

FIRST REGULAR SESSION

SENATE BILL NO. 147

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 15, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0569S.04I

AN ACT

To repeal sections 105.450, 105.470, 105.478, and 575.021, RSMo, sections 105.456 and 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof nine new sections relating to the regulation of the ethical behavior of professionals engaged in political activities, with penalty provisions.

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

Section A. Sections 105.450, 105.470, 105.478, and 575.021, RSMo, sections 105.456 and 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, are repealed and nine new sections enacted in lieu thereof, to be known as sections 105.450, 105.453, 105.456, 105.470, 105.473, 105.478, 105.478, 105.499, and 575.021, to read as follows:

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

(1) "Adversary proceeding", any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any

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

8 proceeding from the decision of which any party must be granted, on request, a
9 hearing de novo; or any arbitration proceeding; or a proceeding of a personnel
10 review board of a political subdivision; or an investigative proceeding initiated by
11 an official, department, division, or agency which pertains to matters which,
12 depending on the conclusion of the investigation, could lead to a judicial or
13 administrative proceeding being initiated against the party by the official,
14 department, division or agency;

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

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

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

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

26 (c) Any trust in which the person is a trustee or settlor or in which the
27 person or the person's spouse or dependent child whether singularly or
28 collectively is a beneficiary or holder of a reversionary interest of ten percent or
29 more of the corpus of the trust;

30 (4) "Commission", the Missouri ethics commission established in section
31 105.955;

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

35 (6) "Decision-making public servant", an official, appointee or employee
36 of the offices or entities delineated in paragraphs (a) through (h) of this
37 subdivision who exercises supervisory authority over the negotiation of contracts,
38 or has the legal authority to adopt or vote on the adoption of rules and
39 regulations with the force of law or exercises primary supervisory responsibility
40 over purchasing decisions. The following officials or entities shall be responsible
41 for designating a decision-making public servant:

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

- 44 (b) A department director;
- 45 (c) A judge vested with judicial power by article V of the Constitution of
46 the state of Missouri;
- 47 (d) Any commission empowered by interstate compact;
- 48 (e) A statewide elected official;
- 49 (f) The speaker of the house of representatives;
- 50 (g) The president pro tem of the senate;
- 51 (h) The president or chancellor of a state institution of higher education;
- 52 (7) "Dependent child" or "dependent child in the person's custody", all
53 children, stepchildren, foster children and wards under the age of eighteen
54 residing in the person's household and who receive in excess of fifty percent of
55 their support from the person;
- 56 (8) **"Paid political consultant", a person who is paid to promote**
57 **the election of a certain candidate or the interest of an organization or**
58 **committee, as defined in section 130.011, which shall include, but not**
59 **be limited to, planning campaign strategies, coordinating campaign**
60 **staff, organizing meetings and public events to publicize the candidate**
61 **or cause, public opinion polling, providing research on issues or**
62 **opposition background, coordinating, producing, or purchasing print**
63 **or broadcast media, direct mail production, phone solicitation, fund**
64 **raising, and any other political activities;**
- 65 (9) "Political subdivision" shall include any political subdivision of the
66 state, and any special district or subdistrict;
- 67 [(9)] (10) "Public document", a state tax return or a document or other
68 record maintained for public inspection without limitation on the right of access
69 to it and a document filed in a juvenile court proceeding;
- 70 [(10)] (11) "Substantial interest", ownership by the individual, the
71 individual's spouse, or the individual's dependent children, whether singularly or
72 collectively, directly or indirectly, of ten percent or more of any business entity,
73 or of an interest having a value of ten thousand dollars or more, or the receipt by
74 an individual, the individual's spouse or the individual's dependent children,
75 whether singularly or collectively, of a salary, gratuity, or other compensation or
76 remuneration of five thousand dollars, or more, per year from any individual,
77 partnership, organization, or association within any calendar year;
- 78 [(11)] (12) "Substantial personal or private interest in any measure, bill,
79 order or ordinance", any interest in a measure, bill, order or ordinance which

80 results from a substantial interest in a business entity.

105.453. 1. No member of the general assembly shall accept or
2 receive compensation of any kind as a paid political consultant until
3 one year after the expiration of any term of office for which such
4 member is elected.

