

HB 1846 -- Ethics, Lobbying, and Campaign Contributions

Sponsor: Hobbs

This bill changes the laws regarding ethics, lobbying, and campaign contributions.

ETHICS AND LOBBYING

The bill:

(1) Specifies that the crime of bribery of a public servant includes when the Governor or an agent of the Governor exchanges various appointed positions for an official vote on a public matter by a member of the General Assembly;

(2) Specifies that the crime of acceding to corruption by a public servant includes when a member of the General Assembly exchanges an official vote on a public matter for an appointment to certain positions;

(3) Prohibits a legislator and the legislator's spouse, dependent children, and parents from receiving compensation during the legislator's term of office for the legislator's actions as a paid political consultant for another legislator or a statewide elected official or committee as defined under the Campaign Finance Disclosure Laws, Chapter 130, RSMo;

(4) Prohibits members of the General Assembly from acting, serving, or soliciting clients to represent as a lobbyist; providing consulting services to any lobbyist; or registering as a legislative lobbyist under the Conflict of Interest and Lobbying Laws, Chapter 105, within 365 days after the conclusion of the general assembly of which the person was a member;

(5) Requires legislators, statewide elected officials, and their staff and employees to file a report regarding any paid political activity, including paid political consulting, in which they or any business entity in which they or their spouse, dependent children, or parent have any ownership interest have performed for a committee as defined under the Campaign Finance Disclosure Laws, Chapter 130;

(6) Requires the Speaker of the House of Representatives and the President Pro Tem of the Senate to disclose the name of all nonmember appointees and the amount of any contribution made by the appointee, the appointee's spouse, or any business in which the appointee or the appointee's spouse holds a substantial interest to any committee for the benefit of the legislator during the four years immediately preceding the appointment;

(7) Requires the Governor to disclose the name of all appointees, the amount and date of any contribution made by the appointee to any committee during the four years immediately preceding the appointment. The disclosure must be included in the letter of transmittal to the Senate announcing the appointment, printed in the Senate journal, and accessible to the public on the Governor's and the Senate's web site;

(8) Prohibits the Governor from appointing a legislator to certain positions until 365 days after the conclusion of the general assembly of which the person was a member;

(9) Specifies that the definitions used in Section 105.470 regarding lobbying will apply to Section 105.456. Currently, the definitions only apply to Section 105.473;

(10) Adds any honorarium in recognition of legislative service valued at less than \$50 to the list of items that will not be considered a required reportable expenditure for a lobbyist;

(11) Specifies that anyone who attempts to influence an elected official other than the elected official who represents the legislative district where that person resides and who meets other specified requirements will be deemed a legislative lobbyist as defined in Section 105.470, except for a person testifying before any legislative, executive, or administrative committee;

(12) Allows a lobbyist to report the total expenditures for any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value, including gifts or services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred to all members of the House of Representatives or Senate when the members are invited in writing by the lobbyist, but repeals the provisions which allow the reporting of total expenditures for members of a joint committee of the General Assembly, a standing committee of the House of Representatives or the Senate, or the majority or minority caucus of the House of Representatives or the Senate;

(13) Specifies that a lobbyist who knowingly omits, conceals, or falsifies information required on the monthly lobbyist report will be guilty of a class D felony;

(14) Repeals the provisions requiring the Missouri Ethics Commission to provide the monthly lobbyist spending reports to legislators, judges, and state and local elected officials;

(15) Prohibits members of the General Assembly, statewide officials, and persons acting on their behalf or at their request from accepting any cumulative expenditures totaling more than \$100 from a lobbyist, except for certain specified expenditures as well as items worth less than \$10; and

(16) Adds members of the General Assembly and the staff and employees under their direct supervision, statewide officials and their staff and employees, and caucus staff to the list of individuals who must file a financial interest statement pursuant to Chapter 105.

CAMPAIGN CONTRIBUTIONS

The bill:

(1) Prohibits a committee from transferring any funds received by the committee to any other committee as specified in Chapter 130. Any person who violates this provision will be notified by the commission within five days of determining that the transfer is prohibited and the person must notify the committee to which the funds were transferred that they must be returned within 10 days. For a second violation, the person transferring the funds will be guilty of a class C misdemeanor and a class D felony for any subsequent violation. The prohibition will not apply to any transfer of funds from a committee to a candidate committee unless the intent is to conceal the identity of the actual source of the funds. Any person who transfers or attempts to transfer funds from a committee to any other committee with the intent to conceal the identity of the source of funds will be guilty of a class D felony;

(2) Prohibits statewide office holders from accepting donations from persons whom they appoint with the advice and consent of the Senate during and for 180 days after the appointment ends;

(3) Prohibits statewide office holders from soliciting contributions or fund-raising activities from any person appointed by the Governor with the advice and consent of the Senate, the appointee's spouse, or any business in which the appointee or the appointee's spouse holds a substantial interest for any elected official during and for 180 days after the appointment ends;

(4) Prohibits persons and businesses from making a contribution of any kind to a candidate committee or state political party committee that makes expenditures on behalf of a statewide office holder, executive department official, or state agency when that person or business has certain specified issues requiring a decision or determination pending before the associated elected

official, executive department, or state agency;

(5) Prohibits statewide office holders from soliciting contributions from any person or business while that person or business has certain specified issues requiring a decision or determination pending before the associated elected official, executive department, or state agency;

(6) Requires, beginning August 28, 2010, all committees to file any required disclosure report in an electronic format as prescribed by the Missouri Ethics Commission;

(7) Limits, beginning January 1, 2011, campaign donations from any person other than the candidate in any one election to candidates for statewide office at \$2,000; for State Senator at \$1,000; and for State Representative at \$500. Contribution limits for local candidate donations are based upon population and are specified in the bill. Candidate committees will be exempt from these limits;

(8) Limits donations made or accepted by political party committees to \$20,000 for a statewide candidate; \$10,000 for a State Senator candidate; \$5,000 for a State Representative candidate; and 10 times the allowable individual contribution for candidates for other local offices;

(9) Prohibits contributions from a person younger than 18 years of age;

(10) Establishes a surcharge penalty payable to the commission of \$5,000 per donation plus the amount of the nonallowable contribution for a violation of the campaign contribution limits by any committee and requires the candidate to return the nonallowable contribution to the contributor within 10 business days. Failure to return the contribution will be a class D felony committed jointly by the candidate and the treasurer;

(11) Creates the crime of obstruction of an ethics investigation, a class D felony. A person who knowingly uses any item of value to obstruct a commission investigation or makes a false statement or submits inaccurate documentation to any commission member or employee or to any investigating official will be guilty of the crime. Retraction is a defense in certain specified circumstances; and

(12) Specifies that if a candidate committee fails to pay its outstanding debts within 18 months after the termination of the committee, the candidate will become responsible for the debt. Failure to pay the debt will be a class D felony for conversion of campaign funds.