

SECOND REGULAR SESSION

# HOUSE BILL NO. 1395

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCCREERY.

4319H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 105.450, 105.463, and 105.470, RSMo, and sections 105.456 and 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and section 105.478 as enacted by senate bill no. 262, eighty-sixth general assembly, first regular session, and section 105.478 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof nine new sections relating to lobbying reform, with penalty provisions and an effective date.

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

Section A. Sections 105.450, 105.463, and 105.470, RSMo, sections 105.456 and  
2 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session,  
3 section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular  
4 session, section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second  
5 regular session, section 105.478 as enacted by senate bill no. 262, eighty-sixth general assembly,  
6 first regular session, and section 105.478 as enacted by senate bill no. 491, ninety-seventh  
7 general assembly, second regular session, are repealed and nine new sections enacted in lieu  
8 thereof, to be known as sections 105.450, 105.453, 105.456, 105.463, 105.465, 105.470,  
9 105.473, 105.478, and 105.479, to read as follows:

105.450. As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless  
2 the context clearly requires otherwise, the following terms mean:

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.

3 (1) "Adversary proceeding", any proceeding in which a record of the proceedings may  
4 be kept and maintained as a public record at the request of either party by a court reporter, notary  
5 public or other person authorized to keep such record by law or by any rule or regulation of the  
6 agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or  
7 any proceeding from the decision of which any party must be granted, on request, a hearing de  
8 novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political  
9 subdivision; or an investigative proceeding initiated by an official, department, division, or  
10 agency which pertains to matters which, depending on the conclusion of the investigation, could  
11 lead to a judicial or administrative proceeding being initiated against the party by the official,  
12 department, division or agency;

13 (2) "Business entity", a corporation, association, firm, partnership, proprietorship, or  
14 business entity of any kind or character;

15 (3) "Business with which a person is associated":

16 (a) Any sole proprietorship owned by himself or herself, the person's spouse or any  
17 dependent child in the person's custody;

18 (b) Any partnership or joint venture in which the person or the person's spouse is a  
19 partner, other than as a limited partner of a limited partnership, and any corporation or limited  
20 partnership in which the person is an officer or director or of which either the person or the  
21 person's spouse or dependent child in the person's custody whether singularly or collectively  
22 owns in excess of ten percent of the outstanding shares of any class of stock or partnership units;  
23 or

24 (c) Any trust in which the person is a trustee or settlor or in which the person or the  
25 person's spouse or dependent child whether singularly or collectively is a beneficiary or holder  
26 of a reversionary interest of ten percent or more of the corpus of the trust;

27 (4) "Commission", the Missouri ethics commission established in section 105.955;

28 (5) "Confidential information", all information whether transmitted orally or in writing  
29 which is of such a nature that it is not, at that time, a matter of public record or public  
30 knowledge;

31 (6) "Decision-making public servant", an official, appointee or employee of the offices  
32 or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory  
33 authority over the negotiation of contracts, or has the legal authority to adopt or vote on the  
34 adoption of rules and regulations with the force of law or exercises primary supervisory  
35 responsibility over purchasing decisions. The following officials or entities shall be responsible  
36 for designating a decision-making public servant:

37 (a) The governing body of the political subdivision with a general operating budget in  
38 excess of one million dollars;

39 (b) A department director;

40 (c) A judge vested with judicial power by Article V of the Constitution of the state of  
41 Missouri;

42 (d) Any commission empowered by interstate compact;

43 (e) A statewide elected official;

44 (f) The speaker of the house of representatives;

45 (g) The president pro tem of the senate;

46 (h) The president or chancellor of a state institution of higher education;

47 (7) "Dependent child" or "dependent child in the person's custody", all children,  
48 stepchildren, foster children and wards under the age of eighteen residing in the person's  
49 household and who receive in excess of fifty percent of their support from the person;

