

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 568, Page 6,
2 Section 50.333, Line 160, by inserting immediately after all of said section and line the following:

3
4 "105.470. As used in section 105.473, unless the context requires otherwise, the following
5 words and terms mean:

6 (1) "Elected local government official lobbyist", any natural person ~~[employed specifically~~
7 ~~for the purpose of attempting]~~ who, as a part of his or her regular employment duties, attempts to
8 influence any action by a local government official elected in a county, city, town, or village ~~[with~~
9 ~~an annual operating budget of over ten million dollars]~~;

10 (2) "Executive lobbyist", any natural person who acts for the purpose of attempting to
11 influence any action by the executive branch of government or by any elected or appointed official,
12 employee, department, division, agency or board or commission thereof and in connection with
13 such activity, meets the requirements of any one or more of the following:

14 (a) Is acting in the ordinary course of employment on behalf of or for the benefit of such
15 person's employer; or

16 (b) Is engaged for pay or for any valuable consideration for the purpose of performing such
17 activity; or

18 (c) Is designated to act as a lobbyist by any person, business entity, governmental entity,
19 religious organization, nonprofit corporation, association or other entity; or

20 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
21 beginning January first and ending December thirty-first for the benefit of one or more public
22 officials or one or more employees of the executive branch of state government in connection with
23 such activity.

24
25 An "executive lobbyist" shall not include a member of the general assembly, an elected state
26 official, or any other person solely due to such person's participation in any of the following
27 activities:

28 a. Appearing or inquiring in regard to a complaint, citation, summons, adversary
29 proceeding, or contested case before a state board, commission, department, division or agency of
30 the executive branch of government or any elected or appointed officer or employee thereof;

31 b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any
32 public document, permit or contract, any application for any permit or license or certificate, or any
33 document required or requested to be filed with the state or a political subdivision;

34 c. Selling of goods or services to be paid for by public funds, provided that such person is
35 attempting to influence only the person authorized to authorize or enter into a contract to purchase
36 the goods or services being offered for sale;

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1 d. Participating in public hearings or public proceedings on rules, grants, or other matters;
2 e. Responding to any request for information made by any public official or employee of
3 the executive branch of government;

4 f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or
5 television broadcast, or similar news medium, whether print or electronic;

6 g. Acting within the scope of employment by the general assembly, or acting within the
7 scope of employment by the executive branch of government when acting with respect to the
8 department, division, board, commission, agency or elected state officer by which such person is
9 employed, or with respect to any duty or authority imposed by law to perform any action in
10 conjunction with any other public official or state employee; or

11 h. Testifying as a witness before a state board, commission or agency of the executive
12 branch;

13 (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any
14 gift, honorarium or item of value bestowed including any food or beverage; any price, charge or fee
15 which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is cancelled,
16 reduced or otherwise forgiven; the transfer of any item with a reasonably discernible cost or fair
17 market value from one person to another or provision of any service or granting of any opportunity
18 for which a charge is customarily made, without charge or for a reduced charge; except that the term
19 "expenditure" shall not include the following:

20 (a) Any item, service or thing of value transferred to any person within the third degree of
21 consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;

22 (b) Informational material such as books, reports, pamphlets, calendars or periodicals
23 informing a public official regarding such person's official duties, or souvenirs or mementos valued
24 at less than ten dollars;

25 (c) Contributions to the public official's campaign committee or candidate committee which
26 are reported pursuant to the provisions of chapter 130;

27 (d) Any loan made or other credit accommodations granted or other payments made by any
28 person or entity which extends credit or makes loan accommodations or such payments in the
29 regular ordinary scope and course of business, provided that such are extended, made or granted in
30 the ordinary course of such person's or entity's business to persons who are not public officials;

31 (e) Any item, service or thing of de minimis value offered to the general public, whether or
32 not the recipient is a public official or a staff member, employee, spouse or dependent child of a
33 public official, and only if the grant of the item, service or thing of de minimis value is not
34 motivated in any way by the recipient's status as a public official or staff member, employee, spouse
35 or dependent child of a public official;

36 (f) The transfer of any item, provision of any service or granting of any opportunity with a
37 reasonably discernible cost or fair market value when such item, service or opportunity is necessary
38 for a public official or employee to perform his or her duty in his or her official capacity, including
39 but not limited to entrance fees to any sporting event, museum, or other venue when the official or
40 employee is participating in a ceremony, public presentation or official meeting therein;

