

SECOND REGULAR SESSION

SENATE BILL NO. 614

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4580S.011

AN ACT

To repeal sections 105.470, 105.477, and 105.955, 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 four new sections relating to lobbyist expenditures.

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

Section A. Sections 105.470, 105.477, and 105.955, RSMo, section 105.473
2 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular
3 session, and section 105.473 as enacted by house bill no. 1900, ninety-third
4 general assembly, second regular session, are repealed and four new sections
5 enacted in lieu thereof, to be known as sections 105.470, 105.473, 105.477, and
6 105.955, to read as follows:

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

3 (1) **"Elected local government official", any person elected in a**
4 **county, city, town, or village with an annual operating budget of over**
5 **ten million dollars;**

6 (2) "Elected local government official lobbyist", any natural person
7 employed specifically for the purpose of attempting to influence any action by a
8 local government official elected in a county, city, town, or village with an annual
9 operating budget of over ten million dollars;

10 [(2)] (3) "Executive lobbyist", any natural person who acts for the
11 purpose of attempting to influence any action by the executive branch of
12 government or by any elected or appointed official, employee, department,

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

13 division, agency or board or commission thereof and in connection with such
14 activity, meets the requirements of any one or more of the following:

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

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

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

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

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

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

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

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

40 d. Participating in public hearings or public proceedings on rules, grants,
41 or other matters;

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

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

47 g. Acting within the scope of employment by the general assembly, or
48 acting within the scope of employment by the executive branch of government

49 when acting with respect to the department, division, board, commission, agency
50 or elected state officer by which such person is employed, or with respect to any
51 duty or authority imposed by law to perform any action in conjunction with any
52 other public official or state employee; or

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

55 [(3)] (4) "Expenditure", any payment made or charge, expense, cost, debt
56 or bill incurred; any gift, honorarium or item of value bestowed including any food
57 or beverage; any price, charge or fee which is waived, forgiven, reduced or
58 indefinitely delayed; any loan or debt which is cancelled, reduced or otherwise
59 forgiven; the transfer of any item with a reasonably discernible cost or fair
60 market value from one person to another or provision of any service or granting
61 of any opportunity for which a charge is customarily made, without charge or for
62 a reduced charge; except that the term "expenditure" shall not include the
63 following:

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

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

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

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

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

83 (f) The transfer of any item, provision of any service or granting of any
84 opportunity with a reasonably discernible cost or fair market value when such

85 item, service or opportunity is necessary for a public official or employee to
86 perform his or her duty in his or her official capacity, including but not limited
87 to entrance fees to any sporting event, museum, or other venue when the official
88 or employee is participating in a ceremony, public presentation or official meeting
89 therein;

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

95 [(4)] (5) "Judicial lobbyist", any natural person who acts for the purpose
96 of attempting to influence any purchasing decision by the judicial branch of
97 government or by any elected or appointed official or any employee thereof and
98 in connection with such activity, meets the requirements of any one or more of the
99 following:

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

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

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

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

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

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

120 b. Participating in public hearings or public proceedings on rules, grants,

121 or other matters;

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

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

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

133 ~~[(5)]~~ **(6)** "Legislative lobbyist", any natural person who acts for the
134 purpose of attempting to influence the taking, passage, amendment, delay or
135 defeat of any official action on any bill, resolution, amendment, nomination,
136 appointment, report or any other action or any other matter pending or proposed
137 in a legislative committee in either house of the general assembly, or in any
138 matter which may be the subject of action by the general assembly and in
139 connection with such activity, meets the requirements of any one or more of the
140 following:

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

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

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

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

154 A "legislative lobbyist" shall include an attorney at law engaged in activities on
155 behalf of any person unless excluded by any of the following exceptions. A
156 "legislative lobbyist" shall not include any member of the general assembly, an

157 elected state official, or any other person solely due to such person's participation
158 in any of the following activities:

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

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

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

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

169 [(6)] (7) "Lobbyist", any natural person defined as an executive lobbyist,
170 judicial lobbyist, elected local government official lobbyist, or a legislative
171 lobbyist;

172 [(7)] (8) "Lobbyist principal", any person, business entity, governmental
173 entity, religious organization, nonprofit corporation or association who employs,
174 contracts for pay or otherwise compensates a lobbyist;

175 [(8)] (9) "Public official", any member or member-elect of the general
176 assembly, judge or judicial officer, **elected local government official**, or any
177 other person holding an elective office of state government or any agency head,
178 department director or division director of state government or any member of
179 any state board or commission and any designated decision-making public servant
180 designated by persons described in this subdivision.

