

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 78
AN ACT

To repeal section 105.456 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, section 130.044 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, RSMo, and to enact in lieu thereof three new sections relating to ethical duties of candidates and members of the general assembly.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 105.456 as truly agreed to and finally
2 passed by conference committee substitute no. 3 for house
3 committee substitute no. 2 for senate bill no. 844, ninety-fifth
4 general assembly, second regular session, section 105.456 as
5 enacted by house bill no. 1120, ninety-first general assembly,
6 second regular session, section 130.044 as truly agreed to and
7 finally passed by conference committee substitute no. 3 for house
8 committee substitute no. 2 for senate bill no. 844, ninety-fifth
9 general assembly, second regular session, and section 130.044 as
10 enacted by senate bill no. 1038, ninety-fourth general assembly,

second regular session, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 105.456, 130.044, and 1, to read as follows:

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

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

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

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a

1 member of the firm, professional corporation or
2 partnership serves in the general assembly, provided
3 that such official does not share directly in the
4 compensation earned, so far as the same may reasonably
5 be accounted, for such activity by the firm or by any
6 other member of the firm. This subdivision shall not
7 be construed to prohibit any inquiry for information or
8 the representation of a person without consideration
9 before a state agency or in a matter involving the
10 state if no consideration is given, charged or promised
11 in consequence thereof.

12 2. No sole proprietorship, partnership, joint
13 venture, or corporation in which a member of the
14 general assembly, governor, lieutenant governor,
15 attorney general, secretary of state, state treasurer,
16 state auditor or spouse of such official is the sole
17 proprietor, a partner having more than a ten percent
18 partnership interest, or a coparticipant or owner of in
19 excess of ten percent of the outstanding shares of any
20 class of stock, shall:

21 (1) Perform any service for the state or any
22 political subdivision thereof or any agency of the
23 state or political subdivision for any consideration in
24 excess of five hundred dollars per transaction or one
25 thousand five hundred dollars per annum unless the
26 transaction is made pursuant to an award on a contract
27 let or sale made after public notice and competitive
28 bidding, provided that the bid or offer accepted is the
29 lowest received; or

30 (2) Sell, rent, or lease any property to the
31 state or any political subdivision thereof or any
32 agency of the state or political subdivision thereof
33 for consideration in excess of five hundred dollars per
34 transaction or one thousand five hundred dollars per
35 annum unless the transaction is made pursuant to an
36 award on a contract let or a sale made after public
37 notice and in the case of property other than real
38 property, competitive bidding, provided that the bid or
39 offer accepted is the lowest and best received.

40 3. No statewide elected official, member of the
41 general assembly, or any person acting on behalf of
42 such official or member shall expressly and explicitly
43 make any offer or promise to confer any paid
44 employment, where the individual is compensated above
45 actual and necessary expenses, to any statewide elected
46 official or member of the general assembly in exchange
47 for the official's or member's official vote on any
48 public matter. Any person making such offer or promise
49 is guilty of the crime of bribery of a public servant
50 under section 576.010.

51 4. Any statewide elected official or member of

1 the general assembly who accepts or agrees to accept an
2 offer described in subsection 3 of this section is
3 guilty of the crime of acceding to corruption under
4 section 576.020.]
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6 105.456. 1. No member of the general assembly or the
7 governor, lieutenant governor, attorney general, secretary of
8 state, state treasurer or state auditor shall:

9 (1) Perform any service for the state or any political
10 subdivision of the state or any agency of the state or any
11 political subdivision thereof or act in his or her official
12 capacity or perform duties associated with his or her position
13 for any person for any consideration other than the compensation
14 provided for the performance of his or her official duties; or

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

24 (3) Attempt, for compensation other than the compensation
25 provided for the performance of his or her official duties, to
26 influence the decision of any agency of the state on any matter,
27 except that this provision shall not be construed to prohibit
28 such person from participating for compensation in any adversary
29 proceeding or in the preparation or filing of any public document
30 or conference thereon. The exception for a conference upon a

1 public document shall not permit any member of the general
2 assembly or the governor, lieutenant governor, attorney general,
3 secretary of state, state treasurer or state auditor to receive
4 any consideration for the purpose of attempting to influence the
5 decision of any agency of the state on behalf of any person with
6 regard to any application, bid or request for a state grant,
7 loan, appropriation, contract, award, permit other than matters
8 involving a driver's license, or job before any state agency,
9 commission, or elected official. Notwithstanding Missouri
10 supreme court rule 1.10 of rule 4 or any other court rule or law
11 to the contrary, other members of a firm, professional
12 corporation or partnership shall not be prohibited pursuant to
13 this subdivision from representing a person or other entity
14 solely because a member of the firm, professional corporation or
15 partnership serves in the general assembly, provided that such
16 official does not share directly in the compensation earned, so
17 far as the same may reasonably be accounted, for such activity by
18 the firm or by any other member of the firm. This subdivision
19 shall not be construed to prohibit any inquiry for information or
20 the representation of a person without consideration before a
21 state agency or in a matter involving the state if no
22 consideration is given, charged or promised in consequence
23 thereof.

