

FIRST REGULAR SESSION

HOUSE BILL NO. 217

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KENDRICK.

0779H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.455, 105.465, 105.977, and 130.034, RSMo, section 105.456 as enacted by house bill no. 1979, ninety-eighth general assembly, second regular session, sections 105.456 and 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 seven new sections relating to ethics, with penalty provisions.

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

Section A. Sections 105.455, 105.465, 105.977, and 130.034, RSMo, section 105.456
2 as enacted by house bill no. 1979, ninety-eighth general assembly, second regular session,
3 sections 105.456 and 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly,
4 second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third
5 general assembly, second regular session, are repealed and seven new sections enacted in lieu
6 thereof, to be known as sections 105.455, 105.456, 105.465, 105.473, 105.977, 130.034, and
7 130.088, to read as follows:

105.455. 1. No person elected or appointed to the state senate, to the state house of
2 representatives, or to the office of governor, lieutenant governor, attorney general, secretary of
3 state, state treasurer, or state auditor who vacates the office, whether by resignation, expulsion,
4 term limitation under Article III, Section 8 of the Constitution of Missouri, or otherwise, shall
5 act, serve, or register as a lobbyist until [~~six months~~] **five years** after the expiration of any term
6 of office for which such person was elected or appointed.

7 2. No person holding an office that required appointment by the governor and
8 confirmation by the senate who vacates the office, whether by resignation, expulsion, or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 otherwise, shall act, serve, or register as a lobbyist until [~~six months~~] **five years** after the vacation
10 of such office.

11 3. For purposes of this section, the prohibition contained herein shall apply only to
12 lobbyists employed by a lobbyist principal for pay or other compensation in excess of
13 reimbursement for expenses incurred.

14 4. The provisions of this section shall not apply to any person who acts, serves, or
15 registers as a lobbyist for a state department or agency.

16 5. For purposes of this section, the terms "lobbyist" and "lobbyist principal" shall have
17 the same meanings given to such terms under section 105.470.

105.456. 1. No member of the general assembly or the governor, lieutenant governor,
2 attorney general, secretary of state, state treasurer or state auditor shall:

3 (1) Perform any service for the state or any political subdivision of the state or any
4 agency of the state or any political subdivision thereof or act in his or her official capacity or
5 perform duties associated with his or her position for any person for any consideration other than
6 the compensation provided for the performance of his or her official duties;

7 (2) Sell, rent or lease any property to the state or political subdivision thereof or any
8 agency of the state or any political subdivision thereof for consideration in excess of five hundred
9 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is
10 made pursuant to an award on a contract let or sale made after public notice and in the case of
11 property other than real property, competitive bidding, provided that the bid or offer accepted
12 is the lowest received;

13 (3) Attempt, for compensation other than the compensation provided for the performance
14 of his or her official duties, to influence the decision of any agency of the state on any matter,
15 except that this provision shall not be construed to prohibit such person from participating for
16 compensation in any adversary proceeding or in the preparation or filing of any public document
17 or conference thereon. The exception for a conference upon a public document shall not permit
18 any member of the general assembly or the governor, lieutenant governor, attorney general,
19 secretary of state, state treasurer or state auditor to receive any consideration for the purpose of
20 attempting to influence the decision of any agency of the state on behalf of any person with
21 regard to any application, bid or request for a state grant, loan, appropriation, contract, award,
22 permit other than matters involving a driver's license, or job before any state agency,
23 commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or
24 any other court rule or law to the contrary, other members of a firm, professional corporation or
25 partnership shall not be prohibited pursuant to this subdivision from representing a person or
26 other entity solely because a member of the firm, professional corporation or partnership serves
27 in the general assembly, provided that such official does not share directly in the compensation

28 earned, so far as the same may reasonably be accounted, for such activity by the firm or by any
29 other member of the firm. This subdivision shall not be construed to prohibit any inquiry for
30 information or the representation of a person without consideration before a state agency or in
31 a matter involving the state if no consideration is given, charged or promised in consequence
32 thereof; or

33 (4) Solicit any registered lobbyist for any compensated or noncompensated position, with
34 a hiring date beginning after such person is no longer an elected official, while such person holds
35 office.

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

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

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

52 3. No individual or business entity shall solicit a member of the general assembly to
53 become employed by that individual or business entity as a legislative lobbyist while such
54 member is holding office as a member of the general assembly. No member of the general
55 assembly shall solicit clients to represent as a legislative lobbyist.

56 4. **No member of the general assembly or the governor, lieutenant governor,**
57 **attorney general, secretary of state, state treasurer, or state auditor, or such person's staff,**
58 **employees, spouse, or dependent children, shall:**

59 (1) **Accept any tangible or intangible item, service, or thing of value from any**
60 **lobbyist; or**

61 (2) **Use funds from any candidate committee, as defined under section 130.011, to**
62 **reimburse a lobbyist for delivering any tangible or intangible item, service, or thing of**
63 **value to the person.**

64 5. For purposes of this section, the terms "lobbyist" and "legislative lobbyist" shall have
 65 the same meanings given to such terms under section 105.470.

