

FIRST REGULAR SESSION

HOUSE BILL NO. 226

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

0690H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session and 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to reporting of lobbyist expenditures, with a penalty provision.

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

Section A. Sections 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session and 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 105.473, to read as follows:

105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 2. Each person shall, before giving testimony before any committee of the general
15 assembly, give to the secretary of such committee such person's name and address and the
16 identity of any lobbyist or organization, if any, on whose behalf such person appears. A person
17 who is not a lobbyist as defined in section 105.470 shall not be required to give such person's
18 address if the committee determines that the giving of such address would endanger the person's
19 physical health.

20 3. (1) During any period of time in which a lobbyist continues to act as an executive
21 lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the
22 lobbyist shall file with the commission on standardized forms prescribed by the commission
23 monthly reports which shall be due at the close of business on the tenth day of the following
24 month;

25 (2) Each report filed pursuant to this subsection shall include a statement, verified by a
26 written declaration that it is made under the penalties of perjury, setting forth the following:

27 (a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on
28 behalf of all public officials, their staffs and employees, and their spouses and dependent
29 children, which expenditures shall be separated into at least the following categories by the
30 executive branch, judicial branch and legislative branch of government: printing and publication
31 expenses; media and other advertising expenses; travel; the time, venue, and nature of any
32 entertainment; honoraria; meals, food and beverages; and gifts;

33 (b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on
34 behalf of all elected local government officials, their staffs and employees, and their spouses and
35 children. Such expenditures shall be separated into at least the following categories: printing
36 and publication expenses; media and other advertising expenses; travel; the time, venue, and
37 nature of any entertainment; honoraria; meals; food and beverages; and gifts;

38 (c) An itemized listing of the name of the recipient and the nature and amount of each
39 expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of
40 value, for all expenditures made during any reporting period, paid or provided to or for a public
41 official or elected local government official, such official's staff, employees, spouse or dependent
42 children;

43 (d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions
44 and the identity of the group invited, the date, location, and description of the occasion and the
45 amount of the expenditure for each occasion when any of the following are invited in writing:

46 a. All members of the senate, which may or may not include senate staff and employees
47 under the direct supervision of a state senator;

48 b. All members of the house of representatives, which may or may not include house
49 staff and employees under the direct supervision of a state representative;

50 c. All members of a joint committee of the general assembly or a standing committee
51 of either the house of representatives or senate, which may or may not include joint and standing
52 committee staff;

53 d. All members of a caucus of the majority party of the house of representatives, minority
54 party of the house of representatives, majority party of the senate, or minority party of the senate;

55 e. All statewide officials, which may or may not include the staff and employees under
56 the direct supervision of the statewide official;

57 (e) Any expenditure made on behalf of a public official, an elected local government
58 official or such official's staff, employees, spouse or dependent children, if such expenditure is
59 solicited by such official, the official's staff, employees, or spouse or dependent children, from
60 the lobbyist or his or her lobbyist principals and the name of such person or persons, except any
61 expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization
62 or other association formed to provide for good in the order of benevolence and except for any
63 expenditure reported under paragraph (d) of this subdivision;

64 (f) A statement detailing any direct business relationship or association or partnership
65 the lobbyist has with any public official or elected local government official. The reports
66 required by this subdivision shall cover the time periods since the filing of the last report or since
67 the lobbyist's employment or representation began, whichever is most recent.

68 4. No expenditure reported pursuant to this section shall include any amount expended
69 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to
70 this section shall be valued on the report at the actual amount of the payment made, or the
71 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the
72 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures
73 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of
74 such lobbyists. No expenditure shall be made on behalf of a state senator or state representative,
75 or such public official's staff, employees, spouse, or dependent children for travel or lodging
76 outside the state of Missouri unless such travel or lodging was approved prior to the date of the
77 expenditure by the administration and accounts committee of the house or the administration
78 committee of the senate.

79 5. Any lobbyist principal shall provide in a timely fashion whatever information is
80 reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by
81 this section.

82 6. All information required to be filed pursuant to the provisions of this section with the
83 commission shall be kept available by the executive director of the commission at all times open
84 to the public for inspection and copying for a reasonable fee for a period of five years from the
85 date when such information was filed.