[105.473. 1. Each lobbyist shall, not later than January
2 fifth of each year or five days after beginning any activities as a
3 lobbyist, file standardized registration forms, verified by a written
4 declaration that it is made under the penalties of perjury, along
5 with a filing fee of ten dollars, with the commission. The forms
6 shall include the lobbyist's name and business address, the name
7 and address of all persons such lobbyist employs for lobbying
8 purposes, the name and address of each lobbyist principal by whom
9 such lobbyist is employed or in whose interest such lobbyist
10 appears or works. The commission shall maintain files on all
11 lobbyists' filings, which shall be open to the public. Each lobbyist
12 shall file an updating statement under oath within one week of any

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

20 2. Each person shall, before giving testimony before any
21 committee of the general assembly, give to the secretary of such
22 committee such person's name and address and the identity of any
23 lobbyist or organization, if any, on whose behalf such person
24 appears. A person who is not a lobbyist as defined in section
25 105.470 shall not be required to give such person's address if the
26 committee determines that the giving of such address would
27 endanger the person's physical health.

28 3. (1) During any period of time in which a lobbyist
29 continues to act as an executive lobbyist, judicial lobbyist,
30 legislative lobbyist, or elected local government official lobbyist, the
31 lobbyist shall file with the commission on standardized forms
32 prescribed by the commission monthly reports which shall be due
33 at the close of business on the tenth day of the following month;

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

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

46 (b) The total of all expenditures by the lobbyist or his or her
47 lobbyist principals made on behalf of all elected local government
48 officials, their staffs and employees, and their spouses and

49 children. Such expenditures shall be separated into at least the
50 following categories: printing and publication expenses; media and
51 other advertising expenses; travel; the time, venue, and nature of
52 any entertainment; honoraria; meals; food and beverages; and gifts;

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

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

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

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

71 c. All members of a joint committee of the general assembly
72 or a standing committee of either the house of representatives or
73 senate, which may or may not include joint and standing committee
74 staff;

75 d. All members of a caucus of the majority party of the
76 house of representatives, minority party of the house of
77 representatives, majority party of the senate, or minority party of
78 the senate;

79 e. All statewide officials, which may or may not include the
80 staff and employees under the direct supervision of the statewide
81 official;

82 (e) Any expenditure made on behalf of a public official, an
83 elected local government official or such official's staff, employees,
84 spouse or dependent children, if such expenditure is solicited by

85 such official, the official's staff, employees, or spouse or dependent
86 children, from the lobbyist or his or her lobbyist principals and the
87 name of such person or persons, except any expenditures made to
88 any not-for-profit corporation, charitable, fraternal or civic
89 organization or other association formed to provide for good in the
90 order of benevolence and except for any expenditure reported under
91 paragraph (d) of this subdivision;

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

98 4. No expenditure reported pursuant to this section shall
99 include any amount expended by a lobbyist or lobbyist principal on
100 himself or herself. All expenditures disclosed pursuant to this
101 section shall be valued on the report at the actual amount of the
102 payment made, or the charge, expense, cost, or obligation, debt or
103 bill incurred by the lobbyist or the person the lobbyist
104 represents. Whenever a lobbyist principal employs more than one
105 lobbyist, expenditures of the lobbyist principal shall not be reported
106 by each lobbyist, but shall be reported by one of such lobbyists. No
107 expenditure shall be made on behalf of a state senator or state
108 representative, or such public official's staff, employees, spouse, or
109 dependent children for travel or lodging outside the state of
110 Missouri unless such travel or lodging was approved prior to the
111 date of the expenditure by the administration and accounts
112 committee of the house or the administration committee of the
113 senate.

