

FIRST REGULAR SESSION

HOUSE BILL NO. 188

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWDEN.

0440H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.456, 105.473, 130.011, and 130.044 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, sections 105.463, 105.470, 105.473, and 130.011 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, and to enact in lieu thereof seven new sections relating to ethics, with a penalty provision.

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

Section A. Sections 105.456, 105.473, 130.011, and 130.044 as enacted by senate bill
2 no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by
3 house bill no. 1120, ninety-first general assembly, second regular session, sections 105.463,
4 105.470, 105.473, and 130.011 as enacted by house bill no. 1900, ninety-third general assembly,
5 second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth
6 general assembly, second regular session, are repealed and seven new sections enacted in lieu
7 thereof, to be known as sections 105.453, 105.456, 105.463, 105.470, 105.473, 130.011, and
8 130.044, to read as follows:

**105.453. 1. No member of the general assembly shall act or serve as a lobbyist,
2 register as a lobbyist, or solicit clients to represent as a lobbyist until two years after the
3 expiration of any term of office for which such member is elected.**

**4 2. For the purposes of this section, the term "lobbyist" shall have the same meaning
5 as in section 105.470.**

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.

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

40 2. No sole proprietorship, partnership, joint venture, or corporation in
41 which a member of the general assembly, governor, lieutenant governor, attorney
42 general, secretary of state, state treasurer, state auditor or spouse of such official
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.]
69

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

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

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

13 (3) Attempt, for compensation other than the compensation provided for the performance
14 of his or her official duties, to influence the decision of any agency of the state on any matter,

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

33 **(4) Solicit any registered lobbyist for any position with a hiring date beginning after**
34 **such person is no longer an elected official, whether compensated or not, while such person**
35 **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. Neither the governor nor any person acting on behalf of the governor shall make**
53 **any offer or promise to confer an appointment to any board, commission, committee,**
54 **council, county office, department directorship, fee office under section 136.055, judgeship,**
55 **or any other position, to any member of the general assembly in exchange for the member's**
56 **official vote on any public matter. Any person making such offer or promise is guilty of**
57 **the crime of bribery of a public servant under section 576.010.**

58 **4. Any member of the general assembly who accepts or agrees to accept an offer or**
59 **promise to confer an appointment to any board, commission, committee, council, county**
60 **office, department directorship, fee office under section 136.055, judgeship, or any other**
61 **position, from the governor or any person acting on behalf of the governor in exchange for**
62 **the member's official vote on any public matter is guilty of the crime of acceding to**
63 **corruption under section 576.020.**

64 **5. No individual member of the general assembly or such member's staff, employee,**
65 **spouse, or dependent children shall accept any tangible or intangible item, service, or thing**
66 **of value from any lobbyist as defined in section 105.470 except when the item, service, or**
67 **thing of value is given to all senators, representatives, or caucus members.**

105.463. Within [thirty] **ten** days of submission of [the person's name to the governor
2 and in 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.] **an appointment letter to the secretary of state for the appointment of any**
10 **person to a board or commission, the governor shall deliver to the president pro tempore**
11 **of the senate a list of any political contributions and expenditures made by the appointee**
12 **within the previous four years. As used in this section, the terms "contributions",**
13 **"expenditure", and "candidate committee" shall have the same meaning as in chapter 130.**

105.470. As used in [section] **sections 105.471 and 105.473**, unless the context requires
2 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. An "executive lobbyist" shall not include a member of the general assembly,
21 an elected state official, or any other person solely due to such person's participation in any of
22 the following activities:

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

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

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

32 d. Participating in public hearings or public proceedings on rules, grants, or other
33 matters;

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

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

38 g. Acting within the scope of employment by the general assembly, or acting within the
39 scope of employment by the executive branch of government when acting with respect to the
40 department, division, board, commission, agency or elected state officer by which such person

41 is employed, or with respect to any duty or authority imposed by law to perform any action in
42 conjunction with any other public official or state employee; or

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

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

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

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

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

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

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

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

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

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

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

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

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

92 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
93 beginning January first and ending December thirty-first for the benefit of one or more public
94 officials or one or more employees of the judicial branch of state government in connection with
95 attempting to influence such purchasing decisions by the judiciary. A "judicial lobbyist" shall
96 not include a member of the general assembly, an elected state official, or any other person solely
97 due to such person's participation in any of the following activities:

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

100 b. Participating in public hearings or public proceedings on rules, grants, or other
101 matters;