24 2. No sole proprietorship, partnership, joint venture, or
25 corporation in which a member of the general assembly, governor,
26 lieutenant governor, attorney general, secretary of state, state
27 treasurer, state auditor or spouse of such official, is the sole
28 proprietor, a partner having more than a ten percent partnership

1 interest, or a coparticipant or owner of in excess of ten percent
2 of the outstanding shares of any class of stock, shall:

3 (1) Perform any service for the state or any political
4 subdivision thereof or any agency of the state or political
5 subdivision for any consideration in excess of five hundred
6 dollars per transaction or one thousand five hundred dollars per
7 annum unless the transaction is made pursuant to an award on a
8 contract let or sale made after public notice and competitive
9 bidding, provided that the bid or offer accepted is the lowest
10 received; or

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

20 3. No person who is elected to the office of state senator
21 or the office of state representative in any election held on or
22 after January 1, 2014, shall act or serve as a lobbyist, register
23 as a lobbyist, or solicit clients to represent as a lobbyist in
24 this state until the expiration of ten years after the conclusion
25 of such person's vacancy of such office and until such person no
26 longer retains a candidate committee for any office. For the
27 purposes of this subsection, the term "lobbyist" shall have the
28 same meaning as in section 105.470 and the term "candidate

1 committee" shall have the same meaning as in section 130.011.

2 [130.044. 1. All individuals and committees
3 required to file disclosure reports under section
4 130.041 shall electronically report any contribution by
5 any single contributor which exceeds five thousand
6 dollars to the Missouri ethics commission within
7 forty-eight hours of receiving the contribution.

8 2. Any individual currently holding office as a
9 state representative, state senator, or any candidate
10 for such office or such individual's campaign committee
11 shall electronically report any contribution exceeding
12 five hundred dollars made by any contributor to his or
13 her campaign committee during the regular legislative
14 session of the general assembly, within forty-eight
15 hours of receiving the contribution.

16 3. Any individual currently holding office as the
17 governor, lieutenant governor, treasurer, attorney
18 general, secretary of state or auditor or any candidate
19 for such office or such person's campaign committee
20 shall electronically report any contribution exceeding
21 five hundred dollars made by any contributor to his or
22 her campaign committee during the regular legislative
23 session or any time when legislation from the regular
24 legislative session awaits gubernatorial action, within
25 forty-eight hours of receiving the contribution.

26 4. Reports required under this section shall
27 contain the same content required under section 130.041
28 and shall be filed in accordance with the standards
29 established by the commission for electronic filing and
30 other rules the commission may deem necessary to
31 promulgate for the effective administration of this
32 section.

33 5. Any rule or portion of a rule, as that term is
34 defined in section 536.010, that is created under the
35 authority delegated in this section shall become
36 effective only if it complies with and is subject to
37 all of the provisions of chapter 536 and, if
38 applicable, section 536.028. This section and chapter
39 536 are nonseverable and if any of the powers vested
40 with the general assembly pursuant to chapter 536 to
41 review, to delay the effective date, or to disapprove
42 and annul a rule are subsequently held
43 unconstitutional, then the grant of rulemaking
44 authority and any rule proposed or adopted after August
45 28, 2008, shall be invalid and void.]

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47 130.044. 1. All individuals and committees required to
48 file disclosure reports under section 130.041 shall

1 electronically report any contribution by any single contributor
2 which exceeds five thousand dollars to the Missouri ethics
3 commission within forty-eight hours of receiving the
4 contribution. Such reports shall contain the same content
5 required under section 130.041 and shall be filed in accordance
6 with the standards established by the commission for electronic
7 filing and other rules the commission may deem necessary to
8 promulgate for the effective administration of this section.

9 2. Any individual currently holding office as a state
10 representative, state senator, or any candidate for such office
11 or such individual's campaign committee shall electronically
12 report any contribution exceeding twenty-five dollars made by any
13 contributor to his or her campaign committee during the regular
14 legislative session of the general assembly, within twenty-four
15 hours of receiving the contribution.

16 3. Any rule or portion of a rule, as that term is defined
17 in section 536.010, that is created under the authority delegated
18 in this section shall become effective only if it complies with
19 and is subject to all of the provisions of chapter 536 and, if
20 applicable, section 536.028. This section and chapter 536 are
21 nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536 to review, to delay the
23 effective date, or to disapprove and annul a rule are
24 subsequently held unconstitutional, then the grant of rulemaking
25 authority and any rule proposed or adopted after August 28, 2008,
26 shall be invalid and void.

27 Section 1. The Missouri senate website, the Missouri house
28 of representatives website and the website of each member of the

1 general assembly shall contain a prominently displayed link to
2 the website of the Missouri ethics commission.

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