

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 20, 2008

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“O God, you are my God; eagerly I seek you;..” (Psalm 63:1a)

O God of wonder and might, You are a strong force in our lives even when we fail to recognize Your presence. May Your gifts nurture and guide us in the ways of righteousness and turn us towards Your steadfast love and mercy as we seek You each day. And help us do our duty here faithfully. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

| | | | | | | | |
|----------|--------|----------|----------|----------|---------|-------------|----------|
| Barnitz | Bartle | Callahan | Champion | Clemens | Coleman | Crowell | Days |
| Dempsey | Engler | Gibbons | Goodman | Graham | Green | Griesheimer | Justus |
| Kennedy | Koster | Lager | Loudon | Mayer | McKenna | Nodler | Purgason |
| Ridgeway | Rupp | Scott | Shields | Shoemyer | Smith | Stouffer | Vogel |

Wilson—33

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 1912, regarding the University of Missouri Football Tigers, which was adopted.

Senator Dempsey offered Senate Resolution No. 1913, regarding the Fortieth Wedding Anniversary of Richard and Joyce Kulage, Saint Peters, which was adopted.

Senator Champion offered Senate Resolution No. 1914, regarding James W. Coulter, M.D., Springfield, which was adopted.

Senator Coleman offered Senate Resolution No. 1915, regarding Bennie and Mary Jane Phillips, which was adopted.

Senator Coleman offered Senate Resolution No. 1916, regarding Evan Moore, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1917, regarding JoEllen Potchen-Webb, which was adopted.

Senator Kennedy offered Senate Resolution No. 1918, regarding Steven Gregory Kaiser, Sunset Hills, which was adopted.

CONCURRENT RESOLUTIONS

Senators Purgason, Dempsey, Shoemyer, Crowell, Callahan, Scott, Barnitz, Green, Engler, Clemens, Griesheimer and Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, President George W. Bush established the Security and Prosperity Partnership (SPP) of North America, with the nations of Mexico and Canada on March 23, 2005; and

WHEREAS, this plan is nothing short of revolutionary. As Lou Dobbs put it on his CNN program, it is “an absolute contravention of our law, of our Constitution, every national value.”; and

WHEREAS, this plan sounds like a new innovation, it is not new. It is the next step in a progression of steps that, in a manner very similar to the process used in Europe to supplant individual nations with the European Union, will ultimately lead to the formation of a new government for the United States, the North American Union; and

WHEREAS, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the Constitution and national independence of the United States, and imply an eventual end to national borders within North America; and

WHEREAS, a White House news release confirmed the continuing existence of the SPP and its “ongoing process of cooperation” on March 31, 2006; and

WHEREAS, Congressman Ron Paul (who opposed the SPP or any form of North American Union between countries in the Americas) has written that a key to the SPP plan is an extensive new NAFTA superhighway: “[U]nder this new 'partnership', a massive highway is being planned to stretch from Canada to Mexico, through the State of Texas”; and

WHEREAS, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

WHEREAS, state and local governments throughout the United States would be negatively impacted by the SPP/North American Union process, such as the “open borders” vision of the SPP, eminent domain takings of private property along the planned superhighways, and increased law enforcement problems along those same superhighways:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to use all of its efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America and any

other bilateral or trilateral activity, however named, which seeks to advance, authorize, fund, or in any way promote the creation of any structure to accomplish any form of North American Union as herein described; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri's Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1162—By Clemens.

An Act to amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

SB 1163—By Rupp.

An Act to repeal sections 168.133 and 302.272, RSMo, and to enact in lieu thereof two new sections relating to criminal background checks for school bus personnel, with penalty provisions.

SB 1164—By Loudon.

An Act to repeal sections 287.020, 287.200, 287.220, 287.230, 287.430, and 287.715, RSMo, and to enact in lieu thereof six new sections relating to workers' compensation, with an emergency clause.

SB 1165—By Crowell.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the disclosure of news sources and information.

SB 1166—By Dempsey.

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to cost of living increases for contracted community providers.

SB 1167—By Stouffer.

An Act to repeal sections 41.1010, 42.007, 160.053, 160.518, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof eight new sections relating to members of the military and their families.

SJR 46—By Purgason.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

Senator Rupp assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 718**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted

the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 762**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

At the request of Senator Goodman, **SB 958** was placed on the Informal Calendar.

SB 907, with **SCS**, was placed on the Informal Calendar.

Senator Shields moved that **SB 1038** be taken up for perfection.

Senator Smith requested a roll call vote be taken on the above motion and was joined in his request by Senators Callahan, Justus, Green and Days.

SB 1038 was taken up for perfection by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|--------|----------|----------|----------|----------|-------------|-----------|
| Barnitz | Bartle | Callahan | Champion | Clemens | Coleman | Crowell | Days |
| Dempsey | Engler | Gibbons | Goodman | Graham | Green | Griesheimer | Justus |
| Kennedy | Koster | Lager | Loudon | Mayer | McKenna | Nodler | Purgason |
| Ridgeway | Rupp | Scott | Shields | Shoemyer | Stouffer | Vogel | Wilson—32 |

NAYS—Senator Smith—1

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1038, Page 9, Section 130.044, Line 19, by inserting after all of said line the following:

“130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such

candidate takes office, and such report shall be for the period closing on the day before taking office;[and]

(3) Not later than the fifteenth day following the close of each calendar quarter. Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election; **and**

(4) Every forty-eight hours within thirty days of the election for committees making any contribution in support of or in opposition to any candidate for state representative, state senator, or statewide elected office.

2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition or referendum petition, or a recall petition seeking to remove an incumbent from office, disclosure reports relating to the time for filing such petitions shall be made as follows:

(1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of this section the treasurer of a committee, other than a continuing committee, supporting or opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent from office shall file an initial disclosure report fifteen days after the committee begins the process of raising or spending money. After such initial report, the committee shall file quarterly disclosure reports as required by subdivision (3) of subsection 1 of this section until such time as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed. In addition the committee shall file a second disclosure report no later than the fifteenth day after the deadline date for submitting such petition. The period covered in the initial report shall begin on the day the committee first accepted contributions or made expenditures to support or oppose the petition effort for qualification of the measure and shall close on the fifth day prior to the date of the report;

(2) If the measure has qualified to be on the ballot in an election and if a committee subject to the requirements of subdivision (1) of this subsection is also required to file a preelection disclosure report for such election any time within thirty days after the date on which disclosure reports are required to be filed in accordance with subdivision (1) of this subsection, the treasurer of such committee shall not be required to file the report required by subdivision (1) of this subsection, but shall include in the committee's preelection report all information which would otherwise have been required by subdivision (1) of this subsection.

