

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1983
98TH GENERAL ASSEMBLY

4197H.09T

2016

AN ACT

To repeal section 105.450, RSMo, and to enact in lieu thereof two new sections relating to prohibiting elected officials from acting as paid political consultants.

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

Section A. Section 105.450, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.450 and 105.453, to read as follows:

105.450. 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;

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.

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

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

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

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

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

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

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

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

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

39 (b) A department director;

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

42 (d) Any commission empowered by interstate compact;

43 (e) A statewide elected official;

44 (f) The speaker of the house of representatives;

45 (g) The president pro tem of the senate;

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

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

50 (8) **"Paid political consultant", a person who is paid for profit to promote the**
51 **election of a certain candidate or the interest of a committee, as defined in section 130.011,**
52 **including, but not limited to, planning campaign strategies; coordinating campaign staff;**
53 **organizing meetings and public events to publicize the candidate or cause; public opinion**
54 **polling; providing research on issues or opposition background; coordinating or**
55 **purchasing print or broadcast media; direct mail production; phone solicitation; fund**
56 **raising; and any other political activities. The term "paid political consultant" shall not**
57 **include vendors who provide tangible goods that do not promote the election of a candidate**
58 **or the interest of a committee in the ordinary course of the vendor's business;**

59 (9) "Political subdivision" shall include any political subdivision of the state, and any
60 special district or subdistrict;

61 [(9)] (10) "Public document", a state tax return or a document or other record
62 maintained for public inspection without limitation on the right of access to it and a document
63 filed in a juvenile court proceeding;

64 [(10)] (11) "Substantial interest", ownership by the individual, the individual's spouse,
65 or the individual's dependent children, whether singularly or collectively, directly or indirectly,
66 of ten percent or more of any business entity, or of an interest having a value of ten thousand
67 dollars or more, or the receipt by an individual, the individual's spouse or the individual's
68 dependent children, whether singularly or collectively, of a salary, gratuity, or other
69 compensation or remuneration of five thousand dollars, or more, per year from any individual,
70 partnership, organization, or association within any calendar year;

71 [(11)] (12) "Substantial personal or private interest in any measure, bill, order or
72 ordinance", any interest in a measure, bill, order or ordinance which results from a substantial
73 interest in a business entity.

105.453. 1. No statewide elected official or member of the general assembly shall
2 **accept or receive compensation of any kind as a paid political consultant for:**

3 (1) **A candidate for the office of governor, lieutenant governor, attorney general,**
4 **secretary of state, state treasurer, state auditor, state senator, or state representative;**

5 (2) **The candidate committee of the governor, lieutenant governor, attorney general,**
6 **secretary of state, state treasurer, state auditor, state senator, or state representative;**

7 (3) **The governor, lieutenant governor, attorney general, secretary of state, state**
8 **treasurer, state auditor, any state senator, or any state representative;**

9 (4) **Any continuing committee; or**

10 **(5) Any campaign committee.**

11 **2. For purposes of this section, the terms "candidate", "candidate committee",**
12 **"campaign committee", and "continuing committee" shall have the same meanings given**
13 **to such terms under section 130.011.**

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