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

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

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

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

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

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

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

125 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
126 beginning January first and ending December thirty-first for the benefit of one or more public
127 officials or one or more employees of the legislative branch of state government in connection
128 with such activity. A "legislative lobbyist" shall include an attorney at law engaged in activities
129 on behalf of any person unless excluded by any of the following exceptions. A "legislative
130 lobbyist" shall not include any member of the general assembly, an elected state official, or any
131 other person solely due to such person's participation in any of the following activities:

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

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

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

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

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

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

144 (8) "Public official", any member or member-elect of the general assembly, judge or
145 judicial officer, or any other person holding an elective office of state government or any agency
146 head, department director or division director of state government or any member of any state

147 board or commission and any designated decision-making public servant designated by persons
148 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
39 entertainment; honoraria; meals, food and beverages; and gifts;

40 (b) The total of all expenditures by the lobbyist or his or her lobbyist
41 principals made on behalf of all elected local government officials, their staffs
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.]

140

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. **A lobbyist shall be considered to work in the interest of any**
8 **principal who employs, contracts for pay, or otherwise compensates such lobbyist; any**
9 **principal or entity who employs, contracts for pay, or otherwise compensates such**
10 **lobbyist's direct principal regarding the same interest; and any principal or entity who**
11 **employs, contracts for pay, or otherwise compensates an entity or principal who employs,**
12 **contracts for pay, or otherwise compensates such direct principal regarding the same**
13 **interest.** The commission shall maintain files on all lobbyists' filings, which shall be open to
14 the public. Each lobbyist shall file an updating statement under oath within one week of any
15 addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall
16 be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist
17 employing another person for lobbying purposes may notify the commission that a judicial,
18 executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist
19 and should be removed from the commission's files.

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

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

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

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

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

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

52 a. All members of the senate;

53 b. All members of the house of representatives; **or**

54 c. [All members of a joint committee of the general assembly or a standing committee
55 of either the house of representatives or senate; or

56 d.] All members of a caucus of the majority party of the house of representatives,
57 minority party of the house of representatives, majority party of the senate, or minority party of
58 the senate;

59 (e) Any expenditure made on behalf of a public official, an elected local government
60 official or such official's staff, employees, spouse or dependent children, if such expenditure is
61 solicited by such official, the official's staff, employees, or spouse or dependent children, from

62 the lobbyist or his or her lobbyist principals and the name of such person or persons, except any
63 expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization
64 or other association formed to provide for good in the order of benevolence;

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

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

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

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

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

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

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

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

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

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

118 13. The provisions of this section shall supersede any contradicting ordinances or charter
119 provisions.

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

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

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

9 (3) "Campaign committee", a committee, other than a candidate committee, which shall
10 be formed by an individual or group of individuals to receive contributions or make expenditures
11 and whose sole purpose is to support or oppose the qualification and passage of one or more
12 particular ballot measures in an election or the retention of judges under the nonpartisan court
13 plan, such committee shall be formed no later than thirty days prior to the election for which the

14 committee receives contributions or makes expenditures, and which shall terminate the later of
15 either thirty days after the general election or upon the satisfaction of all committee debt after
16 the general election, except that no committee retiring debt shall engage in any other activities
17 in support of a measure for which the committee was formed;

18 (4) "Candidate", an individual who seeks nomination or election to public office. The
19 term "candidate" includes an elected officeholder who is the subject of a recall election, an
20 individual who seeks nomination by the individual's political party for election to public office,
21 an individual standing for retention in an election to an office to which the individual was
22 previously appointed, an individual who seeks nomination or election whether or not the specific
23 elective public office to be sought has been finally determined by such individual at the time the
24 individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an
25 individual who is a write-in candidate as defined in subdivision (28) of this section. A candidate
26 shall be deemed to seek nomination or election when the person first:

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

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

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

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

50 (6) "Cash", currency, coin, United States postage stamps, or any negotiable instrument
51 which can be transferred from one person to another person without the signature or endorsement
52 of the transferor;

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

55 (8) "Closing date", the date through which a statement or report is required to be
56 complete;

57 (9) "Committee", a person or any combination of persons, who accepts contributions or
58 makes expenditures for the primary or incidental purpose of influencing or attempting to
59 influence the action of voters for or against the nomination or election to public office of one or
60 more candidates or the qualification, passage or defeat of any ballot measure or for the purpose
61 of paying a previously incurred campaign debt or obligation of a candidate or the debts or
62 obligations of a committee or for the purpose of contributing funds to another committee:

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

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

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

70 c. A corporation, cooperative association, partnership, proprietorship, or joint venture
71 organized or operated for a primary or principal purpose other than that of influencing or
72 attempting to influence the action of voters for or against the nomination or election to public
73 office of one or more candidates or the qualification, passage or defeat of any ballot measure, and
74 it accepts no contributions, and all expenditures it makes are from its own funds or property
75 obtained in the usual course of business or in any commercial or other transaction and which are
76 not contributions as defined by subdivision (11) of this section. **Notwithstanding this**
77 **exception to the definition of a committee, any of the aforementioned entities that makes**
78 **expenditures constituting more than twenty-five percent of such entity's overall annual**
79 **budget influencing or attempting to influence the action of voters for or against the**
80 **nomination or election to public office of one or more candidates or the qualification for**
81 **or against the passage or defeat of any ballot measure shall be defined as a committee**
82 **under this chapter. An entity domiciled outside of this state shall be defined as a committee**
83 **if it make aggregate annual expenditures constituting more than twenty-five percent of**
84 **such entity's overall annual budget to influence the action of voters for or against the**

85 **nomination or election to public office of one or more candidates or the qualification for**
86 **or against the passage or defeat of any ballot measures in all fifty states;**

87 d. A labor organization organized or operated for a primary or principal purpose other
88 than that of influencing or attempting to influence the action of voters for or against the
89 nomination or election to public office of one or more candidates, or the qualification, passage,
90 or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the
91 organization are from its own funds or property received from membership dues or membership
92 fees which were given or solicited for the purpose of supporting the normal and usual activities
93 and functions of the organization and which are not contributions as defined by subdivision (11)
94 of this section;

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

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

102 (b) The term "committee" includes, but is not limited to, each of the following
103 committees: campaign committee, candidate committee, political action committee, exploratory
104 committee, and political party committee;

105 (10) "Connected organization", any organization such as a corporation, a labor
106 organization, a membership organization, a cooperative, or trade or professional association
107 which expends funds or provides services or facilities to establish, administer or maintain a
108 committee or to solicit contributions to a committee from its members, officers, directors,
109 employees or security holders. An organization shall be deemed to be the connected
110 organization if more than fifty percent of the persons making contributions to the committee
111 during the current calendar year are members, officers, directors, employees or security holders
112 of such organization or their spouses;

113 (11) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or
114 anything of value for the purpose of supporting or opposing the nomination or election of any
115 candidate for public office or the qualification, passage or defeat of any ballot measure, or for
116 the support of any committee supporting or opposing candidates or ballot measures or for paying
117 debts or obligations of any candidate or committee previously incurred for the above purposes.
118 A contribution of anything of value shall be deemed to have a money value equivalent to the fair
119 market value. "Contribution" includes, but is not limited to:

- 120 (a) A candidate's own money or property used in support of the person's candidacy other
121 than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the
122 filing for public office;
- 123 (b) Payment by any person, other than a candidate or committee, to compensate another
124 person for services rendered to that candidate or committee;
- 125 (c) Receipts from the sale of goods and services, including the sale of advertising space
126 in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets
127 or political merchandise;
- 128 (d) Receipts from fund-raising events including testimonial affairs;
- 129 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other
130 obligation by a third party, or payment of a loan or debt or other obligation by a third party if the
131 loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in
132 an election campaign or used or intended for the payment of such debts or obligations of a
133 candidate or committee previously incurred, or which was made or received by a committee;
- 134 (f) Funds received by a committee which are transferred to such committee from another
135 committee or other source, except funds received by a candidate committee as a transfer of funds
136 from another candidate committee controlled by the same candidate but such transfer shall be
137 included in the disclosure reports;
- 138 (g) Facilities, office space or equipment supplied by any person to a candidate or
139 committee without charge or at reduced charges, except gratuitous space for meeting purposes
140 which is made available regularly to the public, including other candidates or committees, on an
141 equal basis for similar purposes on the same conditions;
- 142 (h) The direct or indirect payment by any person, other than a connected organization,
143 of the costs of establishing, administering, or maintaining a committee, including legal,
144 accounting and computer services, fund raising and solicitation of contributions for a committee;
- 145 (i) "Contribution" does not include:
- 146 a. Ordinary home hospitality or services provided without compensation by individuals
147 volunteering their time in support of or in opposition to a candidate, committee or ballot
148 measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the
149 performance of voluntary activities, so long as no compensation is directly or indirectly asked
150 or given;
- 151 b. An offer or tender of a contribution which is expressly and unconditionally rejected
152 and returned to the donor within ten business days after receipt or transmitted to the state
153 treasurer;
- 154 c. Interest earned on deposit of committee funds;