3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election. Each report by such committee shall be cumulative from the date of the last report. In the case of the continuing committee's first

report, the report shall be cumulative from the date of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section. A continuing committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election;

(2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars or more are made after the twelfth day before the election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election.

4. The reports required to be filed no later than the thirtieth day after an election and any subsequently required report shall be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question. The period covered by each disclosure report shall begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered. If the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed; except that in the case of a candidate committee, the period covered begins on the date the candidate became a candidate according to the definition of the term candidate in section 130.011.

5. Notwithstanding any other provisions of this chapter to the contrary:

(1) Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and thereby seeks election in the immediately succeeding general election shall not be required in the following cases:

(a) If there are less than fifty days between a primary election and the immediately succeeding general election, the disclosure report required to be filed quarterly; provided that, any other report required to be filed prior to the primary election and all other reports required to be filed not later than the eighth day before the general election are filed no later than the final dates for filing such reports;

(b) If there are less than eighty-five days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the thirtieth day after the primary election need not be filed; provided that any report required to be filed prior to the primary election and any other report required to be filed prior to the general election are filed no later than the final dates for filing such reports; and

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period. Any contributions received or expenditures made which are not reported because this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee. This statement shall not be filed in lieu of the report for two or more consecutive disclosure periods if either the

contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the thirtieth day after an election if that report would show a deficit of more than one thousand dollars.

6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with the appropriate officer for each succeeding semiannual period until the deficit is reported in a disclosure report as being reduced to five thousand dollars or less; except that, a supplemental semiannual report shall not be required for any semiannual period which includes the closing date for the reporting period covered in any regular disclosure report which the committee is required to file in connection with an election. The reporting dates and periods covered for semiannual reports shall be not later than the fifteenth day of January and July for periods closing on the thirty-first day of December and the thirtieth day of June.

(2) Committees required to file reports pursuant to subsection 2 or 3 of this section which are not otherwise required to file disclosure reports for an election shall file semiannual reports as required by this subsection if their last required disclosure report shows a total of unpaid loans and other outstanding obligations in excess of five thousand dollars.

7. In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m. prevailing local time of the day designated for the filing of the report and a report postmarked not later than midnight of the day previous to the day designated for filing the report shall be deemed to have been filed in a timely manner. The appropriate officer may establish a policy whereby disclosure reports may be filed by facsimile transmission.

9. Each candidate for the office of state representative, state senator, and for statewide elected office shall file all disclosure reports described in section 130.041 electronically with the Missouri ethics commission. The Missouri ethics commission shall promulgate rules establishing the standard for electronic filings with the commission and shall propose such rules for the importation of files to the reporting program.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

130.500. Sections 130.500 to 130.518 and section 143.1010, RSMo, may be known and cited as the “Missouri Clean Election Act.”

130.503. As used in sections 130.500 to 130.518, unless the context otherwise indicates, the following terms have the following meanings:

(1) “Certified candidate”, a candidate for state senator, state representative, or statewide elected office who chooses to participate in alternative public financing of their campaign authorized under sections 130.500 to 130.518 and who is certified as a Missouri clean election act candidate under subsection 5 of section 130.512;

(2) “Commission”, the Missouri ethics commission established under section 105.955, RSMo;

(3) “Contribution”, has the same meaning as in section 130.011;

(4) “Fund”, the Missouri clean election fund established in section 130.509;

(5) “Nonparticipating candidate”, a candidate for state senator, state representative, or statewide elected office who does not choose to participate in alternative public financing of their campaign authorized under sections 130.500 to 130.518 and who is not seeking to be certified as a Missouri clean election act candidate under subsection 5 of section 130.512;

(6) “Participating candidate”, a candidate for state senator, state representative, or statewide elected office who is seeking to be certified as a Missouri clean election act candidate under subsection 5 of section 130.512;

(7) “Qualifying contribution”, a donation:

(a) Of five dollars in the form of a check or a money order payable to the fund in support of the candidate;

(b) Made by any individual eligible to register to vote in this state;

(c) Made during the designated qualifying period and obtained with the knowledge and approval of the candidate; and

(d) That is acknowledged by a written receipt that identifies the name and address of the donor on forms provided by the commission;

(8) “Qualifying period”, the following:

(a) For a statewide participating candidate, the qualifying period begins November first immediately preceding the election year and ends at the same time the candidate is required under section 115.329 or 115.349, RSMo, to file petitions or declarations of candidacy;

(b) For state senate or state house of representatives participating candidates, the qualifying period begins January first of the election year and ends at the same time the candidate is required under section 115.329 or 115.349, RSMo, to file petitions or declarations of candidacy;

(9) “Seed money contribution”, a contribution of no more than one hundred dollars per individual made to a candidate, including a contribution from the candidate or the candidate's family. A candidate may not collect or spend seed money contributions after certification as a Missouri clean election act candidate. A seed money contribution shall be reported according to procedures developed by the commission. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under sections 130.500 to 130.518 may petition the commission to remain eligible for certification as a Missouri clean election act

candidate in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.

130.506. 1. Sections 130.500 to 130.518 establishes an alternative campaign financing option available to candidates for state senator, state representative, and statewide elected office. This alternative campaign financing option is available to candidates for elections to be held beginning in the year 2010. The commission shall administer sections 130.500 to 130.518 and the fund established in section 130.509. Candidates participating in the Missouri clean election act shall also comply with all other applicable election and campaign laws and regulations.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

130.509. 1. There is hereby created in the state treasury the “Missouri Clean Election Fund” to finance the election campaigns of certified Missouri clean election act candidates for governor, state senator, and state representative and to pay administrative and enforcement costs of the commission related to sections 130.500 to 130.518. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund may be used solely for the administration of sections 130.500 to 130.518. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The following shall be deposited in the fund:

(1) The qualifying contributions required under subsection 3 of section 130.512 when those contributions are submitted to the commission;

(2) Two million dollars from the general revenue fund transferred to the clean election fund by the state treasurer on or before January first of each year, beginning January 1, 2009;

(3) Subject to voter approval at the next general election from the effective date of this section, revenue from a tax established under section 143.1010, RSMo, requiring a corporation or individual who files a tax return with the state to designate that three dollars be paid into the fund. If a husband and wife file a joint return, each spouse shall pay three dollars into the fund;

The ballot of the submission shall contain, but is not limited to, the following language:

“Shall a fee of three dollars on a single tax return and six dollars on a joint return be charged in each taxable year to be credited to the Missouri clean election fund?”

YES

NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.