~~[105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall-~~

~~(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or~~

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

~~(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof.~~

~~2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official~~

42 is the sole proprietor, a partner having more than a ten percent partnership
 43 interest, or a coparticipant or owner of in excess of ten percent of the outstanding
 44 shares of any class of stock, shall:

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

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

58 ~~————— 3. No statewide elected official, member of the general assembly, or any
 59 person acting on behalf of such official or member shall expressly and explicitly
 60 make any offer or promise to confer any paid employment, where the individual
 61 is compensated above actual and necessary expenses, to any statewide elected
 62 official or member of the general assembly in exchange for the official's or
 63 member's official vote on any public matter. Any person making such offer or
 64 promise is guilty of the crime of bribery of a public servant under section
 65 576.010.~~

66 ~~————— 4. Any statewide elected official or member of the general assembly who
 67 accepts or agrees to accept an offer described in subsection 3 of this section is
 68 guilty of the crime of acceding to corruption under section 576.020.]~~

69

105.465. 1. Any person who registers as a lobbyist **or becomes a prior candidate** shall
 2 dissolve his or her candidate committee **within forty-five days after the date of registration**
 3 **as a lobbyist or the date on which the person became a prior candidate.** In the course of
 4 dissolving such committee, such person shall not disburse moneys from such committee, except
 5 for the purpose of:

6 (1) Returning a contribution made to the candidate committee to the entity responsible
 7 for making the contribution to the committee;

8 (2) Donating moneys to a nonprofit entity qualified as exempt from federal taxation
 9 under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

10 (3) Transferring moneys to a political party committee.

11 2. For purposes of this section, the term "lobbyist" shall have the same meaning given
 12 to such term under section 105.470, and the terms "committee", "candidate committee",

13 "contribution", and "political party committee" shall have the same meanings given to such terms
 14 under section 130.011.

15 **3. For purposes of this section, "prior candidate" means:**

16 **(1) A former state senator or statewide elected public official who did not file,**
 17 **within four years of the end of his or her term of office, to run for election to a statewide**
 18 **elected office, the state senate, or the state house of representatives; or**

19 **(2) A former state representative who did not file, within two years of the end of his**
 20 **or her term of office, to run for election to a statewide elected office, the state senate, or the**
 21 **state house of representatives.**

22

23 **A person who did not file for election as described under this subsection becomes a prior**
 24 **candidate the day after the last day, before the end of the two-year or four-year period as**
 25 **described under this subsection, on which any person may file to run for election to**
 26 **statewide elected office, the state senate, or the state house of representatives.**

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

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

25 ~~3. (1) During any period of time in which a lobbyist continues to act as~~
 26 ~~an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local~~
 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
49 of either the house of representatives or senate; or

50 d. All members of a caucus of the majority party of the house of representatives, minority
51 party of the house of representatives, majority party of the senate, or minority party of the senate;

52 (e) Any expenditure made on behalf of a public official, an elected local government
53 official or such official's staff, employees, spouse or dependent children, if such expenditure is
54 solicited by such official, the official's staff, employees, or spouse or dependent children, from
55 the lobbyist or his or her lobbyist principals and the name of such person or persons, except any
56 expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization
57 or other association formed to provide for good in the order of benevolence;

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

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

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

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

80 7. No person shall knowingly employ any person who is required to register as a
81 registered lobbyist but is not registered pursuant to this section. Any person who knowingly
82 violates this subsection shall be subject to a civil penalty in an amount of not more than ten

83 thousand dollars for each violation. Such civil penalties shall be collected by action filed by the
84 commission.

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

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

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

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

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

111 13. **No lobbyist shall make any contribution to, or expenditure on behalf of, any**
112 **candidate committee formed by a candidate for statewide office, state representative, or**
113 **state senator or any general assembly member's candidate committee for the purpose of**
114 **providing any food, entertainment, lodging, or travel, and such candidate committees shall**
115 **be barred from receiving such items. For purposes of this subsection, the terms**
116 **"candidate", "candidate committee", "contribution", and "expenditure" shall have the**
117 **same meanings given to the terms under section 130.011.**

118 **14. No lobbyist shall deliver any tangible or intangible item, service, or thing of**
119 **value to any statewide elected official or member of the general assembly, or such person's**
120 **staff, employees, spouse, or dependent children.**

121 **15. No lobbyist shall knowingly accept funds from any candidate committee, as**
122 **defined under section 130.011, as reimbursement for delivering any tangible or intangible**
123 **item, service, or thing of value to any statewide elected official or member of the general**
124 **assembly, or such person's staff, employees, spouse, or dependent children.**

125 **16.** The provisions of this section shall supersede any contradicting ordinances or charter
126 provisions.

 105.977. **1.** Notwithstanding any provision of law to the contrary, the attorney general
2 shall represent the ethics commission in all state appellate or federal appellate or supreme courts,
3 unless the attorney general refuses to pursue such action, in which case, the ethics commission
4 may retain competent counsel for such action.

