

FIRST REGULAR SESSION

HOUSE BILL NO. 1149

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HUNTER (Sponsor) AND CUNNINGHAM (86) (Co-sponsor).

Read 1st time March 15, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2172L.02I

AN ACT

To repeal section 105.456, RSMo, and to enact in lieu thereof one new section relating to prohibited acts by members of the general assembly.

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Section A. Section 105.456, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.456, to read as follows: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

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.

16 compensation in any adversary proceeding or in the preparation or filing of any public document
17 or conference thereon. The exception for a conference upon a public document shall not permit
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; or

33 **(4) Be under contract to or be an employee of a firm or labor organization whose**
34 **employment includes influencing the decisions of the general assembly, any state agency,**
35 **or any political subdivision.**

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

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

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

52 **3. (1) No member of the general assembly shall vote on any bill that is related to**
53 **the member's profession or that would result in any monetary or personal gain for the**
54 **member or would result in any member gaining an advantage in the workplace or market**
55 **over a similarly employed person.**

56 **(2) No later than the third legislative day of each regular session, each member of**
57 **the general assembly shall provide the clerk of the member's legislative chamber a**
58 **financial interest statement listing the member's profession and principal source or sources**
59 **of income. No member shall knowingly misrepresent or omit any facts required to be**
60 **contained in the financial interest statement required by this subsection.**

61 **(3) Any violation of this subsection shall be investigated by the committee on ethics**
62 **of the member's legislative chamber, and such committee shall determine whether the**
63 **member has violated this subsection. The committee on ethics of both legislative chambers**
64 **shall jointly establish procedures for determining compliance with and violations of this**
65 **subsection, and shall establish procedures to allow members to appeal the decisions of the**
66 **committees rendered under this subsection. Any violation of this subsection shall be**
67 **subject to the same provisions establishing penalties for conflicts of interest under this**
68 **chapter and for knowingly misrepresenting or omitting facts under section 105.492.**

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