(4) Seed money contributions remaining unspent after a candidate has been certified as a

Missouri clean election act candidate;

(5) Fund revenues that were distributed to a Missouri clean election act candidate and that remain unspent after the candidate has lost a primary election or after all general elections;

(6) Other unspent fund revenues distributed to any Missouri clean election act candidate who does not remain a candidate throughout a primary or general election cycle;

(7) Voluntary donations made directly to the fund. Any individual may make donations directly to the fund at any time without limitation; and

(8) Fines collected under section 130.072 and section 130.515.

3. By September first preceding each general election year, the commission shall publish an estimate of revenue in the fund available for distribution to certified candidates during the upcoming year's elections and an estimate of the likely demand for clean election funding during that election.

130.512. 1. A participating candidate shall file a declaration of intent to seek certification as a Missouri clean election act candidate. The declaration of intent shall be filed with the commission prior to or during the qualifying period according to forms and procedures developed by the commission. A participating candidate shall submit a declaration of intent within five business days of collecting qualifying contributions or such contributions collected before the declaration of intent has been filed shall not be counted toward the eligibility requirement in subsection 5 of this section.

2. A participating candidate shall limit the candidate's seed money contributions to the following amounts:

- (1) Fifty thousand dollars for a gubernatorial candidate;**
- (2) Ten thousand dollars for a nongubernatorial statewide candidate;**
- (3) One thousand five hundred dollars for a candidate for the state senate; or**
- (4) Five hundred dollars for a candidate for the state house of representatives.**

The commission may, by rule, revise these amounts to ensure the effective implementation of sections 130.500 to 130.518.

3. Participating candidates shall obtain qualifying contributions during the qualifying period as follows:

- (1) Two hundred fifty qualifying contributions in the case of a candidate for state representative;**
- (2) Five hundred qualifying contributions in the case of a candidate for state senator;**
- (3) Two hundred fifty qualifying contributions in six or more of the United States congressional districts in this state in the case of a candidate for a statewide elected office other than governor;**
- (4) Five hundred qualifying contributions in six or more of the United States congressional districts in this state in the case of a candidate for governor.**

A payment, gift or anything of value may not be given in exchange for a qualifying contribution.

4. A participating candidate shall submit qualifying contributions within ten days of receiving the contribution to the commission during the qualifying period according to procedures developed by the commission.

5. Upon receipt of a final submission of qualifying contributions by a participating candidate, the commission shall determine whether or not the candidate has:

- (1) Signed and filed a declaration of intent to seek certification as required under subsection 1 of this section;**
- (2) Submitted the appropriate number of valid qualifying contributions;**
- (3) Qualified as a candidate by petition or other means;**
- (4) Accepted no contributions, except for seed money and qualifying contributions;**
- (5) Not run for the same office as a nonparticipating candidate in a primary election in the same general election year; and**
- (6) Otherwise met the requirements for participating as a Missouri clean election act candidate.**

The commission shall certify a candidate complying with the requirements of this section as a Missouri clean election act candidate as soon as possible and no later than three business days after final submission of qualifying contributions. Upon certification, a candidate shall transfer any unspent seed money contributions to the commission for deposit in the fund.

6. After certification, a candidate shall limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate's debit card issued by the treasurer known as the clean election debit card, entitling the candidate and designated members of the candidate's staff to draw money from a commission account to pay all campaign costs and expenses.

7. Neither a participating candidate nor any other person on behalf of a participating candidate shall pay campaign costs, except for costs for labor, campaign staff, consultants, and pollsters, by cash, check, money order, loan, or by any other financial means except through the use of the fair election debit card, except that cash amounts of one hundred dollars or less may be drawn on the fair election debit card and used to pay expenses of no more than twenty-five dollars each. Records of all such expenditures shall be maintained and reported to the commission.

8. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsection 9 of this section in the following manner:

(1) Within three days after certification, for candidates certified prior to the deadline for filing a declaration of candidacy under section 115.349, RSMo, revenues from the fund shall be distributed as if the candidates are in an uncontested primary election;

(2) Within three days after certification, for all candidates certified between the deadline for filing a declaration of candidacy under section 115.349, RSMo, and thirty days thereafter, revenues from the fund shall be distributed according to whether the candidate is in a contested or uncontested primary election;

(3) Within three days after the secretary of state has certified the names of candidates to be included on a ballot in a special election for state representative or state senator;

(4) For candidates in contested primary elections receiving a distribution under subdivision (1) of this subsection, additional revenues from the fund shall be distributed within three days of the deadline for filing a declaration of candidacy under section 115.349, RSMo;

(5) Within three days after the primary election results are certified, for general election certified candidates, revenues from the fund shall be distributed according to whether the candidate is in a contested or uncontested general election.

Funds shall be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

9. A candidate certified as a clean election candidate who wins the primary election shall be required to be a participating candidate for the general election.

10. The candidate, treasurer, or candidate committee shall deposit all revenues from the fund in a campaign account with a bank or other financial institution. The campaign funds shall be segregated from, and may not be commingled with, any other funds.

11. By July 1, 2009, and at least every two years thereafter, the commission shall determine the amount of funds to be distributed to participating candidates based on the type of election and office as follows:

(1) For contested legislative and nongubernatorial statewide primary elections, the amount of revenues to be distributed shall be the average amount of campaign expenditures made by each candidate during all contested primary election races for the immediately preceding two primary elections for the respective offices;

(2) For uncontested legislative primary and nongubernatorial statewide elections, the amount of revenues distributed shall be the average amount of campaign expenditures made by each candidate during all uncontested primary election races for the immediately preceding two primary elections for the respective offices;

(3) For contested legislative and nongubernatorial general elections, the amount of revenues distributed shall be the average amount of campaign expenditures made by each candidate during all contested general election races for the immediately preceding two general elections for the respective offices;

(4) For uncontested and nongubernatorial legislative general elections, the amount of revenues to be distributed from the fund shall be forty percent of the amount that would have been distributed under subdivision (3) of this subsection to the participating candidate had the election been contested;

(5) For gubernatorial primary elections, the amount of revenues distributed shall be five hundred thousand dollars per candidate in the primary election;

(6) For gubernatorial general elections, the amount of revenues distributed shall be one million dollars per candidate in the general election.

If the immediately preceding election cycles do not contain sufficient electoral data, the commission shall use information from the most recent applicable elections.

12. When any disclosure report shows that the sum of a nonparticipating candidate's expenditures or obligations, or contributions, whichever is greater, alone or in conjunction with independent expenditures exceeds the distribution amount under subsection 11 of this section, the commission shall issue immediately to any opposing Missouri clean election act candidate an additional amount equivalent to the reported excess. Matching funds are limited to two times the amount originally distributed under subdivisions (1), (3), (5), or (6) of subsection 10 of this section,

whichever is applicable.

