or she has participated.

15 ~~[4-]~~ 5. Except as provided in subsection ~~[5]~~ 6 of this section, any person who, pursuant to an
 16 order issued under this section, has been removed or suspended from office in a corporation or
 17 prohibited from participating in the conduct of the affairs of a corporation may not, while such order
 18 is in effect, continue or commence to hold any office in, or participate in any manner in, the conduct
 19 of the affairs of any other corporation subject to the provisions of this chapter.

20 ~~[5-]~~ 6. If, on or after the date an order is issued under this section ~~[which]~~ that removes or
 21 suspends from office any person or prohibits such person from participating in the conduct of the
 22 affairs of a corporation~~],~~ and such party receives the written consent of the director, subsection ~~[4]~~ 5
 23 of this section shall, to the extent of such consent, cease to apply to such person with respect to the
 24 ~~[corporation]~~ terms and conditions described in the written consent and the director shall publicly
 25 disclose such consent. Any violation of subsection ~~[4]~~ 5 of this section by any person who is subject
 26 to an order described in such subsection shall be treated as a violation of the order.

27 361.715. 1. Upon the filing of the application, the filing of a certified audit, the payment of
 28 the investigation fee and the approval by the director of the necessary bond, the director shall cause,
 29 investigate, and determine whether the character, responsibility, and general fitness of the principals
 30 of the applicant or any affiliates are such as to command confidence and warrant belief that the
 31 business of the applicant will be conducted honestly and efficiently and that the applicant is in
 32 compliance with all other applicable state and federal laws. If satisfied, the director shall issue to
 33 the applicant a license pursuant to the provisions of sections 361.700 to 361.727. In processing a
 34 renewal license, the director shall require the same information and follow the same procedures
 35 described in this subsection.

36 2. Each licensee shall pay to the director before the issuance of the license, and annually
 37 thereafter on or before April fifteenth of each year, a license fee of ~~[three]~~ four hundred dollars.

38 3. The director may assess a reasonable charge, not to exceed ~~[three]~~ four hundred dollars,
 39 for any application to amend and reissue an existing license.

1 364.030. 1. No person shall engage in the business of a financing institution in this state
2 without a license therefor as provided in this chapter; except, however, that no bank, trust company,
3 loan and investment company, licensed sales finance company, registrant under the provisions of
4 sections 367.100 to 367.200, or person who makes only occasional purchases of retail time contracts
5 or accounts under retail charge agreements and which purchases are not being made in the course of
6 repeated or successive purchase of retail installment contracts from the same seller, shall be required
7 to obtain a license under this chapter but shall comply with all the laws of this state applicable to the
8 conduct and operation of a financing institution.

9 2. The application for the license shall be in writing, under oath and in the form prescribed
10 by the director. The application shall contain the name of the applicant; date of incorporation, if
11 incorporated; the address where the business is or is to be conducted and similar information as to
12 any branch office of the applicant; the name and resident address of the owner or partners or, if a
13 corporation or association, of the directors, trustees and principal officers, and other pertinent
14 information as the director may require.

15 3. The license fee for each calendar year or part thereof shall be the sum of [~~five~~] six
16 hundred dollars for each place of business of the licensee in this state which shall be paid into the
17 general revenue fund. The director may establish a biennial licensing arrangement, but in no case
18 shall the fees be payable for more than one year at a time.

19 4. Each license shall specify the location of the office or branch and must be conspicuously
20 displayed therein. In case the location is changed, the director shall either endorse the change of
21 location of the license or mail the licensee a certificate to that effect, without charge.

22 5. Upon the filing of an application, and the payment of the fee, the director shall issue a
23 license to the applicant to engage in the business of a financing institution under and in accordance
24 with the provisions of this chapter for a period which shall expire the last day of December next
25 following the date of its issuance. The license shall not be transferable or assignable. No licensee
26 shall transact any business provided for by this chapter under any other name.

27 364.105. 1. No person shall engage in the business of a premium finance company in this
28 state without first registering as a premium finance company with the director.

29 2. The annual registration fee shall be [~~five~~] six hundred dollars payable to the director as of
30 the first day of July of each year. The director may establish a biennial licensing arrangement, but
31 in no case shall the fees be payable for more than one year at a time.

32 3. Registration shall be made on forms prepared by the director and shall contain the
33 following information:

34 (1) Name, business address and telephone number of the premium finance company;
35 (2) Name and business address of corporate officers and directors or principals or partners;
36 (3) A sworn statement by an appropriate officer, principal or partner of the premium finance
37 company that:

38 (a) The premium finance company is financially capable to engage in the business of
39 insurance premium financing; and

1 (b) If a corporation, that the corporation is authorized to transact business in this state;

2 (4) If any material change occurs in the information contained in the registration form, a
3 revised statement shall be submitted to the director accompanied by an additional fee of three
4 hundred dollars.