50 (8) **"Paid political consultant", a person who is paid or accepts anything of value**  
51 **to support or oppose the passage or defeat of a ballot measure or to promote the election**  
52 **of any candidate or the interest of an organization or committee, as such term is defined**  
53 **in section 130.011 including, but not limited to, planning campaign strategies; coordinating**  
54 **campaign staff; organizing meetings and public events to publicize the candidate or cause;**  
55 **public opinion polling; providing research on issues or opposition background;**  
56 **coordinating, producing, or purchasing print or broadcast media; direct mail production;**  
57 **phone solicitation; fund raising; and any other political activities;**

58 (9) "Political subdivision" shall include any political subdivision of the state, and any  
59 special district or subdistrict;

60 [(9)] (10) "Public document", a state tax return or a document or other record maintained  
61 for public inspection without limitation on the right of access to it and a document filed in a  
62 juvenile court proceeding;

63 [(10)] (11) "Substantial interest", ownership by the individual, the individual's spouse,  
64 or the individual's dependent children, whether singularly or collectively, directly or indirectly,  
65 of ten percent or more of any business entity, or of an interest having a value of ten thousand  
66 dollars or more, or the receipt by an individual, the individual's spouse or the individual's  
67 dependent children, whether singularly or collectively, of a salary, gratuity, or other  
68 compensation or remuneration of five thousand dollars, or more, per year from any individual,  
69 partnership, organization, or association within any calendar year;

70 [(11)] (12) "Substantial personal or private interest in any measure, bill, order or  
71 ordinance", any interest in a measure, bill, order or ordinance which results from a substantial  
72 interest in a business entity.

**105.453. 1. No member of the general assembly shall accept or receive**  
2 **compensation of any kind as a paid political consultant until one year after the expiration**  
3 **of any term of office for which such member is elected.**

4           **2. No member of the general assembly shall act or serve as a lobbyist, register as**  
5 **a lobbyist, or solicit clients to represent as a lobbyist until three years after the expiration**  
6 **of any term of office for which such member is elected. Paid full-time employees of such**  
7 **members shall also be barred from acting or serving as a lobbyist, registering as a lobbyist,**  
8 **or soliciting clients to represent as a lobbyist until one year after termination of such**  
9 **employees' employment.**

10           **3. No member of the general assembly shall be compensated for acting or serving**  
11 **as an elected local government official lobbyist, or shall solicit clients to represent as such**  
12 **a lobbyist while serving a term as a member of the general assembly.**

13           **4. Notwithstanding the provisions of subsection 2 of this section to the contrary, a**  
14 **member of the general assembly may, without compensation, act or serve as a lobbyist for**  
15 **and solicit clients to represent as a lobbyist for religious and charitable associations**  
16 **organized under chapter 352 immediately upon vacating such member's office as a**  
17 **member of the general assembly.**

18           **5. For the purposes of this section, the terms "lobbyist" and "elected local**  
19 **government official lobbyist" shall have the same meaning as in section 105.470.**

2           [105.456. 1. No member of the general assembly or the governor,  
3 lieutenant governor, attorney general, secretary of state, state treasurer or state  
4 auditor shall:

5           (1) Perform any service for the state or any political subdivision of the  
6 state or any agency of the state or any political subdivision thereof or act in his  
7 or her official capacity or perform duties associated with his or her position for  
8 any person for any consideration other than the compensation provided for the  
9 performance of his or her official duties; or

10           (2) Sell, rent or lease any property to the state or political subdivision  
11 thereof or any agency of the state or any political subdivision thereof for  
12 consideration in excess of five hundred dollars per transaction or one thousand  
13 five hundred dollars per annum unless the transaction is made pursuant to an  
14 award on a contract let or sale made after public notice and in the case of property  
15 other than real property, competitive bidding, provided that the bid or offer  
16 accepted is the lowest received; or

17           (3) Attempt, for compensation other than the compensation provided for  
18 the performance of his or her official duties, to influence the decision of any  
19 agency of the state on any matter, except that this provision shall not be construed  
20 to prohibit such person from participating for compensation in any adversary  
21 proceeding or in the preparation or filing of any public document or conference  
22 thereon. The exception for a conference upon a public document shall not permit  
23 any member of the general assembly or the governor, lieutenant governor,  
24 attorney general, secretary of state, state treasurer or state auditor to receive any  
25 consideration for the purpose of attempting to influence the decision of any  
agency of the state on behalf of any person with regard to any application, bid or

