

FIRST REGULAR SESSION

# HOUSE BILL NO. 227

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BARNES.

0699H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 105.473 as truly agreed to and finally passed 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 one new section relating to ethics.

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

Section A. Section 105.473 as truly agreed to and finally passed by senate bill no. 844, 2 ninety-fifth general assembly, second regular session and section 105.473 as enacted by house 3 bill no. 1900, ninety-third general assembly, second regular session, RSMo, are repealed and one 4 new section enacted in lieu thereof, to be known as section 105.473, to read as follows:

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.

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.

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; **and**

60 **(g) An itemized listing of the name of the recipient and the nature and amount of**  
61 **each expenditure by the lobbyist or his or her lobbyist principal, including a service or**  
62 **anything of value, for all expenditures made for a committee of the general assembly**  
63 **meeting outside of the capitol building.**

64

65 The reports required by this subdivision shall cover the time periods since the filing of the last  
66 report or since the lobbyist's employment or representation began, whichever is most recent.

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

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

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

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

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

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

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

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

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

116           13. The provisions of this section shall supersede any contradicting ordinances or charter  
117 provisions.

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  
penalties of perjury, along with a filing fee of ten dollars, with the commission.

5 The forms shall include the lobbyist's name and business address, the name and  
6 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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