

SECOND REGULAR SESSION

HOUSE BILL NO. 1992

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUPP.

Read 1st time March 9, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5567L.01I

AN ACT

To repeal sections 105.473, 130.032, and 130.046, RSMo, and to enact in lieu thereof three new sections relating to ethics.

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

Section A. Sections 105.473, 130.032, and 130.046, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 105.473, 130.032, and 130.046, to read
3 as follows:

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

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.

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 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 **majority party of the house of representatives, minority party of the house of**
47 **representatives, majority party of the senate, minority party of the senate;**

48 (d) Any expenditure made on behalf of a public official, or the public official's staff,
49 employees, spouse or dependent children, if such expenditure is solicited by such public official,

50 the public official's staff, employees, or spouse or dependent children, from the lobbyist or his
51 or her lobbyist principals and the name of such person or persons, except any expenditures made
52 to any not-for-profit corporation, charitable, fraternal or civic organization or other association
53 formed to provide for good in the order of benevolence;

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

56

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

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

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

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

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

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

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

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

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

102 12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose
103 behalf the lobbyist acted, shall provide a general description of the proposed legislation or action
104 by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or
105 opposed.

106 This information shall be supplied to the commission on March fifteenth and May thirtieth of
107 each year.

130.032. 1. In addition to the limitations imposed pursuant to section 130.031, the
2 amount of contributions made by or accepted from any person other than the candidate in any
3 one election shall not exceed the following:

4 (1) To elect an individual to the office of governor, lieutenant governor, secretary of
5 state, state treasurer, state auditor or attorney general, one thousand dollars;

6 (2) To elect an individual to the office of state senator, five hundred dollars;

7 (3) To elect an individual to the office of state representative, two hundred fifty dollars;

8 (4) To elect an individual to any other office, including judicial office, if the population
9 of the electoral district, ward, or other unit according to the latest decennial census is under one
10 hundred thousand, two hundred fifty dollars;

11 (5) To elect an individual to any other office, including judicial office, if the population
12 of the electoral district, ward, or other unit according to the latest decennial census is at least one
13 hundred thousand but less than two hundred fifty thousand, five hundred dollars; and

14 (6) To elect an individual to any other office, including judicial office, if the population
15 of the electoral district, ward, or other unit according to the latest decennial census is at least two
16 hundred fifty thousand, one thousand dollars.

17 2. For purposes of this subsection "base year amount" shall be the contribution limits
18 prescribed in this section on January 1, 1995. Such limits shall be increased on the first day of
19 January in each even-numbered year by multiplying the base year amount by the cumulative
20 consumer price index, as defined in section 104.010, RSMo, and rounded to the nearest
21 twenty-five-dollar amount, for all years since January 1, 1995.

22 3. Candidate committees, exploratory committees, campaign committees and continuing
23 committees, other than those continuing committees which are political party committees, shall
24 be subject to the limits prescribed in subsection 1 of this section. The provisions of this
25 subsection shall not limit the amount of contributions which may be accumulated by a candidate
26 committee and used for expenditures to further the nomination or election of the candidate who
27 controls such candidate committee[, except as provided in section 130.052].

28 4. Except as limited by this subsection, the amount of cash contributions, and a separate
29 amount for the amount of in-kind contributions, made by or accepted from a political party
30 committee, **with the exception of legislative political party committees**, in any one election
31 shall not exceed the following:

32 (1) To elect an individual to the office of governor, lieutenant governor, secretary of
33 state, state treasurer, state auditor or attorney general, ten thousand dollars;

34 (2) To elect an individual to the office of state senator, five thousand dollars;

35 (3) To elect an individual to the office of state representative, two thousand five hundred
36 dollars; and

37 (4) To elect an individual to any other office of an electoral district, ward or unit, ten
38 times the allowable contribution limit for the office sought.

39

40 The amount of contributions which may be made by or accepted from a political party committee
41 in the primary election to elect any candidate who is unopposed in such primary shall be fifty
42 percent of the amount of the allowable contributions as determined in this subsection.

43 5. **No legislative political party committee shall make contributions to any**
44 **candidate for the house of representatives, senate, or a statewide office.**

45 6. Contributions from persons under fourteen years of age shall be considered made by
46 the parents or guardians of such person and shall be attributed toward any contribution limits

47 prescribed in this chapter. Where the contributor under fourteen years of age has two custodial
48 parents or guardians, fifty percent of the contribution shall be attributed to each parent or
49 guardian, and where such contributor has one custodial parent or guardian, all such contributions
50 shall be attributed to the custodial parent or guardian.