26 request for a state grant, loan, appropriation, contract, award, permit other than  
27 matters involving a driver's license, or job before any state agency, commission,  
28 or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4  
29 or any other court rule or law to the contrary, other members of a firm,  
30 professional corporation or partnership shall not be prohibited pursuant to this  
31 subdivision from representing a person or other entity solely because a member  
32 of the firm, professional corporation or partnership serves in the general  
33 assembly, provided that such official does not share directly in the compensation  
34 earned, so far as the same may reasonably be accounted, for such activity by the  
35 firm or by any other member of the firm. This subdivision shall not be construed  
36 to prohibit any inquiry for information or the representation of a person without  
37 consideration before a state agency or in a matter involving the state if no  
38 consideration is given, charged or promised in consequence thereof.

39 2. No sole proprietorship, partnership, joint venture, or corporation in  
40 which a member of the general assembly, governor, lieutenant governor, attorney  
41 general, secretary of state, state treasurer, state auditor or spouse of such official  
42 is the sole proprietor, a partner having more than a ten percent partnership  
43 interest, or a coparticipant or owner of in excess of ten percent of the outstanding  
44 shares of any class of stock, shall:

45 (1) Perform any service for the state or any political subdivision thereof  
46 or any agency of the state or political subdivision for any consideration in excess  
47 of five hundred dollars per transaction or one thousand five hundred dollars per  
48 annum unless the transaction is made pursuant to an award on a contract let or  
49 sale made after public notice and competitive bidding, provided that the bid or  
50 offer accepted is the lowest received; or

51 (2) Sell, rent, or lease any property to the state or any political  
52 subdivision thereof or any agency of the state or political subdivision thereof for  
53 consideration in excess of five hundred dollars per transaction or one thousand  
54 five hundred dollars per annum unless the transaction is made pursuant to an  
55 award on a contract let or a sale made after public notice and in the case of  
56 property other than real property, competitive bidding, provided that the bid or  
57 offer accepted is the lowest and best received.

58 3. No statewide elected official, member of the general assembly, or any  
59 person acting on behalf of such official or member shall expressly and explicitly  
60 make any offer or promise to confer any paid employment, where the individual  
61 is compensated above actual and necessary expenses, to any statewide elected  
62 official or member of the general assembly in exchange for the official's or  
63 member's official vote on any public matter. Any person making such offer or  
64 promise is guilty of the crime of bribery of a public servant under section  
65 576.010.

66 4. Any statewide elected official or member of the general assembly who  
67 accepts or agrees to accept an offer described in subsection 3 of this section is  
68 guilty of the crime of acceding to corruption under section 576.020.]

105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; [or]

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; [or]

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof; or

**(4) Solicit any registered lobbyist for any position with a hiring date beginning after such person is no longer an elected official, whether compensated or not, while such person holds office.**

36           2. No sole proprietorship, partnership, joint venture, or corporation in which a member  
37 of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state  
38 treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more  
39 than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of  
40 the outstanding shares of any class of stock, shall:

41           (1) Perform any service for the state or any political subdivision thereof or any agency  
42 of the state or political subdivision for any consideration in excess of five hundred dollars per  
43 transaction or one thousand five hundred dollars per annum unless the transaction is made  
44 pursuant to an award on a contract let or sale made after public notice and competitive bidding,  
45 provided that the bid or offer accepted is the lowest received; or

46           (2) Sell, rent, or lease any property to the state or any political subdivision thereof or any  
47 agency of the state or political subdivision thereof for consideration in excess of five hundred  
48 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is  
49 made pursuant to an award on a contract let or a sale made after public notice and in the case of  
50 property other than real property, competitive bidding, provided that the bid or offer accepted  
51 is the lowest and best received.

