

SECOND REGULAR SESSION

SENATE BILL NO. 851

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Read 1st time February 28, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6017S.011

AN ACT

To repeal section 105.456, RSMo, and to enact in lieu thereof one new section relating to conflicts of interest for legislators.

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

Section A. Section 105.456, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 105.456, to read as follows:

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

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

9 (2) Sell, rent or lease any property to the state or political subdivision
10 thereof or any agency of the state or any political subdivision thereof for
11 consideration in excess of five hundred dollars per transaction or one thousand
12 five hundred dollars per annum unless the transaction is made pursuant to an
13 award on a contract let or sale made after public notice and in the case of
14 property other than real property, competitive bidding, provided that the bid or
15 offer accepted is the lowest received; or

16 (3) Attempt, for compensation other than the compensation provided for
17 the performance of his or her official duties, to influence the decision of any
18 agency of the state on any matter, except that this provision shall not be
19 construed to prohibit such person from participating for compensation in any
20 adversary proceeding or in the preparation or filing of any public document or

21 conference thereon. The exception for a conference upon a public document shall
22 not permit any member of the general assembly or the governor, lieutenant
23 governor, attorney general, secretary of state, state treasurer or state auditor to
24 receive any consideration for the purpose of attempting to influence the decision
25 of any agency of the state on behalf of any person with regard to any application,
26 bid or request for a state grant, loan, appropriation, contract, award, permit other
27 than matters involving a driver's license, or job before any state agency,
28 commission, or elected official. Notwithstanding Missouri supreme court rule
29 1.10 of rule 4 or any other court rule or law to the contrary, other members of a
30 firm, professional corporation or partnership shall not be prohibited pursuant to
31 this subdivision from representing a person or other entity solely because a
32 member of the firm, professional corporation or partnership serves in the general
33 assembly, provided that such official does not share directly in the compensation
34 earned, so far as the same may reasonably be accounted, for such activity by the
35 firm or by any other member of the firm. This subdivision shall not be construed
36 to prohibit any inquiry for information or the representation of a person without
37 consideration before a state agency or in a matter involving the state if no
38 consideration is given, charged or promised in consequence thereof.

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

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

51 (2) Sell, rent, or lease any property to the state or any political
52 subdivision thereof or any agency of the state or political subdivision thereof for
53 consideration in excess of five hundred dollars per transaction or one thousand
54 five hundred dollars per annum unless the transaction is made pursuant to an
55 award on a contract let or a sale made after public notice and in the case of
56 property other than real property, competitive bidding, provided that the bid or

57 offer accepted is the lowest and best received.

58 3. No statewide elected official, member of the general assembly, or any
59 person acting on behalf of such official or member shall expressly and explicitly
60 make any offer or promise to confer any paid employment, where the individual
61 is compensated above actual and necessary expenses, to any statewide elected
62 official or member of the general assembly in exchange for the official's or
63 member's official vote on any public matter. Any person making such offer or
64 promise is guilty of the crime of bribery of a public servant under section 576.010.

65 4. Any statewide elected official or member of the general assembly who
66 accepts or agrees to accept an offer described in subsection 3 of this section is
67 guilty of the crime of acceding to corruption under section 576.020.

68 **5. Within two years after leaving office, no member of the**
69 **general assembly shall act, serve, or register as a legislative lobbyist as**
70 **defined in section 105.470; be employed in any department or office**
71 **within the executive branch of government; or be appointed to any**
72 **board, commission, or committee formed under the laws of this state**
73 **where such person receives remuneration above reimbursement for**
74 **actual and necessary expenses.**

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