Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. _____B 133-13_____

AN ORDINANCE

amending Chapter 2 and Chapter 19 of the City Code as it relates to conflict of interest; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 2 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 2-125. Financial interest in contracts.

No officer or employee of the city shall have any interest in any contract or ~~a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly in the~~ sale to the city of any land, materials, supplies or services where said interest is in violation of the laws or constitution of the State of Missouri or ordinances of the City of Columbia ~~except on behalf of the city as an officer or employee~~. Any violation of this section shall render the contract or sale void, and any employee or officer so violating this section shall thereby forfeit his office or employment.

SECTION 2. Chapter 19 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 19-41. Conflict of interest.

(a) No officer or employee of the city shall have any interest in any contract or ~~a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the~~ sale to the city of any land, materials, or supplies, or services where said interest is in violation of the laws or constitution of the State of Missouri or ordinances of the City of Columbia ~~except on behalf of the city as an officer or employee~~.

(b) No person shall be entitled to hold any office or employment with the city who is in arrears for any city obligation (taxes, court orders, parking tickets, traffic citations, etc.).

(c) A city employee shall not engage in any business, activity, or transaction and shall not have a substantial financial or personal interest, direct or indirect, which might reasonably be expected to interfere with the proper discharge of ~~his/her~~ the employee's official duties, or which would impair ~~his/her~~ the employee's independence of judgment or action in the public interest, or would impair ~~his/her~~ the employee's independence of judgment or action in the performance of ~~his/her~~ the employee's official duties. This standard shall apply to an employee's personal and outside activities including outside employment, investments, property holdings, financial interests and source of income. Furthermore, this standard shall apply to an employee's actions in the performance of ~~his/her~~ the employee's official duties including the acceptance of gifts and favors and the inspection or regulation of properties or activities in which the employee has an interest and would prohibit an employee from disclosing confidential information, receiving or making ex parte communications relating to official actions, or granting any improper favors, services, promises or things of value, in the performance of ~~his/her~~ the employee's official duties.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

ATTEST:

_____ _____

City Clerk Mayor and Presiding Officer

APPROVED AS TO FORM:

_____

City Counselor

Source: Law

Agenda Item No:

To: City Council
From: City Manager and Staff

Council Meeting Date: May 6, 2013

Re: Amendments to Chapter 2 (Administration) and Chapter 19 (Personnel Policies) of the City Code to bring the City Code Conflict of Interest provisions in conformance with the City Charter

EXECUTIVE SUMMARY:

Staff has prepared an ordinance that would amend Section 2-125 "Financial Interest in Contracts" and Section 19-41 "Conflict of Interest" to mirror Section 156 "Officers and Employees Interested in Contracts" of the City Charter.

DISCUSSION:

Prior to 1978, Section 156 of the Columbia Charter mirrored Sections 2-125 and 19-41(a) of the city code. The Columbia Charter was amended by the voters in 1978 to reference newly enacted reforms to the State of Missouri conflict of interest statutes; however, Sections 2-125 and 19-41(a) remained intact with the original language.

In general, state law prohibits an official/employee from using confidential information with the intent to have financial gain for self, spouse, dependent child or business with which associated. The official/employee may not perform any service for compensation or sell property to the city for pay of more than $500 per transaction or $5000 per year, unless the sale of property is performed under a contract made after public bid and the bid must be the LOWEST received.

State law requires any official who is part of a governing body and has an interest in a matter coming before the governing body to disclose the conflict in writing and ensure the disclosure is reflected in the written minutes of the meeting. It also requires abstention from any discussion or vote on the matter. The Missouri conflict of interest statutes specifically allow cities to establish more stringent requirements than those set forth in state law. The Columbia Charter also allows for the Council to enact more stringent requirements, if desired.

Currently, Sections 2-125 and 19-41(a) of the city code prohibit any "direct or indirect" financial interest in any contract with the city by any officer or employee of the city. The prohibition against a "direct or indirect" financial interest also applies to the sale to the city of any land, materials, supplies or services. The penalty for violation is forfeiture of office or employment, with no allowance for disclosure (and abstention) by the official to avoid a violation.

In its current form, the penalty contained in Section 156 of the Columbia Charter is more stringent than state law. In addition to forfeiture of office, a violation of the charter or city code also carries the general city code penalty of a fine up to $500 and/or 90 days in jail, if convicted. There is no definition contained in the charter or code relating to the level of "direct or indirect" financial interest which would trigger a violation. Out of an abundance of caution, staff has interpreted indirect financial interest as any remote or potential financial impact in a transaction with the City to ensure the penalty requiring forfeiture of office/employment is not invoked.