52           **3. No individual holding office as a state representative or state senator shall accept**  
53 **or receive compensation of any kind as a paid political consultant for another individual**  
54 **holding the office of state representative, state senator, governor, lieutenant governor,**  
55 **attorney general, secretary of state, state treasurer, or state auditor, or for any committee,**  
56 **as such term is defined in chapter 130, nor shall any spouse, dependent child, or parent**  
57 **accept or receive compensation of any kind on behalf of any individual holding office as**  
58 **a state representative or state senator who acts as a paid political consultant.**

59           **4. No individual or business entity shall solicit a member of the general assembly**  
60 **to become employed by that individual or business entity as a legislative lobbyist, as such**  
61 **term is defined in section 105.470 or as a paid political consultant while such member is**  
62 **holding office as a member of the general assembly. No member of the general assembly**  
63 **shall solicit clients to represent as a legislative lobbyist.**

64           **5. Neither the governor nor any person acting on behalf of the governor shall make**  
65 **any offer or promise to confer an appointment to any board, commission, committee,**  
66 **council, county office, department directorship, fee office under section 136.055, judgeship,**  
67 **or any other position to any member of the general assembly in exchange for the member's**  
68 **official vote on any public matter. Any person making such offer or promise is guilty of**  
69 **the offense of bribery of a public servant under section 576.010.**

70           **6. Any member of the general assembly who accepts or agrees to accept an offer or**  
71 **promise to confer an appointment to any board, commission, committee, council, county**  
72 **office, department directorship, fee office under section 136.055, judgeship, or any other**

73 **position from the governor or any person acting on behalf of the governor in exchange for**  
74 **the member's official vote on any public matter is guilty of the offense of acceding to**  
75 **corruption under section 576.020.**

76 **7. Neither the governor, lieutenant governor, attorney general, secretary of state,**  
77 **state treasurer, state auditor, any member of the general assembly, nor any of such elected**  
78 **official's staff, employees, spouse, or dependent children shall accept any tangible or**  
79 **intangible item, service, or thing of value from any lobbyist as such term is defined in**  
80 **section 105.470.**

105.463. [Within thirty days of submission of the person's name to the governor and in  
2 order to be an eligible nominee for appointment to a board or commission requiring senate  
3 confirmation, a nominee shall file a financial interest statement in the manner provided by  
4 section 105.485 and shall request a list of all political contributions and the name of the  
5 candidate or committee as defined in chapter 130, to which those contributions were made within  
6 the four-year period prior to such appointment, made by the nominee, from the ethics  
7 commission. The information shall be delivered to the nominee by the ethics commission. The  
8 nominee shall deliver the information to the president pro tem of the senate prior to  
9 confirmation.] **Within ten days of submission of an appointment letter to the secretary of**  
10 **state for the appointment of any person to a board or commission, the governor shall**  
11 **deliver to the president pro tempore of the senate a list of any political contributions and**  
12 **expenditures made by the appointee within the previous four years. As used in this section,**  
13 **the terms "contribution" and "expenditure" shall have the same meaning as in chapter**  
14 **130.**

**105.465. 1. Notwithstanding any provision of section 105.478 to the contrary, no**  
2 **person shall intentionally offer to any elected or appointed official or employee of the state**  
3 **or any political subdivision thereof, nor shall any such official or employee accept, any**  
4 **item, service, or thing of value, including a contribution as such term is defined in section**  
5 **130.011, in direct exchange for voting in favor of, voting against, or engaging in any**  
6 **legislative, executive, or judicial course of action designed to benefit, delay, or hinder the**  
7 **passage or failure of any specific state legislation, rule, or regulation, or any specific local**  
8 **legislation, order, ordinance, rule, or regulation.**

9 **2. Violation of this section is a class D felony until December 31, 2016, and a class**  
10 **E felony beginning January 1, 2017.**

105.470. As used in [section 105.473] **sections 105.472 to 105.477**, unless the context  
2 requires otherwise, the following words and terms mean:

3 (1) "Elected local government official lobbyist", any natural person employed  
4 specifically for the purpose of attempting to influence any action by a local government official



5 elected in a county, city, town, or village with an annual operating budget of over ten million  
6 dollars;

