

SECOND REGULAR SESSION

HOUSE BILL NO. 1986

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), BEARDEN, DEMPSEY, WASSON, DEEKEN, WILSON (130), JOHNSON (47), KINGERY, TILLEY, MAY, ERVIN, CUNNINGHAM (86), BEHNEN, WRIGHT (159), FISHER, RUPP, RECTOR, DENISON, FRANZ, SILVEY, DUSENBERG, THRELKELD, SCHLOTTACH, WETER, ROBB, BAKER (123), CUNNINGHAM (145), SCHAD, PEARCE, RUESTMAN, NOLTE, BIVINS, COOPER (155), HOBBS, LOEHNER, RICHARD, CHINN, WOOD, SUTHERLAND, FAITH, NANCE, DAY, JONES, SMITH (150), JETTON AND COOPER (158) (Co-sponsors).

Read 1st time March 8, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5145L.02I

AN ACT

To repeal sections 105.473 and 105.955, RSMo, and to enact in lieu thereof five new sections relating to regulation of conflict of interest and lobbying.

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

Section A. Sections 105.473 and 105.955, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 105.469, 105.471, 105.473, 105.955, and 105.960, to read as follows:

105.469. The general assembly finds and declares that:

- (1) The operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to appropriate officials their opinions on legislation and governmental operations; and
- (2) To preserve and maintain the integrity of the governmental decision-making process in this state, it is necessary that the identity, expenditures, and activities of persons and organizations retained, employed, or designated to influence the passage or defeat of any legislation by either house of the general assembly or the approval or veto of any legislation by the governor, and attempts to influence the adoption or rejection of any rule

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.

11 having the force and effect of law or the outcome of any ratemaking proceeding by a state
12 agency, and attempts to influence the passage or defeat of any local law, ordinance, or
13 regulation be publicly and regularly disclosed.

105.471. 1. No lobbyist shall pay the travel expenses for any member of the general
2 assembly, any member's legislative staff or employees, or any member's spouse or
3 dependent children. This section shall not apply to incidental travel expenses, such as car
4 pooling or ride-sharing arrangements to and from work, or car pooling or ride-sharing
5 arrangements for travel of less than fifty miles to and from meetings, meals, social events,
6 or other similar gatherings or functions.

7 2. If any individual, corporation, or other entity not otherwise exempt from the
8 reporting requirements of this chapter pays the travel expenses for any member of the
9 general assembly, any member's legislative staff or employees, or any member's spouse or
10 dependent children, such individual, corporation, or other entity shall disclose the total of
11 all such travel expenditures made on behalf of any member of the general assembly, any
12 member's legislative staff or employees, or any member's spouse or dependent children.

105.473. 1. Each lobbyist shall, not later than five days after beginning any activities
2 as a lobbyist, file standardized **statement of** registration forms, verified by a written declaration
3 that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the
4 commission. The [forms] **statements of registration** shall include **the following:**

5 (1) The lobbyist's name [and], business address, **and telephone number;**

6 (2) The name and address of all persons such lobbyist employs for lobbying purposes[.];

7 (3) The name and address of each lobbyist principal by whom such lobbyist is employed
8 or in whose interest such lobbyist appears or works;

9 (4) **The name, address, and telephone number of the client by whom or on whose**
10 **behalf the lobbyist is retained, employed, or designated;**

11 (5) **A general description of the subject or subjects on which the lobbyist expects**
12 **to lobby;**

13 (6) **The name of the person, organization, or legislative body before which the**
14 **lobbyist is or expects to lobby;**

15 (7) **If the lobbyist is retained, employed, or designated by more than one client, a**
16 **separate statement of registration shall be required for each such client.**

17

18 No attorney providing lobbying services shall invoke attorney-client privilege for any client
19 for whom such attorney is providing lobbying services to limit, restrict, or otherwise
20 prevent the disclosures required in subdivisions (1) to (7) of this subsection. The
21 commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each

22 lobbyist shall file an updating statement under oath within one week of any addition, deletion,
23 or change in the lobbyist's employment or representation. The filing fee shall be deposited to the
24 general revenue fund of the state. The lobbyist principal or a lobbyist employing another person
25 for lobbying purposes [may] **shall** notify the commission that a judicial, executive or legislative
26 lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed
27 from the commission's files.

