

SECOND REGULAR SESSION

HOUSE BILL NO. 2143

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MARSHALL.

5910H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.454, RSMo, and to enact in lieu thereof one new section relating to ethics, with penalty provisions.

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

Section A. Section 105.454, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.454, to read as follows:

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

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

(2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or five thousand dollars per year, 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;

(3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or

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

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

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

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

49 2. No elected or appointed official or employee of any school district shall perform a
50 service or sell, rent, or lease any property to the school district for consideration in excess of five
51 hundred dollars' value per transaction or five thousand dollars' value per annum to him or her,
52 to his or her spouse, to a dependent child in his or her custody or to any business with which he
53 or she is associated unless the transaction is made pursuant to an award on a contract let or sale

54 made after public notice and in the case of property other than real property, competitive bidding,
55 provided that the bid or offer accepted is the lowest received.

56 **3. (1) For purposes of this subsection, the terms "candidate" and "contribution"**
57 **shall have the same meanings given to the terms under section 130.011.**

58 **(2) A candidate, including an incumbent prosecuting attorney, for the office of**
59 **prosecuting attorney or an incumbent prosecuting attorney who is a candidate for any**
60 **other elective public office shall not solicit or accept contributions in a courthouse or on**
61 **courthouse grounds. A candidate, including an incumbent prosecuting attorney, for the**
62 **office of prosecuting attorney shall not solicit, in person, contributions from persons likely**
63 **to represent criminal defendants in the county in which the candidate is seeking election**
64 **to the office of prosecuting attorney.**

✓