

SECOND REGULAR SESSION

# HOUSE BILL NO. 2393

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGEE.

6027H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 105.450, RSMo, and to enact in lieu thereof two new sections relating to paid political consultants.

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Section A. Section 105.450, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.450 and 105.453, to read as follows: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

(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;

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 (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 to promote the election of a**  
51 **certain candidate or the interest of an organization or committee, as defined under section**  
52 **130.011, including, but not limited to, planning campaign strategies; coordinating**  
53 **campaign staff; organizing meetings and public events to publicize the candidate or cause;**

54 public opinion polling; providing research on issues or opposition background;  
55 coordinating, producing, or purchasing print or broadcast media; direct mail production;  
56 phone solicitation; fund raising; and any other political activities;

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

59 [(9)] (10) "Public document", a state tax return or a document or other record  
60 maintained for public inspection without limitation on the right of access to it and a document  
61 filed in a juvenile court proceeding;

62 [(10)] (11) "Substantial interest", ownership by the individual, the individual's spouse,  
63 or the individual's dependent children, whether singularly or collectively, directly or indirectly,  
64 of ten percent or more of any business entity, or of an interest having a value of ten thousand  
65 dollars or more, or the receipt by an individual, the individual's spouse or the individual's  
66 dependent children, whether singularly or collectively, of a salary, gratuity, or other  
67 compensation or remuneration of five thousand dollars, or more, per year from any individual,  
68 partnership, organization, or association within any calendar year;

69 [(11)] (12) "Substantial personal or private interest in any measure, bill, order or  
70 ordinance", any interest in a measure, bill, order or ordinance which results from a substantial  
71 interest in a business entity.

**105.453. 1. No statewide elected official, member of the general assembly, or paid  
2 leadership staff member shall accept or receive compensation of any kind as a paid  
3 political consultant for another individual who is a candidate for or who is holding a  
4 statewide elected office or the office of state representative or state senator, for the  
5 candidate committee of such candidate or office holder, or for any other committee.**

**6 2. For purposes of this section, the terms "candidate", "candidate committee", and  
7 "committee" shall have the same meanings as in section 130.011.**

**8 3. For purposes of this section, "paid leadership staff member" means any paid  
9 staff member or employee of a member of the general assembly who is serving in a house  
10 or senate officer position that required selection through a vote of the political party caucus  
11 including, but not limited to, the president pro tempore of the senate, the senate majority  
12 floor leader, the senate assistant majority floor leader, the senate majority caucus chair,  
13 the senate majority caucus secretary, the senate majority caucus whip, the senate minority  
14 floor leader, the senate assistant minority floor leader, the senate minority caucus chair,  
15 the senate minority caucus secretary, the senate minority caucus whip, the speaker of the  
16 house of representatives, the speaker pro tempore of the house of representatives, the house  
17 majority floor leader, the house assistant majority floor leader, the house majority whip,  
18 the house majority caucus chair, the house majority caucus secretary, the house minority**

19 **floor leader, the house assistant minority floor leader, the house minority whip, the house**  
20 **minority caucus chair, the house minority caucus vice-chair, and the house minority caucus**  
21 **secretary.**

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