7 (2) "Executive lobbyist", any natural person who acts for the purpose of attempting to  
8 influence any action by the executive branch of government or by any elected or appointed  
9 official, employee, department, division, agency or board or commission thereof and in  
10 connection with such activity, meets the requirements of any one or more of the following:

11 (a) Is acting in the ordinary course of employment on behalf of or for the benefit of such  
12 person's employer; or

13 (b) Is engaged for pay or for any valuable consideration for the purpose of performing  
14 such activity; or

15 (c) Is designated to act as a lobbyist by any person, business entity, governmental entity,  
16 religious organization, nonprofit corporation, association or other entity; or

17 (d) Makes total expenditures of fifty dollars or more during the twelve-month period  
18 beginning January first and ending December thirty-first for the benefit of one or more public  
19 officials or one or more employees of the executive branch of state government in connection  
20 with such activity.

21

22 An "executive lobbyist" shall not include a member of the general assembly, an elected state  
23 official, or any other person solely due to such person's participation in any of the following  
24 activities:

25 a. Appearing or inquiring in regard to a complaint, citation, summons, adversary  
26 proceeding, or contested case before a state board, commission, department, division or agency  
27 of the executive branch of government or any elected or appointed officer or employee thereof;

28 b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any  
29 public document, permit or contract, any application for any permit or license or certificate, or  
30 any document required or requested to be filed with the state or a political subdivision;

31 c. Selling of goods or services to be paid for by public funds, provided that such person  
32 is attempting to influence only the person authorized to authorize or enter into a contract to  
33 purchase the goods or services being offered for sale;

34 d. Participating in public hearings or public proceedings on rules, grants, or other  
35 matters;

36 e. Responding to any request for information made by any public official or employee  
37 of the executive branch of government;

38 f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or  
39 television broadcast, or similar news medium, whether print or electronic;

40 g. Acting within the scope of employment by the general assembly, or acting within the  
41 scope of employment by the executive branch of government when acting with respect to the

42 department, division, board, commission, agency or elected state officer by which such person  
43 is employed, or with respect to any duty or authority imposed by law to perform any action in  
44 conjunction with any other public official or state employee; or

45 h. Testifying as a witness before a state board, commission or agency of the executive  
46 branch;

47 (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any  
48 gift, honorarium or item of value bestowed including any food or beverage; any price, charge or  
49 fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is  
50 cancelled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible  
51 cost or fair market value from one person to another or provision of any service or granting of  
52 any opportunity for which a charge is customarily made, without charge or for a reduced charge;  
53 except that the term "expenditure" shall not include the following:

54 (a) Any item, service or thing of value transferred to any person within the third degree  
55 of consanguinity of the transferor which is unrelated to any activity of the transferor as a  
56 lobbyist;

57 (b) Informational material such as books, reports, pamphlets, calendars or periodicals  
58 informing a public official regarding such person's official duties, or souvenirs or mementos  
59 valued at less than ten dollars;

60 (c) Contributions to the public official's campaign committee or candidate committee  
61 which are reported pursuant to the provisions of chapter 130;

62 (d) Any loan made or other credit accommodations granted or other payments made by  
63 any person or entity which extends credit or makes loan accommodations or such payments in  
64 the regular ordinary scope and course of business, provided that such are extended, made or  
65 granted in the ordinary course of such person's or entity's business to persons who are not public  
66 officials;

67 (e) Any item, service or thing of de minimis value offered to the general public, whether  
68 or not the recipient is a public official or a staff member, employee, spouse or dependent child  
69 of a public official, and only if the grant of the item, service or thing of de minimis value is not  
70 motivated in any way by the recipient's status as a public official or staff member, employee,  
71 spouse or dependent child of a public official;

72 (f) The transfer of any item, provision of any service or granting of any opportunity with  
73 a reasonably discernible cost or fair market value when such item, service or opportunity is  
74 necessary for a public official or employee to perform his or her duty in his or her official  
75 capacity, including but not limited to entrance fees to any sporting event, museum, or other  
76 venue when the official or employee is participating in a ceremony, public presentation or  
77 official meeting therein;