The penalty under state law for violation of the conflict of interest statutes provides the first offense is a Class B Misdemeanor (up to 6 months in jail and/or $500 fine) and the second and subsequent offense is a Class D Felony (up to 4 years in prison and/or $5000 fine). This penalty is in addition to the remedies available under city code and would remain in tact if the city code is amended to conform to the charter provision.

The proposed ordinance would eliminate any conflict and confusion between state law, the Columbia Charter and the Columbia City Code as to what actions constitute a conflict of interest by referencing the

requirements of state law. However, the ordinance would retain the more stringent penalty for violation contained in the Columbia Charter which provides for forfeiture of office/employment in the event of violation.

FISCAL IMPACT:

None.

VISION IMPACT:
http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php

None.

SUGGESTED COUNCIL ACTIONS:
Passage of the ordinance.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		**Program Impact**		**Mandates**	
City's current net FY cost	$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	$0.00	Duplicates/Expands an existing program?	No	**Vision Implementation impact**	
Amount of budget amendment needed	$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		**Resources Required**		Vision Impact?	No
One Time	$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.450

105.450. Definitions

Currentness

As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless the context clearly requires otherwise, the following terms mean:

(1) **"Adversary proceeding"**, any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political subdivision; or an investigative proceeding initiated by an official, department, division, or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency;

(2) **"Business entity"**, a corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;

(3) **"Business with which a person is associated"**:

(a) Any sole proprietorship owned by himself or herself, the person's spouse or any dependent child in the person's custody;

(b) Any partnership or joint venture in which the person or the person's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the person is an officer or director or of which either the person or the person's spouse or dependent child in the person's custody whether singularly or collectively owns in excess of ten percent of the outstanding shares of any class of stock or partnership units; or

(c) Any trust in which the person is a trustee or settlor or in which the person or the person's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust;

(4) **"Commission"**, the Missouri ethics commission established in section 105.955;

(5) **"Confidential information"**, all information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge;

(6) **"Decision-making public servant"**, an official, appointee or employee of the offices or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory authority over the negotiation of contracts, or has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law or exercises primary supervisory responsibility over purchasing decisions. The following officials or entities shall be responsible for designating a decision-making public servant:

(a) The governing body of the political subdivision with a general operating budget in excess of one million dollars;

(b) A department director;

(c) A judge vested with judicial power by article V of the Constitution of the state of Missouri;

(d) Any commission empowered by interstate compact;

(e) A statewide elected official;

(f) The speaker of the house of representatives;

(g) The president pro tem of the senate;

(h) The president or chancellor of a state institution of higher education;

(7) **"Dependent child"** or **"dependent child in the person's custody"**, all children, stepchildren, foster children and wards under the age of eighteen residing in the person's household and who receive in excess of fifty percent of their support from the person;

(8) **"Political subdivision"** shall include any political subdivision of the state, and any special district or subdistrict;

(9) **"Public document"**, a state tax return or a document or other record maintained for public inspection without limitation on the right of access to it and a document filed in a juvenile court proceeding;

(10) **"Substantial interest"**, ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars, or more, per year from any individual, partnership, organization, or association within any calendar year;

(11) **"Substantial personal or private interest in any measure, bill, order or ordinance"**, any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.452

105.452. Prohibited acts by elected and appointed public officials and employees

Effective: August 28, 2008
Currentness

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 by reason of such act. For the purposes of this subdivision, **"special monetary benefit"** means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of section 13 of article VII of the Missouri Constitution; or

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

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

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.454

105.454. Additional prohibited acts by certain elected and appointed public officials and employees, exceptions

Currentness

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 she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated 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;

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

(5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from

being employed by any other department, division or agency of the executive branch of state government. For purposes of this subdivision, within ninety days after assuming office, the governor shall by executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;

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

Credits

(L.1978, H.B. No. 1610, p. 248, § 4. Amended by L.1991, S.B. No. 262, § A; L.1998, H.B. No. 1120, § A; L.2004, S.B. Nos. 968 & 969, § A; L.2005, H.B. No. 577, § A; L.2005, S.B. No. 307, § A.)

Notes of Decisions (8)

V. A. M. S. 105.454, MO ST 105.454

Statutes are current with emergency legislation approved through March 29, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.458

105.458. Prohibited acts by members of governing bodies of political subdivisions, exceptions

Currentness

1. No member of any legislative or governing body of any political subdivision of the state shall:

(1) Perform any service for such political subdivision or any agency of the political subdivision for any consideration other than the compensation provided for the performance of his or her official duties, except as otherwise provided in this section; or

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision for consideration in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let or a 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; or

(3) Attempt, for any compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the political subdivision on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon.