5 365.030. 1. No person shall engage in the business of a sales finance company in this state
6 without a license as provided in this chapter; except, that no bank, trust company, savings and loan
7 association, loan and investment company or registrant under the provisions of sections 367.100 to
8 367.200 authorized to do business in this state is required to obtain a license under this chapter but
9 shall comply with all of the other provisions of this chapter.

10 2. The application for the license shall be in writing, under oath and in the form prescribed
11 by the director. The application shall contain the name of the applicant; date of incorporation, if
12 incorporated; the address where the business is or is to be conducted and similar information as to
13 any branch office of the applicant; the name and resident address of the owner or partners or, if a
14 corporation or association, of the directors, trustees and principal officers, and such other pertinent
15 information as the director may require.

16 3. The license fee for each calendar year or part thereof shall be the sum of [~~five~~] six
17 hundred dollars for each place of business of the licensee in this state. The director may establish a
18 biennial licensing arrangement, but in no case shall the fees be payable for more than one year at a
19 time.

20 4. Each license shall specify the location of the office or branch and must be conspicuously
21 displayed there. In case the location is changed, the director shall either endorse the change of
22 location on the license or mail the licensee a certificate to that effect, without charge.

23 5. Upon the filing of the application, and the payment of the fee, the director shall issue a
24 license to the applicant to engage in the business of a sales finance company under and in
25 accordance with the provisions of this chapter for a period which shall expire the last day of
26 December next following the date of its issuance. The license shall not be transferable or
27 assignable. No licensee shall transact any business provided for by this chapter under any other
28 name.

29 367.140. 1. Every lender shall, at the time of filing application for certificate of registration
30 as provided in section 367.120 hereof, pay the sum of [~~five~~] six hundred dollars as an annual
31 registration fee for the period ending the thirtieth day of June next following the date of payment
32 and in full payment of all expenses for investigations, examinations and for the administration of
33 sections 367.100 to 367.200, except as provided in section 367.160, and thereafter a like fee shall be
34 paid on or before June thirtieth of each year; provided, that if a lender is supervised by the
35 commissioner of finance under any other law, the charges for examination and supervision required
36 to be paid under said law shall be in lieu of the annual fee for registration and examination required
37 under this section. The fee shall be made payable to the director of revenue. If the initial
38 registration fee for any certificate of registration is for a period of less than twelve months, the
39 registration fee shall be prorated according to the number of months that said period shall run. The

1 director may establish a biennial licensing arrangement, but in no case shall the fees be payable for
2 more than one year at a time.

3 2. Upon receipt of such fee and application for registration, and provided the bond, if
4 required by the director, has been filed, the director shall issue to the lender a certificate containing
5 the lender's name and address and reciting that such lender is duly and properly registered to
6 conduct the supervised business. The lender shall keep this certificate of registration posted in a
7 conspicuous place at the place of business recited in the registration certificate. Where the lender
8 engages in the supervised business at or from more than one office or place of business, such lender
9 shall obtain a separate certificate of registration for each such office or place of business.

10 3. Certificates of registration shall not be assignable or transferable except that the lender
11 named in any such certificate may obtain a change of address of the place of business therein set
12 forth. Each certificate of registration shall remain in full force and effect until surrendered, revoked,
13 or suspended as herein provided.

14 407.640. 1. A credit services organization shall file a registration statement with the
15 director of finance before conducting business in this state. The registration statement must contain:

16 (1) The name and address of the credit services organization; and

17 (2) The name and address of any person who directly or indirectly owns or controls ten
18 percent or more of the outstanding shares of stock in the credit services organization.

19 2. The registration statement must also contain either:

20 (1) A full and complete disclosure of any litigation or unresolved complaint filed by or with
21 a governmental authority of this state relating to the operation of the credit services organization; or

22 (2) A notarized statement that states that there has been no litigation or unresolved
23 complaint filed by or with a governmental authority of this state relating to the operation of the
24 credit services organization.

25 3. The credit services organization shall update the statement not later than the ninetieth day
26 after the date on which a change in the information required in the statement occurs.

27 4. Each credit services organization registering under this section shall maintain a copy of
28 the registration statement in the office of the credit services organization. The credit services
29 organization shall allow a buyer to inspect the registration statement on request.

30 5. The director of finance may charge each credit services organization that files a
31 registration statement with the director of finance a reasonable fee not to exceed ~~three~~ four
32 hundred dollars to cover the cost of filing. The director of finance may not require a credit services
33 organization to provide information other than that provided in the registration statement as part of
34 the registration process.

