

SECOND REGULAR SESSION

# SENATE BILL NO. 966

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LAGER.

Read 1st time February 27, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 105.450 and 105.470, RSMo, section 105.473 as enacted by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof four new sections relating to regulating the ethical behavior of professionals engaged in political activities.

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

Section A. Sections 105.450 and 105.470, RSMo, section 105.473 as  
2 enacted by conference committee substitute no. 3 for house committee substitute  
3 no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session,  
4 and section 105.473 as enacted by conference committee substitute for senate  
5 substitute for house committee substitute for house bill no. 1900, ninety-third  
6 general assembly, second regular session, are repealed and four new sections  
7 enacted in lieu thereof, to be known as sections 105.450, 105.453, 105.470, and  
8 105.473, to read as follows:

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

3 (1) "Adversary proceeding", any proceeding in which a record of the  
4 proceedings may be kept and maintained as a public record at the request of  
5 either party by a court reporter, notary public or other person authorized to keep  
6 such record by law or by any rule or regulation of the agency conducting the  
7 hearing; or from which an appeal may be taken directly or indirectly, or any

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

8 proceeding from the decision of which any party must be granted, on request, a  
9 hearing de novo; or any arbitration proceeding; or a proceeding of a personnel  
10 review board of a political subdivision; or an investigative proceeding initiated by  
11 an official, department, division, or agency which pertains to matters which,  
12 depending on the conclusion of the investigation, could lead to a judicial or  
13 administrative proceeding being initiated against the party by the official,  
14 department, division or agency;

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

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

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

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

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

30 (4) "Commission", the Missouri ethics commission established in section  
31 105.955;

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

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

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

- 44 (b) A department director;
- 45 (c) A judge vested with judicial power by article V of the Constitution of  
46 the state of Missouri;
- 47 (d) Any commission empowered by interstate compact;
- 48 (e) A statewide elected official;
- 49 (f) The speaker of the house of representatives;
- 50 (g) The president pro tem of the senate;
- 51 (h) The president or chancellor of a state institution of higher education;
- 52 (7) "Dependent child" or "dependent child in the person's custody", all  
53 children, stepchildren, foster children and wards under the age of eighteen  
54 residing in the person's household and who receive in excess of fifty percent of  
55 their support from the person;
- 56 (8) **"Paid political consultant", a person who is paid to promote**  
57 **the election of a certain candidate or the interest of an organization or**  
58 **committee, as defined in section 130.011, which shall include, but not**  
59 **be limited to, planning campaign strategies, coordinating campaign**  
60 **staff, organizing meetings and public events to publicize the candidate**  
61 **or cause, public opinion polling, providing research on issues or**  
62 **opposition background, coordinating, producing, or purchasing print**  
63 **or broadcast media, direct mail production, phone solicitation, fund**  
64 **raising, and any other political activities;**
- 65 (9) "Political subdivision" shall include any political subdivision of the  
66 state, and any special district or subdistrict;
- 67 [(9)] (10) "Public document", a state tax return or a document or other  
68 record maintained for public inspection without limitation on the right of access  
69 to it and a document filed in a juvenile court proceeding;
- 70 [(10)] (11) "Substantial interest", ownership by the individual, the  
71 individual's spouse, or the individual's dependent children, whether singularly or  
72 collectively, directly or indirectly, of ten percent or more of any business entity,  
73 or of an interest having a value of ten thousand dollars or more, or the receipt by  
74 an individual, the individual's spouse or the individual's dependent children,  
75 whether singularly or collectively, of a salary, gratuity, or other compensation or  
76 remuneration of five thousand dollars, or more, per year from any individual,  
77 partnership, organization, or association within any calendar year;
- 78 [(11)] (12) "Substantial personal or private interest in any measure, bill,  
79 order or ordinance", any interest in a measure, bill, order or ordinance which

80 results from a substantial interest in a business entity.

105.453. 1. **No member of the general assembly or candidate for  
2 such office shall accept or receive compensation of any kind as a paid  
3 political consultant for another individual who is a candidate for or  
4 who is holding the office of state representative or state senator, or the  
5 candidate committee of such candidate or office holder.**

6 2. **No member of the general assembly shall act or serve as a  
7 lobbyist, register as a lobbyist, or solicit clients to represent as a  
8 lobbyist until the expiration of two years after the conclusion of such  
9 member's vacancy from such office.**

10 3. **For the purposes of this section, the terms "candidate" and  
11 "candidate committee" shall have the same meaning as in section  
12 130.011 and the term "lobbyist" shall have the same meaning as in  
13 section 105.470.**