5 2. No member of the general assembly shall act or serve as a
6 lobbyist, register as a lobbyist, or solicit clients to represent as a
7 lobbyist until two years after the expiration of any term of office for
8 which such member is elected. Paid, full-time employees of such
9 members shall also be barred from acting or serving as a lobbyist,
10 registering as a lobbyist, or soliciting clients to represent as a lobbyist
11 until one year after termination of such employees' employment.

12 3. No member of the general assembly shall be compensated for
13 acting or serving as an elected local government official lobbyist, or
14 shall solicit clients to represent as such a lobbyist while serving a term
15 as a member of the general assembly.

16 4. Notwithstanding subsection 2 of this section to the contrary,
17 a member of the general assembly may, without compensation, act or
18 serve as a lobbyist for and solicit clients to represent as a lobbyist for
19 religious and charitable associations organized under chapter 352
20 immediately upon vacating such member's office as a member of the
21 general assembly.

22 5. For the purposes of this section, the terms "lobbyist" and
23 "elected local government official lobbyist" shall have the same meaning
24 as in section 105.470.

[105.456. 1. No member of the general assembly or the
2 governor, lieutenant governor, attorney general, secretary of state,
3 state treasurer or state auditor shall:

4 (1) Perform any service for the state or any political
5 subdivision of the state or any agency of the state or any political
6 subdivision thereof or act in his or her official capacity or perform
7 duties associated with his or her position for any person for any
8 consideration other than the compensation provided for the
9 performance of his or her official duties; or

10 (2) Sell, rent or lease any property to the state or political
11 subdivision thereof or any agency of the state or any political
12 subdivision thereof for consideration in excess of five hundred

13 dollars per transaction or one thousand five hundred dollars per
14 annum unless the transaction is made pursuant to an award on a
15 contract let or sale made after public notice and in the case of
16 property other than real property, competitive bidding, provided
17 that the bid or offer accepted is the lowest received; or

18 (3) Attempt, for compensation other than the compensation
19 provided for the performance of his or her official duties, to
20 influence the decision of any agency of the state on any matter,
21 except that this provision shall not be construed to prohibit such
22 person from participating for compensation in any adversary
23 proceeding or in the preparation or filing of any public document
24 or conference thereon. The exception for a conference upon a public
25 document shall not permit any member of the general assembly or
26 the governor, lieutenant governor, attorney general, secretary of
27 state, state treasurer or state auditor to receive any consideration
28 for the purpose of attempting to influence the decision of any
29 agency of the state on behalf of any person with regard to any
30 application, bid or request for a state grant, loan, appropriation,
31 contract, award, permit other than matters involving a driver's
32 license, or job before any state agency, commission, or elected
33 official. Notwithstanding Missouri supreme court rule 1.10 of rule
34 4 or any other court rule or law to the contrary, other members of
35 a firm, professional corporation or partnership shall not be
36 prohibited pursuant to this subdivision from representing a person
37 or other entity solely because a member of the firm, professional
38 corporation or partnership serves in the general assembly, provided
39 that such official does not share directly in the compensation
40 earned, so far as the same may reasonably be accounted, for such
41 activity by the firm or by any other member of the firm. This
42 subdivision shall not be construed to prohibit any inquiry for
43 information or the representation of a person without consideration
44 before a state agency or in a matter involving the state if no
45 consideration is given, charged or promised in consequence thereof.

46 2. No sole proprietorship, partnership, joint venture, or
47 corporation in which a member of the general assembly, governor,
48 lieutenant governor, attorney general, secretary of state, state

49 treasurer, state auditor or spouse of such official is the sole
50 proprietor, a partner having more than a ten percent partnership
51 interest, or a coparticipant or owner of in excess of ten percent of
52 the outstanding shares of any class of stock, shall:

53 (1) Perform any service for the state or any political
54 subdivision thereof or any agency of the state or political
55 subdivision for any consideration in excess of five hundred dollars
56 per transaction or one thousand five hundred dollars per annum
57 unless the transaction is made pursuant to an award on a contract
58 let or sale made after public notice and competitive bidding,
59 provided that the bid or offer accepted is the lowest received; or

60 (2) Sell, rent, or lease any property to the state or any
61 political subdivision thereof or any agency of the state or political
62 subdivision thereof for consideration in excess of five hundred
63 dollars per transaction or one thousand five hundred dollars per
64 annum unless the transaction is made pursuant to an award on a
65 contract let or a sale made after public notice and in the case of
66 property other than real property, competitive bidding, provided
67 that the bid or offer accepted is the lowest and best received.

