

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 307
93RD GENERAL ASSEMBLY

Reported from the Committee on Local Government April 12, 2005 with recommendation that House Committee Substitute for Senate Bill No. 307 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

1358L.02C

AN ACT

To repeal sections 105.454 and 105.458, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts by certain public officials and employees.

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

Section A. Sections 105.454 and 105.458, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 105.454 and 105.458, to read as follows:

105.454. No elected or appointed official or employee of the state or any political
2 subdivision thereof, serving in an executive or administrative capacity, shall:

3 (1) Perform any service for any agency of the state, or for any political subdivision
4 thereof in which he or she is an officer or employee or over which he or she has supervisory
5 power for receipt or payment of any compensation, other than of the compensation provided for
6 the performance of his or her official duties, in excess of five hundred dollars per transaction or
7 [one thousand five hundred] **five thousand** dollars per annum[, or in the case of a school board
8 five thousand dollars per annum], except on transactions made pursuant to an award on a
9 contract let or sale made after public notice and competitive bidding, provided that the bid or
10 offer is the lowest received;

11 (2) Sell, rent or lease any property to any agency of the state, or to any political
12 subdivision thereof in which he or she is an officer or employee or over which he or she has
13 supervisory power and received consideration therefor in excess of five hundred dollars per
14 transaction or [one thousand five hundred] **five thousand** dollars per year, [or in the case of a
15 school board five thousand dollars per annum,] unless the transaction is made pursuant to an

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 award on a contract let or sale made after public notice and in the case of property other than real
17 property, competitive bidding, provided that the bid or offer accepted is the lowest received;

18 (3) Participate in any matter, directly or indirectly, in which he or she attempts to
19 influence any decision of any agency of the state, or political subdivision thereof in which he or
20 she is an officer or employee or over which he or she has supervisory power, when he or she
21 knows the result of such decision may be the acceptance of the performance of a service or the
22 sale, rental, or lease of any property to that agency for consideration in excess of five hundred
23 dollars' value per transaction or [one thousand five hundred] **five thousand** dollars' value per
24 annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any
25 business with which he or she is associated unless the transaction is made pursuant to an award
26 on a contract let or sale made after public notice and in the case of property other than real
27 property, competitive bidding, provided that the bid or offer accepted is the lowest received;

28 (4) Perform any services during the time of his or her office or employment for any
29 consideration from any person, firm or corporation, other than the compensation provided for
30 the performance of his or her official duties, by which service he or she attempts to influence a
31 decision of any agency of the state, or of any political subdivision in which he or she is an officer
32 or employee or over which he or she has supervisory power;

33 (5) Perform any service for consideration, during one year after termination of his or her
34 office or employment, by which performance he or she attempts to influence a decision of any
35 agency of the state, or a decision of any political subdivision in which he or she was an officer
36 or employee or over which he or she had supervisory power, except that this provision shall not
37 be construed to prohibit any person from performing such service and receiving compensation
38 therefor, in any adversary proceeding or in the preparation or filing of any public document or
39 to prohibit an employee of the executive department from being employed by any other
40 department, division or agency of the executive branch of state government. For purposes of this
41 subdivision, within ninety days after assuming office, the governor shall by executive order
42 designate those members of his or her staff who have supervisory authority over each
43 department, division or agency of state government for purposes of application of this
44 subdivision. The executive order shall be amended within ninety days of any change in the
45 supervisory assignments of the governor's staff. The governor shall designate not less than three
46 staff members pursuant to this subdivision;

47 (6) Perform any service for any consideration for any person, firm or corporation after
48 termination of his or her office or employment in relation to any case, decision, proceeding or
49 application with respect to which he or she was directly concerned or in which he or she
50 personally participated during the period of his or her service or employment.

105.458. 1. No member of any legislative or governing body of any political subdivision
2 of the state shall:

3 (1) Perform any service for such political subdivision or any agency of the political
4 subdivision for any consideration other than the compensation provided for the performance of
5 his or her official duties; or

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

12 (3) Attempt, for any compensation other than the compensation provided for the
13 performance of his or her official duties, to influence the decision of any agency of the political
14 subdivision on any matter; except that, this provision shall not be construed to prohibit such
15 person from participating for compensation in any adversary proceeding or in the preparation or
16 filing of any public document or conference thereon.

17 2. No sole proprietorship, partnership, joint venture, or corporation in which any member
18 of any legislative body of any political subdivision is the sole proprietor, a partner having more
19 than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of
20 the outstanding shares of any class of stock, shall:

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

26 (2) Sell, rent or lease any property to the political subdivision or any agency of the
27 political subdivision where the consideration is in excess of five hundred dollars per transaction
28 or [one thousand five hundred] **five thousand** dollars per annum unless the transaction is made
29 pursuant to an award on a contract let or a sale made after public notice and in the case of
30 property other than real property, competitive bidding, provided that the bid or offer accepted
31 is the lowest received.