

SECOND REGULAR SESSION

# HOUSE BILL NO. 2059

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KORMAN.

5684H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof one new section relating to lobbyist expenditures.

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

Section A. Section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session is repealed and one new section enacted in lieu thereof, to be known as section 105.473, to read as follows:

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

20 3. (1) During any period of time in which a lobbyist continues to act as an executive  
21 lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the  
22 lobbyist shall file with the commission on standardized forms prescribed by the commission  
23 monthly reports which shall be due at the close of business on the tenth day of the following  
24 month;

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

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

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

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

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

46 a. All members of the senate;

47 b. All members of the house of representatives;

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

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

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

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

62 **(3) For purposes of subdivision (2) of this subsection, the term "gift" shall include**  
63 **sexual relations between a registered lobbyist and a member of the general assembly or his**  
64 **or her staff. Relations between married persons or between persons who entered into a**  
65 **relationship prior to the registration of the lobbyist, the election of the member to the**  
66 **general assembly, or the employment of the staff person shall not be reportable under this**  
67 **subdivision. The reporting of sexual relations for purposes of this subdivision shall not**  
68 **require a dollar valuation.**

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

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

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

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

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

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

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

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

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

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

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