

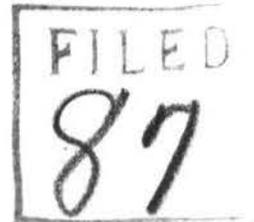
LOBBYIST:
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LEGISLATION:

The representative of Christian Scientists who attempts to influence legislation is regulated by Section 105.470 RSMo Cum. Supp. 1965.

March 17, 1966

OPINION NO. 87 (1966)
" " 459 (1965)

Honorable John H. Wolfe
Presiding Judge
St. Louis Court of Appeals
Civil Courts Building
St. Louis, Missouri



Dear Judge Wolfe:

This is in response to your November 29, 1965, request for an opinion from this office concerning the status of the Christian Science Committee on Publication which reads in part as follows:

"House Bill # 422 passed by the last Legislature, now Section 105.450 to 105.495, relating to conflict of interest and lobbying, is written in rather broad terms and Mr. Elgin Wasson who is the present committee of one in Missouri asked me * * * whether or not he is obliged to register under the act. * * *"

It is our understanding that the Christian Science Committee on Publication, hereafter called the Committee, performs a variety of functions primarily in the field of public relations. These activities include contact with the public through radio, newspaper, and printed information brochures. Among the duties of the Committee is the activity of contacting various members of the legislature for the purpose of guaranteeing against legislation inimical to the Christian Scientist's belief in spiritual means of healing.

While the statute in question seeks to regulate activities of persons commonly referred to as "lobbyists", it offers no definition of the term. However, Section 105.470 RSMo Cum. Supp. 1965, describes the persons it was intended to cover:

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"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 * * *"

We have sought assistance in our endeavor to interpret this statute by studying the Federal Lobbying Act (2 USCA Sec. 266 & 267) and have studied the federal decisions interpreting it but because of material differences in the two acts we find the federal law of little or no assistance.

While the revisor of statutes has for convenience in the heading of Section 105.470, RSMo Cum. Supp. 1965, referred to "Lobbyists", yet the word is not used in the body of the statute. We could and have assembled numerous definitions of "lobby" and "lobbyist", however that seems not helpful because, as mentioned, the word is not used in the statute although clearly the statute is intended to regulate the activity commonly known as lobbying.

We therefore turn to language used "Any person who engages himself for pay * * * for the purpose of attempting to influence the passage or defeat of any legislation * * * or who expends money for such purposes shall * * *" This appears to be the most comprehensive language possible. Only one exception is mentioned in the statute, " * * *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. * * *"

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.

The instant situation is that of a representative of the Christian Scientists whose general duties have no reference to legislative matters but may from time to time either go to Jefferson City or take other action to oppose, support, or alter a specific bill which may affect the interest of Christian Scientists. He speaks or writes or otherwise communicates with legislators, testifies, if necessary, before committees and exerts whatever persuasion he can to prevent or promote legislation of interest or concern to Christian Scientists. Immediately after the bill has been altered, passed or defeated he returns to his usual duties.

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The committee, consisting of one man, 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 the interest of Christian Science which is affected by the pending legislation. Although over a long period of time his principal activity may be with other Christian Science 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.

CONCLUSION

It is the conclusion of this office that the Christian Scientist Committee on Publication or its representative which 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 Cum. Supp. 1965.

The foregoing opinion which I hereby approve was prepared by my assistant, J. Gordon Siddens.

Yours very truly


NORMAN H. ANDERSON
Attorney General