78 (g) Any payment, gift, compensation, fee, expenditure or anything of value which is  
79 bestowed upon or given to any public official or a staff member, employee, spouse or dependent  
80 child of a public official when it is compensation for employment or given as an employment  
81 benefit and when such employment is in addition to their employment as a public official;

82 (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to  
83 influence any purchasing decision by the judicial branch of government or by any elected or  
84 appointed official or any employee thereof and in connection with such activity, meets the  
85 requirements of any one or more of the following:

86 (a) Is acting in the ordinary course of employment which primary purpose is to influence  
87 the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such  
88 person's employer, except that this shall not apply to any person who engages in lobbying on an  
89 occasional basis only and not as a regular pattern of conduct; or

90 (b) Is engaged for pay or for any valuable consideration for the purpose of performing  
91 such activity; or

92 (c) Is designated to act as a lobbyist by any person, business entity, governmental entity,  
93 religious organization, nonprofit corporation or association; or

94 (d) Makes total expenditures of fifty dollars or more during the twelve-month period  
95 beginning January first and ending December thirty-first for the benefit of one or more public  
96 officials or one or more employees of the judicial branch of state government in connection with  
97 attempting to influence such purchasing decisions by the judiciary.

98

99 A "judicial lobbyist" shall not include a member of the general assembly, an elected state official,  
100 or any other person solely due to such person's participation in any of the following activities:

101 a. Appearing or inquiring in regard to a complaint, citation, summons, adversary  
102 proceeding, or contested case before a state court;

103 b. Participating in public hearings or public proceedings on rules, grants, or other  
104 matters;

105 c. Responding to any request for information made by any judge or employee of the  
106 judicial branch of government;

107 d. Preparing, distributing or publication of an editorial, a newsletter, newspaper,  
108 magazine, radio or television broadcast, or similar news medium, whether print or electronic; or

109 e. Acting within the scope of employment by the general assembly, or acting within the  
110 scope of employment by the executive branch of government when acting with respect to the  
111 department, division, board, commission, agency or elected state officer by which such person  
112 is employed, or with respect to any duty or authority imposed by law to perform any action in  
113 conjunction with any other public official or state employee;

114 (5) "Legislative lobbyist", any natural person who acts for the purpose of attempting to  
115 influence the taking, passage, amendment, delay or defeat of any official action on any bill,  
116 resolution, amendment, nomination, appointment, report or any other action or any other matter  
117 pending or proposed in a legislative committee in either house of the general assembly, or in any  
118 matter which may be the subject of action by the general assembly and in connection with such  
119 activity, meets the requirements of any one or more of the following:

120 (a) Is acting in the ordinary course of employment[, which primary purpose is] to  
121 influence legislation [on a regular basis,] on behalf of or for the benefit of such person's  
122 employer[, except that this shall not apply to any person who engages in lobbying on an  
123 occasional basis only and not as a regular pattern of conduct]; or

124 (b) Is engaged for pay or for any valuable consideration for the purpose of performing  
125 such activity; or

126 (c) Is designated to act as a lobbyist by any person, business entity, governmental entity,  
127 religious organization, nonprofit corporation, association or other entity; or

128 (d) Makes total expenditures of fifty dollars or more during the twelve-month period  
129 beginning January first and ending December thirty-first for the benefit of one or more public  
130 officials or one or more employees of the legislative branch of state government in connection  
131 with such activity.

132

133 A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any  
134 person unless excluded by any of the following exceptions. A "legislative lobbyist" shall not  
135 include any member of the general assembly, an elected state official, or any other person solely  
136 due to such person's participation in any of the following activities:

137 a. Responding to any request for information made by any public official or employee  
138 of the legislative branch of government;

139 b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or  
140 television broadcast, or similar news medium, whether print or electronic;

141 c. Acting within the scope of employment of the legislative branch of government when  
142 acting with respect to the general assembly or any member thereof;

143 d. Testifying as a witness before the general assembly or any committee thereof;

144 (6) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist,  
145 elected local government official lobbyist, or a legislative lobbyist;

146 (7) "Lobbyist principal", any person, business entity, governmental entity, religious  
147 organization, nonprofit corporation or association who employs, contracts for pay or otherwise  
148 compensates a lobbyist;

149 (8) "Public official", any member or member-elect of the general assembly, judge or  
150 judicial officer, or any other person holding an elective office of state government or any agency  
151 head, department director or division director of state government or any member of any state  
152 board or commission and any designated decision-making public servant designated by persons  
153 described in this subdivision.