68 3. No statewide elected official, member of the general
69 assembly, or any person acting on behalf of such official or member
70 shall expressly and explicitly make any offer or promise to confer
71 any paid employment, where the individual is compensated above
72 actual and necessary expenses, to any statewide elected official or
73 member of the general assembly in exchange for the official's or
74 member's official vote on any public matter. Any person making
75 such offer or promise is guilty of the crime of bribery of a public
76 servant under section 576.010.

77 4. Any statewide elected official or member of the general
78 assembly who accepts or agrees to accept an offer described in
79 subsection 3 of this section is guilty of the crime of acceding to
80 corruption under section 576.020.]

105.456. 1. No member of the general assembly or the governor,
2 lieutenant governor, attorney general, secretary of state, state treasurer or state
3 auditor shall:

4 (1) Perform any service for the state or any political subdivision of the

5 state or any agency of the state or any political subdivision thereof or act in his
6 or her official capacity or perform duties associated with his or her position for
7 any person for any consideration other than the compensation provided for the
8 performance of his or her official duties; [or]

9 (2) Sell, rent or lease any property to the state or political subdivision
10 thereof or any agency of the state or any political subdivision thereof for
11 consideration in excess of five hundred dollars per transaction or one thousand
12 five hundred dollars per annum unless the transaction is made pursuant to an
13 award on a contract let or sale made after public notice and in the case of
14 property other than real property, competitive bidding, provided that the bid or
15 offer accepted is the lowest received; [or]

16 (3) Attempt, for compensation other than the compensation provided for
17 the performance of his or her official duties, to influence the decision of any
18 agency of the state on any matter, except that this provision shall not be
19 construed to prohibit such person from participating for compensation in any
20 adversary proceeding or in the preparation or filing of any public document or
21 conference thereon. The exception for a conference upon a public document shall
22 not permit any member of the general assembly or the governor, lieutenant
23 governor, attorney general, secretary of state, state treasurer or state auditor to
24 receive any consideration for the purpose of attempting to influence the decision
25 of any agency of the state on behalf of any person with regard to any application,
26 bid or request for a state grant, loan, appropriation, contract, award, permit other
27 than matters involving a driver's license, or job before any state agency,
28 commission, or elected official. Notwithstanding Missouri supreme court rule
29 1.10 of rule 4 or any other court rule or law to the contrary, other members of a
30 firm, professional corporation or partnership shall not be prohibited pursuant to
31 this subdivision from representing a person or other entity solely because a
32 member of the firm, professional corporation or partnership serves in the general
33 assembly, provided that such official does not share directly in the compensation
34 earned, so far as the same may reasonably be accounted, for such activity by the
35 firm or by any other member of the firm. This subdivision shall not be construed
36 to prohibit any inquiry for information or the representation of a person without
37 consideration before a state agency or in a matter involving the state if no
38 consideration is given, charged or promised in consequence thereof; or

39 (4) **Solicit any registered lobbyist for any position with a hiring**
40 **date beginning after such person is no longer an elected official,**

41 **whether compensated or not, while such person holds office.**

42 2. No sole proprietorship, partnership, joint venture, or corporation in
43 which a member of the general assembly, governor, lieutenant governor, attorney
44 general, secretary of state, state treasurer, state auditor or spouse of such official,
45 is the sole proprietor, a partner having more than a ten percent partnership
46 interest, or a coparticipant or owner of in excess of ten percent of the outstanding
47 shares of any class of stock, shall:

48 (1) Perform any service for the state or any political subdivision thereof
49 or any agency of the state or political subdivision for any consideration in excess
50 of five hundred dollars per transaction or one thousand five hundred dollars per
51 annum unless the transaction is made pursuant to an award on a contract let or
52 sale made after public notice and competitive bidding, provided that the bid or
53 offer accepted is the lowest received; or

54 (2) Sell, rent, or lease any property to the state or any political
55 subdivision thereof or any agency of the state or political subdivision thereof for
56 consideration in excess of five hundred dollars per transaction or one thousand
57 five hundred dollars per annum unless the transaction is made pursuant to an
58 award on a contract let or a sale made after public notice and in the case of
59 property other than real property, competitive bidding, provided that the bid or
60 offer accepted is the lowest and best received.

