

SECOND REGULAR SESSION

HOUSE BILL NO. 2494

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKINSON.

6210H.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 expenditures made by lobbyists.

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and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, are repealed and one new section enacted in lieu thereof, to be known as section 105.473, to read as follows: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.]

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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 **An itemized listing of expenditures made by a lobbyist or lobbyist principal for any**
53 **committee of the general assembly or any other event attended by all the members of the**
54 **general assembly, all the members of the senate, all the members of the house of**
55 **representatives, or any portion of the membership of the general assembly. Such itemized**
56 **listing shall identify such members of the general assembly individually by name using the**
57 **procedure described in this paragraph. Such itemized listing shall also contain a valuation**
58 **of the expenditure made on behalf of each member of the general assembly in the manner**
59 **described in this paragraph. Members of the general assembly shall individually indicate**
60 **their presence at such events or committee meetings and their consent to receive food or**
61 **any other item, service, or thing of value provided through an expenditure made by a**
62 **lobbyist or lobbyist principal by providing such lobbyist, lobbyist principal, or any other**
63 **person acting on behalf of a lobbyist with written documentation of their attendance and**
64 **acceptance of such item, service, or thing of value at such event or committee meeting. The**
65 **valuation of expenditures at such events or committee meetings shall be made by pro rata**
66 **share of the members providing the written documentation of attendance and acceptance**
67 **described under this paragraph. For purposes of this paragraph, "committee of the**
68 **general assembly" includes, but is not limited to, any standing committee, select committee,**
69 **special committee, joint committee, caucus of the general assembly, or caucus of any**
70 **portion of the membership of the general assembly;**

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

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

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

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82 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to
83 this section shall be valued on the report at the actual amount of the payment made, or the
84 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the
85 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures
86 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of
87 such lobbyists. No expenditure shall be made on behalf of a state senator or state representative,
88 or such public official's staff, employees, spouse, or dependent children for travel or lodging
89 outside the state of Missouri unless such travel or lodging was approved prior to the date of the
90 expenditure by the administration and accounts committee of the house or the administration
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93 reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by
94 this section.

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

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

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105 required pursuant to this section.

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107 specifically appropriated by the general assembly for investigations and prosecutions for
108 violations of this section.

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110 pursuant to this section who contests the accuracy of the portion of the report applicable to such
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116 11. The commission shall provide a report listing the total spent by a lobbyist for the
117 month and year to any member or member-elect of the general assembly, judge or judicial
118 officer, or any other person holding an elective office of state government or any elected local
119 government official on or before the twentieth day of each month. For the purpose of providing
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121 or electronic form for ten working days after providing the report pursuant to this subsection.
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126 behalf the lobbyist acted, shall provide a general description of the proposed legislation or action
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128 opposed. This information shall be supplied to the commission on March fifteenth and May
129 thirtieth of each year.

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131 provisions.

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