105.470. As used in section 105.473, unless the context requires otherwise,  
2 the following words and terms mean:

3 (1) "Elected local government official lobbyist", any natural person  
4 employed specifically for the purpose of attempting to influence any action by a  
5 local government official elected in a county, city, town, [or] village, **or school  
6 district** with an annual operating budget of over ten million dollars;

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

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

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

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

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

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

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

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

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

37 d. Participating in public hearings or public proceedings on rules, grants,  
38 or other matters;

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

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

44 g. Acting within the scope of employment by the general assembly, or  
45 acting within the scope of employment by the executive branch of government  
46 when acting with respect to the department, division, board, commission, agency  
47 or elected state officer by which such person is employed, or with respect to any  
48 duty or authority imposed by law to perform any action in conjunction with any  
49 other public official or state employee; or

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

52 (3) "Expenditure", any payment made or charge, expense, cost, debt or bill  
53 incurred; any gift, honorarium or item of value bestowed including any food or  
54 beverage; any price, charge or fee which is waived, forgiven, reduced or  
55 indefinitely delayed; any loan or debt which is cancelled, reduced or otherwise  
56 forgiven; the transfer of any item with a reasonably discernible cost or fair  
57 market value from one person to another or provision of any service or granting  
58 of any opportunity for which a charge is customarily made, without charge or for

59 a reduced charge; except that the term "expenditure" shall not include the  
60 following:

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

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

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

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

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

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

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

92 (4) "Judicial lobbyist", any natural person who acts for the purpose of  
93 attempting to influence any purchasing decision by the judicial branch of  
94 government or by any elected or appointed official or any employee thereof and

95 in connection with such activity, meets the requirements of any one or more of the  
96 following:

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

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

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

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

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

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

117 b. Participating in public hearings or public proceedings on rules, grants,  
118 or other matters;

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

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

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

130 (5) "Legislative lobbyist", any natural person who acts for the purpose of

131 attempting to influence the taking, passage, amendment, delay or defeat of any  
132 official action on any bill, resolution, amendment, nomination, appointment,  
133 report or any other action or any other matter pending or proposed in a  
134 legislative committee in either house of the general assembly, or in any matter  
135 which may be the subject of action by the general assembly and in connection  
136 with such activity, meets the requirements of any one or more of the following:

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

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

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

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

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

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

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

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

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

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

167 lobbyist;

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

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

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

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

27 endanger the person's physical health.

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

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

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

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

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

60 (d) The total of all expenditures made by a lobbyist or  
61 lobbyist principal for occasions and the identity of the group  
62 invited, the date, location, and description of the occasion and the

63 amount of the expenditure for each occasion when any of the  
64 following are invited in writing:

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

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

71 c. All members of a joint committee of the general assembly  
72 or a standing committee of either the house of representatives or  
73 senate, which may or may not include joint and standing committee  
74 staff;

75 d. All members of a caucus of the majority party of the  
76 house of representatives, minority party of the house of  
77 representatives, majority party of the senate, or minority party of  
78 the senate;

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

82 (e) Any expenditure made on behalf of a public official, an  
83 elected local government official or such official's staff, employees,  
84 spouse or dependent children, if such expenditure is solicited by  
85 such official, the official's staff, employees, or spouse or dependent  
86 children, from the lobbyist or his or her lobbyist principals and the  
87 name of such person or persons, except any expenditures made to  
88 any not-for-profit corporation, charitable, fraternal or civic  
89 organization or other association formed to provide for good in the  
90 order of benevolence and except for any expenditure reported under  
91 paragraph (d) of this subdivision;

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

98 4. No expenditure reported pursuant to this section shall

99 include any amount expended by a lobbyist or lobbyist principal on  
100 himself or herself. All expenditures disclosed pursuant to this  
101 section shall be valued on the report at the actual amount of the  
102 payment made, or the charge, expense, cost, or obligation, debt or  
103 bill incurred by the lobbyist or the person the lobbyist  
104 represents. Whenever a lobbyist principal employs more than one  
105 lobbyist, expenditures of the lobbyist principal shall not be reported  
106 by each lobbyist, but shall be reported by one of such lobbyists. No  
107 expenditure shall be made on behalf of a state senator or state  
108 representative, or such public official's staff, employees, spouse, or  
109 dependent children for travel or lodging outside the state of  
110 Missouri unless such travel or lodging was approved prior to the  
111 date of the expenditure by the administration and accounts  
112 committee of the house or the administration committee of the  
113 senate.

114 5. Any lobbyist principal shall provide in a timely fashion  
115 whatever information is reasonably requested by the lobbyist  
116 principal's lobbyist for use in filing the reports required by this  
117 section.

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

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

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

133 9. The prosecuting attorney of Cole County shall be  
134 reimbursed only out of funds specifically appropriated by the

135 general assembly for investigations and prosecutions for violations  
136 of this section.

