

FIRST REGULAR SESSION

HOUSE BILL NO. 327

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCREERY.

0251L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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

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7 general assembly, second regular session, are repealed and nine new sections enacted in lieu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

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

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

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

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

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

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

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

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

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

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

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

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

39 (b) A department director;

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

42 (d) Any commission empowered by interstate compact;

43 (e) A statewide elected official;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

98

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

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

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

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

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

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

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

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

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

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

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

132

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 a. All members of the senate;

47 b. All members of the house of representatives;

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

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

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

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

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

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

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

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

86 [7.] 8. No person shall knowingly employ any person who is required to register as a
87 registered lobbyist but is not registered pursuant to this section. Any person who knowingly
88 violates this subsection shall be subject to a civil penalty in an amount of not more than ten
89 thousand dollars for each violation. Such civil penalties shall be collected by action filed by the
90 commission.

91 [8.] 9. No lobbyist shall knowingly omit, conceal, or falsify in any manner information
92 required pursuant to this section.

93 [9.] 10. The prosecuting attorney of Cole County shall be reimbursed only out of funds
94 specifically appropriated by the general assembly for investigations and prosecutions for
95 violations of this section.

96 [10.] 11. Any public official or other person whose name appears in any lobbyist report
97 filed pursuant to this section who contests the accuracy of the portion of the report applicable to

98 such person may petition the commission for an audit of such report and shall state in writing
99 in such petition the specific disagreement with the contents of such report. The commission shall
100 investigate such allegations in the manner described in section 105.959. If the commission
101 determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter
102 an order requiring filing of an amended or corrected report.

103 [11.] 12. The commission shall provide a report listing the total spent by a lobbyist for
104 the month and year to any member or member-elect of the general assembly, judge or judicial
105 officer, or any other person holding an elective office of state government or any elected local
106 government official on or before the twentieth day of each month. For the purpose of providing
107 accurate information to the public, the commission shall not publish information in either written
108 or electronic form for ten working days after providing the report pursuant to this subsection.
109 The commission shall not release any portion of the lobbyist report if the accuracy of the report
110 has been questioned pursuant to subsection [10] 11 of this section unless it is conspicuously
111 marked "Under Review".

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

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

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

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

- 3 (1) For the first offense, such person is guilty of a class B misdemeanor;
4 (2) For the second and subsequent offenses, such person is guilty of a class E felony.

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

- 8 (1) **For the first violation, the person shall be guilty of a class B misdemeanor;**
9 (2) **For the second and subsequent violations, the person shall be guilty of a class**
10 **E felony.**

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

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

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

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

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

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

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

Section B. The provisions of this act shall become effective on January 1, 2016.

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