

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 11, Page 1, Section title, Line 2,

of said title, by inserting immediately after "RSMo," the following: "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,"; and

Further amend said bill, Page 5, Section 105.453, Line 25 of said page, by inserting after all of said line the following:

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

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

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any 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 competitive

1 bidding, provided that the bid or offer accepted is the  
2 lowest received; or

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

13 3. No statewide elected official, member of the  
14 general assembly, or any person acting on behalf of  
15 such official or member shall expressly and explicitly  
16 make any offer or promise to confer any paid  
17 employment, where the individual is compensated above  
18 actual and necessary expenses, to any statewide elected  
19 official or member of the general assembly in exchange  
20 for the official's or member's official vote on any  
21 public matter. Any person making such offer or promise  
22 is guilty of the crime of bribery of a public servant  
23 under section 576.010.

24 4. Any statewide elected official or member of  
25 the general assembly who accepts or agrees to accept an  
26 offer described in subsection 3 of this section is  
27 guilty of the crime of acceding to corruption under  
28 section 576.020.]

29  
30 105.456. 1. No member of the general assembly or the  
31 governor, lieutenant governor, attorney general, secretary of  
32 state, state treasurer or state auditor shall:

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

39 (2) Sell, rent or lease any property to the state or  
40 political subdivision thereof or any agency of the state or any  
41 political subdivision thereof for consideration in excess of five  
42 hundred dollars per transaction or one thousand five hundred

1 dollars per annum unless the transaction is made pursuant to an  
2 award on a contract let or sale made after public notice and in  
3 the case of property other than real property, competitive  
4 bidding, provided that the bid or offer accepted is the lowest  
5 received; or

6 (3) Attempt, for compensation other than the compensation  
7 provided for the performance of his or her official duties, to  
8 influence the decision of any agency of the state on any matter,  
9 except that this provision shall not be construed to prohibit  
10 such person from participating for compensation in any adversary  
11 proceeding or in the preparation or filing of any public document  
12 or conference thereon. The exception for a conference upon a  
13 public document shall not permit any member of the general  
14 assembly or the governor, lieutenant governor, attorney general,  
15 secretary of state, state treasurer or state auditor to receive  
16 any consideration for the purpose of attempting to influence the  
17 decision of any agency of the state on behalf of any person with  
18 regard to any application, bid or request for a state grant,  
19 loan, appropriation, contract, award, permit other than matters  
20 involving a driver's license, or job before any state agency,  
21 commission, or elected official. Notwithstanding Missouri  
22 supreme court rule 1.10 of rule 4 or any other court rule or law  
23 to the contrary, other members of a firm, professional  
24 corporation or partnership shall not be prohibited pursuant to  
25 this subdivision from representing a person or other entity  
26 solely because a member of the firm, professional corporation or  
27 partnership serves in the general assembly, provided that such  
28 official does not share directly in the compensation earned, so  
29 far as the same may reasonably be accounted, for such activity by

1 the firm or by any other member of the firm. This subdivision  
2 shall not be construed to prohibit any inquiry for information or  
3 the representation of a person without consideration before a  
4 state agency or in a matter involving the state if no  
5 consideration is given, charged or promised in consequence  
6 thereof.

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

14 (1) Perform any service for the state or any political  
15 subdivision thereof or any agency of the state or political  
16 subdivision for any consideration in excess of five hundred  
17 dollars per transaction or one thousand five hundred dollars per  
18 annum unless the transaction is made pursuant to an award on a  
19 contract let or sale made after public notice and competitive  
20 bidding, provided that the bid or offer accepted is the lowest  
21 received; or

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

1 and best received.

2 3. No member of the general assembly or the governor,  
3 lieutenant governor, attorney general, secretary of state, state  
4 treasurer, or state auditor, or such person's staff, employee,  
5 spouse, or dependent children shall accept any tangible or  
6 intangible item, service, or thing of value from any lobbyist as  
7 defined in section 105.470."; and

8 Further amend said bill, Page 21, Section 105.473, Lines 24-  
9 28 of said page, by striking all of said lines; and

10 Further amend said bill and section, Page 22, lines 1 to 6  
11 of said page, by striking said lines and inserting in lieu  
12 thereof the following: "lobbyists. [No expenditure shall be  
13 made on behalf of a state senator or state representative, or  
14 such public official's staff, employees, spouse, or dependent  
15 children for travel or lodging outside the state of Missouri  
16 unless such travel or lodging was approved prior to the"; and

17 Further amend said bill and section, Page 24, Line 8 of said  
18 page, by inserting immediately after "13." the following: "No  
19 lobbyist shall deliver any tangible or intangible item, service,  
20 or thing of value to any statewide elected official, member of  
21 the general assembly or such person's staff, employee, spouse, or  
22 dependent children.

23 14."; and

24 Further amend the title and enacting clause accordingly.