

SECOND REGULAR SESSION

# HOUSE BILL NO. 2226

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BARNES.

5844H.03I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 105.470, RSMo, and to enact in lieu thereof one new section relating solely to adding special executive branch appointees to the definition of public official.

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Section A. Section 105.470, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.470, to read as follows: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

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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.

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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 member of the general assembly, an elected state official, or any other person solely  
136 due to such person's participation in any of the following activities:

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

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

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

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

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

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

149 (8) "Public official", any member or member-elect of the general assembly, judge or  
150 judicial officer, or any other person holding an elective office of state government or any agency  
151 head, department director or division director of state government or any member of any state  
152 board or commission [and] , any designated decision-making public servant designated by  
153 persons described in this subdivision[.] , **and any special executive branch appointee;**

154 **(9) "Special executive branch appointee", any member of any task force, advisory**  
155 **committee, or other body or persons appointed by, named by, or at the direction of an**  
156 **executive branch official, who is authorized or directed to report to the executive branch**  
157 **official for purposes of recommending policy, policy revisions, or executive actions that**  
158 **would involve the expenditure of public funds.**

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