28 2. Each person shall, before giving testimony before any committee of the general
29 assembly, give to the secretary of such committee such person's name and address and the
30 identity of any lobbyist or organization, if any, on whose behalf such person appears. A person
31 who is not a lobbyist as defined in section 105.470 shall not be required to give such person's
32 address if the committee determines that the giving of such address would endanger the person's
33 physical health.

34 3. (1) During any period of time in which a lobbyist continues to act as an executive
35 lobbyist, judicial lobbyist or a legislative lobbyist, the lobbyist shall file with the commission on
36 standardized forms prescribed by the commission monthly reports which shall be due at the close
37 of business on the tenth day of the following month;

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

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

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

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

53 a. All members of the senate;

54 b. All members of the house of representatives;

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

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

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

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

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

70 4. No expenditure reported pursuant to this section shall include any amount expended
71 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to
72 this section shall be valued on the report at the actual amount of the payment made, or the
73 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the
74 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures
75 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of
76 such lobbyists.

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

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

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

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

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

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

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

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

 105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is
2 hereby established. The commission shall be assigned to the office of administration with
3 supervision by the office of administration only for budgeting and reporting as provided by
4 subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974.
5 Supervision by the office of administration shall not extend to matters relating to policies,
6 regulative functions or appeals from decisions of the commission, and the commissioner of
7 administration, any employee of the office of administration, or the governor, either directly or
8 indirectly, shall not participate or interfere with the activities of the commission in any manner
9 not specifically provided by law and shall not in any manner interfere with the budget request
10 of or withhold any moneys appropriated to the commission by the general assembly. All
11 members of the commission shall be appointed by the governor with the advice and consent of
12 the senate from lists submitted pursuant to this section. Each congressional district committee
13 of the political parties having the two highest number of votes cast for their candidate for

14 governor at the last gubernatorial election shall submit two names of eligible nominees for
15 membership on the commission to the governor, and the governor shall select six members from
16 such nominees to serve on the commission.

17 2. Within thirty days of submission of the person's name to the governor as provided in
18 subsection 1 of this section, and in order to be an eligible nominee for appointment to the
19 commission, a person shall file a financial interest statement in the manner provided by section
20 105.485 and shall provide the governor, the president pro tempore of the senate, and the
21 commission with a list of all political contributions and the name of the candidate or committee,
22 political party, or continuing committee, as defined in chapter 130, RSMo, to which those
23 contributions were made within the four-year period prior to such appointment, made by the
24 nominee, the nominee's spouse, or any business entity in which the nominee has a substantial
25 interest. The information shall be maintained by the commission and available for public
26 inspection during the period of time during which the appointee is a member of the commission.
27 In order to be an eligible nominee for membership on the commission, a person shall be a citizen
28 and a resident of the state and shall have been a registered voter in the state for a period of at
29 least five years preceding the person's appointment.

30 3. The term of each member shall be for four years, except that of the members first
31 appointed, the governor shall select three members from even-numbered congressional districts
32 and three members from odd-numbered districts. Not more than three members of the
33 commission shall be members of the same political party, nor shall more than one member be
34 from any one United States congressional district. Not more than two members appointed from
35 the even-numbered congressional districts shall be members of the same political party, and no
36 more than two members from the odd-numbered congressional districts shall be members of the
37 same political party. [Of the members first appointed, the terms of the members appointed from
38 the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the
39 members appointed from the even-numbered congressional districts shall expire on March 15,
40 1996. Thereafter all successor] Members of the commission shall be appointed for four-year
41 terms. Terms of successor members of the commission shall expire on March fifteenth of the
42 fourth year of their term. No member of the commission shall serve on the commission after the
43 expiration of the member's term. No person shall be appointed to more than one full four-year
44 term on the commission.

45 4. Vacancies or expired terms on the commission shall be filled in the same manner as
46 the original appointment was made, except as provided in this subsection. Within thirty days of
47 the vacancy or ninety days before the expiration of the term, the names of two eligible nominees
48 for membership on the commission shall be submitted to the governor by the congressional
49 district committees of the political party or parties of the vacating member or members, from the

50 even- or odd-numbered congressional districts, based on the residence of the vacating member
51 or members, other than from the congressional district committees from districts then represented
52 on the commission and from the same congressional district party committee or committees
53 which originally appointed the member or members whose positions are vacated. Appointments
54 to fill vacancies or expired terms shall be made within forty-five days after the deadline for
55 submission of names by the congressional district committees, and shall be subject to the same
56 qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section.
57 Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired
58 term of the member whom the appointee succeeds, and such appointees shall be eligible for
59 appointment to one full four-year term. If the congressional district committee does not submit
60 the required two nominees within the thirty days or if the congressional district committee does
61 not submit the two nominees within an additional thirty days after receiving notice from the
62 governor to submit the nominees, then the governor may appoint a person or persons who shall
63 be subject to the same qualifications for appointment and eligibility as provided in subsections
64 2 and 3 of this section.