35 408.145. 1. To encourage competitive equality, lenders issuing credit cards in this state
36 pursuant to the authority of section 408.100 or 408.200[5] may ~~in addition to lawful interest,~~
37 ~~contract for, charge and collect fees for~~ issue such credit cards ~~which~~ under such terms and
38 conditions that any lender in any contiguous state is permitted to ~~charge~~ utilize for credit cards
39 issued in such contiguous state by such state's statutes. State-chartered lenders ~~charging such fees~~

1 issuing credit cards in reliance on this subsection shall file a copy of the pertinent statutes of one
2 contiguous state authorizing credit card ~~[fees]~~ terms and conditions with the director of finance or
3 such lender's principal state regulator. The director of finance or other principal state regulator shall,
4 within thirty days after receipt of the filing, approve or disapprove of such ~~[fees]~~ terms and
5 conditions on the sole basis of whether the statutes of such contiguous state permit such ~~[fees,]~~
6 terms and conditions and without regard to the restrictions placed upon credit cards by subsection 2
7 of this section. When the lender is chartered by the federal government, or any agency thereunder,
8 or is unregulated, such lender shall file with and be approved by the Missouri attorney general under
9 the same provision as provided a state-chartered lender.

10 2. "Credit card" as used in this section shall mean a credit device defined as such in the
11 federal Consumer Credit Protection Act and regulations thereunder, except:

12 (1) The term shall be limited to credit devices which permit the holder to purchase goods
13 and service upon presentation to third parties whether or not the credit card also permits the holder
14 to obtain loans of any other type; and

15 (2) Such credit device shall only provide credit which is not secured by real or personal
16 property.

17 3. "Lender" as used in this section shall mean any category of depository or nondepository
18 creditor. Notwithstanding the provisions of ~~[section 408.140]~~ sections 408.100 to 408.190 to the
19 contrary, the lender shall declare on each credit card contract whether the credit card ~~[fees are~~
20 ~~governed by section 408.140, or by]~~ is issued pursuant to this section.

21 408.500. 1. Lenders, other than banks, trust companies, credit unions, savings banks and
22 savings and loan companies, in the business of making unsecured loans of five hundred dollars or
23 less shall obtain a license from the director of the division of finance. An annual license fee of
24 ~~[five]~~ six hundred dollars per location shall be required. The license year shall commence on
25 January first each year and the license fee may be prorated for expired months. The director may
26 establish a biennial licensing arrangement, but in no case shall the fees be payable for more than one
27 year at a time. The provisions of this section shall not apply to pawnbroker loans, consumer credit
28 loans as authorized under chapter 367, nor to a check accepted and deposited or cashed by the payee
29 business on the same or the following business day. The disclosures required by the federal Truth in
30 Lending Act and regulation Z shall be provided on any loan, renewal or extension made pursuant to
31 this section and the loan, renewal or extension documents shall be signed by the borrower.

32 2. Entities making loans pursuant to this section shall contract for and receive simple
33 interest and fees in accordance with sections 408.100 and 408.140. Any contract evidencing any fee
34 or charge of any kind whatsoever, except for bona fide clerical errors, in violation of this section
35 shall be void. Any person, firm or corporation who receives or imposes a fee or charge in violation
36 of this section shall be guilty of a class A misdemeanor.

37 3. Notwithstanding any other law to the contrary, cost of collection expenses, which include
38 court costs and reasonable attorneys fees, awarded by the court in suit to recover on a bad check or
39 breach of contract shall not be considered as a fee or charge for purposes of this section.

1 427.300. 1. This section shall be known, and may be cited as, the "Commercial Financing
2 Disclosure Law".

3 2. For purposes of this section, the following terms mean:

4 (1) "Account":

5 (a) Includes:

6 a. A right to payment of a monetary obligation, whether or not earned by performance, for
7 one of the following:

8 (i) Property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed
9 of;

10 (ii) Services rendered or to be rendered;

11 (iii) A policy of insurance issued or to be issued;

12 (iv) A secondary obligation incurred or to be incurred;

13 (v) Energy provided or to be provided;

14 (vi) The use or hire of a vessel under a charter or other contract;

15 (vii) Arising out of the use of a credit or charge card or information contained on or for use
16 with the card; or

17 (viii) As winnings in a lottery or other game of chance operated or sponsored by a state,
18 governmental unit of a state, or person licensed or authorized to operate the game by a state or
19 governmental unit of a state; and

20 b. Health care insurance receivables; and

21 (b) Shall not include:

22 a. Rights to payment evidenced by chattel paper or an instrument;

23 b. Commercial tort claims;

24 c. Deposit accounts;

25 d. Investment property;

26 e. Letter-of-credit rights or letters of credit; or

27 f. Rights to payment for moneys or funds advanced or sold, other than rights arising out of
28 the use of a credit or charge card or information contained on or for use with the card;

29 (2) "Accounts receivable purchase transaction", any transaction in which the business
30 forwards or otherwise sells to the provider all or a portion of the business's accounts or payment
31 intangibles at a discount to their expected value. For purposes of this section, the provider's
32 characterization of an accounts receivable purchase transaction as a purchase is conclusive that the
33 accounts receivable purchase transaction is not a loan or a transaction for the use, forbearance, or
34 detention of moneys;

