

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1979

98TH GENERAL ASSEMBLY

Reported from the Committee on Rules, Joint Rules, Resolutions and Ethics, January 28, 2016, with recommendation that the Senate Committee Substitute do pass.

5624S.05C

ADRIANE D. CROUSE, Secretary.

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
2 general assembly, second regular session, is repealed and two new sections
3 enacted in lieu thereof, to be known as sections 105.456 and 105.481, to read as
4 follows:

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]

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

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.

**105.481. 1. No person elected after January 1, 2016, to the state
2 senate, the state house of representatives, or to the office of governor,
3 lieutenant governor, attorney general, secretary of state, or state
4 treasurer who vacates the office, whether by resignation, expulsion,
5 term limitation under article III, section 8 of the Constitution of
6 Missouri, or otherwise, shall act, serve, or register as a lobbyist as
7 defined in section 105.470 until one year after the expiration of any
8 term of office for which such person was elected.**

**9 2. No person holding an office that required appointment by the
10 governor and confirmation by the senate who vacates the office,
11 whether by resignation, expulsion, or otherwise, shall act, serve, or
12 register as a lobbyist as defined in section 105.470 until one year after
13 the vacation of such office.**

**14 3. No person elected after January 1, 2018, to the office of state
15 auditor who vacates the office, whether by resignation, expulsion, or
16 otherwise, shall act, serve, or register as a lobbyist as defined in
17 section 105.470 until one year after the expiration of any term of office
18 for which such person was elected.**

**19 4. For purposes of this section, the prohibition contained herein
20 shall only apply to lobbyists employed by a lobbyist principal for pay
21 or other compensation in excess of reimbursement for expenses
22 incurred.**

**23 5. The provisions of this section shall not apply to persons who
24 act, serve, or register as a lobbyist for a state department or agency.**

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