

SECOND REGULAR SESSION

HOUSE BILL NO. 1633

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALFERMAN.

5099H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.470, RSMo, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, section 105.485 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.485 as enacted by house bill no. 2058, ninety-fourth general assembly, second regular session, and to enact in lieu thereof three new sections relating to lobbying.

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

Section A. Sections 105.470, RSMo, section 105.473 as enacted by senate bill no. 844, 2 ninety-fifth general assembly, second regular session, section 105.473 as enacted by house bill 3 no. 1900, ninety-third general assembly, second regular session, section 105.485 as enacted by 4 senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.485 5 as enacted by house bill no. 2058, ninety-fourth general assembly, second regular session, are 6 repealed and three new sections enacted in lieu thereof, to be known as sections 105.470, 7 105.473, and 105.485, to read as follows:

105.470. As used in section 105.473, unless the context requires otherwise, the following 2 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;

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

7 (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
49 or 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 **or affinity** of the transferor which is unrelated to any activity of the transferor
56 as a 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,
77 **speaking engagement**, or 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 **(h) Flowers or plants;**

83 **(i) Any honorarium or other item of recognition including, but not limited to, a**
84 **plaque or award that signifies the honorary recognition of a service or other notable**
85 **accomplishment;**

86 **(j) Any item that is not used or accepted and that is returned within fifteen days of**
87 **receipt to the lobbyist or lobbyist principal or that is delivered within fifteen days of receipt**
88 **to an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue**
89 **Code of 1986, as amended, and that is not claimed as a charitable contribution for state or**
90 **federal income tax purposes;**

91 **(k) Gifts of a personal nature that were customarily received by an individual from**
92 **the lobbyist or lobbyist principal before the individual became an elected or appointed**
93 **official or an employee of the elected or appointed official;**

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

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

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

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

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

110

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

- 113 a. Appearing or inquiring in regard to a complaint, citation, summons, adversary
114 proceeding, or contested case before a state court;
- 115 b. Participating in public hearings or public proceedings on rules, grants, or other
116 matters;
- 117 c. Responding to any request for information made by any judge or employee of the
118 judicial branch of government;
- 119 d. Preparing, distributing or publication of an editorial, a newsletter, newspaper,
120 magazine, radio or television broadcast, or similar news medium, whether print or electronic; or
- 121 e. Acting within the scope of employment by the general assembly, or acting within the
122 scope of employment by the executive branch of government when acting with respect to the
123 department, division, board, commission, agency or elected state officer by which such person
124 is employed, or with respect to any duty or authority imposed by law to perform any action in
125 conjunction with any other public official or state employee;
- 126 (5) "Legislative lobbyist", any natural person who acts for the purpose of attempting to
127 influence the taking, passage, amendment, delay or defeat of any official action on any bill,
128 resolution, amendment, nomination, appointment, report or any other action or any other matter
129 pending or proposed in a legislative committee in either house of the general assembly, or in any
130 matter which may be the subject of action by the general assembly and in connection with such
131 activity, meets the requirements of any one or more of the following:
- 132 (a) Is acting in the ordinary course of employment, which primary purpose is to influence
133 legislation on a regular basis, on behalf of or for the benefit of such person's employer, except
134 that this shall not apply to any person who engages in lobbying on an occasional basis only and
135 not as a regular pattern of conduct; or
- 136 (b) Is engaged for pay or for any valuable consideration for the purpose of performing
137 such activity; or
- 138 (c) Is designated to act as a lobbyist by any person, business entity, governmental entity,
139 religious organization, nonprofit corporation, association or other entity; or
- 140 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
141 beginning January first and ending December thirty-first for the benefit of one or more public
142 officials or one or more employees of the legislative branch of state government in connection
143 with such activity.
- 144
- 145 A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any
146 person unless excluded by any of the following exceptions. A "legislative lobbyist" shall not
147 include any member of the general assembly, an elected state official, or any other person solely
148 due to such person's participation in any of the following activities:

- 149 a. Responding to any request for information made by any public official or employee
150 of the legislative branch of government;
- 151 b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or
152 television broadcast, or similar news medium, whether print or electronic;
- 153 c. Acting within the scope of employment of the legislative branch of government when
154 acting with respect to the general assembly or any member thereof;
- 155 d. Testifying as a witness before the general assembly or any committee thereof;
- 156 (6) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist,
157 elected local government official lobbyist, or a legislative lobbyist;
- 158 (7) "Lobbyist principal", any person, business entity, governmental entity, religious
159 organization, nonprofit corporation or association who employs, contracts for pay or otherwise
160 compensates a lobbyist;
- 161 (8) "Public official", any member or member-elect of the general assembly, judge or
162 judicial officer, or any other person holding an elective office of state government or any agency
163 head, department director or division director of state government or any member of any state
164 board or commission and any designated decision-making public servant designated by persons
165 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
health.