65 5. The governor, with the advice and consent of the senate, may remove any member
66 only for substantial neglect of duty, inability to discharge the powers and duties of office, gross
67 misconduct or conviction of a felony or a crime involving moral turpitude. Members of the
68 commission also may be removed from office by concurrent resolution of the general assembly
69 signed by the governor. If such resolution receives the vote of two-thirds or more of the
70 membership of both houses of the general assembly, the signature of the governor shall not be
71 necessary to effect removal. The office of any member of the commission who moves from the
72 congressional district from which the member was appointed shall be deemed vacated upon such
73 change of residence.

74 6. The commission shall elect biennially one of its members as the [chairman] **chair**.
75 The [chairman may] **chair shall** not succeed himself or herself after two years. No member of
76 the commission shall succeed as [chairman] **chair** any member of the same political party as
77 himself or herself. At least four members are necessary to constitute a quorum, and at least four
78 affirmative votes shall be required for any action or recommendation of the commission.

79 7. No member or employee of the commission, during the person's term of service, shall
80 hold or be a candidate for any other public office.

81 8. In the event that a retired judge is appointed as a member of the commission, the judge
82 shall not serve as a special investigator while serving as a member of the commission.

83 9. No member of the commission shall, during the member's term of service or within
84 one year thereafter:

85 (1) Be employed by the state or any political subdivision of the state;

86 (2) Be employed as a lobbyist;
87 (3) Serve on any other governmental board or commission;
88 (4) Be an officer of any political party or political organization;
89 (5) Permit the person's name to be used, or make contributions, in support of or in
90 opposition to any candidate or proposition;
91 (6) Participate in any way in any election campaign; except that a member or employee
92 of the commission shall retain the right to register and vote in any election, to express the
93 person's opinion privately on political subjects or candidates, to participate in the activities of
94 a civic, community, social, labor or professional organization and to be a member of a political
95 party.

96 10. Each member of the commission shall receive, as full compensation for the member's
97 services, the sum of one hundred dollars per day for each full day actually spent on work of the
98 commission, and the member's actual and necessary expenses incurred in the performance of the
99 member's official duties.

100 11. The commission shall appoint an executive director who shall serve subject to the
101 supervision of and at the pleasure of the commission, but in no event for more than six years.
102 The executive director shall be responsible for the administrative operations of the commission
103 and perform such other duties as may be delegated or assigned to the director by law or by rule
104 of the commission. The executive director shall employ staff and retain such contract services
105 as the director deems necessary, within the limits authorized by appropriations by the general
106 assembly.

107 12. [Beginning on January 1, 1993,] All lobbyist registration and expenditure reports
108 filed pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1)
109 of section 105.489, and campaign finance disclosure reports filed other than with election
110 authorities or local election authorities as provided by section 130.026, RSMo, shall be filed with
111 the commission.

112 13. [Within sixty days of the initial meeting of the first commission appointed,] The
113 commission shall obtain from the clerk of the supreme court or the state courts administrator a
114 list of retired appellate and circuit court judges who did not leave the judiciary as a result of
115 being defeated in an election. The executive director shall determine those judges who indicate
116 their desire to serve as special investigators and to investigate any and all complaints referred to
117 them by the commission. The executive director shall maintain an updated list of those judges
118 qualified and available for appointment to serve as special investigators. Such list shall be
119 updated at least annually. The commission shall refer complaints to such special investigators
120 on that list on a rotating schedule which ensures a random assignment of each special
121 investigator. Each special investigator shall receive only one unrelated investigation at a time

122 and shall not be assigned to a second or subsequent investigation until all other eligible
123 investigators on the list have been assigned to an investigation. In the event that no special
124 investigator is qualified or available to conduct a particular investigation, the commission may
125 appoint a special investigator to conduct such particular investigation.