155 d. The costs incurred by any connected organization listed pursuant to subdivision (4)
156 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,
157 or for the solicitation of contributions to a committee which solicitation is solely directed or
158 related to the members, officers, directors, employees or security holders of the connected
159 organization;

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

161 (13) "Disclosure report", an itemized report of receipts, expenditures and incurred
162 indebtedness which is prepared on forms approved by the Missouri ethics commission and filed
163 at the times and places prescribed;

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

169 (15) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution
170 of money or anything of value for the purpose of supporting or opposing the nomination or
171 election of any candidate for public office or the qualification or passage of any ballot measure
172 or for the support of any committee which in turn supports or opposes any candidate or ballot
173 measure or for the purpose of paying a previously incurred campaign debt or obligation of a
174 candidate or the debts or obligations of a committee; a payment, or an agreement or promise to
175 pay, money or anything of value, including a candidate's own money or property, for the
176 purchase of goods, services, property, facilities or anything of value for the purpose of supporting
177 or opposing the nomination or election of any candidate for public office or the qualification or
178 passage of any ballot measure or for the support of any committee which in turn supports or
179 opposes any candidate or ballot measure or for the purpose of paying a previously incurred
180 campaign debt or obligation of a candidate or the debts or obligations of a committee. An
181 expenditure of anything of value shall be deemed to have a money value equivalent to the fair
182 market value. "Expenditure" includes, but is not limited to:

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

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

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

189 (d) The direct or indirect payment by any person, other than a connected organization
190 for a committee, of the costs of establishing, administering or maintaining a committee,

191 including legal, accounting and computer services, fund raising and solicitation of contributions
192 for a committee; but

193 (e) "Expenditure" does not include:

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

197 b. The internal dissemination by any membership organization, proprietorship, labor
198 organization, corporation, association or other entity of information advocating the election or
199 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to
200 its directors, officers, members, employees or security holders, provided that the cost incurred
201 is reported pursuant to subsection 2 of section 130.051;

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

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

207 e. The costs incurred by any connected organization listed pursuant to subdivision (4)
208 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,
209 or for the solicitation of contributions to a committee which solicitation is solely directed or
210 related to the members, officers, directors, employees or security holders of the connected
211 organization;

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

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

219 (17) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee,
220 testimonial, rally, auction or similar affair through which contributions are solicited or received
221 by such means as the purchase of tickets, payment of attendance fees, donations for prizes or
222 through the purchase of goods, services or political merchandise;

223 (18) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a
224 form other than money;

225 (19) "Labor organization", any organization of any kind, or any agency or employee
226 representation committee or plan, in which employees participate and which exists for the

227 purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes,
228 wages, rates of pay, hours of employment, or conditions of work;

229 (20) "Loan", a transfer of money, property or anything of ascertainable monetary value
230 in exchange for an obligation, conditional or not, to repay in whole or in part and which was
231 contracted, used, or intended for use in an election campaign, or which was made or received by
232 a committee or which was contracted, used, or intended to pay previously incurred campaign
233 debts or obligations of a candidate or the debts or obligations of a committee;

234 (21) "Person", an individual, group of individuals, corporation, partnership, committee,
235 proprietorship, joint venture, any department, agency, board, institution or other entity of the
236 state or any of its political subdivisions, union, labor organization, trade or professional or
237 business association, association, political party or any executive committee thereof, or any other
238 club or organization however constituted or any officer or employee of such entity acting in the
239 person's official capacity;

240 (22) "Political action committee", a committee of continuing existence which is not
241 formed, controlled or directed by a candidate, and is a committee other than a candidate
242 committee, political party committee, campaign committee, exploratory committee, or debt
243 service committee, whose primary or incidental purpose is to receive contributions or make
244 expenditures to influence or attempt to influence the action of voters whether or not a particular
245 candidate or candidates or a particular ballot measure or measures to be supported or opposed
246 has been determined at the time the committee is required to file any statement or report pursuant
247 to the provisions of this chapter. Such a committee includes, but is not limited to, any committee
248 organized or sponsored by a business entity, a labor organization, a professional association, a
249 trade or business association, a club or other organization and whose primary purpose is to
250 solicit, accept and use contributions from the members, employees or stockholders of such entity
251 and any individual or group of individuals who accept and use contributions to influence or
252 attempt to influence the action of voters. Such committee shall be formed no later than sixty
253 days prior to the election for which the committee receives contributions or makes expenditures;

