

SECOND REGULAR SESSION

SENATE BILL NO. 1288

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5405S.021

AN ACT

To repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to lobbyist reporting requirements for expenditures for committees of the house and senate.

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

Section A. Section 105.473, RSMo, is repealed and one new section
2 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
2 or five days after beginning any activities as a lobbyist, file standardized
3 registration forms, verified by a written declaration that it is made under the
4 penalties of perjury, along with a filing fee of ten dollars, with the
5 commission. The forms shall include the lobbyist's name and business address,
6 the name and address of all persons such lobbyist employs for lobbying purposes,
7 the name and address of each lobbyist principal by whom such lobbyist is
8 employed or in whose interest such lobbyist appears or works. The commission
9 shall maintain files on all lobbyists' filings, which shall be open to the
10 public. Each lobbyist shall file an updating statement under oath within one
11 week of any addition, deletion, or change in the lobbyist's employment or
12 representation. The filing fee shall be deposited to the general revenue fund of
13 the state. The lobbyist principal or a lobbyist employing another person for
14 lobbying purposes may notify the commission that a judicial, executive or
15 legislative lobbyist is no longer authorized to lobby for the principal or the
16 lobbyist and should be removed from the commission's files.

17 2. Each person shall, before giving testimony before any committee of the
18 general assembly, give to the secretary of such committee such person's name and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 address and the identity of any lobbyist or organization, if any, on whose behalf
20 such person appears. A person who is not a lobbyist as defined in section 105.470
21 shall not be required to give such person's address if the committee determines
22 that the giving of such address would endanger the person's physical health.

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

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

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

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

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

49 (d) The total of all expenditures made by a lobbyist or lobbyist principal
50 for occasions and the identity of the group invited, the date and description of the
51 occasion and the amount of the expenditure for each occasion when any of the
52 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
56 [standing] committee of either the house of representatives or senate; or

57 d. All members of a caucus of the majority party of the house of
58 representatives, minority party of the house of representatives, majority party of
59 the senate, or minority party of the senate;

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

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

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

74 4. No expenditure reported pursuant to this section shall include any
75 amount expended by a lobbyist or lobbyist principal on himself or herself. All
76 expenditures disclosed pursuant to this section shall be valued on the report at
77 the actual amount of the payment made, or the charge, expense, cost, or
78 obligation, debt or bill incurred by the lobbyist or the person the lobbyist
79 represents. Whenever a lobbyist principal employs more than one lobbyist,
80 expenditures of the lobbyist principal shall not be reported by each lobbyist, but
81 shall be reported by one of such lobbyists. No expenditure shall be made on
82 behalf of a state senator or state representative, or such public official's staff,
83 employees, spouse, or dependent children for travel or lodging outside the state
84 of Missouri unless such travel or lodging was approved prior to the date of the
85 expenditure by the administration and accounts committee of the house or the
86 administration committee of the senate.

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

90 6. All information required to be filed pursuant to the provisions of this

91 section with the commission shall be kept available by the executive director of
92 the commission at all times open to the public for inspection and copying for a
93 reasonable fee for a period of five years from the date when such information was
94 filed.

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

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

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

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

115 11. The commission shall provide a report listing the total spent by a
116 lobbyist for the month and year to any member or member-elect of the general
117 assembly, judge or judicial officer, or any other person holding an elective office
118 of state government or any elected local government official on or before the
119 twentieth day of each month. For the purpose of providing accurate information
120 to the public, the commission shall not publish information in either written or
121 electronic form for ten working days after providing the report pursuant to this
122 subsection. The commission shall not release any portion of the lobbyist report
123 if the accuracy of the report has been questioned pursuant to subsection 10 of this
124 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
129 opposed. This information shall be supplied to the commission on March fifteenth
130 and 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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