

SECOND REGULAR SESSION

HOUSE BILL NO. 1249

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WOOD (Sponsor), MILLER, BERRY, WALKER, MORRIS,
FRANKLIN, HURST AND BRATTIN (Co-sponsors).

5061L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.454 and 171.181, RSMo, and to enact in lieu thereof two new sections relating to school purchases, with penalty provisions.

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

Section A. Sections 105.454 and 171.181, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 105.454 and 171.181, to read as follows: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;

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

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 thereof shall**
50 **perform a service or sell, rent, or lease any property to the school district for consideration**
51 **in excess of five hundred dollars' value per transaction or five thousand dollars' value per**

52 **annum to him or her, to his or her spouse, to a dependant child in his or her custody or to**
53 **any business with which he or she is associated unless the transaction is made pursuant to**
54 **an award on a contract let or sale made after public notice and in the case of property**
55 **other than real property, competitive bidding, provided that the bid or offer accepted is**
56 **the lowest received.**

171.181. In making purchases, the school board, officer, or employee of any school
2 district shall give preference to all commodities, manufactured, mined, produced or grown within
3 the state and to all firms, corporations or individuals doing business as Missouri firms,
4 corporations, or individuals, when quality and price are approximately the same; provided,
5 however, that any board member, officer or employee of a seven-director school district, [any
6 portion of which is located in a first class county, selling or providing such commodities to the
7 school district shall be guilty of a class A misdemeanor and shall forfeit his position with the
8 school district and provided further that any board member, officer or employee of a
9 seven-director school district,] any portion of which is located in a county of the **first**, second,
10 third or fourth class, selling or providing such commodities to the school district except as
11 provided in sections 105.450 to 105.458 shall be guilty of a class A misdemeanor and shall
12 forfeit his position with the school district.

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