

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 11

AN ACT

To repeal sections 105.450 and 105.470, RSMo, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof five new sections relating to regulating the ethical behavior of professionals engaged in political activities, with existing penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 105.450 and 105.470, RSMo, section
2 105.473 as enacted by senate bill no. 844, ninety-fifth general
3 assembly, second regular session, and section 105.473 as enacted
4 by house bill no. 1900, ninety-third general assembly, second
5 regular session, are repealed and five new sections enacted in
6 lieu thereof, to be known as sections 105.450, 105.453, 105.470,
7 105.473, and 105.499, to read as follows:

8 105.450. As used in sections 105.450 to 105.496 and
9 sections 105.955 to 105.963, unless the context clearly requires
10 otherwise, the following terms mean:

11 (1) "Adversary proceeding", any proceeding in which a
12 record of the proceedings may be kept and maintained as a public
13 record at the request of either party by a court reporter, notary

1 public or other person authorized to keep such record by law or
2 by any rule or regulation of the agency conducting the hearing;
3 or from which an appeal may be taken directly or indirectly, or
4 any proceeding from the decision of which any party must be
5 granted, on request, a hearing de novo; or any arbitration
6 proceeding; or a proceeding of a personnel review board of a
7 political subdivision; or an investigative proceeding initiated
8 by an official, department, division, or agency which pertains to
9 matters which, depending on the conclusion of the investigation,
10 could lead to a judicial or administrative proceeding being
11 initiated against the party by the official, department, division
12 or agency;

13 (2) "Business entity", a corporation, association, firm,
14 partnership, proprietorship, or business entity of any kind or
15 character;

16 (3) "Business with which a person is associated":

17 (a) Any sole proprietorship owned by himself or herself,
18 the person's spouse or any dependent child in the person's
19 custody;

20 (b) Any partnership or joint venture in which the person or
21 the person's spouse is a partner, other than as a limited partner
22 of a limited partnership, and any corporation or limited
23 partnership in which the person is an officer or director or of
24 which either the person or the person's spouse or dependent child
25 in the person's custody whether singularly or collectively owns
26 in excess of ten percent of the outstanding shares of any class
27 of stock or partnership units; or

28 (c) Any trust in which the person is a trustee or settlor

1 or in which the person or the person's spouse or dependent child
2 whether singularly or collectively is a beneficiary or holder of
3 a reversionary interest of ten percent or more of the corpus of
4 the trust;

5 (4) "Commission", the Missouri ethics commission
6 established in section 105.955;

7 (5) "Confidential information", all information whether
8 transmitted orally or in writing which is of such a nature that
9 it is not, at that time, a matter of public record or public
10 knowledge;

11 (6) "Decision-making public servant", an official,
12 appointee or employee of the offices or entities delineated in
13 paragraphs (a) through (h) of this subdivision who exercises
14 supervisory authority over the negotiation of contracts, or has
15 the legal authority to adopt or vote on the adoption of rules and
16 regulations with the force of law or exercises primary
17 supervisory responsibility over purchasing decisions. The
18 following officials or entities shall be responsible for
19 designating a decision-making public servant:

20 (a) The governing body of the political subdivision with a
21 general operating budget in excess of one million dollars;

22 (b) A department director;

23 (c) A judge vested with judicial power by article V of the
24 Constitution of the state of Missouri;

25 (d) Any commission empowered by interstate compact;

26 (e) A statewide elected official;

27 (f) The speaker of the house of representatives;

28 (g) The president pro tem of the senate;

1 (h) The president or chancellor of a state institution of
2 higher education;

3 (7) "Dependent child" or "dependent child in the person's
4 custody", all children, stepchildren, foster children and wards
5 under the age of eighteen residing in the person's household and
6 who receive in excess of fifty percent of their support from the
7 person;

8 (8) "Paid political consultant", a person who is paid to
9 promote the election of a certain candidate or the interest of an
10 organization or committee, as defined in section 130.011, which
11 shall include, but not be limited to, planning campaign
12 strategies, coordinating campaign staff, organizing meetings and
13 public events to publicize the candidate or cause, public opinion
14 polling, providing research on issues or opposition background,
15 coordinating, producing, or purchasing print or broadcast media,
16 direct mail production, phone solicitation, fund raising, and any
17 other political activities;