61 **3. No individual holding office as a state representative or state**
62 **senator shall accept or receive compensation of any kind as a paid**
63 **political consultant for another individual holding the office of state**
64 **representative, state senator, governor, lieutenant governor, attorney**
65 **general, secretary of state, state treasurer, or state auditor, or for any**
66 **committee, as such term is defined in chapter 130, nor shall any spouse,**
67 **dependent child, or parent accept or receive compensation of any kind**
68 **on behalf of any individual holding office as a state representative or**
69 **state senator who acts as a paid political consultant.**

70 **4. No individual or business entity shall solicit a member of the**
71 **general assembly to become employed by that individual or business**
72 **entity as a legislative lobbyist, as such term is defined in section**
73 **105.470, or as a paid political consultant, while such member is holding**
74 **office as a member of the general assembly. No member of the general**
75 **assembly shall solicit clients to represent as a legislative lobbyist.**

76 **5. Neither the governor nor any person acting on behalf of the**

77 **governor shall make any offer or promise to confer an appointment to**
78 **any board, commission, committee, council, county office, department**
79 **directorship, fee office under section 136.055, judgeship, or any other**
80 **position, to any member of the general assembly in exchange for the**
81 **member's official vote on any public matter. Any person making such**
82 **offer or promise is guilty of the crime of bribery of a public servant**
83 **under section 576.010.**

84 **6. Any member of the general assembly who accepts or agrees to**
85 **accept an offer or promise to confer an appointment to any board,**
86 **commission, committee, council, county office, department directorship,**
87 **fee office under section 136.055, judgeship, or any other position, from**
88 **the governor or any person acting on behalf of the governor in**
89 **exchange for the member's official vote on any public matter, is guilty**
90 **of the crime of acceding to corruption under section 576.020.**

91 **7. Neither the governor, lieutenant governor, attorney general,**
92 **secretary of state, state treasurer, state auditor, any member of the**
93 **general assembly, nor any of such elected official's staff, employees,**
94 **spouse, or dependent children shall accept any tangible or intangible**
95 **item, service, or thing of value from any lobbyist, as such term is**
96 **defined in section 105.470. In any event, such limits shall not include**
97 **informational material such as books, reports, pamphlets, calendars, or**
98 **periodicals informing a public official regarding such person's official**
99 **duties or contributions to the public official's campaign committee or**
100 **candidate committee which are reported pursuant to the provisions of**
101 **chapter 130.**

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

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

12 (a) Is acting in the ordinary course of employment on behalf of or for the

13 benefit of such person's employer; or

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

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

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

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

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

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

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

37 d. Participating in public hearings or public proceedings on rules, grants,
38 or other matters;

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

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

44 g. Acting within the scope of employment by the general assembly, or
45 acting within the scope of employment by the executive branch of government
46 when acting with respect to the department, division, board, commission, agency
47 or elected state officer by which such person is employed, or with respect to any
48 duty or authority imposed by law to perform any action in conjunction with any

49 other public official or state employee; or

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

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

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

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

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

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

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

80 (f) The transfer of any item, provision of any service or granting of any
81 opportunity with a reasonably discernible cost or fair market value when such
82 item, service or opportunity is necessary for a public official or employee to
83 perform his or her duty in his or her official capacity, including but not limited
84 to entrance fees to any sporting event, museum, or other venue when the official

85 or employee is participating in a ceremony, public presentation or official meeting
86 therein;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

150 A "legislative lobbyist" shall include an attorney at law engaged in activities on
151 behalf of any person unless excluded by any of the following exceptions. A
152 "legislative lobbyist" shall not include any member of the general assembly, an
153 elected state official, or any other person solely due to such person's participation
154 in any of the following activities:

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

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

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

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

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

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

171 (8) "Public official", any member or member-elect of the general assembly,
172 judge or judicial officer, or any other person holding an elective office of state
173 government or any agency head, department director or division director of state
174 government or any member of any state board or commission and any designated
175 decision-making public servant designated by persons described in this
176 subdivision **or any superintendent of a school district or school board**
177 **member.**

 [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. **A lobbyist shall**
9 **be considered to work in the interest of any principal who employs,**
10 **contracts for pay, or otherwise compensates such lobbyist; any**
11 **principal or entity who employs, contracts for pay, or otherwise**
12 **compensates such lobbyist's direct principal regarding the same**
13 **interest; and any principal or entity who employs, contracts for pay, or**
14 **otherwise compensates an entity or principal who employs, contracts**
15 **for pay, or otherwise compensates such direct principal regarding the**
16 **same interest.** The commission shall maintain files on all lobbyists' filings,
17 which shall be open to the public. Each lobbyist shall file an updating statement
18 under oath within one week of any addition, deletion, or change in the lobbyist's
19 employment or representation. The filing fee shall be deposited to the general
20 revenue fund of the state. The lobbyist principal or a lobbyist employing another
21 person for lobbying purposes may notify the commission that a judicial, executive
22 or legislative lobbyist is no longer authorized to lobby for the principal or the
23 lobbyist and should be removed from the commission's files.

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

29 that the giving of such address would endanger the person's physical health.

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

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

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

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

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

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

60 a. All members of the senate;

61 b. All members of the house of representatives;

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

64 d. All members of a caucus of the majority party of the house of

65 representatives, minority party of the house of representatives, majority party of
66 the senate, or minority party of the senate;

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

75 (f) A statement detailing any direct business relationship or association
76 or partnership the lobbyist has with any public official or elected local
77 government official.

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

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

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

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

101 filed.

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

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

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

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

122 11. The commission shall provide a report listing the total spent by a
123 lobbyist for the month and year to any member or member-elect of the general
124 assembly, judge or judicial officer, or any other person holding an elective office
125 of state government or any elected local government official on or before the
126 twentieth day of each month.

127 **12.** For the purpose of providing accurate information to the public, the
128 commission shall not publish information in either written or electronic form for
129 ten working days after providing the report pursuant to this subsection. The
130 commission shall not release any portion of the lobbyist report if the accuracy of
131 the report has been questioned pursuant to subsection 10 of this section unless
132 it is conspicuously marked "Under Review".

133 **[12.] 13.** Each lobbyist or lobbyist principal by whom the lobbyist was
134 employed, or in whose behalf the lobbyist acted, shall provide a general
135 description of the proposed legislation or action by the executive branch or
136 judicial branch which the lobbyist or lobbyist principal supported or

137 opposed. This information shall be supplied to the commission on March fifteenth
138 and May thirtieth of each year.

139 [13.] 14. The provisions of this section shall supersede any contradicting
140 ordinances or charter provisions.

105.478. 1. Any person guilty of knowingly violating any of the provisions
2 of sections 105.450 to 105.498 shall be punished as follows:

3 (1) For the first offense, such person is guilty of a class B misdemeanor;

4 (2) For the second and subsequent offenses, such person is guilty of a
5 class E felony.

6 **2. Any person who engages in lobbyist activities, as lobbyist is**
7 **defined in section 105.470, and who knowingly fails to register as a**
8 **lobbyist is guilty of violating this subsection. Any violation of this**
9 **subsection shall be punishable as follows:**

10 (1) For the first violation, the person shall be guilty of a class B
11 misdemeanor;

12 (2) For the second and subsequent violations, the person shall be
13 guilty of a class E felony.

105.478. 1. Any person guilty of knowingly violating any of the provisions
2 of sections 105.450 to 105.498 shall be punished as follows:

3 (1) For the first offense, such person is guilty of a class B misdemeanor;

4 (2) For the second and subsequent offenses, such person is guilty of a
5 class D felony.

6 **2. Any person who engages in lobbyist activities, as lobbyist is**
7 **defined in section 105.470, and who knowingly fails to register as a**
8 **lobbyist is guilty of violating this subsection. Any violation of this**
9 **subsection shall be punishable as follows:**

10 (1) For the first violation, the person shall be guilty of a class B
11 misdemeanor;

12 (2) For the second and subsequent violations, the person shall be
13 guilty of a class D felony until December 31, 2016, and a class E felony
14 beginning January 1, 2017.