13. An independent and new party candidate shall receive public financing for the general election if such candidate raises one hundred fifty percent of the number of qualifying contributions required for a candidate running in a party primary for the office sought. An independent and new party candidate who qualifies for public financing on the basis of qualifying contributions shall receive the line of credit for total public financing in the general election on the first day of the primary election campaign period, or when qualified, whichever occurs later. The qualifying contributions of an independent or new party candidate shall be raised between the beginning of the public financing qualifying period and the date thirty days after the filing deadline date for independent candidates.

14. Participating and certified candidates shall report any money collected, all campaign expenditures, obligations, and related activities to the commission thirty days preceding a general election or a primary election in which the candidate was defeated. Upon the filing of this final report, the candidate shall return all unspent fund revenues to the commission. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information.

15. The participating and certified candidate's campaign treasurer shall obtain and keep:

(1) Bank or other account statements for the campaign account covering the duration of the campaign;

(2) A vendor invoice stating the particular goods or services purchased for every expenditure of fifty dollars or more; and

(3) A record proving that a vendor received payment for every expenditure of fifty dollars or more in the form of a cancelled check, receipt from the vendor or bank or credit card statement identifying the vendor as the payee.

The treasurer shall preserve the records for two years following the candidate's final report, required under subsection 11 of this section, for the election cycle. The candidate shall submit photocopies of the records to the commission upon its request.

16. At the end of both the primary and general election campaign periods, excess public funds shall be returned to the clean election fund, provided that a candidate may retain and use for campaign expenses an amount equal to twenty dollars multiplied by the number of qualifying contributions necessary to qualify for the office for which the candidate was a candidate. Any funds which are retained in this manner, and remain unexpended, shall be returned to the fair elections trust fund at the beginning of the next public funding qualifying period.

17. The commission may not distribute revenues to certified candidates in excess of the total amount of money deposited in the fund as set forth in section 130.509. Notwithstanding any other provisions of sections 130.500 to 130.518, if the commission determines that the revenues in the fund are insufficient to meet distributions under subsection 10 of this section, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than five hundred dollars per donor per election for gubernatorial candidates, three hundred fifty dollars per donor per election for nongubernatorial statewide candidates, and two hundred fifty dollars per donor per election for state senate and state house candidates, up to the

applicable amount set forth in subsection 10 of this section according to rules adopted by the commission.

18. A candidate who has been denied certification as a Missouri clean election act candidate, the opponent of a candidate who has been granted certification as a Missouri clean election act candidate, or other interested persons may challenge a certification decision by the commission as follows:

(1) A challenger may appeal to the commission within seven days of the certification decision. The appeal shall be in writing and shall set forth the reasons for the appeal;

(2) Within five days after an appeal is properly filed and after notice is given to the challenger, and if applicable the certified candidate, the commission shall hold a hearing. The challenger has the burden of providing by a preponderance of the evidence that the commission decision was improper. The commission shall rule on the appeal within three days after the completion of the hearing;

(3) A challenger may appeal the decision of the commission in subdivision (2) of this subsection by commencing an action in the Cole County circuit court;

(4) A candidate whose certification by the commission as a Missouri clean election act candidate is revoked on appeal shall return any unspent revenues distributed from the fund to the commission. If the commission or the court find that an appeal was filed frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties.

130.515. A person who violates any provision of sections 130.500 to 130.518 is subject to a fine not to exceed ten thousand dollars per violation payable to the fund. Fines paid under this section shall be deposited in the fund. Any person certified as a Missouri clean election act candidate in violation of sections 130.500 to 130.518, shall return to the fund all amounts distributed to the candidate.

130.518. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Clean Elections", to be comprised of five members of the senate and five members of the house of representatives. Three of the senate members shall be appointed by the president pro tem of the senate and two by the senate minority leader. Three of the house members shall be appointed by the speaker of the house and two by the house minority leader. The appointment of each member shall continue during his or her term of office as a member of the house or senate or until a successor has been duly appointed to fill his or her place when his or her term of office as a member of the house or senate has expired.

2. The committee shall study and recommend legislation relating to the administration, implementation, and enforcement of the Missouri clean elections act. The committee shall submit to the general assembly a written report documenting its findings and recommendations by December thirty-first of each year beginning in 2011.

143.1010. In each taxable year beginning on or after January 1, 2008, each individual or corporation entitled to a tax refund in any amount sufficient to make a designation under this section shall, subject to voter approval be taxed three dollars on a single or six dollars on a combined return, of the refund due be credited to the Missouri clean election fund created in section 130.509, RSMo. The department of revenue shall deposit such amount to the Missouri clean election fund as provided in section 130.509, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion failed.

Senator Days offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1038, Page 8, Section 130.021, Line 148, by inserting immediately after all of said line the following:

“130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to “cash” shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

- (1) There are twenty-five or more contributing participants in the activity or event;
- (2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;
- (3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;
- (4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:
 - (a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;
 - (b) The date on which the event occurred;
 - (c) The name and address of the location where the event occurred and the approximate number of participants in the event;
 - (d) A brief description of the type of event and the fund-raising methods used;
 - (e) The gross receipts from the event and a listing of the expenditures incident to the event;
 - (f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;
 - (g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization pursuant to section 130.021 or has filed the reports required by sections 130.049 and 130.050, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles,

or other imprinted or lettered material; but “printed matter” is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words “For a list of other sponsors contact:” followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsection* 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

13. (1) It shall be a violation of this chapter for any person, business, or other entity to form multiple committees for the purpose of avoiding or frustrating the contribution limits contained in section 130.032.

(2) Any person, business or other entity violating this subsection shall be guilty of a class A misdemeanor on the first offense, a class D felony on the second offense, and a class C felony on the third or subsequent offense.

(3) The Missouri ethics commission shall have jurisdiction to take seek civil and criminal penalties in a circuit court against any person, business or other entity that violates this subsection. Nothing in this subsection shall be construed to prevent the attorney general or a prosecuting attorney from having jurisdiction over a violation of this subsection.

(4) The Missouri ethics commission shall not file and shall return any documents seeking to form a committee when the commission or the commission's designee finds that the formation of such a committee is for the purpose of avoiding or frustrating the contribution limits contained in section 130.032.

(5) Any committee that is on file and existing as of August 28, 2008 that the commission or its designee finds is for the purpose of avoiding or frustrating the contribution limits contained in section 130.032.

130.032. 1. In addition to the limitations imposed pursuant to section 130.031, the amount of contributions made by or accepted from any person other than the candidate in any one election shall not exceed [the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor or attorney general, one thousand three hundred fifty dollars;

(2) To elect an individual to the office of state senator, six hundred seventy five dollars;

(3) To elect an individual to the office of state representative, three hundred twenty five dollars;

(4) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is under one hundred thousand, three hundred twenty five dollars;

(5) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least one hundred thousand but less than two hundred fifty thousand, six hundred fifty dollars; and

(6) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least two hundred fifty thousand, one thousand three hundred fifty dollars.