51 [6.] 7. Contributions received and expenditures made prior to January 1, 1995, shall be
52 reported as a separate account and pursuant to the laws in effect at the time such contributions
53 are received or expenditures made. Contributions received and expenditures made after January
54 1, 1995, shall be reported as a separate account from the aforementioned account and pursuant
55 to the provisions of this chapter. The account reported pursuant to the prior law shall be retained
56 as a separate account and any remaining funds in such account may be used pursuant to this
57 chapter and section 130.034.

58 [7.] 8. Any committee which accepts or gives contributions other than those allowed
59 shall be subject to a surcharge of one thousand dollars plus an amount equal to the contribution
60 per nonallowable contribution, to be paid to the ethics commission and which shall be transferred
61 to the director of revenue, upon notification of such nonallowable contribution by the ethics
62 commission, and after the candidate has had ten business days after receipt of notice to return
63 the contribution to the contributor. The candidate and the candidate committee treasurer or
64 deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge
65 or may pay such surcharge only from campaign funds existing on the date of the receipt of
66 notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to,
67 the provisions of chapter 143, RSMo.

68 **9. No candidate for the house of representatives, senate, or a statewide office shall**
69 **accept any contributions from the first Wednesday after the first Monday in January**
70 **through the thirtieth day of May of each year. Candidates for special election to the house**
71 **of representatives, senate, or statewide office may accept contributions from the date of the**
72 **candidates nomination by his or her respective political party until the date of the election.**

130.046. 1. The disclosure reports required by section 130.041 for all committees shall
2 be filed as follows: **each candidate for state representative, state senate, or statewide office**
3 **shall file the disclosure reports required by section 130.041 on the last day of each month**
4 **for a period closing on the twenty-fifth day of the month until twenty-one days prior to the**
5 **election, then the report shall be filed every twenty-four hours. All other committees and**
6 **candidates shall file** at the following times and for the following periods:

7 (1) Not later than the eighth day before an election for the period closing on the twelfth
8 day before the election if the committee has made any contribution or expenditure either in
9 support or opposition to any candidate or ballot measure;

10 (2) Not later than the thirtieth day after an election for a period closing on the
11 twenty-fifth day after the election, if the committee has made any contribution or expenditure
12 either in support of or opposition to any candidate or ballot measure; except that, a successful
13 candidate who takes office prior to the twenty-fifth day after the election shall have complied
14 with the report requirement of this subdivision if a disclosure report is filed by such candidate
15 and any candidate committee under the candidate's control before such candidate takes office,
16 and such report shall be for the period closing on the day before taking office; and

17 (3) Not later than the fifteenth day following the close of each calendar quarter.
18

19 Notwithstanding the provisions of this subsection, if any committee accepts contributions or
20 makes expenditures in support of or in opposition to a ballot measure or a candidate, and the
21 report required by this subsection for the most recent calendar quarter is filed prior to the fortieth
22 day before the election on the measure or candidate, the committee shall file an additional
23 disclosure report not later than the fortieth day before the election for the period closing on the
24 forty-fifth day before the election.

25 2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition
26 or referendum petition, or a recall petition seeking to remove an incumbent from office,
27 disclosure reports relating to the time for filing such petitions shall be made as follows:

28 (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of
29 this section the treasurer of a committee, other than a continuing committee, supporting or
30 opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent
31 from office shall file an initial disclosure report fifteen days after the committee begins the
32 process of raising or spending money. After such initial report, the committee shall file quarterly
33 disclosure reports as required by subdivision (3) of subsection 1 of this section until such time
34 as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed.
35 In addition the committee shall file a second disclosure report no later than the fifteenth day after
36 the deadline date for submitting such petition. The period covered in the initial report shall begin
37 on the day the committee first accepted contributions or made expenditures to support or oppose
38 the petition effort for qualification of the measure and shall close on the fifth day prior to the date
39 of the report;

40 (2) If the measure has qualified to be on the ballot in an election and if a committee
41 subject to the requirements of subdivision (1) of this subsection is also required to file a
42 preelection disclosure report for such election any time within thirty days after the date on which
43 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,
44 the treasurer of such committee shall not be required to file the report required by subdivision

45 (1) of this subsection, but shall include in the committee's preelection report all information
46 which would otherwise have been required by subdivision (1) of this subsection.

47 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file
48 disclosure reports pursuant to this section, except for any calendar quarter in which the
49 contributions received by the committee or the expenditures or contributions made by the
50 committee do not exceed five hundred dollars. The reporting dates and periods covered for such
51 quarterly reports shall not be later than the fifteenth day of January, April, July and October for
52 periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day
53 of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be
54 required to file the quarterly disclosure report required not later than the fifteenth day of any
55 January immediately following a November election, provided that such candidate, treasurer or
56 deputy treasurer shall file the information required on such quarterly report on the quarterly
57 report to be filed not later than the fifteenth day of April immediately following such November
58 election. Each report by such committee shall be cumulative from the date of the last report. In
59 the case of the continuing committee's first report, the report shall be cumulative from the date
60 of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall
61 file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding
62 the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this
63 section. A continuing committee shall submit additional reports if it makes aggregate
64 expenditures, other than contributions to a committee, of five hundred dollars or more, within
65 the reporting period at the following times for the following periods:

66 (1) Not later than the eighth day before an election for the period closing on the twelfth
67 day before the election;

68 (2) Not later than forty-eight hours after aggregate expenditures of five hundred dollars
69 or more are made after the twelfth day before the election; and

70 (3) Not later than the thirtieth day after an election for a period closing on the
71 twenty-fifth day after the election.