126 14. The commission shall have the following duties and responsibilities relevant to the
127 impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, RSMo, as
128 provided in sections 105.955 to [105.963] **105.981**:

129 (1) Receive and review complaints regarding alleged violation of sections 105.450 to
130 105.496 and chapter 130, RSMo, conduct initial reviews and investigations regarding such
131 complaints as provided herein; refer complaints to appropriate prosecuting authorities and
132 appropriate disciplinary authorities along with recommendations for sanctions; and initiate
133 judicial proceedings as allowed by sections 105.955 to [105.963] **105.981**;

134 (2) Review and audit any reports and statements required by the campaign finance
135 disclosure laws contained in chapter 130, RSMo, and financial interest disclosure laws or
136 lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for
137 timeliness, accuracy and completeness of content as provided in sections 105.955 to [105.963]
138 **105.981**;

139 (3) Develop appropriate systems to file and maintain an index of all such reports and
140 statements to facilitate public access to such information, except as may be limited by
141 confidentiality requirements otherwise provided by law, including cross-checking of information
142 contained in such statements and reports. The commission may enter into contracts with the
143 appropriate filing officers to effectuate such system. Such filing officers shall cooperate as
144 necessary with the commission as reasonable and necessary to effectuate such purposes;

145 (4) Provide information and assistance to lobbyists, elected and appointed officials, and
146 employees of the state and political subdivisions in carrying out the provisions of sections
147 105.450 to 105.496 and chapter 130, RSMo;

148 (5) Make recommendations to the governor and general assembly or any state agency
149 on the need for further legislation with respect to the ethical conduct of public officials and
150 employees and to advise state and local government in the development of local government
151 codes of ethics and methods of disclosing conflicts of interest as the commission may deem
152 appropriate to promote high ethical standards among all elected and appointed officials or
153 employees of the state or any political subdivision thereof and lobbyists;

154 (6) Render advisory opinions as provided by this section;

155 (7) Promulgate rules relating to the provisions of sections 105.955 to [105.963] **105.981**
156 and chapter 130, RSMo. All rules and regulations issued by the commission shall be prospective
157 only in operation;

(8) Request and receive from the officials and entities identified in [subdivision (6) of] section 105.450 [designations of] as decision-making public servants;

(9) Conduct a program of random audits as authorized in section 105.960.

The commission shall have jurisdiction to exercise the powers and duties of the commission authorized by law with respect to elected and appointed public officials and employees, lobbyists, and candidates for elective office, and any other persons subject to the provisions of sections 105.450 to 105.496 and chapter 130, RSMo, for any time during the service of such persons or while such persons are candidates for elective office. The jurisdiction of the commission shall continue regarding actions taken by such persons during their service or candidacy for one year after termination or resignation of such service or candidacy notwithstanding the fact that the person has separated from state service or ceases to hold public office, or ceases to be a lobbyist or candidate for elective office.

15. In connection with such powers provided by sections 105.955 to [105.963] **105.981** and chapter 130, RSMo, the commission may:

(1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be served and enforced in the same manner provided by section 536.077, RSMo;

(2) Administer oaths and affirmations;

(3) Take evidence and require by subpoena duces tecum the production of books, papers, and other records relating to any matter being investigated or to the performance of the commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and enforced in the same manner provided by section 536.077, RSMo;

(4) Employ such personnel, including legal counsel, and contract for services including legal counsel, within the limits of its appropriation, as it deems necessary provided such legal counsel, either employed or contracted, represents the Missouri ethics commission before any state agency or before the courts at the request of the Missouri ethics commission. Nothing in this section shall limit the authority of the Missouri ethics commission as provided for in subsection 2 of section 105.961; and

(5) Obtain information from any department, division or agency of the state or any political subdivision reasonably calculated to lead to the discovery of evidence which will reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to [105.963] **105.981** and chapter 130, RSMo.

16. (1) Upon written request for an advisory opinion received by the commission, and if the commission determines that the person requesting the opinion would be directly affected by the application of law to the facts presented by the requesting person, the commission shall issue a written opinion advising the person who made the request, in response to the person's