2. No sole proprietorship, partnership, joint venture, or corporation in which any member of any legislative body of any political subdivision is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the political subdivision or any agency of the political subdivision for any consideration in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received;

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision where the consideration is in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let or a 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.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.461

105.461. Interest in measure, bill, or ordinance to be recorded--financial interest statement

Currentness

1. The governor, lieutenant governor, any member of the general assembly, or any member of the governing body of a political subdivision who has a substantial personal or private interest in any measure, bill, order or ordinance proposed or pending before the general assembly or such governing body, shall, before such official passes on the measure, bill, order or ordinance, file a written report of the nature of the interest with the chief clerk of the house of representatives or the secretary of the senate or clerk of such governing body and such statement shall be recorded in the appropriate journal or other record of proceedings of the governing body. The governor shall make the governor's written report along with the governor's approval or disapproval of any bill or act of the general assembly describing the nature of the interest and such report shall be recorded in the journal of the house of representatives or of the senate.

2. The governor, lieutenant governor, any member of the general assembly, or any member of the governing body of a political subdivision shall be deemed to have complied with the requirements of this section if such official has filed, at any time before the official passes on such measure, bill, order or ordinance, a financial interest statement pursuant to sections 105.483 to 105.492 which discloses the basis for the official's substantial personal or private interest or interests that the official may have therein. Any such person may amend the person's financial interest statement to disclose any subsequently acquired substantial interest at any time before the person passes on any measure, bill, order or ordinance, and shall be relieved of the provisions of subsection 1 of this section.

Credits
(L.1991, S.B. No. 262, § A(§ 105.460). Amended by L.1997, S.B. No. 16, § A.)

V. A. M. S. 105.461, MO ST 105.461
Statutes are current with emergency legislation approved through March 29, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.462

105.462. Prohibited acts by persons with rulemaking authority--appearances--exceptions

Currentness

1. No member of any agency of the state or any political subdivision thereof who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the agency, or who is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or who participates in or votes on the adoption of any such rule, regulation, rate or plan shall:

(1) Attempt to influence the decision or participate, directly or indirectly, in the decision of the agency in which he or she is a member when he or she knows the result of such decision may be the adoption of rates or zoning plans by the agency which may result in a direct financial gain or loss to him or her, to his or her spouse or a dependent child in his or her custody or to any business with which he or she is associated;

(2) Perform any service, during the time of his or her employment, for any person, firm or corporation for compensation other than the compensation provided for the performance of his or her official duties, if by the performance of the service he or she attempts to influence the decision of the agency of the state or political subdivision in which he or she is a member;

(3) Perform for one year after termination of his or her employment any service for compensation for any person, firm or corporation to influence the decision or action of the agency with which he or she served as a member; provided, however, that he or she may, after termination of his or her office or employment, perform such service for consideration in any adversary proceeding or in the preparation or filing of any public document or conference thereon unless he or she participated directly in that matter or in the receipt or analysis of that document while he or she was serving as a member.

2. No such member or any business with which such member is associated shall knowingly perform any service for, or sell, rent or lease any property to any person, firm or corporation which has participated in any proceeding in which the member adopted, participated in the adoption or voted on the adoption of any rate or zoning plan or the granting or revocation of any license during the preceding year and received therefor in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum except on transactions pursuant to an award on contract let or of 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.

Credits
(L.1978, H.B. No. 1610, p. 250, § 7. Amended by L.1998, H.B. No. 1120, § A.)

Notes of Decisions (2)

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.464

105.464. Prohibited acts by persons in judicial or quasi-judicial positions

Currentness

1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which the person knows that a party is any of the following: the person or the person's great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin.

2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or herself or transferring the matter to another court, body, or person for further proceedings.

Credits
(L.1978, H.B. No. 1610, p. 250, § 8. Amended by L.1997, S.B. No. 16, § A; L.1999, S.B. Nos. 1, 92, 111, 129 & 222, § A.)

Notes of Decisions (3)

V. A. M. S. 105.464, MO ST 105.464
Statutes are current with emergency legislation approved through March 29, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.466

105.466. Exceptions to applicability of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482

Currentness

1. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482 shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or by law to be performed.

2. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482 shall be construed to prohibit any person from communicating with the office of the attorney general or any prosecuting attorney or any attorney for any political subdivision concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.

3. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482 shall be construed to prohibit any person, firm or corporation from receiving compensation for property taken by the state or any political subdivision thereof under the power of eminent domain in accordance with the provisions of the constitution and the laws of the state.