2. For purposes of this subsection "base year amount" shall be the contribution limits prescribed in this section on January 1, 2009. Such limits shall be increased on the first day of January in each even-numbered year by multiplying the base year amount by the cumulative consumer price index, as defined in section 104.010, RSMo, and rounded to the nearest twenty-five-dollar amount, for all years since January 1, 2009..

3. Candidate committees, exploratory committees, campaign committees and continuing committees, other than those continuing committees which are political party committees, shall be subject to the

limits prescribed in subsection 1 of this section. The provisions of this subsection shall not limit the amount of contributions which may be accumulated by a candidate committee and used for expenditures to further the nomination or election of the candidate who controls such candidate committee, except as provided in section 130.052.

4. Except as limited by this subsection, the amount of cash contributions, and a separate amount for the amount of in-kind contributions, made by or accepted from a political party committee in any one election shall not exceed the following:

- (1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor or attorney general, ten thousand dollars;
- (2) To elect an individual to the office of state senator, five thousand dollars;
- (3) To elect an individual to the office of state representative, two thousand five hundred dollars; and
- (4) To elect an individual to any other office of an electoral district, ward or unit, ten times the allowable contribution limit for the office sought.

The amount of contributions which may be made by or accepted from a political party committee in the primary election to elect any candidate who is unopposed in such primary shall be fifty percent of the amount of the allowable contributions as determined in this subsection.

5. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.

6. Contributions received and expenditures made prior to January 1, 1995, shall be reported as a separate account and pursuant to the laws in effect at the time such contributions are received or expenditures made. Contributions received and expenditures made after January 1, 1995, shall be reported as a separate account from the aforementioned account and pursuant to the provisions of this chapter. The account reported pursuant to the prior law shall be retained as a separate account and any remaining funds in such account may be used pursuant to this chapter and section 130.034.

7. Any committee which accepts or gives contributions other than those allowed shall be subject to a surcharge of one thousand dollars plus an amount equal to the contribution per nonallowable contribution, to be paid to the ethics commission and which shall be transferred to the director of revenue, upon notification of such nonallowable contribution by the ethics commission, and after the candidate has had ten business days after receipt of notice to return the contribution to the contributor. The candidate and the candidate committee treasurer or deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge or may pay such surcharge only from campaign funds existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to, the provisions of chapter 143, RSMo.”

And further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Griesheimer assumed the Chair.

Senator Graham offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 1038, Page 12, Section 130.032, Line 91, by inserting immediately after said line, the following:

“Section B. The provisions of section A of this act shall become effective January 1, 2009.”; and
Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Justus, Shoemyer and Smith.

SA 3 failed of adoption by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|----------|-------|-----------|-------|--------|---------|--------|
| Barnitz | Coleman | Days | Graham | Green | Justus | Kennedy | Koster |
| McKenna | Shoemyer | Smith | Wilson—12 | | | | |

NAYS—Senators

| | | | | | | | |
|---------|-------------|----------|----------|----------|---------|----------|----------|
| Bartle | Callahan | Champion | Clemens | Crowell | Dempsey | Engler | Gibbons |
| Goodman | Griesheimer | Lager | Loudon | Mayer | Nodler | Purgason | Ridgeway |
| Rupp | Scott | Shields | Stouffer | Vogel—21 | | | |

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

Senator Barnitz offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 1038, Page 9, Section 130.044, Line 20, by inserting immediately after all of said line the following:

“Section 1. 1. No public official appointed to any office by the governor with the advice and consent of the senate shall directly or indirectly make any contribution to, or hold office in, any political party or political organization or take part in any political campaign during such official’s term of office.

2. The letter of transmittal to the senate announcing an appointment of a public official shall include a listing of any contribution, as defined in chapter 130, RSMo, made by the appointee during the two years immediately preceding the appointment.”.

And further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above amendment be adopted.

At the request of Senator Shields, **SB 1038**, with **SA 4** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until her successor is duly appointed and qualified; vice, Donna M. Bushur, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Daniel K. Carr, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John L. Evans, Republican, 3789 South East Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, John L. Evans, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 19, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael G. Nordwald, Republican, 17615 H Highway, Liberty, Clay County, Missouri 64068, as a member of the Missouri Alternative

Fuels Commission, for a term ending March 25, 2011, and until his successor is duly appointed and qualified; vice, Michael G. Nordwald, withdrawn.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted **HCR 4**.

HOUSE CONCURRENT RESOLUTION NO. 4

WHEREAS, the United States Department of Agriculture's National Agricultural Statistics Service collects and publishes information on the prices and inventories of rice; and

WHEREAS, this information is used for estimations of farm income and determinations of government program payments to farmers; and

WHEREAS, it is essential to the rice industry that the estimations of farm income and determinations of government program payments more accurately reflect the current market prices and stocks of rice:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives, Ninety-Fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby request that the United States Department of Agriculture's National Agricultural Statistics Service add the dates of June 1 and September 1 as additional reporting dates to the "Agricultural Statistics Board" calendar to more accurately reflect prices and stocks; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the United States Secretary of Agriculture, the United States Department of Agriculture's National Agricultural Statistics Service, and to each member of Missouri's Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1628**, entitled:

An Act to repeal section 142.869, RSMo, and to enact in lieu thereof one new section relating to alternative fuel decals, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1670**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions for certain equipment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1320**, entitled:

An Act to repeal section 67.1461, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1305**, entitled:

An Act to repeal section 170.011, RSMo, and to enact in lieu thereof one new section relating to transfer student curriculum.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1656**, entitled:

An Act to repeal section 208.819, RSMo, and to enact in lieu thereof one new section relating to transition grants for persons in nursing homes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1575**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1354**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to exempting certain types of vehicles from registration and licensing laws.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 2019**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Griesheimer assumed the Chair.

REFERRALS

President Pro Tem Gibbons referred **SCR 31** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 20, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Mrs. Spieler:

Effective Monday, February 25th, the Senate Standing Committee on Agriculture, Conservation, Parks and Natural Resources will be meeting at 2:00 p.m. on Tuesdays instead of 3:00 p.m.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 1038**, with **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Barnitz offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Bill No. 1038, Page 1, Section 1, Line 6, by inserting immediately after all of said line the following: "**Nothing in this section shall preclude a public official appointed by the governor from being a member of a political organization.**".

Senator Barnitz moved that the above amendment be adopted, which motion failed.

SA 4 was again taken up.

Senator Barnitz moved that the above amendment be adopted, which motion failed.