2 [105.473. 1. Each lobbyist shall, not later than January fifth of each year  
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  
17 the commission's files.

18 2. Each person shall, before giving testimony before any committee of  
19 the general assembly, give to the secretary of such committee such person's name  
20 and address and the identity of any lobbyist or organization, if any, on whose  
21 behalf such person appears. A person who is not a lobbyist as defined in section  
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.

25 3. (1) During any period of time in which a lobbyist continues to act as  
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, location, and  
53 description of the occasion and the amount of the expenditure for each occasion  
54 when any of the following are invited in writing:

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

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

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

63 d. All members of a caucus of the majority party of the house of  
64 representatives, minority party of the house of representatives, majority party of  
65 the senate, or minority party of the senate;

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

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

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

82                   4. No expenditure reported pursuant to this section shall include any  
83 amount expended by a lobbyist or lobbyist principal on himself or herself. All  
84 expenditures disclosed pursuant to this section shall be valued on the report at the  
85 actual amount of the payment made, or the charge, expense, cost, or obligation,  
86 debt or bill incurred by the lobbyist or the person the lobbyist represents.  
87 Whenever a lobbyist principal employs more than one lobbyist, expenditures of  
88 the lobbyist principal shall not be reported by each lobbyist, but shall be reported  
89 by one of such lobbyists. No expenditure shall be made on behalf of a state  
90 senator or state representative, or such public official's staff, employees, spouse,  
91 or dependent children for travel or lodging outside the state of Missouri unless  
92 such travel or lodging was approved prior to the date of the expenditure by the  
93 administration and accounts committee of the house or the administration  
94 committee of the senate.

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

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

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

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

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

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

122                   11. The commission shall provide a report listing the total spent by a  
123 lobbyist for the month and year to any member or member-elect of the general  
124 assembly, judge or judicial officer, or any other person holding an elective office  
125 of state government or any elected local government official on or before the

126 twentieth day of each month. For the purpose of providing accurate information  
127 to the public, the commission shall not publish information in either written or  
128 electronic form for ten working days after providing the report pursuant to this  
129 subsection. The commission shall not release any portion of the lobbyist report  
130 if the accuracy of the report has been questioned pursuant to subsection 10 of this  
131 section unless it is conspicuously marked "Under Review".

132 12. Each lobbyist or lobbyist principal by whom the lobbyist was  
133 employed, or in whose behalf the lobbyist acted, shall provide a general  
134 description of the proposed legislation or action by the executive branch or  
135 judicial branch which the lobbyist or lobbyist principal supported or opposed.  
136 This information shall be supplied to the commission on March fifteenth and  
137 May thirtieth of each year.

138 13. The provisions of this section shall supersede any contradicting  
139 ordinances or charter provisions.]

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

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 and description of the occasion and the amount of  
45 the expenditure for each occasion when any of the following are invited in writing:

46 a. All members of the senate;

47 b. All members of the house of representatives;

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

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

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

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

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

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

76           6. **The lobbyist or lobbyist principal shall maintain accurate records and accounts**  
77 **of lobbyist expenditures on a current basis. All records and accounts of receipts and**  
78 **expenditures for elected officials shall be preserved for at least three years after the date**  
79 **of the expenditure to which the record pertains. The records shall be available for**  
80 **inspection by the ethics commission and its duly authorized representatives in the course**  
81 **of an investigation by the ethics commission.**

82           7. 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.] 8. 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.] 9. No lobbyist shall knowingly omit, conceal, or falsify in any manner information  
92 required pursuant to this section.

