

SECOND REGULAR SESSION

SENATE BILL NO. 1380

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5220S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to prohibiting foreign influence on lobbying activities, with a severability clause.

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

Section A. Chapter 105, RSMo, is amended by adding thereto
2 one new section, to be known as section 105.471, to read as
3 follows:

105.471. 1. **For purposes of this section, the**
2 **following terms mean:**

3 (1) "Control", the power, direct or indirect, whether
4 or not exercised, to determine, direct, dictate, or decide
5 important matters affecting an entity, including but without
6 limitation, through:

7 (a) The ownership of at least twenty percent of the
8 total outstanding voting interest in an entity;

9 (b) Board representation;

10 (c) The ability to appoint or discharge any board
11 members, officers, directors, employees, or contractors;

12 (d) Proxy voting, a special share, contractual
13 arrangements, legal obligations, formal or informal
14 arrangements to act in concert; or

15 (e) Any other means;

16 (2) "Foreign adversary", any of the following:

22 (b) Any agency or instrumentality of the governments
23 listed in paragraph (a) of this subdivision;

24 (c) Any person owned or operated in whole or in part
25 by the governments listed in paragraph (a) of this
26 subdivision, or subject to the control of such government,
27 and any subsidiary or parent of any such person; and

28 (d) Any person organized under the laws of a
29 government listed in paragraph (a) of this subdivision or
30 having its principal place of business in that country, and
31 any subsidiary of any such person;

32 (3) "Foreign adversary client", any of the following:

33 (a) A current or former:

34 a. Official in the executive, legislative,
35 administrative, military, or judicial branches of a foreign
36 adversary, whether elected or not;

37 b. Official of a foreign political party of a foreign
38 adversary; or

39 c. Executive or officer of a foreign adversary;

40 (b) A corporation, business, or other entity that has
41 been formed by, or for the benefit of, any person described
42 in paragraph (a) of this subdivision; and

43 (c) An immediate family member of any person described
44 in paragraph (a) of this subdivision, including such
45 person's spouse, parents, siblings, children, and spouse's
46 parents and siblings:

47 (4) "Foreign political party", any organization or any
48 other combination of individuals in a country other than the

49 United States, or any unit or branch thereof, having for an
50 aim or purpose, or which is engaged in any activity devoted
51 in whole or in part to, the establishment, administration,
52 control, or acquisition of administration or control, of a
53 government of a foreign country or a subdivision thereof, or
54 the furtherance or influencing of the political or public
55 interests, policies, or relations of a government of a
56 foreign country or a subdivision thereof;

57 (5) "Lobbyist", the same meaning as in section 105.470;

58 (6) "Owned or operated in whole or in part":

59 (a) In the case of a publicly traded company, that a
60 foreign adversary has the ability to control the company,
61 has access to any material nonpublic technical information
62 in the possession of the company, or has any other rights or
63 involvement in directing, dictating, controlling, or
64 participating in the decision-making of the company beyond
65 those available to a retail investor holding an equivalent
66 share of ownership; and

67 (b) In the case of a privately held company, that a
68 foreign adversary has any share of ownership of such company.

69 (7) "People's Republic of China", the People's
70 Republic of China and all provinces and autonomous regions
71 of the People's Republic of China, including the Hong Kong
72 Special Administrative Region of the People's Republic of
73 China, and the Macao Special Administrative Region of the
74 People's Republic of China; but does not include Taiwan;

75 (8) "Person", any individual, partnership,
76 association, joint stock company, trust, corporation,
77 organization or other combination of individuals, or
78 government entity;

79 2. A lobbyist shall not receive, or agree to receive,
80 any direct or indirect compensation or other payment in any

81 form, including intangible or in-kind, for carrying out any
82 lobbying activity on behalf of another person that is any of
83 the following:

84 (1) A foreign adversary;
85 (2) A foreign political party of a foreign adversary;
86 or
87 (3) A foreign adversary client.

88 3. A lobbyist who violates this section shall be
89 subject to an action for disgorgement of any compensation
90 received as well as a civil penalty of not more than one
91 thousand dollars per violation. An action may be filed by
92 the attorney general in the name of the state to obtain
93 disgorgement, civil penalties, as well as injunctive relief
94 requiring compliance with this section.

95 4. If the attorney general has reason to believe that
96 any person is violating this section, or has agreed to
97 conduct that would violate this section, the attorney
98 general may subpoena documents, tangible things, and other
99 information, as well as written responses under oath to
100 questions or oral testimony under oath, to any person that
101 may have knowledge or information regarding such potential
102 violation. The attorney general may also file a civil action
103 to enforce or otherwise obtain the assistance of a court
104 with respect to any such subpoena.

105 5. The provisions of sections 105.955 to 105.981 shall
106 not apply to this section.

Section B. If any provision of section A of this act
2 or the application thereof to anyone or to any circumstance
3 is held invalid, the remainder of those sections and the
4 application of such provisions to others or other
5 circumstances shall not be affected thereby.