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

118 6. All information required to be filed pursuant to the
119 provisions of this section with the commission shall be kept
120 available by the executive director of the commission at all times

121 open to the public for inspection and copying for a reasonable fee
122 for a period of five years from the date when such information was
123 filed.

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

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

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

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

147 11. The commission shall provide a report listing the total
148 spent by a lobbyist for the month and year to any member or
149 member-elect of the general assembly, judge or judicial officer, or
150 any other person holding an elective office of state government or
151 any elected local government official on or before the twentieth day
152 of each month. For the purpose of providing accurate information
153 to the public, the commission shall not publish information in
154 either written or electronic form for ten working days after
155 providing the report pursuant to this subsection. The commission
156 shall not release any portion of the lobbyist report if the accuracy

157 of the report has been questioned pursuant to subsection 10 of this
158 section unless it is conspicuously marked "Under Review".

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

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

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
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 standing
56 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)]. Such report shall contain** a statement detailing any direct
69 business relationship or association or partnership the lobbyist has with any
70 public official [or elected local government official]. The reports required by this
71 subdivision shall cover the time periods since the filing of the last report or since
72 the lobbyist's employment or representation began, whichever is most recent.

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

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

89 **[6.] 5.** All information required to be filed pursuant to the provisions of
90 this section with the commission shall be kept available by the executive director
91 of the commission at all times open to the public for inspection and copying for
92 a reasonable fee for a period of five years from the date when such information
93 was filed.

94 **[7.] 6.** No person shall knowingly employ any person who is required to
95 register as a registered lobbyist but is not registered pursuant to this
96 section. Any person who knowingly violates this subsection shall be subject to a
97 civil penalty in an amount of not more than ten thousand dollars for each

98 violation. Such civil penalties shall be collected by action filed by the
99 commission.

100 [8.] 7. No lobbyist shall knowingly omit, conceal, or falsify in any manner
101 information required pursuant to this section.

102 [9.] 8. The prosecuting attorney of Cole County shall be reimbursed only
103 out of funds specifically appropriated by the general assembly for investigations
104 and prosecutions for violations of this section.

105 [10.] 9. Any public official or other person whose name appears in any
106 lobbyist report filed pursuant to this section who contests the accuracy of the
107 portion of the report applicable to such person may petition the commission for
108 an audit of such report and shall state in writing in such petition the specific
109 disagreement with the contents of such report. The commission shall investigate
110 such allegations in the manner described in section 105.959. If the commission
111 determines that the contents of such report are incorrect, incomplete or
112 erroneous, it shall enter an order requiring filing of an amended or corrected
113 report.

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

124 [12.] 10. Each lobbyist or lobbyist principal by whom the lobbyist was
125 employed, or in whose behalf the lobbyist acted, shall provide a general
126 description of the proposed legislation or action by the executive branch or
127 judicial branch which the lobbyist or lobbyist principal supported or
128 opposed. This information shall be supplied to the commission on March fifteenth
129 and May thirtieth of each year.

130 [13.] 11. The provisions of this section shall supersede any contradicting
131 ordinances or charter provisions.

132 **12. No lobbyist principal, lobbyist, or person acting on behalf of**
133 **a lobbyist principal or lobbyist shall make any expenditure for any**

134 **public official, his or her staff or employees, or his or her spouse or**
135 **dependent children.**

105.477. 1. The commission shall supply an electronic reporting system
2 which shall be used by all lobbyists registered with the ethics commission for
3 filing by electronic format prescribed by the commission. The electronic reporting
4 system shall be able to operate using either the Windows or Macintosh operating
5 environment with minimum standards set by the commission.

6 2. The commission shall have the appropriate software and hardware in
7 place by January 1, 2003, for acceptance of reports electronically. The
8 commission shall make this information available via an internet website
9 connection by no later than January 1, 2004.

10 3. All lobbyists shall file [expenditure] reports required by the commission
11 electronically as prescribed by the commission. In addition, lobbyists shall file
12 a signed form prescribed by the commission which verifies the information filed
13 electronically within five working days; except that, when a means becomes
14 available which will allow a verifiable electronic signature, the commission may
15 accept this in lieu of a signed form.