18 (9) "Political subdivision" shall include any political
19 subdivision of the state, and any special district or
20 subdistrict;

21 ~~[(9)]~~ (10) "Public document", a state tax return or a
22 document or other record maintained for public inspection without
23 limitation on the right of access to it and a document filed in a
24 juvenile court proceeding;

25 ~~[(10)]~~ (11) "Substantial interest", ownership by the
26 individual, the individual's spouse, or the individual's
27 dependent children, whether singularly or collectively, directly
28 or indirectly, of ten percent or more of any business entity, or

1 of an interest having a value of ten thousand dollars or more, or
2 the receipt by an individual, the individual's spouse or the
3 individual's dependent children, whether singularly or
4 collectively, of a salary, gratuity, or other compensation or
5 remuneration of five thousand dollars, or more, per year from any
6 individual, partnership, organization, or association within any
7 calendar year;

8 [(11)] (12) "Substantial personal or private interest in
9 any measure, bill, order or ordinance", any interest in a
10 measure, bill, order or ordinance which results from a
11 substantial interest in a business entity.

12 105.453. 1. No member of the general assembly shall accept
13 or receive compensation of any kind as a paid political
14 consultant for another individual who is a candidate for or who
15 is holding the office of state representative or state senator,
16 or the candidate committee of such candidate or office holder.

17 2. No member of the general assembly beginning his or her
18 first term in January 2017 or thereafter shall act or serve as a
19 lobbyist, register as a lobbyist, or solicit clients to represent
20 as a lobbyist until the expiration of two years after the
21 conclusion of such member's vacancy from such office.

22 3. For the purposes of this section, the terms "candidate"
23 and "candidate committee" shall have the same meaning as in
24 section 130.011 and the term "lobbyist" shall have the same
25 meaning as in section 105.470.

26 105.470. As used in section 105.473, unless the context
27 requires otherwise, the following words and terms mean:

28 (1) "Elected local government official lobbyist", any

1 natural person employed specifically for the purpose of
2 attempting to influence any action by a local government official
3 elected in a county, city, town, [or] village, or school district
4 with an annual operating budget of over ten million dollars;

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

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

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

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

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

23
24 An "executive lobbyist" shall not include a member of the general
25 assembly, an elected state official, or any other person solely
26 due to such person's participation in any of the following
27 activities:

28 a. Appearing or inquiring in regard to a complaint,

1 citation, summons, adversary proceeding, or contested case before
2 a state board, commission, department, division or agency of the
3 executive branch of government or any elected or appointed
4 officer or employee thereof;

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

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

14 d. Participating in public hearings or public proceedings
15 on rules, grants, or other matters;

16 e. Responding to any request for information made by any
17 public official or employee of the executive branch of
18 government;

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

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

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

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

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

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

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

25 (d) Any loan made or other credit accommodations granted or
26 other payments made by any person or entity which extends credit
27 or makes loan accommodations or such payments in the regular
28 ordinary scope and course of business, provided that such are

1 extended, made or granted in the ordinary course of such person's
2 or entity's business to persons who are not public officials;

3 (e) Any item, service or thing of de minimis value offered
4 to the general public, whether or not the recipient is a public
5 official or a staff member, employee, spouse or dependent child
6 of a public official, and only if the grant of the item, service
7 or thing of de minimis value is not motivated in any way by the
8 recipient's status as a public official or staff member,
9 employee, spouse or dependent child of a public official;

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

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

24 (4) "Judicial lobbyist", any natural person who acts for
25 the purpose of attempting to influence any purchasing decision by
26 the judicial branch of government or by any elected or appointed
27 official or any employee thereof and in connection with such
28 activity, meets the requirements of any one or more of the

1 following:

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

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

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

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

19
20 A "judicial lobbyist" shall not include a member of the general
21 assembly, an elected state official, or any other person solely
22 due to such person's participation in any of the following
23 activities:

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

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

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

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

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

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

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

28 (b) Is engaged for pay or for any valuable consideration

1 for the purpose of performing such activity; or

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

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

10
11 A "legislative lobbyist" shall include an attorney at law engaged
12 in activities on behalf of any person unless excluded by any of
13 the following exceptions. A "legislative lobbyist" shall not
14 include any member of the general assembly, an elected state
15 official, or any other person solely due to such person's
16 participation in any of the following activities:

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

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

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

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

28 (6) "Lobbyist", any natural person defined as an executive

1 lobbyist, judicial lobbyist, elected local government official
2 lobbyist, or a legislative lobbyist;

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

7 (8) "Public official", any member or member-elect of the
8 general assembly, judge or judicial officer, or any other person
9 holding an elective office of state government or any agency
10 head, department director or division director of state
11 government or any member of any state board or commission and any
12 designated decision-making public servant designated by persons
13 described in this subdivision or any superintendent of a school
14 district or school board member.

15 [105.473. 1. Each lobbyist shall, not later than
16 January fifth of each year or five days after beginning
17 any activities as a lobbyist, file standardized
18 registration forms, verified by a written declaration
19 that it is made under the penalties of perjury, along
20 with a filing fee of ten dollars, with the commission.
21 The forms shall include the lobbyist's name and
22 business address, the name and address of all persons
23 such lobbyist employs for lobbying purposes, the name
24 and address of each lobbyist principal by whom such
25 lobbyist is employed or in whose interest such lobbyist
26 appears or works. The commission shall maintain files
27 on all lobbyists' filings, which shall be open to the
28 public. Each lobbyist shall file an updating statement
29 under oath within one week of any addition, deletion,
30 or change in the lobbyist's employment or
31 representation. The filing fee shall be deposited to
32 the general revenue fund of the state. The lobbyist
33 principal or a lobbyist employing another person for
34 lobbying purposes may notify the commission that a
35 judicial, executive or legislative lobbyist is no
36 longer authorized to lobby for the principal or the
37 lobbyist and should be removed from the commission's
38 files.

39 2. Each person shall, before giving testimony
40 before any committee of the general assembly, give to

1 the secretary of such committee such person's name and
2 address and the identity of any lobbyist or
3 organization, if any, on whose behalf such person
4 appears. A person who is not a lobbyist as defined in
5 section 105.470 shall not be required to give such
6 person's address if the committee determines that the
7 giving of such address would endanger the person's
8 physical health.

9 3. (1) During any period of time in which a
10 lobbyist continues to act as an executive lobbyist,
11 judicial lobbyist, legislative lobbyist, or elected
12 local government official lobbyist, the lobbyist shall
13 file with the commission on standardized forms
14 prescribed by the commission monthly reports which
15 shall be due at the close of business on the tenth day
16 of the following month;

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

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

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

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

49 (d) The total of all expenditures made by a
50 lobbyist or lobbyist principal for occasions and the
51 identity of the group invited, the date, location, and

1 description of the occasion and the amount of the
2 expenditure for each occasion when any of the following
3 are invited in writing:

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

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

10 c. All members of a joint committee of the
11 general assembly or a standing committee of either the
12 house of representatives or senate, which may or may
13 not include joint and standing committee staff;

14 d. All members of a caucus of the majority party
15 of the house of representatives, minority party of the
16 house of representatives, majority party of the senate,
17 or minority party of the senate;

18 e. All statewide officials, which may or may not
19 include the staff and employees under the direct
20 supervision of the statewide official;

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

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

42 4. No expenditure reported pursuant to this
43 section shall include any amount expended by a lobbyist
44 or lobbyist principal on himself or herself. All
45 expenditures disclosed pursuant to this section shall
46 be valued on the report at the actual amount of the
47 payment made, or the charge, expense, cost, or
48 obligation, debt or bill incurred by the lobbyist or
49 the person the lobbyist represents. Whenever a
50 lobbyist principal employs more than one lobbyist,
51 expenditures of the lobbyist principal shall not be

1 reported by each lobbyist, but shall be reported by one
2 of such lobbyists. No expenditure shall be made on
3 behalf of a state senator or state representative, or
4 such public official's staff, employees, spouse, or
5 dependent children for travel or lodging outside the
6 state of Missouri unless such travel or lodging was
7 approved prior to the date of the expenditure by the
8 administration and accounts committee of the house or
9 the administration committee of the senate.