35 (3) "Broker", any person who, for compensation or the expectation of compensation, obtains
36 a commercial financing product or an offer for a commercial financing product from a third party
37 that would, if executed, be binding upon that third party and communicates that offer to a business
38 located in this state. The term "broker" excludes a "provider", or any individual or entity whose

1 compensation is not based or dependent upon the terms of the specific commercial financing
2 product obtained or offered;

3 (4) "Business", an individual or group of individuals, sole proprietorship, corporation,
4 limited liability company, trust, estate, cooperative, association, or limited or general partnership
5 engaged in a business activity;

6 (5) "Business purpose transaction", any transaction where the proceeds are provided to a
7 business or are intended to be used to carry on a business and not for personal, family, or household
8 purposes. For purposes of determining whether a transaction is a business purpose transaction, the
9 provider may rely on any written statement of intended purpose signed by the business. The
10 statement may be a separate statement or may be contained in an application, agreement, or other
11 document signed by the business or the business owner or owners;

12 (6) "Commercial financing product", any commercial loan, accounts receivable purchase
13 transaction, commercial open-end credit plan, or each to the extent the transaction is a business
14 purpose transaction;

15 (7) "Commercial loan", a loan to a business, whether secured or unsecured;

16 (8) "Commercial open-end credit plan", commercial financing extended by any provider
17 under a plan in which:

18 (a) The provider reasonably contemplates repeat transactions; and

19 (b) The amount of financing that may be extended to the business during the term of the
20 plan, up to any limit set by the provider, is generally made available to the extent that any
21 outstanding balance is repaid;

22 (9) "Depository institution", any of the following:

23 (a) A bank, trust company, or industrial loan company doing business under the authority of,
24 or in accordance with, a license, certificate, or charter issued by the United States, this state, or any
25 other state, district, territory, or commonwealth of the United States that is authorized to transact
26 business in this state;

27 (b) A federally chartered savings and loan association, federal savings bank, or federal
28 credit union that is authorized to transact business in this state; and

29 (c) A savings and loan association, savings bank, or credit union organized under the laws
30 of this or any other state that is authorized to transact business in this state;

31 (10) "General intangible", any personal property, including things in action, other than
32 accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments,
33 investment property, letter-of-credit rights, letters of credit, moneys, and oil, gas, or other minerals
34 before extraction. "General intangible" also includes payment intangibles and software;

35 (11) "Payment intangible", a general intangible under which the account debtor's principal
36 obligation is a monetary obligation;

37 (12) "Provider", a person who consummates more than five commercial financing products
38 to a business located in this state in any calendar year. "Provider" also includes a person who enters
39 into a written agreement with a depository institution to arrange for the extension of a commercial

1 financing product by the depository institution to a business via an online lending platform
2 administered by the person. The fact that a provider extends a specific offer for a commercial
3 financing product on behalf of a depository institution shall not be construed to mean that the
4 provider engaged in lending or financing or originated such loan or financing.

5 3. (1) A provider who consummates a commercial financing product shall disclose the
6 terms of the commercial financing product as required by this section. The disclosures shall be
7 provided at or before consummation of the transaction. Only one disclosure is required for each
8 commercial financing product, and a disclosure is not required as a result of the modification,
9 forbearance, or change to a consummated commercial financing product.

10 (2) A provider shall disclose the following in connection with each commercial financing
11 product:

12 (a) The total amount of funds provided to the business under the terms of the commercial
13 financing product. This disclosure shall be labeled "Total Amount of Funds Provided";

14 (b) The total amount of funds disbursed to the business under the terms of the commercial
15 financing product, if less than the total amount of funds provided, as a result of any fees deducted or
16 withheld at disbursement and any amount paid to a third party on behalf of the business. This
17 disclosure shall be labeled "Total Amount of Funds Disbursed";

18 (c) The total amount to be paid to the provider pursuant to the commercial financing product
19 agreement. This disclosure shall be labeled "Total of Payments";

20 (d) The total dollar cost of the commercial financing product under the terms of the
21 agreement, derived by subtracting the total amount of funds provided from the total of payments.
22 This calculation shall include any fees or charges deducted by the provider from the "Total Amount
23 of Funds Provided". This disclosure shall be labeled "Total Dollar Cost of Financing";

24 (e) The manner, frequency, and amount of each payment. This disclosure shall be labeled
25 "Payments". If the payments may vary, the provider shall instead disclose the manner, frequency,
26 and the estimated amount of the initial payment labeled "Estimated Payments", and the commercial
27 financing product agreement shall include a description of the methodology for calculating any
28 variable payment and the circumstances when payments may vary; and

29 (f) A statement of whether there are any costs or discounts associated with prepayment of
30 the commercial financing product, including a reference to the paragraph in the agreement that
31 creates the contractual rights of the parties related to prepayment. This disclosure shall be labeled
32 "Prepayment".