86 7. No person shall knowingly employ any person who is required to register as a
87 registered lobbyist but is not registered pursuant to this section. Any person who knowingly
88 violates this subsection shall be subject to a civil penalty in an amount of not more than ten
89 thousand dollars for each violation. Such civil penalties shall be collected by action filed by the
90 commission.

91 8. Any lobbyist found to knowingly omit, conceal, or falsify in any manner information
92 required pursuant to this section shall be guilty of a class A misdemeanor.

93 9. The prosecuting attorney of Cole County shall be reimbursed only out of funds
94 specifically appropriated by the general assembly for investigations and prosecutions for
95 violations of this section.

96 10. Any public official or other person whose name appears in any lobbyist report filed
97 pursuant to this section who contests the accuracy of the portion of the report applicable to such
98 person may petition the commission for an audit of such report and shall state in writing in such
99 petition the specific disagreement with the contents of such report. The commission shall
100 investigate such allegations in the manner described in section 105.959. If the commission
101 determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter
102 an order requiring filing of an amended or corrected report.

103 11. **(1) Except as provided in subdivision (2) of this subsection,** the commission shall
104 provide a report listing the total spent by a lobbyist for the month and year to any member or
105 member-elect of the general assembly, judge or judicial officer, or any other person holding an
106 elective office of state government or any elected local government official on or before the
107 twentieth day of each month. For the purpose of providing accurate information to the public,
108 the commission shall not publish information in either written or electronic form for ten working
109 days after providing the report pursuant to this subsection. The commission shall not release any
110 portion of the lobbyist report if the accuracy of the report has been questioned pursuant to
111 subsection 10 of this section unless it is conspicuously marked "Under Review".

112 **(2) Any expenditure to any member or member-elect of the general assembly, judge**
113 **or judicial officer, or any other person holding an elective office of state government or any**
114 **elected local government official spent by a lobbyist out of the state of Missouri shall be**
115 **reported within fourteen days of the time that it occurred. The commission shall also**
116 **extend its electronic filing system required under section 105.477 to accommodate this new**
117 **time limitation.**

118 12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose
119 behalf the lobbyist acted, shall provide a general description of the proposed legislation or action
120 by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or

121 opposed. This information shall be supplied to the commission on March fifteenth and May
122 thirtieth of each year.

123 13. The provisions of this section shall supersede any contradicting ordinances or charter
124 provisions.

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3 or five days after beginning any activities as a lobbyist, file standardized
4 registration forms, verified by a written declaration that it is made under the
5 penalties of perjury, along with a filing fee of ten dollars, with the commission.
6 The forms shall include the lobbyist's name and business address, the name and
7 address of all persons such lobbyist employs for lobbying purposes, the name and
8 address of each lobbyist principal by whom such lobbyist is employed or in
9 whose interest such lobbyist appears or works. The commission shall maintain
10 files on all lobbyists' filings, which shall be open to the public. Each lobbyist
11 shall file an updating statement under oath within one week of any addition,
12 deletion, or change in the lobbyist's employment or representation. The filing fee
13 shall be deposited to the general revenue fund of the state. The lobbyist principal
14 or a lobbyist employing another person for lobbying purposes may notify the
15 commission that a judicial, executive or legislative lobbyist is no longer
16 authorized to lobby for the principal or the lobbyist and should be removed from
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22 105.470 shall not be required to give such person's address if the committee
23 determines that the giving of such address would endanger the person's physical
24 health.

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26 an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local
27 government official lobbyist, the lobbyist shall file with the commission on
28 standardized forms prescribed by the commission monthly reports which shall be
29 due at the close of business on the tenth day of the following month;

30 (2) Each report filed pursuant to this subsection shall include a statement,
31 verified by a written declaration that it is made under the penalties of perjury,
32 setting forth the following:

33 (a) The total of all expenditures by the lobbyist or his or her lobbyist
34 principals made on behalf of all public officials, their staffs and employees, and
35 their spouses and dependent children, which expenditures shall be separated into
36 at least the following categories by the executive branch, judicial branch and
37 legislative branch of government: printing and publication expenses; media and
38 other advertising expenses; travel; the time, venue, and nature of any
entertainment; honoraria; meals, food and beverages; and gifts;

39 (b) The total of all expenditures by the lobbyist or his or her lobbyist
40 principals made on behalf of all elected local government officials, their staffs
41 and employees, and their spouses and children. Such expenditures shall be
42 separated into at least the following categories: printing and publication
43 expenses; media and other advertising expenses; travel; the time, venue, and
44 nature of any entertainment; honoraria; meals; food and beverages; and gifts;

