

FIRST REGULAR SESSION

# SENATE BILL NO. 122

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KINDER.

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0597S.011

## AN ACT

To amend chapter 34, RSMo, by adding thereto five new sections relating to attorneys.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 34, RSMo, is amended by adding thereto five new sections, to be known as sections 34.360, 34.363, 34.366, 34.369 and 34.371, to read as follows:

**34.360. This act may be known and may be cited as the "Private Attorney Retention Act".**

**34.363. For the purposes of sections 34.360 to 34.371, a contract is a contract or contracts in which the fee paid to an attorney or group of attorneys, either in the form of a flat, hourly, or contingent fee, and their expenses, exceeds or can be reasonably expected to exceed one hundred thousand dollars in any fiscal year.**

**34.366. Any state agency that wishes to retain a lawyer or law firm to perform legal services on behalf of the agency shall obtain such services through open and competitive bids.**

**34.369. No state agency shall enter into a contract or contracts for legal services or encumber on behalf of any such contract or contracts in an amount exceeding one hundred thousand dollars in any fiscal year without a specific appropriation for that purpose.**

**34.371. 1. At the conclusion of any legal proceeding for which a state agency retained outside counsel on a contingent fee basis, the state agency shall receive from counsel a statement of the hours worked on the case, expenses incurred, the aggregate fee amount, and a breakdown as to the hourly rate, based on hours worked divided into fee recovered, less expenses. Each state agency shall transmit the information to the office of administration on October 1 for the preceding fiscal year and the office**

**of administration shall submit a report to the general assembly before January 1, annually.**

**2. In no case shall any state agency pay expenses in excess of one thousand dollars per hour for legal services.**

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