33 4. This section shall not apply to the following:

34 (1) A provider that is a depository institution or a subsidiary or service corporation that is:

35 (a) Owned and controlled by a depository institution; and

36 (b) Regulated by a federal banking agency;

37 (2) A provider that is a lender regulated under the federal Farm Credit Act, 12 U.S.C. Sec.
38 2001 et seq.;

39 (3) A commercial financing product that is:

1 (a) Secured by real property;

2 (b) A lease; or

3 (c) A purchase-money obligation that is incurred as all or part of the price of the collateral
4 or for value given to enable the business to acquire rights in or the use of the collateral if the value is
5 in fact so used;

6 (4) A commercial financing product in which the recipient is a motor vehicle dealer or an
7 affiliate of such a dealer, or a vehicle rental company, or an affiliate of such a company, pursuant to
8 a commercial loan or commercial open-end credit plan of at least fifty thousand dollars or a
9 commercial financing product offered by a person in connection with the sale or lease of products or
10 services that such person manufactures, licenses, or distributes, or whose parent company or any of
11 its directly or indirectly owned and controlled subsidiaries manufactures, licenses, or distributes;

12 (5) A commercial financing product that is a factoring transaction, purchase, sale, advance,
13 or similar of accounts receivables owed to a health care provider because of a patient's personal
14 injury treated by the health care provider;

15 (6) A provider who is licensed as a money transmitter in accordance with a license,
16 certificate, or charter issued by this state, or any other state, district, territory, or commonwealth of
17 the United States; or

18 (7) A provider who consummates no more than five commercial financing products in this
19 state in a twelve-month period.

20 5. (1) No person shall engage in business as a broker for commercial financing within this
21 state, for compensation, unless prior to conducting such business, the person has filed a registration
22 with the division of finance within the department of commerce and insurance and has on file a
23 good and sufficient bond as specified in this subsection. The registration shall be effective upon
24 receipt by the division of finance of a completed registration form and the required registration fee,
25 and shall remain effective until the time of renewal.

26 (2) After filing an initial registration form, a broker shall file, on or before January thirty-
27 first of each year, a renewal registration form along with the required renewal registration fee.

28 (3) The broker shall pay a one-hundred-dollar registration fee upon the filing of an initial
29 registration and a fifty-dollar renewal fee upon the filing of a renewal registration.

30 (4) The registration form required by this subsection shall include:

31 (a) The name of the broker;

32 (b) The name in which the broker is transacted if different from that stated in paragraph (a)
33 of this subdivision;

34 (c) The address of the broker's principal office, which may be outside this state;

35 (d) Whether any officer, director, manager, operator, or principal of the broker has been
36 convicted of a felony involving an act of fraud, dishonesty, breach of trust, or money laundering;
37 and

38 (e) The name and address in this state of a designated agent upon whom service of process
39 may be made.

1 (5) If information in a registration form changes or otherwise becomes inaccurate after
2 filing, the broker shall not be required to file a further registration form prior to the time of renewal.

3 (6) Each broker shall obtain a surety bond issued by a surety company authorized to do
4 business in this state. The amount of the bond shall be ten thousand dollars. The bond shall be in
5 favor of the state of Missouri. Any person damaged by the broker's breach of contract or of any
6 obligation arising therefrom, or by any violation of this section, may bring an action against the
7 bond to recover damages suffered. The aggregate liability of the surety shall be only for actual
8 damages and in no event shall exceed the amount of the bond.

9 (7) Employees regularly employed by a broker who has complied with this subsection shall
10 not be required to file a registration or obtain a surety bond when acting within the scope of their
11 employment for the broker.

12 6. (1) Any person who violates any provision of this section shall be punished by a fine of
13 five hundred dollars per incident, not to exceed twenty thousand dollars for all aggregated violations
14 arising from the use of the transaction documentation or materials found to be in violation of this
15 section. Any person who violates any provision of this section after receiving written notice of a
16 prior violation from the attorney general shall be punished by a fine of one thousand dollars per
17 incident, not to exceed fifty thousand dollars for all aggregated violations arising from the use of the
18 transaction documentation or materials found to be in violation of this section.

19 (2) Violation of any provision of this section shall not affect the enforceability or validity of
20 the underlying agreement.

21 (3) This section shall not create a private right of action against any person or other entity
22 based upon compliance or noncompliance with its provisions.

23 (4) Authority to enforce compliance with this section is vested exclusively in the attorney
24 general of this state.

