

SECOND REGULAR SESSION

HOUSE BILL NO. 1773

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOGAN.

5240H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.470, RSMo, and section 105.485 as enacted by house bill no. 2058, ninety-fourth general assembly, second regular session, and to enact in lieu thereof two new sections relating to lobbying.

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

Section A. Section 105.470, RSMo, and section 105.485 as enacted by house bill no. 2058, ninety-fourth general assembly, second regular session, are repealed and two new sections enacted in lieu thereof, to be known as sections 105.470 and 105.485, to read as follows:

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

(1) "Elected local government official lobbyist", any natural person employed specifically for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over ten million dollars **who makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more local government officials;**

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

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

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

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

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

23

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

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

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

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

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

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

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

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

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

49 (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any
50 gift, honorarium or item of value bestowed including any food or beverage; any price, charge or

51 fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is
52 cancelled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible
53 cost or fair market value from one person to another or provision of any service or granting of
54 any opportunity for which a charge is customarily made, without charge or for a reduced charge;
55 except that the term "expenditure" shall not include the following:

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

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

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

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

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

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

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

84 (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to
85 influence any purchasing decision by the judicial branch of government or by any elected or

86 appointed official or any employee thereof and in connection with such activity, meets the
87 requirements of any one or more of the following:

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

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

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

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

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

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

105 b. Participating in public hearings or public proceedings on rules, grants, or other
106 matters;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

105.485. 1. Each financial interest statement required by sections 105.483 to 105.492
2 shall be on a form prescribed by the commission and shall be signed and verified by a written

3 declaration that it is made under penalties of perjury; provided, however, the form shall not seek
4 information which is not specifically required by sections 105.483 to 105.492.

5 2. Each person required to file a financial interest statement pursuant to subdivisions (1)
6 to (12) of section 105.483 shall file the following information for himself, his spouse and
7 dependent children at any time during the period covered by the statement, whether singularly
8 or collectively; provided, however, that said person, if he does not know and his spouse will not
9 divulge any information required to be reported by this section concerning the financial interest
10 of his spouse, shall state on his financial interest statement that he has disclosed that information
11 known to him and that his spouse has refused or failed to provide other information upon his
12 bona fide request, and such statement shall be deemed to satisfy the requirements of this section
13 for such financial interest of his spouse; and provided further if the spouse of any person required
14 to file a financial interest statement is also required by section 105.483 to file a financial interest
15 statement, the financial interest statement filed by each need not disclose the financial interest
16 of the other, provided that each financial interest statement shall state that the spouse of the
17 person has filed a separate financial interest statement and the name under which the statement
18 was filed:

19 (1) The name and address of each of the employers of such person from whom income
20 of one thousand dollars or more was received during the year covered by the statement;

21 (2) The name and address of each sole proprietorship which he owned; the name, address
22 and the general nature of the business conducted of each general partnership and joint venture
23 in which he was a partner or participant; the name and address of each partner or coparticipant
24 for each partnership or joint venture unless such names and addresses are filed by the partnership
25 or joint venture with the secretary of state; the name, address and general nature of the business
26 conducted of any closely held corporation or limited partnership in which the person owned ten
27 percent or more of any class of the outstanding stock or limited partners' units; and the name of
28 any publicly traded corporation or limited partnership which is listed on a regulated stock
29 exchange or automated quotation system in which the person owned two percent or more of any
30 class of outstanding stock, limited partnership units or other equity interests;

31 (3) The name and address of any other source not reported pursuant to subdivisions (1)
32 and (2) and subdivisions (4) to (9) of this subsection from which such person received one
33 thousand dollars or more of income during the year covered by the statement, including, but not
34 limited to, any income otherwise required to be reported on any tax return such person is required
35 by law to file; except that only the name of any publicly traded corporation or limited partnership
36 which is listed on a regulated stock exchange or automated quotation system need be reported
37 pursuant to this subdivision;

38 (4) The location by county, the subclassification for property tax assessment purposes,
39 the approximate size and a description of the major improvements and use for each parcel of real
40 property in the state, other than the individual's personal residence, having a fair market value
41 of ten thousand dollars or more in which such person held a vested interest including a leasehold
42 for a term of ten years or longer, and, if the property was transferred during the year covered by
43 the statement, the name and address of the persons furnishing or receiving consideration for such
44 transfer;

45 (5) The name and address of each entity in which such person owned stock, bonds or
46 other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a
47 corporation listed on a regulated stock exchange, only the name of the corporation need be listed;
48 and provided that any member of any board or commission of the state or any political
49 subdivision who does not receive any compensation for his services to the state or political
50 subdivision other than reimbursement for his actual expenses or a per diem allowance as
51 prescribed by law for each day of such service need not report interests in publicly traded
52 corporations or limited partnerships which are listed on a regulated stock exchange or automated
53 quotation system pursuant to this subdivision; and provided further that the provisions of this
54 subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant
55 to the Employees' Retirement Income Security Act;

56 (6) The name and address of each corporation for which such person served in the
57 capacity of a director, officer or receiver;

58 (7) The name and address of each not-for-profit corporation and each association,
59 organization, or union, whether incorporated or not, except not-for-profit corporations formed
60 to provide church services, fraternal organizations or service clubs from which the officer or
61 employee draws no remuneration, in which such person was an officer, director, employee or
62 trustee at any time during the year covered by the statement, and for each such organization, a
63 general description of the nature and purpose of the organization;