72 4. The reports required to be filed no later than the thirtieth day after an election and any
73 subsequently required report shall be cumulative so as to reflect the total receipts and
74 disbursements of the reporting committee for the entire election campaign in question. The
75 period covered by each disclosure report shall begin on the day after the closing date of the most
76 recent disclosure report filed and end on the closing date for the period covered. If the
77 committee has not previously filed a disclosure report, the period covered begins on the date the
78 committee was formed; except that in the case of a candidate committee, the period covered
79 begins on the date the candidate became a candidate according to the definition of the term
80 candidate in section 130.011.

81 5. Notwithstanding any other provisions of this chapter to the contrary:

82 (1) Certain disclosure reports pertaining to any candidate who receives nomination in
83 a primary election and thereby seeks election in the immediately succeeding general election
84 shall not be required in the following cases:

85 (a) If there are less than fifty days between a primary election and the immediately
86 succeeding general election, the disclosure report required to be filed quarterly; provided that,
87 any other report required to be filed prior to the primary election and all other reports required
88 to be filed not later than the eighth day before the general election are filed no later than the final
89 dates for filing such reports;

90 (b) If there are less than eighty-five days between a primary election and the immediately
91 succeeding general election, the disclosure report required to be filed not later than the thirtieth
92 day after the primary election need not be filed; provided that any report required to be filed prior
93 to the primary election and any other report required to be filed prior to the general election are
94 filed no later than the final dates for filing such reports; and

95 (2) No disclosure report needs to be filed for any reporting period if during that reporting
96 period the committee has neither received contributions aggregating more than five hundred
97 dollars nor made expenditure aggregating more than five hundred dollars and has not received
98 contributions aggregating more than three hundred dollars from any single contributor and if the
99 committee's treasurer files a statement with the appropriate officer that the committee has not
100 exceeded the identified thresholds in the reporting period. Any contributions received or
101 expenditures made which are not reported because this statement is filed in lieu of a disclosure
102 report shall be included in the next disclosure report filed by the committee. This statement shall
103 not be filed in lieu of the report for two or more consecutive disclosure periods if either the
104 contributions received or expenditures made in the aggregate during those reporting periods
105 exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the
106 thirtieth day after an election if that report would show a deficit of more than one thousand
107 dollars.

108 6. (1) If the disclosure report required to be filed by a committee not later than the
109 thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations
110 in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with
111 the appropriate officer for each succeeding semiannual period until the deficit is reported in a
112 disclosure report as being reduced to five thousand dollars or less; except that, a supplemental
113 semiannual report shall not be required for any semiannual period which includes the closing
114 date for the reporting period covered in any regular disclosure report which the committee is
115 required to file in connection with an election. The reporting dates and periods covered for

116 semiannual reports shall be not later than the fifteenth day of January and July for periods closing
117 on the thirty-first day of December and the thirtieth day of June;

118 (2) Committees required to file reports pursuant to subsection 2 or 3 of this section
119 which are not otherwise required to file disclosure reports for an election shall file semiannual
120 reports as required by this subsection if their last required disclosure report shows a total of
121 unpaid loans and other outstanding obligations in excess of five thousand dollars.

122 7. In the case of a committee which disbands and is required to file a termination
123 statement pursuant to the provisions of section 130.021 with the appropriate officer not later than
124 the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy
125 treasurer shall attach to the termination statement a complete disclosure report for the period
126 closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8
127 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the
128 reporting requirements of subsection 6 or 7 of this section.

129 8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m.
130 prevailing local time of the day designated for the filing of the report and a report postmarked
131 not later than midnight of the day previous to the day designated for filing the report shall be
132 deemed to have been filed in a timely manner. The appropriate officer may establish a policy
133 whereby disclosure reports may be filed by facsimile transmission.

134 **9. Each candidate for the office of state representative, state senator, and for**
135 **statewide office shall file all disclosure reports described in section 130.041 electronically**
136 **with the Missouri ethics commission. The Missouri ethics commission shall promulgate**
137 **rules establishing the standard for use with electronic filings with the commission and shall**
138 **propose such rules of all the importation of files to the reporting program.**

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