16 4. All records that are in electronic format, not otherwise closed by law,
17 shall be available in electronic format to the public. The commission shall
18 maintain and provide for public inspection a listing of all reports, with a complete
19 description for each field contained on the report, that has been used to extract
20 information from their database files. The commission shall develop a report or
21 reports which contain every field in each database.

22 5. Annually, the commission shall provide to the general assembly at no
23 cost a complete copy of information contained in the commission's electronic
24 reporting system database files. The information shall be copied onto a medium
25 specified by the general assembly. Such information shall not contain records
26 otherwise closed by law. It is the intent of the general assembly to provide open
27 access to the commission's records. The commission shall make every reasonable
28 effort to comply with requests for information and shall take a liberal
29 interpretation when considering such requests. Priority shall be given to public
30 requests for reports identifying lobbyist or lobbyist principal expenditures per
31 individual legislator.

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six
2 members, is hereby established. The commission shall be assigned to the office
3 of administration with supervision by the office of administration only for

4 budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6
5 of section 1 of the Reorganization Act of 1974. Supervision by the office of
6 administration shall not extend to matters relating to policies, regulative
7 functions or appeals from decisions of the commission, and the commissioner of
8 administration, any employee of the office of administration, or the governor,
9 either directly or indirectly, shall not participate or interfere with the activities
10 of the commission in any manner not specifically provided by law and shall not
11 in any manner interfere with the budget request of or withhold any moneys
12 appropriated to the commission by the general assembly. All members of the
13 commission shall be appointed by the governor with the advice and consent of the
14 senate from lists submitted pursuant to this section. Each congressional district
15 committee of the political parties having the two highest number of votes cast for
16 their candidate for governor at the last gubernatorial election shall submit two
17 names of eligible nominees for membership on the commission to the governor,
18 and the governor shall select six members from such nominees to serve on the
19 commission.

20 2. Within thirty days of submission of the person's name to the governor
21 as provided in subsection 1 of this section, and in order to be an eligible nominee
22 for appointment to the commission, a person shall file a financial interest
23 statement in the manner provided by section 105.485 and shall provide the
24 governor, the president pro tempore of the senate, and the commission with a list
25 of all political contributions and the name of the candidate or committee, political
26 party, or continuing committee, as defined in chapter 130, to which those
27 contributions were made within the four-year period prior to such appointment,
28 made by the nominee, the nominee's spouse, or any business entity in which the
29 nominee has a substantial interest. The information shall be maintained by the
30 commission and available for public inspection during the period of time during
31 which the appointee is a member of the commission. In order to be an eligible
32 nominee for membership on the commission, a person shall be a citizen and a
33 resident of the state and shall have been a registered voter in the state for a
34 period of at least five years preceding the person's appointment.

35 3. The term of each member shall be for four years, except that of the
36 members first appointed, the governor shall select three members from
37 even-numbered congressional districts and three members from odd-numbered
38 districts. Not more than three members of the commission shall be members of
39 the same political party, nor shall more than one member be from any one United

40 States congressional district. Not more than two members appointed from the
41 even-numbered congressional districts shall be members of the same political
42 party, and no more than two members from the odd-numbered congressional
43 districts shall be members of the same political party. Of the members first
44 appointed, the terms of the members appointed from the odd-numbered
45 congressional districts shall expire on March 15, 1994, and the terms of the
46 members appointed from the even-numbered congressional districts shall expire
47 on March 15, 1996. Thereafter all successor members of the commission shall be
48 appointed for four-year terms. Terms of successor members of the commission
49 shall expire on March fifteenth of the fourth year of their term. No member of
50 the commission shall serve on the commission after the expiration of the
51 member's term. No person shall be appointed to more than one full four-year
52 term on the commission.