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

3 (1) The governor, lieutenant governor, secretary of state, state
4 treasurer, attorney general, and members of the general assembly; and

5 (2) The principal administrative or deputy officers or assistants

6 serving the governor, lieutenant governor, secretary of state, state
7 treasurer, state auditor and attorney general, which officers shall be
8 designated by the respective elected state official.

9 2. Within one hundred twenty days of taking office, appointment,
10 or employment, all political officers shall complete four hours of ethics
11 training that addresses, at a minimum, ethics laws in this chapter and
12 chapter 130. All requirements of this subsection shall be completed by
13 5:00 p.m. of the last day designated for completing the
14 requirement. When the last day of completing the requirement falls on
15 a Saturday, Sunday, or on an official state holiday, the last day for
16 completion shall be extended to 5:00 p.m. on the next day which is not
17 a Saturday, Sunday, or an official state holiday.

18 3. In addition to completing the requirements of this section
19 within one hundred twenty days of taking office, appointment, or
20 employment, all political officers shall complete the requirements of
21 this section once every two years.

22 4. If any political officer does not complete the requirements of
23 this section, the Missouri ethics commission shall, in writing, notify the
24 individual of the individual's noncompliance. Any political officer who
25 fails to complete the requirements of this section within 30 days of
26 receiving a written notice under this subsection shall, if such political
27 officer receives any compensation or other remuneration from public
28 funds for the political officer's services, not be paid such compensation
29 or receive such remuneration until in compliance with this section.

30 5. The ethics commission shall offer the training required in this
31 section, and shall promulgate rules establishing format and minimum
32 course content. Any rule or portion of a rule, as that term is defined in
33 section 536.010, that is created under the authority delegated in this
34 section shall become effective only if it complies with and is subject to
35 all of the provisions of chapter 536 and, if applicable, section
36 536.028. This section and chapter 536 are nonseverable and if any of
37 the powers vested with the general assembly under chapter 536 to
38 review, to delay the effective date, or to disapprove and annul a rule
39 are subsequently held unconstitutional, then the grant of rulemaking
40 authority and any rule proposed or adopted after August 28, 2015, shall
41 be invalid and void.

575.021. 1. A person commits the crime of obstruction of an ethics

2 investigation if such person, for the purpose of obstructing or preventing an ethics
3 investigation, knowingly commits any of the following acts:

4 (1) Confers or agrees to confer anything of pecuniary benefit to any person
5 in direct exchange for that person's concealing or withholding any information
6 concerning any violation of sections 105.450 to 105.496 and chapter 130;

7 (2) [Accepting] **Accepts** or [agreeing] **agrees** to accept anything of
8 pecuniary benefit in direct exchange for concealing or withholding any
9 information concerning any violation of sections 105.450 to 105.496 or chapter
10 130;

11 (3) Utters or submits a false statement that the person does not believe
12 to be true to any member or employee of the Missouri ethics commission or to any
13 official investigating any violation of sections 105.450 to 105.496 or chapter 130;
14 or

15 (4) Submits any **inaccurate** writing or other documentation [that is
16 inaccurate] and that the person does not believe to be true to any member or
17 employee of the Missouri ethics commission or to any official investigating any
18 violation of sections 105.450 to 105.496 or chapter 130.

19 2. It is a defense to a prosecution under subdivisions (3) and (4) of
20 subsection 1 of this section that the person retracted the false statement, writing,
21 or other documentation, but this defense shall not apply if the retraction was
22 made after:

23 (1) The falsity of the statement, writing, or other documentation was
24 exposed; or

25 (2) Any member or employee of the Missouri ethics commission or any
26 official investigating any violation of sections 105.450 to 105.496 or chapter 130
27 took substantial action in reliance on the statement, writing, or other
28 documentation.

29 3. The defendant shall have the burden of injecting the issue of retraction
30 under this section.

31 4. Obstruction of an ethics investigation under this section is a class [A
32 misdemeanor] **D felony until December 31, 2016, and a class E felony**
33 **beginning January 1, 2017.**

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