254 (23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry,
255 literature, or other items sold or distributed at a fund-raising event or to the general public for
256 publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for
257 nomination or election or in supporting or opposing the qualification, passage or defeat of a
258 ballot measure;

259 (24) "Political party", a political party which has the right under law to have the names
260 of its candidates listed on the ballot in a general election;

261 (25) "Political party committee", a committee of a political party which may be
262 organized as a not-for-profit corporation under Missouri law and has the primary or incidental

263 purpose of receiving contributions and making expenditures to influence or attempt to influence
264 the action of voters on behalf of the political party. Political party committees shall only take
265 the following forms:

266 (a) One congressional district committee per political party for each congressional
267 district in the state; and

268 (b) One state party committee per political party;

269 (26) "Public office" or "office", any state, judicial, county, municipal, school or other
270 district, ward, township, or other political subdivision office or any political party office which
271 is filled by a vote of registered voters;

272 (27) "Regular session", includes that period beginning on the first Wednesday after the
273 first Monday in January and ending following the first Friday after the second Monday in May;

274 (28) "Write-in candidate", an individual whose name is not printed on the ballot but who
275 otherwise meets the definition of candidate in subdivision (4) of this section.

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

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

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

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

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

23 (b) Knows or has reason to know that contributions are being received
24 or expenditures are being made or space or facilities are being reserved with the
25 intent to promote the person's candidacy for office; except that, such individual
26 shall not be deemed a candidate if the person files a statement with the
27 appropriate officer within five days after learning of the receipt of contributions,
28 the making of expenditures, or the reservation of space or facilities disavowing

29 the candidacy and stating that the person will not accept nomination or take office
30 if elected; provided that, if the election at which such individual is supported as
31 a candidate is to take place within five days after the person's learning of the
32 above-specified activities, the individual shall file the statement disavowing the
33 candidacy within one day; or

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

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

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

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

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

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

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

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

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

66 d. A labor organization organized or operated for a primary or principal
67 purpose other than that of influencing or attempting to influence the action of
68 voters for or against the nomination or election to public office of one or more
69 candidates, or the qualification, passage, or defeat of any ballot measure, and it
70 accepts no contributions, and expenditures made by the organization are from its
71 own funds or property received from membership dues or membership fees

72 which were given or solicited for the purpose of supporting the normal and usual
73 activities and functions of the organization and which are not contributions as
74 defined by subdivision (12) of this section;

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

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

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

87 (8) "Campaign committee", a committee, other than a candidate
88 committee, which shall be formed by an individual or group of individuals to
89 receive contributions or make expenditures and whose sole purpose is to support
90 or oppose the qualification and passage of one or more particular ballot measures
91 in an election or the retention of judges under the nonpartisan court plan, such
92 committee shall be formed no later than thirty days prior to the election for which
93 the committee receives contributions or makes expenditures, and which shall
94 terminate the later of either thirty days after the general election or upon the
95 satisfaction of all committee debt after the general election, except that no
96 committee retiring debt shall engage in any other activities in support of a
97 measure for which the committee was formed;

98 (9) "Candidate committee", a committee which shall be formed by a
99 candidate to receive contributions or make expenditures in behalf of the person's
100 candidacy and which shall continue in existence for use by an elected candidate
101 or which shall terminate the later of either thirty days after the general election
102 for a candidate who was not elected or upon the satisfaction of all committee debt
103 after the election, except that no committee retiring debt shall engage in any other
104 activities in support of the candidate for which the committee was formed. Any
105 candidate for elective office shall have only one candidate committee for the
106 elective office sought, which is controlled directly by the candidate for the
107 purpose of making expenditures. A candidate committee is presumed to be under
108 the control and direction of the candidate unless the candidate files an affidavit
109 with the appropriate officer stating that the committee is acting without control
110 or direction on the candidate's part;

111 (10) "Continuing committee", a committee of continuing existence which
112 is not formed, controlled or directed by a candidate, and is a committee other than
113 a candidate committee or campaign committee, whose primary or incidental
114 purpose is to receive contributions or make expenditures to influence or attempt

