

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.

ADRIANE D. CROUSE, Secretary.

5624S.05C

---

**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2 general assembly, second regular session, is repealed and two new sections  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.

✓