

May 21, 1968

OPINION NO. 472  
135 (1968)  
Answered by Letter  
(Stevens)

FILED  
135

Honorable John P. Ryan  
State Senator - 8th District  
Missouri Senate  
7636 Lydia Street  
Kansas City, Missouri 64131

Dear Senator Ryan:

Your letter requesting an official opinion from this office is as follows:

Re: Section 105.470

"Does the above section apply to an officer, director, or a full time employee of a corporation which has sent one or more of these parties to Jefferson City to attempt to influence members of the Legislature in proposed pending legislation?

"Some of these parties merely come into the Legislature and shake hands and say they are with such and such a company and they are interested in the passage of a particular bill, and they do not attempt to entertain the members of the Legislature."

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We believe that this question is answered by Opinion No. 87, issued March 17, 1966, to Honorable Judge John H. Wolfe, a copy of which is enclosed.

The statute in question is as follows:

"Any person who engages himself for pay or for any valuable consideration for the purpose of attempting to influence the passage or defeat of any legislation by the general assembly of Missouri or who expends money for such purposes shall, before doing anything in furtherance of the object, register with the chief clerk of the house of representatives and the secretary of the senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, and the duration of the employment." \* \* \* \*

The language of the statute is all-inclusive and only one exception is noted:

"\* \* \* No state officer, or member of the general assembly shall be required to register under this section because of his lawful attempts to influence the passage or defeat of legislation solely in the course of his official duties." \* \* \* \*

As stated in the opinion: Any person (other than those persons specifically excluded) meeting the two requirements of (1) engaging himself for pay or valuable consideration and (2) who attempts to influence the passage or defeat of any legislation by the General Assembly, comes within the purview of the statute, as well as those persons meeting the separate criterion of expending money for the purpose of influencing legislation.

To paraphrase the language used in the opinion: The instant situation is that of an employee of a corporation whose general duties have no reference to legislative matters but may from time to time go to Jefferson City to oppose, support, or alter a specific bill which may affect the interest of the corporation. He speaks with legislators, testifies, if necessary, before committees and exerts

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whatever persuasion he can to prevent or promote legislation of interest or concern to the corporation. Immediately after the bill has been altered, passed or defeated he returns to his usual duties.

To paraphrase further: The corporation or the employee of the corporation might argue that he was not employed to influence legislation and that this is not his principal activity. Under the present Missouri statutes the argument that his legislative activities are merely incidental to his primary activities is without merit. We assume that part of his duties are legislative in nature and thus part of his compensation is derived for such activities. He is acting in his official capacity and not as an individual since it is in the interest of the corporation which is affected by the pending legislation.

Although over a long period of time his principal activity may be with other corporation affairs nevertheless if he attempts to influence legislation or expends money attempting to influence legislation, it falls within the orbit and regulation of the statute.

In accordance with the reasoning in this opinion, this office must hold that an officer, director or employee of a corporation who goes to Jefferson City and attempts to influence the passage or defeat of legislation in the General Assembly of Missouri, or expends money for that purpose is regulated by the provisions of Section 105.470, RSMo Supp. 1965.

Yours very truly,

NORMAN H. ANDERSON  
Attorney General

Enclosure - Op. 87, Wolfe, 3/17/66

CHS:fb