25 7. The requirements of subsections 3 and 5 of this section shall take effect upon the earlier
26 of:

27 (1) Six months after the division of finance finalizes promulgating rules, if the division
28 intends to promulgate rules; or

29 (2) February 28, 2024, if the division does not promulgate rules.

30 8. The division of finance may promulgate rules implementing this section. If the division
31 of finance intends to promulgate rules, it shall declare its intent to do so no later than February 28,
32 2024. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under
33 the authority delegated in this section shall become effective only if it complies with and is subject
34 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
35 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter
36 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
37 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
38 August 28, 2023, shall be invalid and void.

39 569.010. As used in this chapter the following terms mean:

1 (1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a person
2 including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the
3 opening has a natural entrance;

4 (2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises
5 when he or she is not licensed or privileged to do so. A person who, regardless of his or her
6 purpose, enters or remains in or upon premises which are at the time open to the public does so with
7 license and privilege unless he or she defies a lawful order not to enter or remain, personally
8 communicated to him or her by the owner of such premises or by other authorized person. A license
9 or privilege to enter or remain in a building which is only partly open to the public is not a license or
10 privilege to enter or remain in that part of the building which is not open to the public;

11 (3) "Nuclear power plant", a power generating facility that produces electricity by means of
12 a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant shall be limited to
13 property within the structure or fenced yard, as defined in section 563.011;

14 (4) "Teller machine", an automated teller machine (ATM) or interactive teller machine
15 (ITM) that is a remote computer terminal or other device owned or controlled by a financial
16 institution or a private business that allows individuals to obtain financial services, including
17 obtaining cash, transferring or transmitting moneys or digital currencies, payment of bills, or
18 loading moneys or digital currency to a payment card, without physical in-person assistance from
19 another person. "Teller machine" does not include personally owned electronic devices used to
20 access financial services;

21 (5) "To tamper", to interfere with something improperly, to meddle with it, displace it, make
22 unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor
23 of that thing;

24 [~~5~~] (6) "Utility", an enterprise which provides gas, electric, steam, water, sewage disposal,
25 or communication, video, internet, or voice over internet protocol services, and any common carrier.
26 It may be either publicly or privately owned or operated.

27 569.100. 1. A person commits the offense of property damage in the first degree if such
28 person:

29 (1) Knowingly damages property of another to an extent exceeding seven hundred fifty
30 dollars; or

31 (2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of
32 defrauding an insurer; [ø]

33 (3) Knowingly damages a motor vehicle of another and the damage occurs while such
34 person is making entry into the motor vehicle for the purpose of committing the crime of stealing
35 therein or the damage occurs while such person is committing the crime of stealing within the motor
36 vehicle; or

37 (4) Knowingly damages, modifies, or destroys a teller machine or otherwise makes it
38 inoperable.

1 2. The offense of property damage in the first degree committed under subdivision (1) or (2)
 2 of subsection 1 of this section is a class E felony, unless the offense of property damage in the first
 3 degree was committed under subdivision (1) of subsection 1 of this section and the victim was
 4 intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is
 5 targeted because he or she is a relative within the second degree of consanguinity or affinity to a law
 6 enforcement officer, in which case it is a class D felony. The offense of property damage in the first
 7 degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless
 8 committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in
 9 which case it is a class B felony. The offense of property damage in the first degree committed
 10 under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the
 11 purpose of executing any scheme or artifice to defraud or obtain any property, the value of which
 12 exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty
 13 dollars in which case it is a class C felony; except that, if the offense of property damage in the first
 14 degree committed under subdivision (4) of subsection 1 of this section is committed to obtain the
 15 personal financial credentials of another person or committed as a second or subsequent violation of
 16 subdivision (4) of subsection 1 of this section, the offense of property damage in the first degree is a
 17 class B felony.

18 570.010. As used in this chapter, the following terms mean:

19 (1) "Adulterated", varying from the standard of composition or quality prescribed by statute
 20 or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by
 21 commercial usage;

22 (2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;

23 (3) "Check", a check or other similar sight order or any other form of presentment involving
 24 the transmission of account information for the payment of money;

25 (4) "Coercion", a threat, however communicated:

26 (a) To commit any offense; or

27 (b) To inflict physical injury in the future on the person threatened or another; or

28 (c) To accuse any person of any offense; or

29 (d) To expose any person to hatred, contempt or ridicule; or

30 (e) To harm the credit or business reputation of any person; or

31 (f) To take or withhold action as a public servant, or to cause a public servant to take or
 32 withhold action; or

33 (g) To inflict any other harm which would not benefit the actor. A threat of accusation,
 34 lawsuit or other invocation of official action is justified and not coercion if the property sought to be
 35 obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm
 36 done in the circumstances to which the accusation, exposure, lawsuit or other official action relates,
 37 or as compensation for property or lawful service. The defendant shall have the burden of injecting
 38 the issue of justification as to any threat;