Credits
(L.1978, H.B. No. 1610, p. 251, § 9.)

V. A. M. S. 105.466, MO ST 105.466
Statutes are current with emergency legislation approved through March 29, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.467

105.467. Discharge and discrimination prohibited, reasons--reinstatement

Currentness

1. A governmental body, state agency or appointing authority shall not discharge, threaten, or otherwise discriminate against a person or state employee acting on behalf of a person regarding compensation, terms, conditions, location, or privileges of employment because:

(1) The person or state employee acting on behalf of the person reports or is about to report, verbally or in writing, a violation or a suspected violation of sections 105.450 to 105.498; or

(2) A person or state employee acting on behalf of the person is requested by the commission to participate in an investigation, hearing, or inquiry held by the commission or any related court action.

This subsection shall not apply to a person or state employee acting on behalf of a person who knowingly or recklessly makes a false report.

2. A person or state employee acting on behalf of a person who alleges a violation of subsection 1 of this section may bring a civil action for appropriate injunctive relief, or actual damages, or both.

3. A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, reinstatement of the person or state employee acting on behalf of the person, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award such person all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, if the court determines that the award is appropriate.

Credits
(L.1991, S.B. No. 262, § A.)

V. A. M. S. 105.467, MO ST 105.467
Statutes are current with emergency legislation approved through March 29, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.472

105.472. Violation of law--complaint--oath

Currentness

All complaints against lobbyists, elected or appointed officials, including judges, or employees of the state or any political subdivision thereof shall be made in writing to the Missouri ethics commission. The complaints shall name the person allegedly violating the provisions of sections 105.450 to 105.482, the nature of the violation and the date of the commission of the violation and shall be signed by the complainant and shall contain the complainant's statement under oath that the complainant believes, to the best of the complainant's knowledge, the truthfulness of the statements contained therein.

Credits

(L.1978, H.B. No. 1610, p. 246, § 11. Amended by L.1990, H.B. Nos. 1650 & 1565, § A, eff. Jan. 1, 1991; L.1997, S.B. No. 16, § A.)

V. A. M. S. 105.472, MO ST 105.472

Statutes are current with emergency legislation approved through March 29, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.475

105.475. Applicability of provisions

Currentness

1. The provisions of sections 105.470 to 105.473 shall not apply to any public official or a staff member, employee, spouse or dependent child of a public official when employed by a lobbyist principal and who is acting on behalf of the lobbyist principal in their employment, except if such person's employment is as a lobbyist for the lobbyist principal.

2. The provisions of sections 105.470 to 105.473 shall not apply to any member of a union who is acting in either an employment capacity or contractual capacity in association with the union, except if such person's employment or contractual capacity is as a lobbyist for the union.

Credits
(L.1997, S.B. No. 16, § A.)

V. A. M. S. 105.475, MO ST 105.475
Statutes are current with emergency legislation approved through March 29, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.476

105.476. Applicability of other provisions of law--additional standards

Currentness

Nothing in sections 105.450 to 105.498 shall be interpreted as exempting any individual from applicable provisions of any other laws of this state or the provisions of any charter or ordinance of other political subdivisions in the state, and nothing in sections 105.450 to 105.498 shall prohibit any political subdivision from establishing additional or more stringent requirements than those specified in sections 105.450 to 105.498.

Credits

(L.1978, H.B. No. 1610, p. 246, § 13. Amended by L.1990, H.B. Nos. 1650 & 1565, § A, eff. Jan. 1, 1991; L.1991, S.B. No. 262, § A.)

V. A. M. S. 105.476, MO ST 105.476

Statutes are current with emergency legislation approved through March 29, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

Vernon's Annotated Missouri Statutes
Title VIII. Public Officers and Employees, Bonds and Records
Chapter 105. Public Officers and Employees--Miscellaneous Provisions (Refs & Annos)
Regulation of Conflict of Interest and Lobbying (Refs & Annos)

V.A.M.S. 105.478

105.478. Penalty

Currentness

Any person guilty of knowingly violating any of the provisions of sections 105.450 to 105.498 shall be punished as follows:

(1) For the first offense, such person is guilty of a class B misdemeanor;

(2) For the second and subsequent offenses, such person is guilty of a class D felony.

Credits
(L.1978, H.B. No. 1610, p. 246, § 14. Amended by L.1990, H.B. Nos. 1650 & 1565, § A, eff. Jan. 1, 1991; L.1991, S.B. No. 262, § A.)

Notes of Decisions (1)

V. A. M. S. 105.478, MO ST 105.478
Statutes are current with emergency legislation approved through March 29, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.