



MISSOURI ETHICS COMMISSION

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Jefferson City, MO 65102  
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Julie A. Allen  
Executive Director

April 2, 2009

Re: Opinion No. 2009.04.CI.002

At the April 1, 2009 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

*I am a member of the State Senate and I have recently taken a position in the private sector working for a healthcare technology company in Missouri. I would like to know what actions I should take when the legislature considers matters regarding the healthcare technology industry and any potential appropriations for the adoption of healthcare technology.*

- *What actions should I take as legislation is being considered and voted on by the General Assembly, in order to ensure that there is no violation of the strictest conflict of interest standards?*
- *What steps should be taken to ensure compliance with 105.461.1, RSMo?*

The Commission directs you to MEC Opinion Numbers 2008.09.CI.007 and 1998.04.105 which addressed similar issues. In general, you should be aware of the conflict of interest statutes contained in Sections 105.450 through and 105.461. RSMo, which apply to you as a public official, as well as any rules of the State Senate. Section 105.456, RSMo applies specifically to members of the General Assembly.

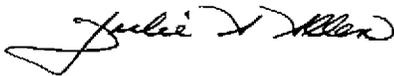
You should be aware of Section 105.456, when considering or voting on legislation regarding the healthcare industry. That section prohibits you from performing any service for the state or attempting to influence a decision of any agency of the State for consideration other than the compensation provided for the performance of your official duty. In addition, Section 105.452, RSMo, contains provisions that prohibit you from favorably acting on any matter specifically designed to provide a special monetary benefit to you, your spouse, or dependent children. In general terms, you

cannot vote on any measure which would give preferential treatment to your company to the extent it would be considered to give you a special monetary benefit.

Section 105.461, RSMo requires you to file a written report with the secretary of the senate if you have a "substantial personal or private interest" in any bill. Section 105.450, RSMo defines "substantial interest", as 1) ownership by you, your spouse, or your dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or 2) an interest having a value of ten thousand dollars or more, or 3) the receipt by you, your spouse, or your dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

In the event you have a substantial interest in a bill before the General Assembly, you must file the written report of the nature of the interest which will be reported in the Senate Journal. You must also disclose employment and business interests in a personal financial disclosure statement filed under Sections 105.483 through 105.492, RSMo. You will have complied with the reporting requirement under Section 105.461, RSMo if you have disclosed the interest in a personal financial disclosure statement which is filed with the Commission before you vote on a bill.

Sincerely,



Julie A. Allen, CPA, PMP  
Executive Director

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