Senator Graham offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 1038, Page 8, Section 130.021, Line 148, by inserting immediately after said line, the following:

“130.032. 1. In addition to the limitations imposed pursuant to section 130.031, the amount of contributions, including cash and in-kind contributions, made by or accepted from any person other than the candidate in any one primary or general election shall not exceed the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor or attorney general, five thousand dollars;

(2) To elect an individual to the office of state senator, two thousand dollars;

(3) To elect an individual to the office of state representative, one thousand dollars;

(4) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is under one hundred thousand, two hundred fifty dollars;

(5) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least one hundred thousand but less than two hundred fifty thousand, five hundred dollars; and

(6) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least two hundred fifty thousand, one thousand dollars.

2. In any year during which an individual is not on a ballot for election for office, the amount of contributions made by or accepted from any person during that year shall be subject to the limits in subsection 1 of this section.

3. Candidate committees, exploratory committees, campaign committees, continuing committees, and political party committees, shall be subject to the limits prescribed in subsection 1 of this section. The provisions of this subsection shall not limit the amount of contributions which may be accumulated by a candidate committee and used for expenditures to further the nomination or election of the candidate who controls such candidate committee, except as provided in section 130.052.

4. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.

5. Contributions received and expenditures made prior to January 1, 1995, shall be reported as

a separate account and pursuant to the laws in effect at the time such contributions are received or expenditures made. Contributions received and expenditures made after January 1, 1995, shall be reported as a separate account from the aforementioned account and pursuant to the provisions of this chapter. The account reported pursuant to the prior law shall be retained as a separate account and any remaining funds in such account may be used pursuant to this chapter and section 130.034.

6. Any committee which accepts or gives contributions other than those allowed shall be subject to a surcharge of one thousand dollars plus an amount equal to the contribution per nonallowable contribution, to be paid to the ethics commission and which shall be transferred to the director of revenue, upon notification of such nonallowable contribution by the ethics commission, and after the candidate has had ten business days after receipt of notice to return the contribution to the contributor. The candidate and the candidate committee treasurer or deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge or may pay such surcharge only from campaign funds existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to, the provisions of chapter 143, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Engler assumed the Chair.

Senator Smith offered **SA 1 to SA 5:**

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Bill No. 1038, Page 3, Section 130.032, Line 23, by inserting immediately after said line, the following:

“7. Monetary contributions shall not be made by any political party committee as defined in subdivision (25) of section 130.011 to any candidate committee, continuing committee, or political party committee. Nothing in this section shall be construed to limit any candidate committee from making contributions to any other committee.”.

Senator Smith moved that the above amendment be adopted, which motion failed.

SA 5 was again taken up.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Green, Koster, Shoemyer and Smith.

SA 5 failed of adoption by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|------|--------|--------|---------|----------|-------|----------|
| Barnitz | Days | Graham | Justus | Kennedy | Shoemyer | Smith | Wilson—8 |
|---------|------|--------|--------|---------|----------|-------|----------|

NAYS—Senators

| | | | | | | | |
|---------|----------|-------------|---------|---------|---------|-------------|---------|
| Bartle | Callahan | Champion | Clemens | Coleman | Dempsey | Engler | Gibbons |
| Goodman | Green | Griesheimer | Koster | Lager | Loudon | Mayer | McKenna |
| Nodler | Purgason | Ridgeway | Rupp | Scott | Shields | Stouffer—23 | |

Absent—Senator Crowell—1

Absent with leave—Senators

Bray Vogel—2

Vacancies—None

Senator Shoemyer offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 1038, Page 12, Section 130.032, Line 91, by inserting immediately after all of said line the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2008, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”; and

Further amend the title accordingly.

Senator Shoemyer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Days, Green and Smith.

SA 6 failed of adoption by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|-------|-----------|-------|--------|---------|--------|---------|
| Callahan | Days | Graham | Green | Justus | Kennedy | Koster | McKenna |
| Shoemyer | Smith | Wilson—11 | | | | | |

NAYS—Senators

| | | | | | | | |
|-------------|----------|----------|----------|---------|----------|----------|---------|
| Bartle | Champion | Clemens | Crowell | Dempsey | Engler | Gibbons | Goodman |
| Griesheimer | Lager | Loudon | Mayer | Nodler | Purgason | Ridgeway | Rupp |
| Scott | Shields | Stouffer | Vogel—20 | | | | |

Absent—Senators

Barnitz Coleman—2

Absent with leave—Senator Bray—1

Vacancies—None

Senator Smith offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Bill No. 1038, Page 1, Section A, Line 9, by inserting immediately after said line, the following:

“130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) “Appropriate officer” or “appropriate officers”, the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) “Ballot measure” or “measure”, any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) “Candidate”, an individual who seeks nomination or election to public office. The term “candidate” includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in subdivision (28) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(4) “Cash”, currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(5) “Check”, a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(6) “Closing date”, the date through which a statement or report is required to be complete;

(7) “Committee”, a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

(a) “Committee”, does not include:

a. A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;

b. An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

c. A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (12) of this section;

d. A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (12) of this section;

e. A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements of this chapter;

f. Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity;

(b) The term “committee” includes, but is not limited to, each of the following committees: campaign committee, candidate committee, continuing committee and political party committee;

(8) “Campaign committee”, a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(9) “Candidate committee”, a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(10) “Continuing committee”, a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose

primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures;

(11) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses;

(12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. "Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available

regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) “Contribution” does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(13) “County”, any one of the several counties of this state or the city of St. Louis;

(14) “Disclosure report”, an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(15) “Election”, any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(16) “Expenditure”, a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. “Expenditure” includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such

committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee;

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

(17) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks **a specific elective office. The name of such committee shall contain the name of the office for which the committee is organized.** Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

(18) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

(19) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than

money;

(20) “Labor organization”, any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(21) “Loan”, a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee;

(22) “Person”, an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity;

(23) “Political merchandise”, goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(24) “Political party”, a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(25) “Political party committee”, a state, district, county, city, or area committee of a political party, as defined in section 115.603, RSMo, which may be organized as a not-for-profit corporation under Missouri law, and which committee is of continuing existence, and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party;

(26) “Public office” or “office”, any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters;

(27) “Regular session”, includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

(28) “Write-in candidate”, an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (3) of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Bill No. 1038, Page 4, Section 130.021, Line 2, by inserting immediately after the word “state” the following: “**and reside in the district or county in which the committee sits**”; and further

amend line 4, by inserting immediately after the word “state” the following: **“and reside in the district or county in which the committee sits”**; and

Further amend said bill and section, page 8, line 148, by inserting immediately after said line the following:

“12. Each legislative and senatorial district committee shall retain only one address in the district it sits for the purpose of receiving contributions.”; and