41 (g) Any payment, gift, compensation, fee, expenditure or anything of value which is
42 bestowed upon or given to any public official or a staff member, employee, spouse or dependent
43 child of a public official when it is compensation for employment or given as an employment
44 benefit and when such employment is in addition to their employment as a public official;

45 (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to
46 influence any purchasing decision by the judicial branch of government or by any elected or
47 appointed official or any employee thereof and in connection with such activity, meets the
48 requirements of any one or more of the following:

1 (a) Is acting in the ordinary course of employment which primary purpose is to influence
 2 the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such
 3 person's employer, except that this shall not apply to any person who engages in lobbying on an
 4 occasional basis only and not as a regular pattern of conduct; or

5 (b) Is engaged for pay or for any valuable consideration for the purpose of performing such
 6 activity; or

7 (c) Is designated to act as a lobbyist by any person, business entity, governmental entity,
 8 religious organization, nonprofit corporation or association; or

9 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
 10 beginning January first and ending December thirty-first for the benefit of one or more public
 11 officials or one or more employees of the judicial branch of state government in connection with
 12 attempting to influence such purchasing decisions by the judiciary.

13
 14 A "judicial lobbyist" shall not include a member of the general assembly, an elected state official, or
 15 any other person solely due to such person's participation in any of the following activities:

16 a. Appearing or inquiring in regard to a complaint, citation, summons, adversary
 17 proceeding, or contested case before a state court;

18 b. Participating in public hearings or public proceedings on rules, grants, or other matters;

19 c. Responding to any request for information made by any judge or employee of the judicial
 20 branch of government;

21 d. Preparing, distributing or publication of an editorial, a newsletter, newspaper, magazine,
 22 radio or television broadcast, or similar news medium, whether print or electronic; or

23 e. Acting within the scope of employment by the general assembly, or acting within the
 24 scope of employment by the executive branch of government when acting with respect to the
 25 department, division, board, commission, agency or elected state officer by which such person is
 26 employed, or with respect to any duty or authority imposed by law to perform any action in
 27 conjunction with any other public official or state employee;

28 (5) "Legislative lobbyist", any natural person who acts for the purpose of attempting to
 29 influence the taking, passage, amendment, delay or defeat of any official action on any bill,
 30 resolution, amendment, nomination, appointment, report or any other action or any other matter
 31 pending or proposed in a legislative committee in either house of the general assembly, or in any
 32 matter which may be the subject of action by the general assembly and in connection with such
 33 activity, meets the requirements of any one or more of the following:

34 (a) Is acting in the ordinary course of employment, which primary purpose is to influence
 35 legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that
 36 this shall not apply to any person who engages in lobbying on an occasional basis only and not as a
 37 regular pattern of conduct; or

38 (b) Is engaged for pay or for any valuable consideration for the purpose of performing such
 39 activity; or

40 (c) Is designated to act as a lobbyist by any person, business entity, governmental entity,
 41 religious organization, nonprofit corporation, association or other entity; or

42 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
 43 beginning January first and ending December thirty-first for the benefit of one or more public
 44 officials or one or more employees of the legislative branch of state government in connection with
 45 such activity.

46
 47 A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any person
 48 unless excluded by any of the following exceptions. A "legislative lobbyist" shall not include any

1 member of the general assembly, an elected state official, or any other person solely due to such
 2 person's participation in any of the following activities:

3 a. Responding to any request for information made by any public official or employee of
 4 the legislative branch of government;

5 b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or
 6 television broadcast, or similar news medium, whether print or electronic;

7 c. Acting within the scope of employment of the legislative branch of government when
 8 acting with respect to the general assembly or any member thereof;

9 d. Testifying as a witness before the general assembly or any committee thereof;

10 (6) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist,
 11 elected local government official lobbyist, or a legislative lobbyist;

12 (7) "Lobbyist principal", any person, business entity, governmental entity, religious
 13 organization, nonprofit corporation or association who employs, contracts for pay or otherwise
 14 compensates a lobbyist;

15 (8) "Public official", any member or member-elect of the general assembly, judge or judicial
 16 officer, or any other person holding an elective office of state government or any agency head,
 17 department director or division director of state government or any member of any state board or
 18 commission and any designated decision-making public servant designated by persons described in
 19 this subdivision.