194 particular request, regarding any issue that the commission can receive a complaint on pursuant
195 to section 105.957. The commission may decline to issue a written opinion by a vote of four
196 members and shall provide to the requesting person the reason for the refusal in writing. The
197 commission shall give an approximate time frame as to when the written opinion shall be issued.
198 Such advisory opinions shall be issued no later than ninety days from the date of receipt by the
199 commission. Such requests and advisory opinions, deleting the name and identity of the
200 requesting person, shall be compiled and published by the commission on at least an annual
201 basis. Advisory opinions issued by the commission shall be maintained and made available for
202 public inspection and copying at the office of the commission during normal business hours.
203 Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall
204 be withdrawn by the commission if, after hearing thereon, the joint committee on administrative
205 rules finds that such advisory opinion is beyond or contrary to the statutory authority of the
206 commission or is inconsistent with the legislative intent of any law enacted by the general
207 assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings
208 and conclusions of the joint committee on administrative rules. Any such concurrent resolution
209 adopted by the general assembly shall be published at length by the commission in its publication
210 of advisory opinions of the commission next following the adoption of such resolution, and a
211 copy of such concurrent resolution shall be maintained by the commission, along with the
212 withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also
213 send a copy of such resolution to the person who originally requested the withdrawn advisory
214 opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any
215 person requesting such opinion and no person shall be liable for relying on the opinion and it
216 shall act as a defense of justification against prosecution. An advisory opinion of the
217 commission shall not be withdrawn unless:

218 (a) The authorizing statute is declared unconstitutional;
219 (b) The opinion goes beyond the power authorized by statute; or
220 (c) The authorizing statute is changed to invalidate the opinion.
221 (2) Upon request, the attorney general shall give the attorney general's opinion, without
222 fee, to the commission, any elected official of the state or any political subdivision, any member
223 of the general assembly, or any director of any department, division or agency of the state, upon
224 any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter
225 130, RSMo. Such opinion need be in writing only upon request of such official, member or
226 director, and in any event shall be rendered within sixty days [that] **of delivery of** such request
227 [is delivered] to the attorney general.

228 17. The state auditor and the state auditor's duly authorized employees who have taken
229 the oath of confidentiality required by section 29.070, RSMo, may audit the commission and in

230 connection therewith may inspect materials relating to the functions of the commission. Such
231 audit shall include a determination of whether appropriations were spent within the intent of the
232 general assembly, but shall not extend to review of any file or document pertaining to any
233 particular investigation, audit or review by the commission, an investigator or any staff or person
234 employed by the commission or under the supervision of the commission or an investigator. The
235 state auditor and any employee of the state auditor shall not disclose the identity of any person
236 who is or was the subject of an investigation by the commission and whose identity is not public
237 information as provided by law.

238 18. From time to time but no more frequently than annually, the commission may request
239 the officials and entities described [in subdivision (6) of] **as decision-making public servants**
240 **in** section 105.450 to identify for the commission in writing those persons associated with such
241 office or entity which such office or entity has designated as a decision-making public servant.
242 Each office or entity delineated [in subdivision (6) of] **as decision-making public servants**
243 **under** section 105.450 receiving such a request shall identify those so designated within thirty
244 days of the commission's request.

2 **105.960. In addition to the duties of the commission under section 105.955, the**
3 **commission is authorized and empowered to conduct a program of random audits subject**
4 **to the terms and conditions of this section. Any such program shall be carried out in the**
5 **following manner:**

6 (1) **The commission may randomly select reports or registration statements**
7 **required to be filed by lobbyists or clients under section 105.469 for audit. Any such**
8 **selection shall be done in a manner under which the identity of any particular lobbyist or**
9 **client whose statement or report is selected for audit is unknown to the commission, its**
10 **staff, or any of their agents prior to selection;**

11 (2) **The commission shall develop protocols for the conduct of such random audits.**
12 **Such random audits may require the production of books, papers, records, or memoranda**
13 **relevant and material to the preparation of the selected statement or reports for**
14 **examination by the commission. Any such protocols shall ensure that similarly situated**
15 **statements or reports are audited in a uniform manner;**

16 (3) **The commission shall contract with an outside accounting entity which shall**
17 **monitor the process under which the commission selects statements or reports for audit**
18 **and carries out the provisions of subdivisions (1) and (2) of this subsection and certifies**
19 **that such process complies with the provisions of subdivisions (1) and (2) of this subsection;**

20 (4) **Upon completion of a random audit conducted in accordance with this section,**
21 **the commission shall determine whether there is reasonable cause to believe that any such**
22 **statement or report is inaccurate or incomplete. Upon a determination that such**

22 reasonable cause exists, the commission may require the production of further books,
23 records, or memoranda, subpoena witnesses, compel their attendance and testimony, and
24 administer oaths or affirmations to the extent the commission determines such actions are
25 necessary to obtain information relevant and material to investigating such inaccuracies
26 or omissions.

✓