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

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

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

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

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

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

50 11. The commission shall provide a report listing
51 the total spent by a lobbyist for the month and year to

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

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

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

25 105.473. 1. Each lobbyist shall, not later than January
26 fifth of each year or five days after beginning any activities as
27 a lobbyist, file standardized registration forms, verified by a
28 written declaration that it is made under the penalties of
29 perjury, along with a filing fee of ten dollars, with the
30 commission. The forms shall include the lobbyist's name and
31 business address, the name and address of all persons such
32 lobbyist employs for lobbying purposes, the name and address of
33 each lobbyist principal by whom such lobbyist is employed or in
34 whose interest such lobbyist appears or works. A lobbyist shall
35 be considered to work in the interest of:

36 (1) Any principal who employs, contracts for pay, or
37 otherwise compensates such lobbyist;

38 (2) Any principal or entity who employs, contracts for pay,
39 or otherwise compensates such lobbyist's direct principal

1 regarding the same interest; or

2 (3) Any principal or entity who employs, contracts for pay,
3 or otherwise compensates an entity or principal who employs,
4 contracts for pay, or otherwise compensates such direct principal
5 regarding the same interest.

6
7 The commission shall maintain files on all lobbyists' filings,
8 which shall be open to the public. Each lobbyist shall file an
9 updating statement under oath within one week of any addition,
10 deletion, or change in the lobbyist's employment or
11 representation. The filing fee shall be deposited to the general
12 revenue fund of the state. The lobbyist principal or a lobbyist
13 employing another person for lobbying purposes may notify the
14 commission that a judicial, executive or legislative lobbyist is
15 no longer authorized to lobby for the principal or the lobbyist
16 and should be removed from the commission's files.

17 2. Each person shall, before giving testimony before any
18 committee of the general assembly, give to the secretary of such
19 committee such person's name and address and the identity of any
20 lobbyist or organization, if any, on whose behalf such person
21 appears. A person who is not a lobbyist as defined in section
22 105.470 shall not be required to give such person's address if
23 the committee determines that the giving of such address would
24 endanger the person's physical health.

25 3. (1) During any period of time in which a lobbyist
26 continues to act as an executive lobbyist, judicial lobbyist,
27 legislative lobbyist, or elected local government official
28 lobbyist, the lobbyist shall file with the commission on

1 standardized forms prescribed by the commission monthly reports
2 which shall be due at the close of business on the tenth day of
3 the following month;

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

7 (a) The total of all expenditures by the lobbyist or his or
8 her lobbyist principals made on behalf of all public officials as
9 defined in section 105.470, their staffs and employees, and their
10 spouses and dependent children, which expenditures shall be
11 separated into at least the following categories by the executive
12 branch, judicial branch and legislative branch of government:
13 printing and publication expenses; media and other advertising
14 expenses; travel; the time, venue, and nature of any
15 entertainment; honoraria; meals, food and beverages; and gifts;

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

24 (c) An itemized listing of the name of the recipient and
25 the nature and amount of each expenditure by the lobbyist or his
26 or her lobbyist principal, including a service or anything of
27 value, for all expenditures made during any reporting period,
28 paid or provided to or for a public official or elected local

1 government official, such official's staff, employees, spouse or
2 dependent children;

3 (d) The total of all expenditures made by a lobbyist or
4 lobbyist principal for occasions and the identity of the group
5 invited, the date and description of the occasion and the amount
6 of the expenditure for each occasion when any of the following
7 are invited in writing at a minimum of forty-eight hours in
8 advance:

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

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

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

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

22 d. All statewide officials, which may or may not include
23 the staff and employees under the direct supervision of the
24 statewide official;