115 to influence the action of voters whether or not a particular candidate or
116 candidates or a particular ballot measure or measures to be supported or opposed
117 has been determined at the time the committee is required to file any statement
118 or report pursuant to the provisions of this chapter. "Continuing committee"
119 includes, but is not limited to, any committee organized or sponsored by a
120 business entity, a labor organization, a professional association, a trade or
121 business association, a club or other organization and whose primary purpose is
122 to solicit, accept and use contributions from the members, employees or
123 stockholders of such entity and any individual or group of individuals who accept
124 and use contributions to influence or attempt to influence the action of voters.
125 Such committee shall be formed no later than sixty days prior to the election for
126 which the committee receives contributions or makes expenditures;

127 (11) "Connected organization", any organization such as a corporation,
128 a labor organization, a membership organization, a cooperative, or trade or
129 professional association which expends funds or provides services or facilities to
130 establish, administer or maintain a committee or to solicit contributions to a
131 committee from its members, officers, directors, employees or security holders.
132 An organization shall be deemed to be the connected organization if more than
133 fifty percent of the persons making contributions to the committee during the
134 current calendar year are members, officers, directors, employees or security
135 holders of such organization or their spouses;

136 (12) "Contribution", a payment, gift, loan, advance, deposit, or donation
137 of money or anything of value for the purpose of supporting or opposing the
138 nomination or election of any candidate for public office or the qualification,
139 passage or defeat of any ballot measure, or for the support of any committee
140 supporting or opposing candidates or ballot measures or for paying debts or
141 obligations of any candidate or committee previously incurred for the above
142 purposes. A contribution of anything of value shall be deemed to have a money
143 value equivalent to the fair market value. "Contribution" includes, but is not
144 limited to:

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

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

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

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

154 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan
155 or debt or other obligation by a third party, or payment of a loan or debt or other
156 obligation by a third party if the loan or debt or other obligation was contracted,
157 used, or intended, in whole or in part, for use in an election campaign or used or

158 intended for the payment of such debts or obligations of a candidate or committee
159 previously incurred, or which was made or received by a committee;

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

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

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

174 (i) "Contribution" does not include:

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

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

183 c. Interest earned on deposit of committee funds;

184 d. The costs incurred by any connected organization listed pursuant to
185 subdivision (4) of subsection 5 of section 130.021 for establishing, administering
186 or maintaining a committee, or for the solicitation of contributions to a committee
187 which solicitation is solely directed or related to the members, officers, directors,
188 employees or security holders of the connected organization;

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

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

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

200 (16) "Expenditure", a payment, advance, conveyance, deposit, donation
201 or contribution of money or anything of value for the purpose of supporting or
202 opposing the nomination or election of any candidate for public office or the
203 qualification or passage of any ballot measure or for the support of any
204 committee which in turn supports or opposes any candidate or ballot measure or
205 for the purpose of paying a previously incurred campaign debt or obligation of
206 a candidate or the debts or obligations of a committee; a payment, or an
207 agreement or promise to pay, money or anything of value, including a candidate's
208 own money or property, for the purchase of goods, services, property, facilities
209 or anything of value for the purpose of supporting or opposing the nomination or
210 election of any candidate for public office or the qualification or passage of any
211 ballot measure or for the support of any committee which in turn supports or
212 opposes any candidate or ballot measure or for the purpose of paying a previously
213 incurred campaign debt or obligation of a candidate or the debts or obligations
214 of a committee. An expenditure of anything of value shall be deemed to have a
215 money value equivalent to the fair market value. "Expenditure" includes, but is
216 not limited to:

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

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

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

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

228 (e) "Expenditure" does not include:

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

233 b. The internal dissemination by any membership organization,
234 proprietorship, labor organization, corporation, association or other entity of
235 information advocating the election or defeat of a candidate or candidates or the
236 passage or defeat of a ballot measure or measures to its directors, officers,
237 members, employees or security holders, provided that the cost incurred is
238 reported pursuant to subsection 2 of section 130.051;

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

241 d. The rendering of voluntary personal services by an individual of the
242 sort commonly performed by volunteer campaign workers and the payment by

243 such individual of the individual's necessary and ordinary personal expenses
244 incidental to such volunteer activity, provided no compensation is, directly or
245 indirectly, asked or given;

