

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

HOUSE BILL NO. 1979

AN ACT

To repeal section 105.456 as enacted by house bill no. 1120, eighty-ninth general assembly, second regular session, and to enact in lieu thereof two new sections relating solely to certain public officials becoming lobbyists.

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

Section A. Section 105.456 as enacted by house bill no. 1120, eighty-ninth general assembly, second regular session, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.455 and 105.456, to read as follows:

105.455. 1. No person elected or appointed to the state senate, to the state house of representatives, or to the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, or state auditor who vacates the office, whether by resignation, expulsion, term limitation under article III, section 8 of the Constitution of Missouri, or otherwise, shall act, serve, or register as a lobbyist until six months after the expiration of any term of office for which such person was elected or appointed.

1 2. No person holding an office that required appointment by
2 the governor and confirmation by the senate who vacates the
3 office, whether by resignation, expulsion, or otherwise, shall
4 act, serve, or register as a lobbyist until six months after the
5 vacation of such office.

6 3. For purposes of this section, the prohibition contained
7 herein shall apply only to lobbyists employed by a lobbyist
8 principal for pay or other compensation in excess of
9 reimbursement for expenses incurred.

10 4. The provisions of this section shall not apply to any
11 person who acts, serves, or registers as a lobbyist for a state
12 department or agency.

13 5. For purposes of this section, the terms "lobbyist" and
14 "lobbyist principal" shall have the same meanings given to such
15 terms under section 105.470.

16
17 105.456. 1. No member of the general assembly or the
18 governor, lieutenant governor, attorney general, secretary of
19 state, state treasurer or state auditor shall:

20 (1) Perform any service for the state or any political
21 subdivision of the state or any agency of the state or any
22 political subdivision thereof or act in his or her official
23 capacity or perform duties associated with his or her position
24 for any person for any consideration other than the compensation
25 provided for the performance of his or her official duties; [or]

26 (2) Sell, rent or lease any property to the state or
27 political subdivision thereof or any agency of the state or any
28 political subdivision thereof for consideration in excess of five
29 hundred dollars per transaction or one thousand five hundred

1 dollars per annum unless the transaction is made pursuant to an
2 award on a contract let or sale made after public notice and in
3 the case of property other than real property, competitive
4 bidding, provided that the bid or offer accepted is the lowest
5 received; [or]

6 (3) Attempt, for compensation other than the compensation
7 provided for the performance of his or her official duties, to
8 influence the decision of any agency of the state on any matter,
9 except that this provision shall not be construed to prohibit
10 such person from participating for compensation in any adversary
11 proceeding or in the preparation or filing of any public document
12 or conference thereon. The exception for a conference upon a
13 public document shall not permit any member of the general
14 assembly or the governor, lieutenant governor, attorney general,
15 secretary of state, state treasurer or state auditor to receive
16 any consideration for the purpose of attempting to influence the
17 decision of any agency of the state on behalf of any person with
18 regard to any application, bid or request for a state grant,
19 loan, appropriation, contract, award, permit other than matters
20 involving a driver's license, or job before any state agency,
21 commission, or elected official. Notwithstanding Missouri
22 supreme court rule 1.10 of rule 4 or any other court rule or law
23 to the contrary, other members of a firm, professional
24 corporation or partnership shall not be prohibited pursuant to
25 this subdivision from representing a person or other entity
26 solely because a member of the firm, professional corporation or
27 partnership serves in the general assembly, provided that such
28 official does not share directly in the compensation earned, so

1 far as the same may reasonably be accounted, for such activity by
2 the firm or by any other member of the firm. This subdivision
3 shall not be construed to prohibit any inquiry for information or
4 the representation of a person without consideration before a
5 state agency or in a matter involving the state if no
6 consideration is given, charged or promised in consequence
7 thereof; or

8 (4) Solicit any registered lobbyist for any compensated or
9 noncompensated position, with a hiring date beginning after such
10 person is no longer an elected official, while such person holds
11 office.

12 2. No sole proprietorship, partnership, joint venture, or
13 corporation in which a member of the general assembly, governor,
14 lieutenant governor, attorney general, secretary of state, state
15 treasurer, state auditor or spouse of such official, is the sole
16 proprietor, a partner having more than a ten percent partnership
17 interest, or a coparticipant or owner of in excess of ten percent
18 of the outstanding shares of any class of stock, shall:

19 (1) Perform any service for the state or any political
20 subdivision thereof or any agency of the state or political
21 subdivision for any consideration in excess of five hundred
22 dollars per transaction or one thousand five hundred dollars per
23 annum unless the transaction is made pursuant to an award on a
24 contract let or sale made after public notice and competitive
25 bidding, provided that the bid or offer accepted is the lowest
26 received; or

27 (2) Sell, rent, or lease any property to the state or any
28 political subdivision thereof or any agency of the state or

1 political subdivision thereof for consideration in excess of five
2 hundred dollars per transaction or one thousand five hundred
3 dollars per annum unless the transaction is made pursuant to an
4 award on a contract let or a sale made after public notice and in
5 the case of property other than real property, competitive
6 bidding, provided that the bid or offer accepted is the lowest
7 and best received.

8 3. No individual or business entity shall solicit a member
9 of the general assembly to become employed by that individual or
10 business entity as a legislative lobbyist while such member is
11 holding office as a member of the general assembly. No member of
12 the general assembly shall solicit clients to represent as a
13 legislative lobbyist.

14 4. For purposes of this section, the terms "lobbyist" and
15 "legislative lobbyist" shall have the same meanings given to such
16 terms under section 105.470.

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