1 (5) "Credit device", a writing, card, code, number or other device purporting to evidence an
2 undertaking to pay for property or services delivered or rendered to or upon the order of a
3 designated person or bearer;

4 (6) "Dealer", a person in the business of buying and selling goods;

5 (7) "Debit device", a writing, card, code, number or other device, other than a check, draft
6 or similar paper instrument, by the use of which a person may initiate an electronic fund transfer,
7 including but not limited to devices that enable electronic transfers of benefits to public assistance
8 recipients;

9 (8) "Deceit or deceive", making a representation which is false and which the actor does not
10 believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or
11 other state of mind, or concealing a material fact as to the terms of a contract or agreement. The
12 term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or
13 puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to
14 the actor's intention to perform a promise shall not be inferred from the fact alone that he did not
15 subsequently perform the promise;

16 (9) "Deprive":

17 (a) To withhold property from the owner permanently; or

18 (b) To restore property only upon payment of reward or other compensation; or

19 (c) To use or dispose of property in a manner that makes recovery of the property by the
20 owner unlikely;

21 (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps or
22 cash benefits issued by the department of social services;

23 (11) "Financial institution", a bank, trust company, savings and loan association, or credit
24 union;

25 (12) "Food stamps", the nutrition assistance program in Missouri that provides food and aid
26 to low-income individuals who are in need of benefits to purchase food operated by the United
27 States Department of Agriculture (USDA) in conjunction with the department of social services;

28 (13) "Forcibly steals", a person, in the course of stealing, uses or threatens the immediate
29 use of physical force upon another person for the purpose of:

30 (a) Preventing or overcoming resistance to the taking of the property or to the retention
31 thereof immediately after the taking; or

32 (b) Compelling the owner of such property or another person to deliver up the property or to
33 engage in other conduct which aids in the commission of the theft;

34 (14) "Internet service", an interactive computer service or system or an information service,
35 system, or access software provider that provides or enables computer access by multiple users to a
36 computer server, and includes, but is not limited to, an information service, system, or access
37 software provider that provides access to a network system commonly known as the internet, or any
38 comparable system or service and also includes, but is not limited to, a world wide web page,

1 newsgroup, message board, mailing list, or chat area on any interactive computer service or system
2 or other online service;

3 (15) "Means of identification", anything used by a person as a means to uniquely distinguish
4 himself or herself;

5 (16) "Merchant", a person who deals in goods of the kind or otherwise by his or her
6 occupation holds oneself out as having knowledge or skill peculiar to the practices or goods
7 involved in the transaction or to whom such knowledge or skill may be attributed by his or her
8 employment of an agent or broker or other intermediary who by his or her occupation holds oneself
9 out as having such knowledge or skill;

10 (17) "Misabeled", varying from the standard of truth or disclosure in labeling prescribed by
11 statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as
12 set by commercial usage; or represented as being another person's product, though otherwise
13 accurately labeled as to quality and quantity;

14 (18) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical
15 house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled
16 substance as defined in chapter 195;

17 (19) "Property", anything of value, whether real or personal, tangible or intangible, in
18 possession or in action, and shall include but not be limited to the evidence of a debt actually
19 executed but not delivered or issued as a valid instrument;

20 (20) "Public assistance benefits", anything of value, including money, food, EBT cards, food
21 stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials,
22 goods, and any service including institutional care, medical care, dental care, child care, psychiatric
23 and psychological service, rehabilitation instruction, training, transitional assistance, or counseling,
24 received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or
25 benefits, programs, and services provided or administered by the Missouri department of social
26 services or any of its divisions;

27 (21) "Services" includes transportation, telephone, electricity, gas, water, or other public
28 service, cable television service, video service, voice over internet protocol service, or internet
29 service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of
30 vehicles;

31 (22) "Stealing-related offense", federal and state violations of criminal statutes against
32 stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances
33 against the same if the offender was either represented by counsel or knowingly waived counsel in
34 writing and the judge accepting the plea or making the findings was a licensed attorney at the time
35 of the court proceedings;

36 (23) "Teller machine", an automated teller machine (ATM) or interactive teller machine
37 (ITM) that is a remote computer terminal or other device owned or controlled by a financial
38 institution or a private business that allows individuals to obtain financial services, including
39 obtaining cash, transferring or transmitting moneys or digital currencies, payment of bills, or

1 loading moneys or digital currency to a payment card, without physical in-person assistance from
 2 another person. "Teller machine" does not include personally owned electronic devices used to
 3 access financial services;

4 (24) "Video service", the provision of video programming provided through wireline
 5 facilities located at least in part in the public right-of-way without regard to delivery technology,
 6 including internet protocol technology whether provided as part of a tier, on demand, or a per-
 7 channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but
 8 does not include any video programming provided by a commercial mobile service provider as
 9 "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming
 10 provided solely as part of and via a service that enables users to access content, information,
 11 electronic mail, or other services offered over the public internet, and includes microwave television
 12 transmission, from a multipoint distribution service not capable of reception by conventional
 13 television receivers without the use of special equipment;

