

SECOND REGULAR SESSION

# HOUSE BILL NO. 2410

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DOUGHERTY (Sponsor), WITTE, SWINGER, SKAGGS, McGHEE, JONES (117), TRACY, McDONALD, MEADOWS, VIEBROCK, BRINGER, LeVOTA, HODGES, HOSKINS (80), PARKINSON, COLONA, SCHAAF, GATSCHENBERGER, GUEST, DEEKEN AND OXFORD (Co-sponsors).

5427L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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Section A. Section 105.452, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.452, to read as follows: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

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.

15 (4) Favorably act on any matter that is so specifically designed so as to provide a special  
16 monetary benefit to such official or his spouse or dependent children, including but not limited  
17 to increases in retirement benefits, whether received from the state of Missouri or any third party  
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, except that such official may act on increases in compensation subject to the  
24 restrictions of section 13 of article VII of the Missouri Constitution; or

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

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

31 **3. No elected official in any county or in any political subdivision therein who is a**  
32 **licensed attorney shall engage in practice in the field of criminal law before any court in**  
33 **the county or political subdivision if the attorney, in the exercise of the attorney's duties**  
34 **as an elected official, is entitled to vote on the budget of the court or the office of**  
35 **prosecuting attorney for the county or political subdivision, regardless of whether the**  
36 **attorney actually votes on the budget.**

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