53 4. Vacancies or expired terms on the commission shall be filled in the
54 same manner as the original appointment was made, except as provided in this
55 subsection. Within thirty days of the vacancy or ninety days before the expiration
56 of the term, the names of two eligible nominees for membership on the
57 commission shall be submitted to the governor by the congressional district
58 committees of the political party or parties of the vacating member or members,
59 from the even- or odd-numbered congressional districts, based on the residence
60 of the vacating member or members, other than from the congressional district
61 committees from districts then represented on the commission and from the same
62 congressional district party committee or committees which originally appointed
63 the member or members whose positions are vacated. Appointments to fill
64 vacancies or expired terms shall be made within forty-five days after the deadline
65 for submission of names by the congressional district committees, and shall be
66 subject to the same qualifications for appointment and eligibility as is provided
67 in subsections 2 and 3 of this section. Appointments to fill vacancies for
68 unexpired terms shall be for the remainder of the unexpired term of the member
69 whom the appointee succeeds, and such appointees shall be eligible for
70 appointment to one full four-year term. If the congressional district committee
71 does not submit the required two nominees within the thirty days or if the
72 congressional district committee does not submit the two nominees within an
73 additional thirty days after receiving notice from the governor to submit the
74 nominees, then the governor may appoint a person or persons who shall be
75 subject to the same qualifications for appointment and eligibility as provided in

76 subsections 2 and 3 of this section.

77 5. The governor, with the advice and consent of the senate, may remove
78 any member only for substantial neglect of duty, inability to discharge the powers
79 and duties of office, gross misconduct or conviction of a felony or a crime involving
80 moral turpitude. Members of the commission also may be removed from office by
81 concurrent resolution of the general assembly signed by the governor. If such
82 resolution receives the vote of two-thirds or more of the membership of both
83 houses of the general assembly, the signature of the governor shall not be
84 necessary to effect removal. The office of any member of the commission who
85 moves from the congressional district from which the member was appointed shall
86 be deemed vacated upon such change of residence.

87 6. The commission shall elect biennially one of its members as the
88 chairman. The chairman may not succeed himself or herself after two years. No
89 member of the commission shall succeed as chairman any member of the same
90 political party as himself or herself. At least four members are necessary to
91 constitute a quorum, and at least four affirmative votes shall be required for any
92 action or recommendation of the commission.

93 7. No member or employee of the commission, during the person's term
94 of service, shall hold or be a candidate for any other public office.

95 8. In the event that a retired judge is appointed as a member of the
96 commission, the judge shall not serve as a special investigator while serving as
97 a member of the commission.

98 9. No member of the commission shall, during the member's term of
99 service or within one year thereafter:

100 (1) Be employed by the state or any political subdivision of the state;

101 (2) Be employed as a lobbyist;

102 (3) Serve on any other governmental board or commission;

103 (4) Be an officer of any political party or political organization;

104 (5) Permit the person's name to be used, or make contributions, in support
105 of or in opposition to any candidate or proposition;

106 (6) Participate in any way in any election campaign; except that a member
107 or employee of the commission shall retain the right to register and vote in any
108 election, to express the person's opinion privately on political subjects or
109 candidates, to participate in the activities of a civic, community, social, labor or
110 professional organization and to be a member of a political party.

111 10. Each member of the commission shall receive, as full compensation for

112 the member's services, the sum of one hundred dollars per day for each full day
113 actually spent on work of the commission, and the member's actual and necessary
114 expenses incurred in the performance of the member's official duties.

115 11. The commission shall appoint an executive director who shall serve
116 subject to the supervision of and at the pleasure of the commission, but in no
117 event for more than six years. The executive director shall be responsible for the
118 administrative operations of the commission and perform such other duties as
119 may be delegated or assigned to the director by law or by rule of the
120 commission. The executive director shall employ staff and retain such contract
121 services as the director deems necessary, within the limits authorized by
122 appropriations by the general assembly.

123 12. Beginning on January 1, 1993, all lobbyist [registration and
124 expenditure] reports filed pursuant to section 105.473, financial interest
125 statements filed pursuant to subdivision (1) of section 105.489, and campaign
126 finance disclosure reports filed other than with election authorities or local
127 election authorities as provided by section 130.026 shall be filed with the
128 commission.

