

FIRST REGULAR SESSION

# HOUSE BILL NO. 72

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TORPEY.

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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Section A. Section 105.456, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.456, to read as follows: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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

49         3. No statewide elected official, member of the general assembly, or any person acting  
50 on behalf of such official or member shall expressly and explicitly make any offer or promise  
51 to confer any paid employment, where the individual is compensated above actual and necessary  
52 expenses, to any statewide elected official or member of the general assembly in exchange for

53 the official's or member's official vote on any public matter. Any person making such offer or  
54 promise is guilty of the crime of bribery of a public servant under section 576.010.

55 [4.] Any statewide elected official or member of the general assembly who accepts or  
56 agrees to accept an offer described in **this** subsection [3 of this section] is guilty of the crime of  
57 acceding to corruption under section 576.020.

58 **4. Within two years after leaving office, no statewide elected official or member of**  
59 **the general assembly shall act, serve, or register as a legislative lobbyist as defined in**  
60 **section 105.470. This subsection shall apply to all statewide elected officials and members**  
61 **of the general assembly elected to such person's first term in office as a statewide elected**  
62 **official or member of the general assembly on or after November 2, 2010.**

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