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

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

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

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

43 [(d)] (c) The total of all expenditures made by a lobbyist or lobbyist principal for
44 occasions and the identity of the group invited, the date 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;
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 of
49 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)] (d) Any expenditure made on behalf of [a public official,] an elected local
53 government official or such official's staff, employees, spouse or dependent children, if such
54 expenditure is solicited by such official, the official's staff, employees, or spouse or dependent
55 children, from the lobbyist or his or her lobbyist principals and the name of such person or
56 persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or
57 civic organization 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. All information required to be filed pursuant to the provisions of this section with the
77 commission shall be kept available by the executive director of the commission at all times open
78 to the public for inspection and copying for a reasonable fee for a period of five years from the
79 date when such information was filed.

80 7. No person shall knowingly employ any person who is required to register as a
81 registered lobbyist but is not registered pursuant to this section. Any person who knowingly

82 violates this subsection shall be subject to a civil penalty in an amount of not more than ten
83 thousand dollars for each violation. Such civil penalties shall be collected by action filed by the
84 commission.

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

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

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

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

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

111 13. The provisions of this section shall supersede any contradicting ordinances or charter
112 provisions.

113 **14. Notwithstanding any provision of law to the contrary, no lobbyist principal or**
114 **lobbyist or any other person acting on behalf of a lobbyist principal or lobbyist shall make**
115 **any expenditure for any elected or appointed public official of the state, his or her staff or**
116 **employees, or his or her spouse or dependent children, nor shall any elected or appointed**
117 **public official of the state accept any expenditure from such lobbyist principal or lobbyist.**

2 [105.485. 1. Each financial interest statement required by sections
3 105.483 to 105.492 shall be on a form prescribed by the commission and shall be
4 signed and verified by a written declaration that it is made under penalties of
5 perjury; provided, however, the form shall not seek information which is not
6 specifically required by sections 105.483 to 105.492.

7 2. Each person required to file a financial interest statement pursuant to
8 subdivisions (1) to (12) of section 105.483 shall file the following information
9 for himself, his spouse and dependent children at any time during the period
10 covered by the statement, whether singularly or collectively; provided, however,
11 that said person, if he does not know and his spouse will not divulge any
12 information required to be reported by this section concerning the financial
13 interest of his spouse, shall state on his financial interest statement that he has
14 disclosed that information known to him and that his spouse has refused or failed
15 to provide other information upon his bona fide request, and such statement shall
16 be deemed to satisfy the requirements of this section for such financial interest
17 of his spouse; and provided further if the spouse of any person required to file a
18 financial interest statement is also required by section 105.483 to file a financial
19 interest statement, the financial interest statement filed by each need not disclose
20 the financial interest of the other, provided that each financial interest statement
21 shall state that the spouse of the person has filed a separate financial interest
22 statement and the name under which the statement was filed:

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

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

38 (3) The name and address of any other source not reported pursuant to
39 subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which
40 such person received one thousand dollars or more of income during the year
41 covered by the statement, including, but not limited to, any income otherwise
42 required to be reported on any tax return such person is required by law to file;
except that only the name of any publicly traded corporation or limited

43 partnership which is listed on a regulated stock exchange or automated quotation
44 system need be reported pursuant to this subdivision;

45 (4) The location by county, the subclassification for property tax
46 assessment purposes, the approximate size and a description of the major
47 improvements and use for each parcel of real property in the state, other than the
48 individual's personal residence, having a fair market value of ten thousand dollars
49 or more in which such person held a vested interest including a leasehold for a
50 term of ten years or longer, and, if the property was transferred during the year
51 covered by the statement, the name and address of the persons furnishing or
52 receiving consideration for such transfer;

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

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

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

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

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

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

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

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

96 (d) Expenses which are reported by the campaign committee or candidate
97 committee of the person filing the statement pursuant to the provisions of chapter
98 130; or

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

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

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

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

113 (b) Is a lobbyist; or

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

115 (12) The name and address of each campaign committee, political party
116 committee, candidate committee, or political action committee for which such
117 person or any corporation listed on such person's financial interest statement
118 received payment; and

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

123 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this
124 section, an individual shall be deemed to have received a salary from his
125 employer or income from any source at the time when he shall receive a
126 negotiable instrument whether or not payable at a later date and at the time when
127 under the practice of his employer or the terms of an agreement he has earned or
128 is entitled to anything of actual value whether or not delivery of the value is

129 deferred or right to it has vested. The term income as used in this section shall
130 have the same meaning as provided in the Internal Revenue Code of 1986, and
131 amendments thereto, as the same may be or becomes effective, at any time or
132 from time to time for the taxable year, provided that income shall not be
133 considered received or earned for purposes of this section from a partnership or
134 sole proprietorship until such income is converted from business to personal use.

