

FIRST REGULAR SESSION

HOUSE BILL NO. 107

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

Pre-filed December 16, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0522L.011

AN ACT

To repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to ethics commission reports.

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

Section A. Section 105.473, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.473, to read as follows: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 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 authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person

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.

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 or a legislative lobbyist, the lobbyist shall file with the commission on
22 standardized forms prescribed by the commission monthly reports which shall be due at the close
23 of business on the tenth day of the following month;

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

26 (a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on
27 behalf of all public officials, their staffs and employees, and their spouses and dependent
28 children, which expenditures shall be separated into at least the following categories by the
29 executive branch, judicial branch and legislative branch of government: printing and publication
30 expenses; media and other advertising expenses; travel; entertainment; honoraria; meals, food
31 and beverages; and gifts;

32 (b) An itemized listing of the name of the recipient and the nature and amount of each
33 expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of
34 value, for all expenditures made during any reporting period, paid or provided to or for a public
35 official, such official's staff, employees, spouse or dependent children;

36 (c) The total of all expenditures made by a lobbyist or lobbyist principal for occasions
37 and the identity of the group invited, the date and description of the occasion and the amount of
38 the expenditure for each occasion when any of the following are invited in writing:

39 a. All members of the senate;

40 b. All members of the house of representatives;

41 c. All members of a joint committee of the general assembly or a standing committee of
42 either the house of representatives or senate; or

43 d. All members of a caucus of the general assembly if the caucus consists of at least ten
44 members, a list of the members of the caucus has been previously filed with the ethics committee
45 of the house or the senate, and such list has been approved by either of such ethics committees;

46 (d) Any expenditure made on behalf of a public official, or the public official's staff,
47 employees, spouse or dependent children, if such expenditure is solicited by such public official,
48 the public official's staff, employees, or spouse or dependent children, from the lobbyist or his
49 or her lobbyist principals and the name of such person or persons, except any expenditures made
50 to any not-for-profit corporation, charitable, fraternal or civic organization or other association
51 formed to provide for good in the order of benevolence;

52 (e) A statement detailing any direct business relationship or association or partnership
53 the lobbyist has with any public official.

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

57 4. No expenditure reported pursuant to this section shall include any amount expended
58 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to
59 this section shall be valued on the report at the actual amount of the payment made, or the
60 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the
61 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures
62 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of
63 such lobbyists.

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

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

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

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

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

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

88 11. The commission shall provide a report listing the total spent by a lobbyist for the
89 month and year to any member or member-elect of the general assembly, judge or judicial
90 officer, or any other person holding an elective office of state government on or before the
91 twentieth day of each month, **unless for the current month there has been no change in the**
92 **report from the previous month, in which case the commission shall not provide a report**
93 **for the current month.** For the purpose of providing accurate information to the public, the
94 commission shall not publish information in either written or electronic form for ten working
95 days after providing the report pursuant to this subsection. The commission shall not release any
96 portion of the lobbyist report if the accuracy of the report has been questioned pursuant to
97 subsection 10 of this section unless it is conspicuously marked "Under Review".

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