

SECOND REGULAR SESSION

HOUSE BILL NO. 1305

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

4699H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal 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, and to enact in lieu thereof one new section relating to lobbyist expenditures, with penalty provisions.

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

Section A. 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and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, are repealed and one new section enacted in lieu thereof, to be known as section 105.473, to read as follows: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 after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer~~

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.

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.]~~

140

105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days
2 after beginning any activities as a lobbyist, file standardized registration forms, verified by a

3 written declaration that it is made under the penalties of perjury, along with a filing fee of ten
4 dollars, with the commission. The forms shall include the lobbyist's name and business address,
5 the name and address of all persons such lobbyist employs for lobbying purposes, the name and
6 address of each lobbyist principal by whom such lobbyist is employed or in whose interest such
7 lobbyist appears or works. 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. The provisions of this section shall supersede any contradicting ordinances or charter
112 provisions.

113 **14. (1) Notwithstanding any provision of law to the contrary, a lobbyist or lobbyist**
114 **principal who makes any expenditure on behalf of a public official or elected local**
115 **government official after December 31, 2018, shall be forever barred from making any**
116 **such expenditure after five years have passed since the date of the first such expenditure**
117 **that he or she made after December 31, 2018.**

118 **(2) For purposes of this subsection, an expenditure on behalf of an official's staff,**
119 **employees, spouse, or dependent children shall be considered an expenditure on behalf of**
120 **the public official or elected local government official.**

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