129 13. Within sixty days of the initial meeting of the first commission
130 appointed, the commission shall obtain from the clerk of the supreme court or the
131 state courts administrator a list of retired appellate and circuit court judges who
132 did not leave the judiciary as a result of being defeated in an election. The
133 executive director shall determine those judges who indicate their desire to serve
134 as special investigators and to investigate any and all complaints referred to
135 them by the commission. The executive director shall maintain an updated list
136 of those judges qualified and available for appointment to serve as special
137 investigators. Such list shall be updated at least annually. The commission shall
138 refer complaints to such special investigators on that list on a rotating schedule
139 which ensures a random assignment of each special investigator. Each special
140 investigator shall receive only one unrelated investigation at a time and shall not
141 be assigned to a second or subsequent investigation until all other eligible
142 investigators on the list have been assigned to an investigation. In the event that
143 no special investigator is qualified or available to conduct a particular
144 investigation, the commission may appoint a special investigator to conduct such
145 particular investigation.

146 14. The commission shall have the following duties and responsibilities
147 relevant to the impartial and effective enforcement of sections 105.450 to 105.496

148 and chapter 130, as provided in sections 105.955 to 105.963:

149 (1) Receive and review complaints regarding alleged violation of sections
150 105.450 to 105.496 and chapter 130, conduct initial reviews and investigations
151 regarding such complaints as provided herein; refer complaints to appropriate
152 prosecuting authorities and appropriate disciplinary authorities along with
153 recommendations for sanctions; and initiate judicial proceedings as allowed by
154 sections 105.955 to 105.963;

155 (2) Review and audit any reports and statements required by the
156 campaign finance disclosure laws contained in chapter 130, and financial interest
157 disclosure laws or lobbyist registration and reporting laws as provided by sections
158 105.470 to 105.492, for timeliness, accuracy and completeness of content as
159 provided in sections 105.955 to 105.963;

160 (3) Develop appropriate systems to file and maintain an index of all such
161 reports and statements to facilitate public access to such information, except as
162 may be limited by confidentiality requirements otherwise provided by law,
163 including cross-checking of information contained in such statements and
164 reports. The commission may enter into contracts with the appropriate filing
165 officers to effectuate such system. Such filing officers shall cooperate as
166 necessary with the commission as reasonable and necessary to effectuate such
167 purposes;

168 (4) Provide information and assistance to lobbyists, elected and appointed
169 officials, and employees of the state and political subdivisions in carrying out the
170 provisions of sections 105.450 to 105.496 and chapter 130;

171 (5) Make recommendations to the governor and general assembly or any
172 state agency on the need for further legislation with respect to the ethical conduct
173 of public officials and employees and to advise state and local government in the
174 development of local government codes of ethics and methods of disclosing
175 conflicts of interest as the commission may deem appropriate to promote high
176 ethical standards among all elected and appointed officials or employees of the
177 state or any political subdivision thereof and lobbyists;

178 (6) Render advisory opinions as provided by this section;

179 (7) Promulgate rules relating to the provisions of sections 105.955 to
180 105.963 and chapter 130. All rules and regulations issued by the commission
181 shall be prospective only in operation;

182 (8) Request and receive from the officials and entities identified in
183 subdivision (6) of section 105.450 designations of decision-making public servants.

184 15. In connection with such powers provided by sections 105.955 to
185 105.963 and chapter 130, the commission may:

186 (1) Subpoena witnesses and compel their attendance and testimony.
187 Subpoenas shall be served and enforced in the same manner provided by section
188 536.077;

189 (2) Administer oaths and affirmations;

190 (3) Take evidence and require by subpoena duces tecum the production of
191 books, papers, and other records relating to any matter being investigated or to
192 the performance of the commission's duties or exercise of its powers. Subpoenas
193 duces tecum shall be served and enforced in the same manner provided by section
194 536.077;

195 (4) Employ such personnel, including legal counsel, and contract for
196 services including legal counsel, within the limits of its appropriation, as it deems
197 necessary provided such legal counsel, either employed or contracted, represents
198 the Missouri ethics commission before any state agency or before the courts at the
199 request of the Missouri ethics commission. Nothing in this section shall limit the
200 authority of the Missouri ethics commission as provided for in subsection 2 of
201 section 105.961; and

202 (5) Obtain information from any department, division or agency of the
203 state or any political subdivision reasonably calculated to lead to the discovery
204 of evidence which will reasonably assist the commission in carrying out the duties
205 prescribed in sections 105.955 to 105.963 and chapter 130.