93           [9.] 10. 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.] 11. Any public official or other person whose name appears in any lobbyist report  
97 filed pursuant to this section who contests the accuracy of the portion of the report applicable to

98 such person may petition the commission for an audit of such report and shall state in writing  
99 in such 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.] **12.** The commission shall provide a report listing the total spent by a lobbyist for  
104 the month and year to any member or member-elect of the general assembly, judge or judicial  
105 officer, or any other person holding an elective office of state government or any elected local  
106 government official on or before the twentieth day of each month. For the purpose of providing  
107 accurate information to the public, the commission shall not publish information in either written  
108 or electronic form for ten working days after providing the report pursuant to this subsection.  
109 The commission shall not release any portion of the lobbyist report if the accuracy of the report  
110 has been questioned pursuant to subsection [10] **11** of this section unless it is conspicuously  
111 marked "Under Review".

112 [12.] **13.** Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in  
113 whose behalf the lobbyist acted, shall provide a general description of the proposed legislation  
114 or action by the executive branch or judicial branch which the lobbyist or lobbyist principal  
115 supported or opposed. This information shall be supplied to the commission on March fifteenth  
116 and May thirtieth of each year.

117 [13.] **14.** The provisions of this section shall supersede any contradicting ordinances or  
118 charter provisions.

119 **15. No lobbyist shall deliver any tangible or intangible item, service, or thing of**  
120 **value to the governor, lieutenant governor, attorney general, secretary of state, state**  
121 **treasurer, state auditor, or any member of the general assembly, or to any of such elected**  
122 **official's staff, employee, spouse, or dependent children.**

105.478. **1.** Any person guilty of knowingly violating any of the provisions of sections  
2 105.450 to 105.498 shall be punished as follows:

3 (1) For the first offense, such person is guilty of a class B misdemeanor;

4 (2) For the second and subsequent offenses, such person is guilty of a class E felony.

5 **2. Any person who engages in lobbyist activities, as lobbyist is defined in section**  
6 **105.470, and who knowingly fails to register as a lobbyist is guilty of violating this**  
7 **subsection. Any violation of this subsection shall be punishable as follows:**

8 (1) **For the first violation, the person shall be guilty of a class B misdemeanor;**

9 (2) **For the second and subsequent violations, the person shall be guilty of a class**  
10 **E felony.**

105.478. 1. Any person guilty of knowingly violating any of the provisions of sections  
2 105.450 to 105.498 shall be punished as follows:

3 (1) For the first offense, such person is guilty of a class B misdemeanor;

4 (2) For the second and subsequent offenses, such person is guilty of a class D felony.

5 **2. Any person who engages in lobbyist activities, as lobbyist is defined in section**  
6 **105.470, and who knowingly fails to register as a lobbyist is guilty of violating this**  
7 **subsection. Any violation of this subsection shall be punishable as follows:**

8 (1) For the first violation, the person shall be guilty of a class B misdemeanor;

9 (2) For the second and subsequent violations, the person shall be guilty of a class  
10 D felony.

**105.479. Each paid political consultant shall, not later than January fifth of each**  
2 **year or five days after beginning any activities as a paid political consultant, file**  
3 **standardized registration forms, verified by a written declaration that it is made under the**  
4 **penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms**  
5 **shall include the consultant's name and business address, the name and address of each**  
6 **person, candidate, organization, or committee by whom such consultant is employed or in**  
7 **whose interest such consultant appears or works, and whether such person or organization**  
8 **is a lobbyist or lobbyist principal. The commission shall maintain files on all consultant**  
9 **filings, which shall be open to the public. Each paid political consultant shall file an**  
10 **updating statement under oath within one week of any addition, deletion, or change in such**  
11 **persons employment or representation. The filing fee shall be deposited to the general**  
12 **revenue fund of the state. For the purposes of this section the terms "lobbyist" and**  
13 **"lobbyist principal" shall have the same meaning as in section 105.470 and the terms**  
14 **"candidate" and "committee" shall have the same meaning as in section 130.011.**

Section B. The provisions of this act shall become effective on January 1, 2017.

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