64 (8) The name and address of each source from which such person received a gift or gifts,
65 or honorarium or honoraria in excess of two hundred dollars in value per source during the year
66 covered by the statement other than gifts from persons within the third degree of consanguinity
67 or affinity of the person filing the financial interest statement. For the purposes of this section,
68 a "gift" shall not be construed to mean political contributions otherwise required to be reported
69 by law or hospitality such as food, beverages or admissions to social, art, or sporting events or
70 the like, or informational material. For the purposes of this section, a "gift" shall include gifts
71 to or by creditors of the individual for the purpose of cancelling, reducing or otherwise forgiving
72 the indebtedness of the individual to that creditor;

73 (9) The lodging and travel expenses provided by any third person for expenses incurred
74 outside the state of Missouri whether by gift or in relation to the duties of office of such official,
75 except that such statement shall not include travel or lodging expenses:

76 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
77 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

78 (b) For which the official may be reimbursed as provided by law; or

79 (c) Paid by persons related by the third degree of consanguinity or affinity to the person
80 filing the statement; or

81 (d) Expenses which are reported by the campaign committee or candidate committee of
82 the person filing the statement pursuant to the provisions of chapter 130; or

83 (e) Paid for purely personal purposes which are not related to the person's official duties
84 by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of
85 a member, of any association or entity which employs a lobbyist. The statement shall include
86 the name and address of such person who paid the expenses, the date such expenses were
87 incurred, the amount incurred, the location of the travel and lodging, and the nature of the
88 services rendered or reason for the expenses;

89 (10) The assets in any revocable trust of which the individual is the settlor if such assets
90 would otherwise be required to be reported under this section;

91 (11) The name, position and relationship of any relative within the first degree of
92 consanguinity or affinity to any other person who:

93 (a) Is employed by the state of Missouri, by a political subdivision of the state or special
94 district, as defined in section 115.013, of the state of Missouri;

95 (b) Is a lobbyist; or

96 (c) Is a fee agent of the department of revenue;

97 (12) The name and address of each campaign committee, political committee, candidate
98 committee, or continuing committee for which such person or any corporation listed on such
99 person's financial interest statement received payment; and

100 (13) For members of the general assembly or any statewide elected public official, their
101 spouses, and their dependent children, whether any state tax credits were claimed on the
102 member's, spouse's, or dependent child's most recent state income tax return.

103 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an
104 individual shall be deemed to have received a salary from his employer or income from any
105 source at the time when he shall receive a negotiable instrument whether or not payable at a later
106 date and at the time when under the practice of his employer or the terms of an agreement he has
107 earned or is entitled to anything of actual value whether or not delivery of the value is deferred
108 or right to it has vested. The term income as used in this section shall have the same meaning

109 as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be
110 or becomes effective, at any time or from time to time for the taxable year, provided that income
111 shall not be considered received or earned for purposes of this section from a partnership or sole
112 proprietorship until such income is converted from business to personal use.

113 4. Each official, officer or employee or candidate of any political subdivision described
114 in subdivision (11) of section 105.483 shall be required to file a financial interest statement as
115 required by subsection 2 of this section, unless the political subdivision biennially adopts an
116 ordinance, order or resolution at an open meeting by September fifteenth of the preceding year,
117 which establishes and makes public its own method of disclosing potential conflicts of interest
118 and substantial interests and therefore excludes the political subdivision or district and its
119 officers and employees from the requirements of subsection 2 of this section. A certified copy
120 of the ordinance, order or resolution shall be sent to the commission within ten days of its
121 adoption. The commission shall assist any political subdivision in developing forms to complete
122 the requirements of this subsection. The ordinance, order or resolution shall contain, at a
123 minimum, the following requirements with respect to disclosure of substantial interests:

124 (1) Disclosure in writing of the following described transactions, if any such transactions
125 were engaged in during the calendar year:

126 (a) For such person, and all persons within the first degree of consanguinity or affinity
127 of such person, the date and the identities of the parties to each transaction with a total value in
128 excess of [five] **two** hundred **fifty** dollars, if any, that such person had with the political
129 subdivision, other than compensation received as an employee or payment of any tax, fee or
130 penalty due to the political subdivision, and other than transfers for no consideration to the
131 political subdivision;

132 (b) The date and the identities of the parties to each transaction known to the person with
133 a total value in excess of [five] **two** hundred **fifty** dollars, if any, that any business entity in which
134 such person had a substantial interest, had with the political subdivision, other than payment of
135 any tax, fee or penalty due to the political subdivision or transactions involving payment for
136 providing utility service to the political subdivision, and other than transfers for no consideration
137 to the political subdivision;

138 (2) The chief administrative officer and chief purchasing officer of such political
139 subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6)
140 of subsection 2 of this section;

141 (3) Disclosure of such other financial interests applicable to officials, officers and
142 employees of the political subdivision, as may be required by the ordinance or resolution;

143 (4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the
144 commission and the governing body of the political subdivision. The clerk of such governing

145 body shall maintain such disclosure reports available for public inspection and copying during
146 normal business hours.

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