135 4. Each official, officer or employee or candidate of any political
136 subdivision described in subdivision (11) of section 105.483 shall be required to
137 file a financial interest statement as required by subsection 2 of this section,
138 unless the political subdivision biennially adopts an ordinance, order or
139 resolution at an open meeting by September fifteenth of the preceding year,
140 which establishes and makes public its own method of disclosing potential
141 conflicts of interest and substantial interests and therefore excludes the political
142 subdivision or district and its officers and employees from the requirements of
143 subsection 2 of this section. A certified copy of the ordinance, order or resolution
144 shall be sent to the commission within ten days of its adoption. The commission
145 shall assist any political subdivision in developing forms to complete the
146 requirements of this subsection. The ordinance, order or resolution shall contain,
147 at a minimum, the following requirements with respect to disclosure of
148 substantial interests:

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

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

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

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

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

171 (4) Duplicate disclosure reports made pursuant to this subsection shall
172 be filed with the commission and the governing body of the political subdivision.
173 The clerk of such governing body shall maintain such disclosure reports available
174 for public inspection and copying during normal business hours.]
175

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

5 2. Each person required to file a financial interest statement pursuant to subdivisions (1)
6 to (12) of section 105.483 shall file the following information for himself, his spouse and
7 dependent children at any time during the period covered by the statement, whether singularly
8 or collectively; provided, however, that said person, if he does not know and his spouse will not
9 divulge any information required to be reported by this section concerning the financial interest
10 of his spouse, shall state on his financial interest statement that he has disclosed that information
11 known to him and that his spouse has refused or failed to provide other information upon his
12 bona fide request, and such statement shall be deemed to satisfy the requirements of this section
13 for such financial interest of his spouse; and provided further if the spouse of any person required
14 to file a financial interest statement is also required by section 105.483 to file a financial interest
15 statement, the financial interest statement filed by each need not disclose the financial interest
16 of the other, provided that each financial interest statement shall state that the spouse of the
17 person has filed a separate financial interest statement and the name under which the statement
18 was filed:

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

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

31 (3) The name and address of any other source not reported pursuant to subdivisions (1)
32 and (2) and subdivisions (4) to (9) of this subsection from which such person received one

33 thousand dollars or more of income during the year covered by the statement, including, but not
34 limited to, any income otherwise required to be reported on any tax return such person is required
35 by law to file; except that only the name of any publicly traded corporation or limited partnership
36 which is listed on a regulated stock exchange or automated quotation system need be reported
37 pursuant to this subdivision;

38 (4) The location by county, the subclassification for property tax assessment purposes,
39 the approximate size and a description of the major improvements and use for each parcel of real
40 property in the state, other than the individual's personal residence, having a fair market value
41 of ten thousand dollars or more in which such person held a vested interest including a leasehold
42 for a term of ten years or longer, and, if the property was transferred during the year covered by
43 the statement, the name and address of the persons furnishing or receiving consideration for such
44 transfer;

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

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

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

64 (8) The name and address of each source from which such person received a gift or gifts,
65 or honorarium or honoraria in excess of two hundred dollars in value per source during the year
66 covered by the statement other than gifts from persons within the third degree of consanguinity
67 or affinity of the person filing the financial interest statement. For the purposes of this section,
68 a "gift" shall not be construed to mean political contributions otherwise required to be reported

69 by law or hospitality such as food, beverages or admissions to social, art, or sporting events or
70 the like, or informational material. For the purposes of this section, a "gift" shall include gifts
71 to or by creditors of the individual for the purpose of cancelling, reducing or otherwise forgiving
72 the indebtedness of the individual to that creditor. **The provisions of this subdivision shall not**
73 **apply to any elected or appointed official of the state;**

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

77 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
78 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

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

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

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

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

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

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

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

96 (b) Is a lobbyist; or

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

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

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

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

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

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

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

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

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

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

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

✓