

SECOND REGULAR SESSION

SENATE BILL NO. 719

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEHOE.

Read 1st time January 14, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5270S.011

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Section A. Sections 105.454 and 171.181, RSMo, are repealed and two new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

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

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

12 (2) Sell, rent or lease any property to any agency of the state, or to any
13 political subdivision thereof in which he or she is an officer or employee or over
14 which he or she has supervisory power and received consideration therefor in
15 excess of five hundred dollars per transaction or five thousand dollars per year,
16 unless the transaction is made pursuant to an award on a contract let or sale
17 made after public notice and in the case of property other than real property,
18 competitive bidding, provided that the bid or offer accepted is the lowest received;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

53 (6) Perform any service for any consideration for any person, firm or
54 corporation after termination of his or her office or employment in relation to any

55 case, decision, proceeding or application with respect to which he or she was
56 directly concerned or in which he or she personally participated during the period
57 of his or her service or employment.

58 **2. No elected or appointed official or employee of any school**
59 **district thereof shall perform a service or sell, rent, or lease any**
60 **property to the school district for consideration in excess of five**
61 **hundred dollars' value per transaction or five thousand dollars' value**
62 **per annum to him or her, to his or her spouse, to a dependant child in**
63 **his or her custody or to any business with which he or she is associated**
64 **unless the transaction is made pursuant to an award on a contract let**
65 **or sale made after public notice and in the case of property other than**
66 **real property, competitive bidding, provided that the bid or offer**
67 **accepted is the lowest received.**

171.181. In making purchases, the school board, officer, or employee of
2 any school district shall give preference to all commodities, manufactured, mined,
3 produced or grown within the state and to all firms, corporations or individuals
4 doing business as Missouri firms, corporations, or individuals, when quality and
5 price are approximately the same; provided, however, that any board member,
6 officer or employee of a seven-director school district, [any portion of which is
7 located in a first class county, selling or providing such commodities to the school
8 district shall be guilty of a class A misdemeanor and shall forfeit his position with
9 the school district and provided further that any board member, officer or
10 employee of a seven-director school district,] any portion of which is located in a
11 county of the **first**, second, third, or fourth class, selling or providing such
12 commodities to the school district except as provided in sections 105.450 to
13 105.458 shall be guilty of a class A misdemeanor and shall forfeit his position
14 with the school district.

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