Further amend said bill, page 9, section 130.044, line 19, by inserting immediately after said line the following:

“130.050. 1. An out-of-state committee which, according to the provisions of subsection 10 of section 130.021, is not required to file a statement of organization and is not required to file the full disclosure reports required by section 130.041 shall file reports with the Missouri ethics commission according to the provisions of this subsection if the committee makes contributions or expenditures in support of or in opposition to candidates or ballot measures in this state in any election covered by this chapter or makes contributions to any committee domiciled in this state. An initial report shall be filed on or within fourteen days prior to the date such out-of-state committee first makes a contribution or expenditure in this state, and thereafter reports shall be filed at the times and for the reporting periods prescribed in subsection 1 of section 130.046. Each report shall contain:

(1) The full name, address and domicile of the committee making the report and the name, residential and business addresses, domicile and telephone numbers of the committee's treasurer;

(2) The name and address of any entity such as a labor union, trade or business or professional association, club or other organization or any business entity with which the committee is affiliated;

(3) A statement of the total dollar amount of all funds received by the committee in the current calendar year and a statement of the total contributions in the same period from persons domiciled in this state and a list by name, address, date and amount of each Missouri resident who contributed an aggregate of more than two hundred dollars in the current calendar year;

(4) A list by name, address, date and amount regarding any contributor to the out-of-state committee, regardless of state of residency, who made a contribution during the reporting period [which was restricted or designated in whole or in part for use in supporting or opposing a candidate, ballot measure or committee in this state or was restricted for use in this state at the committee's discretion, or a statement that no such contributions were received];

(5) A statement as to whether the committee is required to file reports with the Federal Election Commission, and a listing of agencies in other states with which the committee files reports, if any;

(6) A separate listing showing contributions made in support of or opposition to each candidate or ballot measure in this state, together with the date and amount of each contribution;

(7) A separate listing showing contributions made to any committee domiciled in this state with the date and amount of each contribution.

2. In the case of a political party committee's selection of an individual to be the party's nominee for public office in an election covered by this chapter, any individual who seeks such nomination and who is a candidate according to the definition of the term candidate in section 130.011 shall be required to comply with all requirements of this chapter; except that, for the purposes of this subsection, the reporting dates and

reporting periods in section 130.046 shall not apply, and the first reporting date shall be no later than the fifteenth day after the date on which a nomination covered by this subsection was made and for the period beginning on the date the individual became a candidate, as the term candidate is defined in section 130.011, and closing on the tenth day after the date the nomination was made, with subsequent reports being made as closely as practicable to the times required in section 130.046.

3. The receipt of any late contribution or loan of more than two hundred fifty dollars by a candidate committee supporting a candidate for statewide office or by any other committee shall be reported to the appropriate officer no later than twenty-four hours after receipt. For purposes of this subsection the term “late contribution or loan” means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself. The disclosure report of a late contribution may be made by any written means of communication, setting forth the name and address of the contributor or lender and the amount of the contribution or loan and need not contain the signatures and certification required for a full disclosure report described in section 130.041. A late contribution or loan shall be included in subsequent disclosure reports without regard to any special reports filed pursuant to this subsection.

130.072. Any person who knowingly accepts or makes a contribution or makes an expenditure in violation of any provision of this chapter or who knowingly conceals a contribution or expenditure by filing a false or incomplete report or by not filing a required report, in addition to or in the alternative to any other penalty imposed by this chapter, [may] **shall** be held liable to the state in civil penalties in [twice the] **an** amount [of] **equal to** any such contribution or expenditure[, not to exceed a total amount of five thousand dollars].”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Bill No. 1038, Page 8, Section 130.021, Line 148, by inserting immediately after all of said line, the following:

“130.034. 1. Contributions as defined in section 130.011, received by any committee shall not be converted to any personal use.

2. Contributions may be used for any purpose allowed by law including, but not limited to:

(1) Any ordinary expenses incurred relating to a campaign;

(2) Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office;

(3) Any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office;

(4) The return of any contribution to the person who made the contribution to the candidate or holder of elective office;

(5) To contribute to a political organization or candidate committee as allowed by law;

(6) To establish a new committee as defined by this chapter;

(7) To make an unconditional gift which is fully vested to any charitable, fraternal or civic organizations or other associations formed to provide for some good in the order of benevolence, if such candidate, former candidate or holder of elective office or such person's immediate family gain no direct financial benefit from the unconditional gift;

(8) Except when such candidate, former candidate or holder of elective office dies while the committee remains in existence, the committee may make an unconditional gift to a fund established for the benefit of the spouse and children of the candidate, former candidate or holder of elective office. The provisions of this subdivision shall expire October 1, 1997.

3. Upon the death of the candidate, former candidate or holder of elective office who received such contributions, all contributions shall be disposed of according to this section and any funds remaining after final settlement of the candidate's decedent's estate, or if no estate is opened, then twelve months after the candidate's death, will escheat to the state of Missouri to be deposited in the general revenue fund.

4. No contributions, as defined in section 130.011, received by a candidate, former candidate or holder of elective office shall be used to make restitution payments ordered of such individual by a court of law or for the payment of any fine resulting from conviction of a violation of any local, state or federal law.

5. Committees described in subdivision (17) of section 130.011 shall make expenditures only for the purpose of determining whether an individual will be a candidate. Such expenditures include polling information, mailings, personal appearances, telephone expenses, office and travel expenses but may not include contributions to other candidate committees.

6. Any moneys in the exploratory committee fund may be transferred to the candidate committee upon declaration of candidacy for the position being explored. Such funds shall be included for the purposes of reporting and limitation. In the event that candidacy is not declared for the position being explored, the remaining exploratory committee funds shall be returned to the contributors on a pro rata basis. In no event shall the amount returned exceed the amount given by each contributor nor be less than ten dollars.

7. Notwithstanding the provisions of subsections 2 and 3 of this section, no contribution received by a candidate's campaign committee shall be contributed to any committee or political organization when such candidate ceases to be a candidate.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Graham offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Bill No. 1038, Page 1, In the Title, Line 9 of the title, by inserting after the word “finance” the following: “, with an emergency clause”; and

Further amend said bill, Page 12, Section 130.032, Line 91, by inserting after all of said line the following:

“Section B. Because of the need to expediently settle the law regarding campaign finance prior to any subsequent election, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the

constitution, and section A of this act shall be in full force and effect upon its passage and approval.”.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Bill No. 1038, Page 9, Section 130.044, Line 19, by inserting immediately after said line, the following:

“Section 1. 1. The transfer of funds to a candidate committee established under chapter 130, RSMo, from a committee formed by the same candidate under federal law shall be strictly prohibited.

