

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1386

100TH GENERAL ASSEMBLY

3378H.01T

2020

AN ACT

To repeal section 105.470, RSMo, and to enact in lieu thereof one new section 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Section A. Section 105.470, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.470, to read as follows:

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
 - (b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or
 - (c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; 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.

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

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

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

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

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

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

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

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

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

46 (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any
47 gift, honorarium or item of value bestowed including any food or beverage; any price, charge or
48 fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is
49 cancelled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible
50 cost or fair market value from one person to another or provision of any service or granting of
51 any opportunity for which a charge is customarily made, without charge or for a reduced charge;
52 except that the term "expenditure" shall not include the following:

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

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

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

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

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

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

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

81 (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to
82 influence any purchasing decision by the judicial branch of government or by any elected or
83 appointed official or any employee thereof and in connection with such activity, meets the
84 requirements of any one or more of the following:

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

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

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

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

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

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

101 b. Participating in public hearings or public proceedings on rules, grants, or other
102 matters;

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

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

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

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

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

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

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

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

130 A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any
131 person unless excluded by any of the following exceptions. **A "legislative lobbyist" shall not
132 include any legislative liaison. For purposes of this subdivision, "legislative liaison" means
133 any state employee hired to communicate with members of the general assembly on behalf
134 of any elected official of the state; the judicial branch of state government; or any
135 department, agency, board, or commission of the state, provided such entity is a part of the
136 executive branch of state government. Any state employee employed as a legislative liaison
137 who performs lobbying services for any other entity shall register as a lobbyist with respect
138 to such lobbying services.** A "legislative lobbyist" shall **also** not include any member of the
139 general assembly, an elected state official, or any other person solely due to such person's
140 participation in any of the following activities:

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

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

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

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

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

150 (7) "Lobbyist principal", any person, business entity, governmental entity, religious
151 organization, nonprofit corporation or association who employs, contracts for pay or otherwise
152 compensates a lobbyist;

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

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