

SECOND REGULAR SESSION

HOUSE BILL NO. 1554

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MONTECILLO.

5555H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.473 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to duties of lobbyist, with a penalty provision.

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

Section A. Section 105.473 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 105.473, to read as follows: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, **and whether the lobbyist is required to register under sections 589.400 to 589.425**. 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

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.

10 of any addition, deletion, or change in the lobbyist's employment or representation. The filing
11 fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a
12 lobbyist employing another person for lobbying purposes may notify the commission that a
13 judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the
14 lobbyist and should be removed from the commission's files.

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

21 3. (1) During any period of time in which a lobbyist continues to act as an executive
22 lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the
23 lobbyist shall file with the commission on standardized forms prescribed by the commission
24 monthly reports which shall be due at the close of business on the tenth day of the following
25 month;

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

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

34 (b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on
35 behalf of all elected local government officials, their staffs and employees, and their spouses and
36 children. Such expenditures shall be separated into at least the following categories: printing
37 and publication expenses; media and other advertising expenses; travel; the time, venue, and
38 nature of any entertainment; honoraria; meals; food and beverages; and gifts;

39 (c) An itemized listing of the name of the recipient and the nature and amount of each
40 expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of
41 value, for all expenditures made during any reporting period, paid or provided to or for a public
42 official or elected local government official, such official's staff, employees, spouse or dependent
43 children;

44 (d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions
45 and the identity of the group invited, the date, location, and description of the occasion and the
46 amount of the expenditure for each occasion when any of the following are invited in writing:
47 a. All members of the senate, which may or may not include senate staff and employees
48 under the direct supervision of a state senator;
49 b. All members of the house of representatives, which may or may not include house
50 staff and employees under the direct supervision of a state representative;
51 c. All members of a joint committee of the general assembly or a standing committee of
52 either the house of representatives or senate, which may or may not include joint and standing
53 committee staff;
54 d. All members of a caucus of the majority party of the house of representatives, minority
55 party of the house of representatives, majority party of the senate, or minority party of the senate;
56 e. All statewide officials, which may or may not include the staff and employees under
57 the direct supervision of the statewide official;
58 (e) Any expenditure made on behalf of a public official, an elected local government
59 official or such official's staff, employees, spouse or dependent children, if such expenditure is
60 solicited by such official, the official's staff, employees, or spouse or dependent children, from
61 the lobbyist or his or her lobbyist principals and the name of such person or persons, except any
62 expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization
63 or other association formed to provide for good in the order of benevolence and except for any
64 expenditure reported under paragraph (d) of this subdivision;
65 (f) A statement detailing any direct business relationship or association or partnership
66 the lobbyist has with any public official or elected local government official. The reports
67 required by this subdivision shall cover the time periods since the filing of the last report or since
68 the lobbyist's employment or representation began, whichever is most recent.
69 4. No expenditure reported pursuant to this section shall include any amount expended
70 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to
71 this section shall be valued on the report at the actual amount of the payment made, or the
72 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the
73 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures
74 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of
75 such lobbyists. No expenditure shall be made on behalf of a state senator or state representative,
76 or such public official's staff, employees, spouse, or dependent children for travel or lodging
77 outside the state of Missouri unless such travel or lodging was approved prior to the date of the
78 expenditure by the administration and accounts committee of the house or the administration
79 committee of the senate.

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

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

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

92 8. Any lobbyist found to knowingly omit, conceal, or falsify in any manner information
93 required pursuant to this section shall be guilty of a class A misdemeanor.

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

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

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

113 12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose
114 behalf the lobbyist acted, shall provide a general description of the proposed legislation or action
115 by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or

116 opposed. This information shall be supplied to the commission on March fifteenth and May
117 thirtieth of each year.

118 13. The provisions of this section shall supersede any contradicting ordinances or charter
119 provisions.

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

(b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals; food and beverages; and gifts;

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

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

- a. All members of the senate;
- b. All members of the house of representatives;
- c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate; or
- d. All members of a caucus of the majority party of the house of representatives, minority party of the house of representatives, majority party of the senate, or minority party of the senate;

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

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official or elected local government official.

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

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of

the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such public official's staff, employees, spouse, or dependent children for travel or lodging outside the state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by the administration and accounts committee of the house or the administration committee of the senate.

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

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

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

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

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

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

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

125 12. Each lobbyist or lobbyist principal by whom the lobbyist was
126 employed, or in whose behalf the lobbyist acted, shall provide a general
127 description of the proposed legislation or action by the executive branch or
128 judicial branch which the lobbyist or lobbyist principal supported or opposed.
129 This information shall be supplied to the commission on March fifteenth and
130 May thirtieth of each year.
131 13. The provisions of this section shall supersede any contradicting
132 ordinances or charter provisions.]

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