5 **2. Notwithstanding chapter 27 or any other provision of law to the contrary:**

6 **(1) If the attorney general declines criminal prosecution or refuses to initiate a civil**
7 **case in any matter over which the ethics commission has jurisdiction, the ethics commission**
8 **may prosecute the matter criminally or pursue the matter in a civil case; and**

9 **(2) The ethics commission shall have the same powers as the attorney general in any**
10 **matter described under this subsection.**

 130.034. **1.** Contributions as defined in section 130.011, received by any committee
2 shall not be converted to any personal use.

3 **2.** Contributions may be used for any purpose allowed by law including, but not limited
4 to:

5 (1) Any ordinary expenses incurred relating to a campaign;

6 (2) Any ordinary and necessary expenses incurred in connection with the duties of a
7 holder of elective office;

8 (3) Any expenses associated with the duties of candidacy or of elective office pertaining
9 to the entertaining of or providing social courtesies to constituents, professional associations, or
10 other holders of elective office;

11 (4) The return of any contribution to the person who made the contribution to the
12 candidate or holder of elective office;

13 (5) To contribute to a political organization [~~or candidate committee~~] as allowed by law;

14 (6) To establish a new committee as defined by this chapter; **and**

15 (7) To make an unconditional gift which is fully vested to any charitable, fraternal or
16 civic organizations or other associations formed to provide for some good in the order of

17 benevolence, if such candidate, former candidate or holder of elective office or such person's
18 immediate family gain no direct financial benefit from the unconditional gift[;—
19 ~~——(8) Except when such candidate, former candidate or holder of elective office dies while~~
20 ~~the committee remains in existence, the committee may make an unconditional gift to a fund~~
21 ~~established for the benefit of the spouse and children of the candidate, former candidate or holder~~
22 ~~of elective office. The provisions of this subdivision shall expire October 1, 1997].~~

23 **3. Notwithstanding the provisions of this section or any other section, a candidate**
24 **committee shall not:**

25 **(1) Expend or transfer funds from the committee, for any purpose, to any person**
26 **related, within the fourth degree of consanguinity or affinity, to the candidate who formed**
27 **the candidate committee; or**

28 **(2) Expend or transfer funds from the committee, for any purpose, to any entity**
29 **wholly or partially owned by a person related, within the fourth degree of consanguinity**
30 **or affinity, to the candidate who formed the candidate committee.**

31 **4.** Upon the death of the candidate, former candidate or holder of elective office who
32 received such contributions, all contributions shall be disposed of according to this section and
33 any funds remaining after final settlement of the candidate's decedent's estate, or if no estate is
34 opened, then twelve months after the candidate's death, will escheat to the state of Missouri to
35 be deposited in the general revenue fund.

36 ~~[4-]~~ **5.** No contributions, as defined in section 130.011, received by a candidate, former
37 candidate or holder of elective office shall be used to make restitution payments ordered of such
38 individual by a court of law or for the payment of any fine resulting from conviction of a
39 violation of any local, state or federal law.

40 ~~[5-]~~ **6.** Committees described in subdivision (17) of section 130.011 shall make
41 expenditures only for the purpose of determining whether an individual will be a candidate.
42 Such expenditures include polling information, mailings, personal appearances, telephone
43 expenses, office and travel expenses but may not include contributions to other candidate
44 committees.

45 ~~[6-]~~ **7.** Any moneys in the exploratory committee fund may be transferred to the
46 candidate committee upon declaration of candidacy for the position being explored. Such funds
47 shall be included for the purposes of reporting and limitation. In the event that candidacy is not
48 declared for the position being explored, the remaining exploratory committee funds shall be
49 returned to the contributors on a pro rata basis. In no event shall the amount returned exceed the
50 amount given by each contributor nor be less than ten dollars.

51 ~~[7-]~~ **8.** Funds held in candidate committees, campaign committees, debt service
52 committees, and exploratory committees shall be liquid such that these funds shall be readily

53 available for the specific and limited purposes allowed by law. These funds may be invested
54 only in short-term treasury instruments or short-term bank certificates with durations of one year
55 or less, or that allow the removal of funds at any time without any additional financial penalty
56 other than the loss of interest income. Continuing committees, political party committees, and
57 other committees such as out-of-state committees not formed for the benefit of any single
58 candidate or ballot issue shall not be subject to the provisions of this subsection. This subsection
59 shall not be interpreted to restrict the placement of funds in an interest-bearing checking account.

**130.088. Any person holding the office of state representative, the office of state
2 senator, or a statewide elected office, or any candidate for any such office, shall not accept
3 any contributions from the first Wednesday after the first Monday in January through the
4 first Friday after the second Monday of May of each year at 6:00 p.m. Only candidates for
5 special election to the house of representatives, senate, or statewide elected office may,
6 during such time, accept contributions from the date of the candidate's nomination by his
7 or her respective political party until thirty days after the date of the election.**

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