25 (e) Any expenditure made on behalf of a public official, an
26 elected local government official or such official's staff,
27 employees, spouse or dependent children, if such expenditure is
28 solicited by such official, the official's staff, employees, or

1 spouse or dependent children, from the lobbyist or his or her
2 lobbyist principals and the name of such person or persons,
3 except any expenditures made to any not-for-profit corporation,
4 charitable, fraternal or civic organization or other association
5 formed to provide for good in the order of benevolence and except
6 for any expenditure reported under paragraph (d) of this
7 subdivision;

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

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

15 4. No expenditure reported pursuant to this section shall
16 include any amount expended by a lobbyist or lobbyist principal
17 on himself or herself. All expenditures disclosed pursuant to
18 this section shall be valued on the report at the actual amount
19 of the payment made, or the charge, expense, cost, or obligation,
20 debt or bill incurred by the lobbyist or the person the lobbyist
21 represents. Whenever a lobbyist principal employs more than one
22 lobbyist, expenditures of the lobbyist principal shall not be
23 reported by each lobbyist, but shall be reported by one of such
24 lobbyists. No expenditure shall be made on behalf of a state
25 senator or state representative, or such public official's staff,
26 employees, spouse, or dependent children for travel [or],
27 lodging, food, beverage, or entertainment outside of the state of
28 Missouri [unless such travel or lodging was approved prior to the

1 date of the expenditure by the administration and accounts
2 committee of the house or the administration committee of the
3 senate]. The provisions of this subsection shall not apply to
4 expenditures made by a nonprofit entity qualified as exempt from
5 federal taxation under Section 501(c)(3) of the Internal Revenue
6 Code of 1986, as amended, for travel and lodging expenses if such
7 expenditure is for attendance at a meeting or event outside of
8 the state of Missouri that is sponsored by the nonprofit entity
9 for educational purposes.

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

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

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

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

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

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

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

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

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

10 105.499. 1. As used in this section, the term "political
11 officers" means:

12 (1) The governor, lieutenant governor, secretary of state,
13 state treasurer, attorney general, and members of the general
14 assembly; and

15 (2) The principal administrative or deputy officers or
16 assistants serving the governor, lieutenant governor, secretary
17 of state, state treasurer, state auditor and attorney general,
18 which officers shall be designated by the respective elected
19 state official.

20 2. Within one hundred twenty days of taking office,
21 appointment, or employment, all political officers shall complete
22 one hour of ethics training that addresses ethics laws in this
23 chapter. All requirements of this subsection shall be completed
24 by 5:00 p.m. of the last day designated for completing the
25 requirement. When the last day of completing the requirement
26 falls on a Saturday, Sunday, or on an official state holiday, the
27 last day for completion shall be extended to 5:00 p.m. on the
28 next day which is not a Saturday, Sunday, or an official state

1 holiday.

2 3. In addition to completing the requirements of this
3 section within one hundred twenty days of taking office,
4 appointment, or employment, all political officers shall complete
5 the requirements of this section whenever he or she assumes a new
6 political office.

7 4. If any political officer does not complete the
8 requirements of this section, the Missouri ethics commission
9 shall, in writing, notify the individual of the individual's
10 noncompliance. Any political officer who fails to complete the
11 requirements of this section within 30 days of receiving a
12 written notice under this subsection shall, if such political
13 officer receives any compensation or other remuneration from
14 public funds for the political officer's services, not be paid
15 such compensation or receive such remuneration until in
16 compliance with this section.

17 5. The ethics commission shall offer the training required
18 in this section, and shall promulgate rules establishing format
19 and minimum course content. Any rule or portion of a rule, as
20 that term is defined in section 536.010, that is created under
21 the authority delegated in this section shall become effective
22 only if it complies with and is subject to all of the provisions
23 of chapter 536 and, if applicable, section 536.028. This section
24 and chapter 536 are nonseverable and if any of the powers vested
25 with the general assembly under chapter 536 to review, to delay
26 the effective date, or to disapprove and annul a rule are
27 subsequently held unconstitutional, then the grant of rulemaking
28 authority and any rule proposed or adopted after August 28, 2015,

1 shall be invalid and void.