

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

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:

1 Section A. Section 105.456, as enacted by house bill no.
2 1120, eighty-ninth general assembly, second regular session, is
3 repealed and two new sections enacted in lieu thereof, to be
4 known as sections 105.456 and 105.481, to read as follows:

5 105.456. 1. No member of the general assembly or the
6 governor, lieutenant governor, attorney general, secretary of
7 state, state treasurer or state auditor shall:

8 (1) Perform any service for the state or any political
9 subdivision of the state or any agency of the state or any
10 political subdivision thereof or act in his or her official
11 capacity or perform duties associated with his or her position
12 for any person for any consideration other than the compensation
13 provided for the performance of his or her official duties; [or]

14 (2) Sell, rent or lease any property to the state or
15 political subdivision thereof or any agency of the state or any
16 political subdivision thereof for consideration in excess of five

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

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

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

9 (4) Solicit any registered lobbyist for any position with a
10 hiring date beginning after such person is no longer an elected
11 official, whether compensated or not, while such person holds
12 office.

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

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

28 (2) Sell, rent, or lease any property to the state or any

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

9 105.481. 1. No person elected or appointed after January
10 1, 2016, to the state senate, the state house of representatives,
11 or to the office of governor, lieutenant governor, attorney
12 general, secretary of state, state treasurer, or state auditor
13 who vacates the office, whether by resignation, expulsion, term
14 limitation under article III, section 8 of the Constitution of
15 Missouri, or otherwise, shall act, serve, or register as a
16 lobbyist as defined in section 105.470 until one year after the
17 expiration of any term of office for which such person was
18 elected.

19 2. No person holding an office that required appointment by
20 the governor and confirmation by the senate who vacates the
21 office, whether by resignation, expulsion, or otherwise, shall
22 act, serve, or register as a lobbyist as defined in section
23 105.470 until one year after the vacation of such office.

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

28 4. The provisions of this section shall not apply to

1 persons who act, serve, or register as a lobbyist for a state
2 department or agency.