

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 2233

94TH GENERAL ASSEMBLY

3425L.02T

2008

AN ACT

To repeal section 105.452, RSMo, and to enact in lieu thereof one new section relating to prohibited acts by public officials and employees.

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

Section A. Section 105.452, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.452, to read as follows:

105.452. **1.** No elected or appointed official or employee of the state or any political subdivision thereof shall:

(1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; or

(2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated;

(3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;

(4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party

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 by reason of such act. For the purposes of this subdivision, "special monetary benefit" means
19 being materially affected in a substantially different manner or degree than the manner or degree
20 in which the public in general will be affected or, if the matter affects only a special class of
21 persons, then affected in a substantially different manner or degree than the manner or degree
22 in which such class will be affected. In all such matters such officials must recuse themselves
23 from acting [and shall not be relieved by reason of the provisions of section 105.460], except that
24 such official may act on increases in compensation subject to the restrictions of section 13 of
25 article VII of the Missouri Constitution; or

26 (5) Use his decision-making authority for the purpose of obtaining a financial gain which
27 materially enriches himself, his spouse or dependent children by acting or refraining from acting
28 for the purpose of coercing or extorting from another anything of actual pecuniary value.

29 **2. No elected or appointed official or employee of any political subdivision shall**
30 **offer, promote, or advocate for a political appointment in exchange for anything of value**
31 **to any political subdivision.**

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