2. The Missouri ethics commission shall order any candidate committee that has violated subsection 1 of this section to return all improperly transferred funds to the originating federal committee or, if that committee no longer exists, to the state of Missouri.

3. Any candidate committee that has accepted funds in violation of subsection 1 of this section prior to the effective date of this section shall be ordered by the Missouri ethics commission to return all improperly transferred funds to the originating federal committee or, if that committee no longer exists, to the state of Missouri by September 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion failed.

On motion of Senator Shields, **SB 1038**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Joint Resolution was read the 1st time and ordered printed:

SJR 47—By Wilson and Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to creation of tax free zones.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1145—Economic Development, Tourism and Local Government.

SB 1146—Ways and Means.

SB 1147—Pensions, Veterans’ Affairs and General Laws.

SB 1148—Pensions, Veterans’ Affairs and General Laws.

SB 1149—Economic Development, Tourism and Local Government.

SB 1150—Financial and Governmental Organizations and Elections.

SB 1151—Commerce, Energy and the Environment.

SB 1152—Education.

SB 1153—Pensions, Veterans’ Affairs and General Laws.

SB 1154—Pensions, Veterans' Affairs and General Laws.

SB 1155—Pensions, Veterans' Affairs and General Laws.

SB 1156—Pensions, Veterans' Affairs and General Laws.

SB 1157—Economic Development, Tourism and Local Government.

SB 1158—Education.

SB 1159—Judiciary and Civil and Criminal Jurisprudence.

SB 1160—Commerce, Energy and the Environment.

SB 1161—Commerce, Energy and the Environment.

On motion of Senator Shields, the Senate recessed until 6:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Callahan.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 1038**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 1919, regarding the city of Sainte Genevieve, which was adopted.

On behalf of Senator Bray, Senator Coleman offered Senate Resolution No. 1920, regarding Jacob Sandweiss, Saint Louis, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1921, regarding Eric Langhorst, Liberty, which was adopted.

Senator Engler offered Senate Resolution No. 1922, regarding the 2007-2008 South Iron County R-I High School basketball team, which was adopted.

Senator Vogel offered Senate Resolution No. 1923, regarding Tyler Griffith, Eldon, which was adopted.

Senator Kennedy offered Senate Resolution No. 1924, regarding John Armengol, Sr., Oakville, which was adopted.

Senator Kennedy offered Senate Resolution No. 1925, regarding Gabe Grossberg, which was adopted.

Senator Kennedy offered Senate Resolution No. 1926, regarding Barbara Grossberg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Kylee Strough, her husband, Brett and their son, Connor, St. Joseph; and Connor was made an honorary page.

Senator Coleman introduced to the Senate, Gwen Crimm and Stephanie Cheeks, Gabrielle Fields, Ebonee Ali, Antoinette Oden, Jerome McLemore, Kris Wells, Lorenzo Bledsoe, Devin Dale, Shawn Like and Erston Mallet, students from Construction Career Center, St. Louis.

Senator Rupp introduced to the Senate, Jennifer Adams, Scott Avery, Patricia Brown, Andrew Conover, Myra Crook, Susan Dwars, Heidi Fairbanks, Pamela Faron, Kent Heintz, Lauren Janus, Cynthia Marsh, Steven Martinez, Colene McEntee, Margaret Menefee, Janice Mills, Laura Pendino, Robyn Peyton, Trevor Rees, James Roe, Cameron Satterfield, Ashley Weiss, Bryan Wiczorek, Rachel Wilmes, Jon Easterling, Jeff Chapple, Emily Weber, Laurie Stump, Rose Mack, Mike Bounds and Stephen Phelps, representatives of Vision St. Charles County Leadership.

Senator Nodler introduced to the Senate, Mayor John Biggs, Steven Garrett and Chuck Surface, Webb City.

Senator Mayer introduced to the Senate, Myra Callahan and Jane Marshall, Kennett; and Sherilyn Clark and DeeAnna Freeman, Ellington.

Senator Mayer introduced to the Senate, Malden City Officials, Rick Murray, Marilyn Fiddler, Jarrett Bullock, Dianna Rogers and Tom Hinson.

Senator Stouffer introduced to the Senate, members of the Class 1A State Champion Orrick High School football team.

Senator Dempsey introduced to the Senate, Mayor Len Pagano and his wife, Joyce; Alderman Dave Thomas and his children, Matthew and Sandra; and Councilman Richard Veit, St. Peters; and Matthew and Sandra were made honorary pages.

Senator Gibbons introduced to the Senate, the Physicians of the Day, Dr. Robert F. Curtin, M.D. and Dr. Laura J. Gardner, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

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TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 21, 2008

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1162-Clemens
SB 1163-Rupp

SB 1164-Loudon
SB 1165-Crowell

SB 1166-Dempsey
SB 1167-Stouffer

SJR 46-Purgason
SJR 47-Wilson and Coleman

HOUSE BILLS ON SECOND READING

HB 1661-LeVota, et al
HCS for HB 1380
HB 1386-Cox and Ruestman
HB 1313-Wright, et al
HB 1311-Hoskins
HB 1628-Cooper (120)

HB 1670-Cooper (120)
HB 1320-Brown (50)
HCS for HB 1305
HB 1656-Nance and Cooper (120)
HCS for HB 1575
HB 1354-Wilson (119), et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 718-Kennedy
SB 762-Wilson, et al

SB 1038-Shields

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 711-Gibbons, et al, with SCS,
SS for SCS and SA 2 (pending)
SB 720-Coleman, with SCS
SB 726-Shields, with SCS
SB 732-Champion, et al, with SCS
SBs 747 & 736-Ridgeway and Gibbons,
with SCS
SBs 754 & 794-Mayer and Loudon, with SCS
SB 759-Stouffer, with SCS
SBs 761 & 774-Stouffer, with SCS
SB 765-Goodman, et al, with SCS
SB 778-Justus, with SCS

SB 781-Smith, with SCS
SB 788-Scott, with SCS
SB 806-Engler, with SCS
SBs 818 & 795-Rupp, et al, with SCS
SB 821-Shoemyer, with SCS
SBs 840 & 857-Engler, with SCS
SB 907-Engler and Gibbons, with SCS
SB 929-Green and Callahan, with SCS
SB 958-Goodman
SB 997-Crowell
SB 1066-Ridgeway, et al

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 978-Griesheimer

SB 760-Stouffer, with SCS

Reported 2/14

SB 901-Loudon, et al, with SCS

SB 951-Scott, with SCS

SB 970-Scott

SB 1010-Nodler

SB 953-Scott

SB 1068-Mayer

SB 723-Scott

RESOLUTIONS

To be Referred

SCR 32-Purgason

HCR 4-Wright, et al

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