45 (c) An itemized listing of the name of the recipient and the nature and
46 amount of each expenditure by the lobbyist or his or her lobbyist principal,
47 including a service or anything of value, for all expenditures made during any
48 reporting period, paid or provided to or for a public official or elected local
49 government official, such official's staff, employees, spouse or dependent
50 children;

51 (d) The total of all expenditures made by a lobbyist or lobbyist principal
52 for occasions and the identity of the group invited, the date and description of the
53 occasion and the amount of the expenditure for each occasion when any of the
54 following are invited in writing:

55 a. All members of the senate;

56 b. All members of the house of representatives;

57 c. All members of a joint committee of the general assembly or a
58 standing committee of either the house of representatives or senate; or

59 d. All members of a caucus of the majority party of the house of
60 representatives, minority party of the house of representatives, majority party of
61 the senate, or minority party of the senate;

62 (e) Any expenditure made on behalf of a public official, an elected local
63 government official or such official's staff, employees, spouse or dependent
64 children, if such expenditure is solicited by such official, the official's staff,
65 employees, or spouse or dependent children, from the lobbyist or his or her
66 lobbyist principals and the name of such person or persons, except any
67 expenditures made to any not-for-profit corporation, charitable, fraternal or civic
68 organization or other association formed to provide for good in the order of
69 benevolence;

70 (f) A statement detailing any direct business relationship or association
71 or partnership the lobbyist has with any public official or elected local
72 government official. The reports required by this subdivision shall cover the time
73 periods since the filing of the last report or since the lobbyist's employment or
74 representation began, whichever is most recent.

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76 amount expended by a lobbyist or lobbyist principal on himself or herself. All
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78 actual amount of the payment made, or the charge, expense, cost, or obligation,
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81 the lobbyist principal shall not be reported by each lobbyist, but shall be reported

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83 senator or state representative, or such public official's staff, employees, spouse,
84 or dependent children for travel or lodging outside the state of Missouri unless
85 such travel or lodging was approved prior to the date of the expenditure by the
86 administration and accounts committee of the house or the administration
87 committee of the senate.

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89 information is reasonably requested by the lobbyist principal's lobbyist for use in
90 filing the reports required by this section.

91 6. All information required to be filed pursuant to the provisions of this
92 section with the commission shall be kept available by the executive director of
93 the commission at all times open to the public for inspection and copying for a
94 reasonable fee for a period of five years from the date when such information was
95 filed.

96 7. No person shall knowingly employ any person who is required to
97 register as a registered lobbyist but is not registered pursuant to this section. Any
98 person who knowingly violates this subsection shall be subject to a civil penalty
99 in an amount of not more than ten thousand dollars for each violation. Such civil
100 penalties shall be collected by action filed by the commission.

101 8. No lobbyist shall knowingly omit, conceal, or falsify in any manner
102 information required pursuant to this section.

103 9. The prosecuting attorney of Cole County shall be reimbursed only out
104 of funds specifically appropriated by the general assembly for investigations and
105 prosecutions for violations of this section.

106 10. Any public official or other person whose name appears in any
107 lobbyist report filed pursuant to this section who contests the accuracy of the
108 portion of the report applicable to such person may petition the commission for
109 an audit of such report and shall state in writing in such petition the specific
110 disagreement with the contents of such report. The commission shall investigate
111 such allegations in the manner described in section 105.959. If the commission
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119 to the public, the commission shall not publish information in either written or
120 electronic form for ten working days after providing the report pursuant to this
121 subsection. The commission shall not release any portion of the lobbyist report
122 if the accuracy of the report has been questioned pursuant to subsection 10 of this
123 section unless it is conspicuously marked "Under Review".

124 12. Each lobbyist or lobbyist principal by whom the lobbyist was
125 employed, or in whose behalf the lobbyist acted, shall provide a general
126 description of the proposed legislation or action by the executive branch or
127 judicial branch which the lobbyist or lobbyist principal supported or opposed.
128 This information shall be supplied to the commission on March fifteenth and
129 May thirtieth of each year.

130 13. The provisions of this section shall supersede any contradicting
131 ordinances or charter provisions.]

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