

SECOND REGULAR SESSION

HOUSE BILL NO. 2117

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYHEW.

4349H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 105.470, RSMo, and to enact in lieu thereof two new sections relating to lobbyists.

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

Section A. Section 105.470, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.469 and 105.470, to read as follows:

105.469. A person or entity registered as a lobbyist shall provide a receipt to all recipients of gifts or other items of value that state the value of the gift or other item of value, not to exceed five dollars. The recipient of the gift or other item of value shall not be required to verify the value of the gift or item of value.

105.470. As used in section 105.473, unless the context requires otherwise, the following words and terms mean:

(1) "Elected local government official lobbyist", any natural person employed specifically for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over ten million dollars;

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

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

21

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

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

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

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

34 d. Participating in public hearings or public proceedings on rules, grants, or other
35 matters;

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

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

40 g. Acting within the scope of employment by the general assembly, or acting within the
41 scope of employment by the executive branch of government when acting with respect to the
42 department, division, board, commission, agency or elected state officer by which such person
43 is employed, or with respect to any duty or authority imposed by law to perform any action in
44 conjunction with any other public official or state employee; or

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

47 (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any
48 gift, honorarium or item of value bestowed including any food or beverage; any price, charge or

49 fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is
50 cancelled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible
51 cost or fair market value from one person to another or provision of any service or granting of
52 any opportunity for which a charge is customarily made, without charge or for a reduced charge;
53 except that the term "expenditure" shall not include the following:

54 (a) Any item, service or thing of value transferred to any person within the third degree
55 of consanguinity of the transferor which is unrelated to any activity of the transferor as a
56 lobbyist;

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

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

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

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

72 (f) The transfer of any item, provision of any service or granting of any opportunity with
73 a reasonably discernible cost or fair market value when such item, service or opportunity is
74 necessary for a public official or employee to perform his or her duty in his or her official
75 capacity, including but not limited to entrance fees to any sporting event, museum, or other
76 venue when the official or employee is participating in a ceremony, public presentation or
77 official meeting therein;

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

82 (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to
83 influence any purchasing decision by the judicial branch of government or by any elected or

84 appointed official or any employee thereof and in connection with such activity, meets the
85 requirements of any one or more of the following:

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

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

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

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

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

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

103 b. Participating in public hearings or public proceedings on rules, grants, or other
104 matters;

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

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

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

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

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

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

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

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

132

133 A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any
134 person unless excluded by any of the following exceptions. **A "legislative lobbyist" shall not**
135 **include any legislative liaison. For purposes of this subdivision, "legislative liaison" means**
136 **any natural person appointed to communicate between members of the general assembly**
137 **and other agencies, departments, political subdivisions, or educational institutions of the**
138 **state. Expenditures made by a legislative liaison for the purpose of allowing a member of**
139 **the general assembly to attend events sponsored by an agency, department, political**
140 **subdivision, or educational institution of the state shall not constitute acting as a legislative**
141 **lobbyist as defined in this subdivision or as a paid lobbyist as provided under Article III,**
142 **Section 2(b) of the Constitution of Missouri.** A "legislative lobbyist" shall **also** not include
143 any member of the general assembly, an elected state official, or any other person solely due to
144 such person's participation in any of the following activities:

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

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

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

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

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

154 (7) "Lobbyist principal", any person~~], business entity, governmental entity, religious~~
155 ~~organization, nonprofit corporation or association who employs, contracts for pay or otherwise~~
156 ~~compensates a lobbyist]~~ **or entity who:**

157 (a) **Is directly responsible for hiring or firing a paid lobbyist or authorizing**
158 **payments, including any payroll checks, to a lobbyist; and**

159 (b) **Has the authority to direct the lobbyist's actions with respect to lobbying**
160 **activities on behalf of said lobbyist principal;**

161 (8) "Public official", any member or member-elect of the general assembly, judge or
162 judicial officer, or any other person holding an elective office of state government or any agency
163 head, department director or division director of state government or any member of any state
164 board or commission and any designated decision-making public servant designated by persons
165 described in this subdivision.

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