

SECOND REGULAR SESSION

[RECORRECTED]

[PERFECTED]

# HOUSE BILL NO. 1979

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROWDEN.

5624H.02P

D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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*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A. Section 105.456, as enacted by house bill no. 1120, eighty-ninth general assembly, second regular session, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.456 and 105.481, to read as follows:

105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; [or]

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; [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           (3) Attempt, for compensation other than the compensation provided for the performance  
14 of his or her official duties, to influence the decision of any agency of the state on any matter,  
15 except that this provision shall not be construed to prohibit such person from participating for  
16 compensation in any adversary proceeding or in the preparation or filing of any public document  
17 or conference thereon. The exception for a conference upon a public document shall not permit  
18 any member of the general assembly or the governor, lieutenant governor, attorney general,  
19 secretary of state, state treasurer or state auditor to receive any consideration for the purpose of  
20 attempting to influence the decision of any agency of the state on behalf of any person with  
21 regard to any application, bid or request for a state grant, loan, appropriation, contract, award,  
22 permit other than matters involving a driver's license, or job before any state agency,  
23 commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or  
24 any other court rule or law to the contrary, other members of a firm, professional corporation or  
25 partnership shall not be prohibited pursuant to this subdivision from representing a person or  
26 other entity solely because a member of the firm, professional corporation or partnership serves  
27 in the general assembly, provided that such official does not share directly in the compensation  
28 earned, so far as the same may reasonably be accounted, for such activity by the firm or by any  
29 other member of the firm. This subdivision shall not be construed to prohibit any inquiry for  
30 information or the representation of a person without consideration before a state agency or in  
31 a matter involving the state if no consideration is given, charged or promised in consequence  
32 thereof; or

33           **(4) Solicit any registered lobbyist for any position with a hiring date beginning after**  
34 **such person is no longer an elected official, whether compensated or not, while such person**  
35 **holds office.**

36           2. No sole proprietorship, partnership, joint venture, or corporation in which a member  
37 of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state  
38 treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more  
39 than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of  
40 the outstanding shares of any class of stock, shall:

41           (1) Perform any service for the state or any political subdivision thereof or any agency  
42 of the state or political subdivision for any consideration in excess of five hundred dollars per  
43 transaction or one thousand five hundred dollars per annum unless the transaction is made  
44 pursuant to an award on a contract let or sale made after public notice and competitive bidding,  
45 provided that the bid or offer accepted is the lowest received; or

46           (2) Sell, rent, or lease any property to the state or any political subdivision thereof or any  
47 agency of the state or political subdivision thereof for consideration in excess of five hundred  
48 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is

49 made pursuant to an award on a contract let or a sale made after public notice and in the case of  
50 property other than real property, competitive bidding, provided that the bid or offer accepted  
51 is the lowest and best received.

52 **3. Any member of the general assembly who accepts or agrees to accept an offer or**  
53 **promise to confer an appointment to any board, commission, committee, council, county**  
54 **office, department directorship, fee office under section 136.055, judgeship, or any other**  
55 **position from the governor or any person acting on behalf of the governor in exchange for**  
56 **the member's official vote on any public matter is guilty of the offense of acceding to**  
57 **corruption under section 576.020.**

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

7 **2. No person holding an office that required appointment by the governor and**  
8 **confirmation by the senate who vacates the office, whether by resignation, expulsion, or**  
9 **otherwise, shall act, serve, or register as a lobbyist as defined in section 105.470 until one**  
10 **year after the expiration of any term of office for which such person was appointed.**

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

15 **4. For purposes of this section, the prohibition contained herein shall only apply**  
16 **to lobbyists employed by a lobbyist principal for pay or other consideration in excess of**  
17 **reimbursement for expenses incurred.**

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