14 [~~24~~] (25) "Voice over internet protocol service", a service that:

- 15 (a) Enables real-time, two-way voice communication;
- 16 (b) Requires a broadband connection from the user's location;
- 17 (c) Requires internet protocol-compatible customer premises equipment; and
- 18 (d) Permits users generally to receive calls that originate on the public switched telephone
 19 network and to terminate calls to the public switched telephone network;

20 [~~25~~] (26) "Writing" includes printing, any other method of recording information, money,
 21 coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other
 22 symbols of value, right, privilege or identification.

23 570.030. 1. A person commits the offense of stealing if he or she:

24 (1) Appropriates property or services of another with the purpose to deprive him or her
 25 thereof, either without his or her consent or by means of deceit or coercion;

26 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
 27 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or
 28 coercion; or

29 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or
 30 disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

31 2. The offense of stealing is a class A felony if the property appropriated consists of any of
 32 the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car,
 33 bulk storage tank, field nurse, field tank or field applicator.

34 3. The offense of stealing is a class B felony if:

35 (1) The property appropriated or attempted to be appropriated consists of any amount of
 36 anhydrous ammonia or liquid nitrogen;

37 (2) The property consists of any animal considered livestock as the term livestock is defined
 38 in section 144.010, or any captive wildlife held under permit issued by the conservation
 39 commission, and the value of the animal or animals appropriated exceeds three thousand dollars and

1 that person has previously been found guilty of appropriating any animal considered livestock or
 2 captive wildlife held under permit issued by the conservation commission. Notwithstanding any
 3 provision of law to the contrary, such person shall serve a minimum prison term of not less than
 4 eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional
 5 release, or other early release by the department of corrections;

6 (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and
 7 that person has previously been found guilty of two stealing-related offenses committed on two
 8 separate occasions where such offenses occurred within ten years of the date of occurrence of the
 9 present offense;

10 (4) The property appropriated or attempted to be appropriated consists of any animal
 11 considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds
 12 ten thousand dollars; or

13 (5) The property appropriated or attempted to be appropriated is owned by or in the custody
 14 of a financial institution and the property is taken or attempted to be taken physically from an
 15 individual person to deprive the owner or custodian of the property.

16 4. The offense of stealing is a class C felony if the value of the property or services
 17 appropriated is twenty-five thousand dollars or more or the property is a teller machine or the
 18 contents of a teller machine, including cash, regardless of the value or amount.

19 5. The offense of stealing is a class D felony if:

20 (1) The value of the property or services appropriated is seven hundred fifty dollars or more;

21 (2) The offender physically takes the property appropriated from the person of the victim; or

22 (3) The property appropriated consists of:

23 (a) Any motor vehicle, watercraft or aircraft;

24 (b) Any will or unrecorded deed affecting real property;

25 (c) Any credit device, debit device or letter of credit;

26 (d) Any firearms;

27 (e) Any explosive weapon as defined in section 571.010;

28 (f) Any United States national flag designed, intended and used for display on buildings or
 29 stationary flagstaffs in the open;

30 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
 31 legislature of the state of Missouri;

32 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
 33 any other state or of the United States;

34 (i) Any book of registration or list of voters required by chapter 115;

35 (j) Any animal considered livestock as that term is defined in section 144.010;

36 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

37 (l) Any captive wildlife held under permit issued by the conservation commission;

38 (m) Any controlled substance as defined by section 195.010;

39 (n) Ammonium nitrate;

1 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
2 telecommunications, video, internet, or voice over internet protocol service, or any other device or
3 pipe that is associated with conducting electricity or transporting natural gas or other combustible
4 fuels; or

5 (p) Any material appropriated with the intent to use such material to manufacture,
6 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
7 analogues.

8 6. The offense of stealing is a class E felony if:

9 (1) The property appropriated is an animal;

10 (2) The property is a catalytic converter; or

11 (3) A person has previously been found guilty of three stealing-related offenses committed
12 on three separate occasions where such offenses occurred within ten years of the date of occurrence
13 of the present offense.

14 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in
15 subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred
16 fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

17 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
18 section.

19 9. If a violation of this section is subject to enhanced punishment based on prior findings of
20 guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section
21 558.021.

22 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6
23 of this section or of a value of seven hundred fifty dollars or more may be considered a separate
24 felony and may be charged in separate counts.

25 11. The value of property or services appropriated pursuant to one scheme or course of
26 conduct, whether from the same or several owners and whether at the same or different times,
27 constitutes a single criminal episode and may be aggregated in determining the grade of the offense,
28 except as set forth in subsection 10 of this section."; and

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.