246 e. The costs incurred by any connected organization listed pursuant to
247 subdivision (4) of subsection 5 of section 130.021 for establishing, administering
248 or maintaining a committee, or for the solicitation of contributions to a committee
249 which solicitation is solely directed or related to the members, officers, directors,
250 employees or security holders of the connected organization;

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

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

260 (18) "Fund-raising event", an event such as a dinner, luncheon, reception,
261 coffee, testimonial, rally, auction or similar affair through which contributions
262 are solicited or received by such means as the purchase of tickets, payment of
263 attendance fees, donations for prizes or through the purchase of goods, services
264 or political merchandise;

265 (19) "In-kind contribution" or "in-kind expenditure", a contribution or
266 expenditure in a form other than money;

267 (20) "Labor organization", any organization of any kind, or any agency
268 or employee representation committee or plan, in which employees participate
269 and which exists for the purpose, in whole or in part, of dealing with employers
270 concerning grievances, labor disputes, wages, rates of pay, hours of employment,
271 or conditions of work;

272 (21) "Loan", a transfer of money, property or anything of ascertainable
273 monetary value in exchange for an obligation, conditional or not, to repay in
274 whole or in part and which was contracted, used, or intended for use in an
275 election campaign, or which was made or received by a committee or which was
276 contracted, used, or intended to pay previously incurred campaign debts or
277 obligations of a candidate or the debts or obligations of a committee;

278 (22) "Person", an individual, group of individuals, corporation,
279 partnership, committee, proprietorship, joint venture, any department, agency,
280 board, institution or other entity of the state or any of its political subdivisions,
281 union, labor organization, trade or professional or business association,
282 association, political party or any executive committee thereof, or any other club
283 or organization however constituted or any officer or employee of such entity
284 acting in the person's official capacity;

285 (23) "Political merchandise", goods such as bumper stickers, pins, hats,
286 ties, jewelry, literature, or other items sold or distributed at a fund-raising event
287 or to the general public for publicity or for the purpose of raising funds to be used
288 in supporting or opposing a candidate for nomination or election or in supporting
289 or opposing the qualification, passage or defeat of a ballot measure;

290 (24) "Political party", a political party which has the right under law to
291 have the names of its candidates listed on the ballot in a general election;

292 (25) "Political party committee", a state, district, county, city, or area
293 committee of a political party, as defined in section 115.603, which may be
294 organized as a not-for-profit corporation under Missouri law, and which
295 committee is of continuing existence, and has the primary or incidental purpose
296 of receiving contributions and making expenditures to influence or attempt to
297 influence the action of voters on behalf of the political party;

298 (26) "Public office" or "office", any state, judicial, county, municipal,
299 school or other district, ward, township, or other political subdivision office or
300 any political party office which is filled by a vote of registered voters;

301 (27) "Regular session", includes that period beginning on the first
302 Wednesday after the first Monday in January and ending following the first
303 Friday after the second Monday in May;

304 (28) "Write-in candidate", an individual whose name is not printed on the
305 ballot but who otherwise meets the definition of candidate in subdivision (3) of
306 this section.]

307

**130.044. 1. All individuals and committees required to file disclosure reports under
2 section 130.041 shall electronically report any contribution by any single contributor which
3 exceeds five thousand dollars to the Missouri ethics commission within forty-eight hours
4 of receiving the contribution.**

**5 2. Any individual currently holding office as a state representative, state senator,
6 or any candidate for such office or such individual's campaign committee shall
7 electronically report any contribution exceeding five hundred dollars made by any
8 contributor to his or her campaign committee during the regular legislative session of the
9 general assembly, within forty-eight hours of receiving the contribution.**

**10 3. Any individual currently holding office as the governor, lieutenant governor,
11 treasurer, attorney general, secretary of state, auditor, or any candidate for such office or
12 such person's campaign committee shall electronically report any contribution exceeding
13 five hundred dollars made by any contributor to his or her campaign committee during the
14 regular legislative session or any time when legislation from the regular legislative session
15 awaits gubernatorial action, within forty-eight hours of receiving the contribution.**

**16 4. Reports required under this section shall contain the same content required
17 under section 130.041 and shall be filed in accordance with the standards established by**

18 **the commission for electronic filing and other rules the commission may deem necessary**
19 **to promulgate for the effective administration of this section.**

20 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
21 **created under the authority delegated in this section shall become effective only if it**
22 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
23 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
24 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
25 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
26 **of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be**
27 **invalid and void.**

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