137 10. Any public official or other person whose name appears  
138 in any lobbyist report filed pursuant to this section who contests  
139 the accuracy of the portion of the report applicable to such person  
140 may petition the commission for an audit of such report and shall  
141 state in writing in such petition the specific disagreement with the  
142 contents of such report. The commission shall investigate such  
143 allegations in the manner described in section 105.959. If the  
144 commission determines that the contents of such report are  
145 incorrect, incomplete or erroneous, it shall enter an order requiring  
146 filing of an amended or corrected report.

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

159 12. Each lobbyist or lobbyist principal by whom the lobbyist  
160 was employed, or in whose behalf the lobbyist acted, shall provide  
161 a general description of the proposed legislation or action by the  
162 executive branch or judicial branch which the lobbyist or lobbyist  
163 principal supported or opposed. This information shall be supplied  
164 to the commission on March fifteenth and May thirtieth of each  
165 year.

166 13. The provisions of this section shall supersede any  
167 contradicting ordinances or charter provisions.]

105.473. 1. Each lobbyist shall, not later than January fifth of each year  
2 or five days after beginning any activities as a lobbyist, file standardized  
3 registration forms, verified by a written declaration that it is made under the

4 penalties of perjury, along with a filing fee of ten dollars, with the  
5 commission. The forms shall include the lobbyist's name and business address,  
6 the name and address of all persons such lobbyist employs for lobbying purposes,  
7 the name and address of each lobbyist principal by whom such lobbyist is  
8 employed or in whose interest such lobbyist appears or works. **A lobbyist shall**  
9 **be considered to work in the interest of any principal who employs,**  
10 **contracts for pay, or otherwise compensates such lobbyist; any**  
11 **principal or entity who employs, contracts for pay, or otherwise**  
12 **compensates such lobbyist's direct principal regarding the same**  
13 **interest; and any principal or entity who employs, contracts for pay, or**  
14 **otherwise compensates an entity or principal who employs, contracts**  
15 **for pay, or otherwise compensates such direct principal regarding the**  
16 **same interest.** The commission shall maintain files on all lobbyists' filings,  
17 which shall be open to the public. Each lobbyist shall file an updating statement  
18 under oath within one week of any addition, deletion, or change in the lobbyist's  
19 employment or representation. The filing fee shall be deposited to the general  
20 revenue fund of the state. The lobbyist principal or a lobbyist employing another  
21 person for lobbying purposes may notify the commission that a judicial, executive  
22 or legislative lobbyist is no longer authorized to lobby for the principal or the  
23 lobbyist and should be removed from the commission's files.

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

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

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

38         (a) The total of all expenditures by the lobbyist or his or her lobbyist  
39 principals made on behalf of all public officials **as defined in section 105.470,**

40 their staffs and employees, and their spouses and dependent children, which  
41 expenditures shall be separated into at least the following categories by the  
42 executive branch, judicial branch and legislative branch of government: printing  
43 and publication expenses; media and other advertising expenses; travel; the time,  
44 venue, and nature of any entertainment; honoraria; meals, food and beverages;  
45 and gifts;

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

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

57 (d) The total of all expenditures made by a lobbyist or lobbyist principal  
58 for occasions and the identity of the group invited, the date and description of the  
59 occasion and the amount of the expenditure for each occasion when any of the  
60 following are invited in writing **at a minimum of forty-eight hours in**  
61 **advance:**

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

64 b. All members of the house of representatives, **which may or may not**  
65 **include house staff and employees under the direct supervision of a**  
66 **state representative; or**

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

69 d.] All members of a caucus of the majority party of the house of  
70 representatives, minority party of the house of representatives, majority party of  
71 the senate, or minority party of the senate;

72 (e) Any expenditure made on behalf of a public official, an elected local  
73 government official or such official's staff, employees, spouse or dependent  
74 children, if such expenditure is solicited by such official, the official's staff,  
75 employees, or spouse or dependent children, from the lobbyist or his or her

76 lobbyist principals and the name of such person or persons, except any  
77 expenditures made to any not-for-profit corporation, charitable, fraternal or civic  
78 organization or other association formed to provide for good in the order of  
79 benevolence;

80 (f) A statement detailing any direct business relationship or association  
81 or partnership the lobbyist has with any public official or elected local  
82 government official.

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

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

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

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

108 7. No person shall knowingly employ any person who is required to  
109 register as a registered lobbyist but is not registered pursuant to this  
110 section. Any person who knowingly violates this subsection shall be subject to a  
111 civil penalty in an amount of not more than ten thousand dollars for each

112 violation. Such civil penalties shall be collected by action filed by the  
113 commission.

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

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

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

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

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

144 13. The provisions of this section shall supersede any contradicting  
145 ordinances or charter provisions.

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