20 ~~[105.473. 1. Each lobbyist shall, not later than January fifth of each year or~~
 21 ~~five days after beginning any activities as a lobbyist, file standardized~~
 22 ~~registration forms, verified by a written declaration that it is made under the~~
 23 ~~penalties of perjury, along with a filing fee of ten dollars, with the~~
 24 ~~commission. The forms shall include the lobbyist's name and business~~
 25 ~~address, the name and address of all persons such lobbyist employs for~~
 26 ~~lobbying purposes, the name and address of each lobbyist principal by whom~~
 27 ~~such lobbyist is employed or in whose interest such lobbyist appears or~~
 28 ~~works. The commission shall maintain files on all lobbyists' filings, which~~
 29 ~~shall be open to the public. Each lobbyist shall file an updating statement~~
 30 ~~under oath within one week of any addition, deletion, or change in the~~
 31 ~~lobbyist's employment or representation. The filing fee shall be deposited to~~
 32 ~~the general revenue fund of the state. The lobbyist principal or a lobbyist~~
 33 ~~employing another person for lobbying purposes may notify the commission~~
 34 ~~that a judicial, executive or legislative lobbyist is no longer authorized to~~
 35 ~~lobby for the principal or the lobbyist and should be removed from the~~
 36 ~~commission's files.~~

37 ~~2. Each person shall, before giving testimony before any committee of the~~
 38 ~~general assembly, give to the secretary of such committee such person's name~~
 39 ~~and address and the identity of any lobbyist or organization, if any, on whose~~
 40 ~~behalf such person appears. A person who is not a lobbyist as defined in~~
 41 ~~section 105.470 shall not be required to give such person's address if the~~
 42 ~~committee determines that the giving of such address would endanger the~~
 43 ~~person's physical health.~~

44 ~~3. (1) During any period of time in which a lobbyist continues to act as an~~
 45 ~~executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local~~
 46 ~~government official lobbyist, the lobbyist shall file with the commission on~~
 47 ~~standardized forms prescribed by the commission monthly reports which shall~~
 48 ~~be due at the close of business on the tenth day of the following month;~~

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

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

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

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

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

28 a. All members of the senate, which may or may not include senate staff and
29 employees under the direct supervision of a state senator;

30 b. All members of the house of representatives, which may or may not
31 include house staff and employees under the direct supervision of a state
32 representative;

33 c. All members of a joint committee of the general assembly or a standing
34 committee of either the house of representatives or senate, which may or may
35 not include joint and standing committee staff;

36 d. All members of a caucus of the majority party of the house of
37 representatives, minority party of the house of representatives, majority party
38 of the senate, or minority party of the senate;

39 — e. All statewide officials, which may or may not include the staff and
40 employees under the direct supervision of the statewide official;

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

1 paragraph (d) of this subdivision;

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

7 4. No expenditure reported pursuant to this section shall include any amount
8 expended by a lobbyist or lobbyist principal on himself or herself. All
9 expenditures disclosed pursuant to this section shall be valued on the report at
10 the actual amount of the payment made, or the charge, expense, cost, or
11 obligation, debt or bill incurred by the lobbyist or the person the lobbyist
12 represents. Whenever a lobbyist principal employs more than one lobbyist,
13 expenditures of the lobbyist principal shall not be reported by each lobbyist,
14 but shall be reported by one of such lobbyists. No expenditure shall be made
15 on behalf of a state senator or state representative, or such public official's
16 staff, employees, spouse, or dependent children for travel or lodging outside
17 the state of Missouri unless such travel or lodging was approved prior to the
18 date of the expenditure by the administration and accounts committee of the
19 house or the administration committee of the senate.

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

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

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

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

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

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

48 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".

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

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

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, for elected local government official lobbyists, the local government entity to be lobbied. 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 who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

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

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

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

1 meals, food and beverages; and gifts;

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

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

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

14 a. All members of the senate;

15 b. All members of the house of representatives;

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

18 d. All members of a caucus of the majority party of the house of representatives, minority
19 party of the house of representatives, majority party of the senate, or minority party of the senate;

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

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

30 4. No expenditure reported pursuant to this section shall include any amount expended by a
31 lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this
32 section shall be valued on the report at the actual amount of the payment made, or the charge,
33 expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist
34 represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the
35 lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such
36 lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such
37 public official's staff, employees, spouse, or dependent children for travel or lodging outside the
38 state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by
39 the administration and accounts committee of the house or the administration committee of the
40 senate.

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

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

48 7. No person shall knowingly employ any person who is required to register as a registered

1 lobbyist but is not registered pursuant to this section. Any person who knowingly violates this
2 subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for
3 each violation. Such civil penalties shall be collected by action filed by the commission.

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

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

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

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

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

29 13. The provisions of this section shall supersede any contradicting ordinances or charter
30 provisions."; and

31
32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.
34