206 16. (1) Upon written request for an advisory opinion received by the
207 commission, and if the commission determines that the person requesting the
208 opinion would be directly affected by the application of law to the facts presented
209 by the requesting person, the commission shall issue a written opinion advising
210 the person who made the request, in response to the person's particular request,
211 regarding any issue that the commission can receive a complaint on pursuant to
212 section 105.957. The commission may decline to issue a written opinion by a vote
213 of four members and shall provide to the requesting person the reason for the
214 refusal in writing. The commission shall give an approximate time frame as to
215 when the written opinion shall be issued. Such advisory opinions shall be issued
216 no later than ninety days from the date of receipt by the commission. Such
217 requests and advisory opinions, deleting the name and identity of the requesting
218 person, shall be compiled and published by the commission on at least an annual
219 basis. Advisory opinions issued by the commission shall be maintained and made

220 available for public inspection and copying at the office of the commission during
221 normal business hours. Any advisory opinion or portion of an advisory opinion
222 rendered pursuant to this subsection shall be withdrawn by the commission if,
223 after hearing thereon, the joint committee on administrative rules finds that such
224 advisory opinion is beyond or contrary to the statutory authority of the
225 commission or is inconsistent with the legislative intent of any law enacted by the
226 general assembly, and after the general assembly, by concurrent resolution, votes
227 to adopt the findings and conclusions of the joint committee on administrative
228 rules. Any such concurrent resolution adopted by the general assembly shall be
229 published at length by the commission in its publication of advisory opinions of
230 the commission next following the adoption of such resolution, and a copy of such
231 concurrent resolution shall be maintained by the commission, along with the
232 withdrawn advisory opinion, in its public file of advisory opinions. The
233 commission shall also send a copy of such resolution to the person who originally
234 requested the withdrawn advisory opinion. Any advisory opinion issued by the
235 ethics commission shall act as legal direction to any person requesting such
236 opinion and no person shall be liable for relying on the opinion and it shall act
237 as a defense of justification against prosecution. An advisory opinion of the
238 commission shall not be withdrawn unless:

- 239 (a) The authorizing statute is declared unconstitutional;
240 (b) The opinion goes beyond the power authorized by statute; or
241 (c) The authorizing statute is changed to invalidate the opinion.
242 (2) Upon request, the attorney general shall give the attorney general's
243 opinion, without fee, to the commission, any elected official of the state or any
244 political subdivision, any member of the general assembly, or any director of any
245 department, division or agency of the state, upon any question of law regarding
246 the effect or application of sections 105.450 to 105.496, or chapter 130. Such
247 opinion need be in writing only upon request of such official, member or director,
248 and in any event shall be rendered within sixty days that such request is
249 delivered to the attorney general.

250 17. The state auditor and the state auditor's duly authorized employees
251 who have taken the oath of confidentiality required by section 29.070 may audit
252 the commission and in connection therewith may inspect materials relating to the
253 functions of the commission. Such audit shall include a determination of whether
254 appropriations were spent within the intent of the general assembly, but shall not
255 extend to review of any file or document pertaining to any particular

256 investigation, audit or review by the commission, an investigator or any staff or
257 person employed by the commission or under the supervision of the commission
258 or an investigator. The state auditor and any employee of the state auditor shall
259 not disclose the identity of any person who is or was the subject of an
260 investigation by the commission and whose identity is not public information as
261 provided by law.

262 18. From time to time but no more frequently than annually the
263 commission may request the officials and entities described in subdivision (6) of
264 section 105.450 to identify for the commission in writing those persons associated
265 with such office or entity which such office or entity has designated as a
266 decision-making public servant. Each office or entity delineated in subdivision
267 (6) of section 105.450 receiving such a request shall identify those so designated
268 within thirty days of the commission's request.

✓

Bill

Copy