

FIRST REGULAR SESSION

HOUSE BILL NO. 330

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

0308H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.456 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, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, RSMo, and to enact in lieu thereof two new sections relating to banning lobbyist gifts.

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

Section A. Section 105.456 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, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 105.456 and 105.473, to read as follows:

[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

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.

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.]
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.

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

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

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

49 **3. No member of the general assembly or such member's staff, employee, spouse,**
50 **or dependent children shall accept any tangible or intangible item, service, or thing of**
51 **value over the amount of thirty dollars from any lobbyist as defined in section 105.470.**

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
address of all persons such lobbyist employs for lobbying purposes, the name and

7 address of each lobbyist principal by whom such lobbyist is employed or in
8 whose interest such lobbyist appears or works. The commission shall maintain
9 files on all lobbyists' filings, which shall be open to the public. Each lobbyist
10 shall file an updating statement under oath within one week of any addition,
11 deletion, or change in the lobbyist's employment or representation. The filing fee
12 shall be deposited to the general revenue fund of the state. The lobbyist principal
13 or a lobbyist employing another person for lobbying purposes may notify the
14 commission that a judicial, executive or legislative lobbyist is no longer
15 authorized to lobby for the principal or the lobbyist and should be removed from
16 the commission's files.

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

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

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

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

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

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

49 government official, such official's staff, employees, spouse or dependent
50 children;

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

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

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

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

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

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

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

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

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

92 such travel or lodging was approved prior to the date of the expenditure by the
93 administration and accounts committee of the house or the administration
94 committee of the senate.

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

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

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

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

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

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

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

132 12. Each lobbyist or lobbyist principal by whom the lobbyist was
133 employed, or in whose behalf the lobbyist acted, shall provide a general
134 description of the proposed legislation or action by the executive branch or

135 judicial branch which the lobbyist or lobbyist principal supported or opposed.
136 This information shall be supplied to the commission on March fifteenth and
137 May thirtieth of each year.

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

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

62 4. No expenditure reported pursuant to this section shall include any amount expended
63 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to
64 this section shall be valued on the report at the actual amount of the payment made, or the
65 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the
66 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures

67 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of
68 such lobbyists. [No expenditure shall be made on behalf of a state senator or state representative,
69 or such public official's staff, employees, spouse, or dependent children for travel or lodging
70 outside the state of Missouri unless such travel or lodging was approved prior to the date of the
71 expenditure by the administration and accounts committee of the house or the administration
72 committee of the senate.]

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

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

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

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

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

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

97 11. The commission shall provide a report listing the total spent by a lobbyist for the
98 month and year to any member or member-elect of the general assembly, judge or judicial
99 officer, or any other person holding an elective office of state government or any elected local
100 government official on or before the twentieth day of each month. For the purpose of providing
101 accurate information to the public, the commission shall not publish information in either written
102 or electronic form for ten working days after providing the report pursuant to this subsection.

103 The commission shall not release any portion of the lobbyist report if the accuracy of the report
104 has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked
105 "Under Review".

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

111 13. **No lobbyist shall make any contribution to, or expenditure for, any candidate**
112 **committee formed by a candidate for state representative, state senator, or any general**
113 **assembly member's candidate committee for food, entertainment, lodging, or travel over**
114 **the amount of thirty dollars, and such candidate committees shall be barred from receiving**
115 **such items. For the purposes of this subsection, the term "candidate committee" shall have**
116 **the same meaning as in section 130.011.**

117 14. **No lobbyist shall deliver any tangible or intangible item, service, or thing of**
118 **value over the amount of thirty dollars to any member of the general assembly or such**
119 **member's staff, employee, spouse, or dependent children.**

120 15. The provisions of this section shall supersede any contradicting ordinances or charter
121 provisions.

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