

FIRST REGULAR SESSION

SENATE BILL NO. 67

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHILDERS.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

S0163.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 115.357, 386.050, 386.120 and 386.150, RSMo 1994, and section 386.110, RSMo Supp. 1998, relating to the public service commission, and to enact in lieu thereof five new sections relating to the same subject.

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

Section A. Sections 115.357, 386.050, 386.120 and 386.150, RSMo 1994, and section 386.110, RSMo Supp. 1998, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.357, 386.050, 386.110, 386.120 and 386.150, to read as follows:

115.357. 1. Except as provided in subsections 3 and 4 of this section, each candidate for federal, state or county office shall, before filing his declaration of candidacy, pay to the treasurer of the state or county committee of the political party upon whose ticket he seeks nomination a certain sum of money as follows:

(1) To the treasurer of the state central committee, two hundred dollars if he or she is a candidate for statewide office or for United States senator, one hundred dollars if he or she is a candidate for representative in Congress, circuit judge [or], state senator **or public service commissioner**, and fifty dollars if he or she is a candidate for state representative;

(2) To the treasurer of the county central committee, fifty dollars if he or she is a candidate for county office.

2. The required sum may be submitted by the candidate to the official accepting his declaration of candidacy. All sums so submitted shall be forwarded promptly by the official to the treasurer of the appropriate party committee.

3. Any person who cannot pay the fee required to file as a candidate may have the fee

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

waived by filing a declaration of inability to pay and a petition with his declaration of candidacy. Each such declaration shall be in substantially the following form:

DECLARATION OF INABILITY TO PAY FILING FEE

I,, do hereby swear that I am financially unable to pay the fee of (amount of fee) to file as a candidate for nomination to the office of at the primary election to be held on the day of, [19...]
to before

Signature of candidate

me this day of,

[19...]

Subscribed and sworn

.....

Residence address

.....
Signature of election official or
officer authorized to administer
oaths

Unofficial

If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the election official who witnesses the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the notary or other officer who witnesses the candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall submit a petition endorsing his candidacy. Except for the number of signatures required, each such petition shall, insofar as practicable, be in the form provided in sections 115.321 and 115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his petition shall be signed by the number of registered voters in the state equal to at least one-half of one percent of the total number of votes cast in the state for the office at the last election in which a candidate ran for the office. If the person filing a declaration of indigence is to be a candidate for any other office, the petition shall be signed by the number of registered voters in the district or political subdivision which is equal to at least one percent of the total number of votes cast for the office at the last election in which a candidate ran for the office. The candidate's declaration of inability to pay and the petition shall be filed at the same time and in the same manner as his declaration of candidacy is filed. The petition shall be checked and its sufficiency determined in the same manner as new party and independent candidate petitions.

4. No filing fee shall be required of any person who proposes to be an independent candidate, the candidate of a new party or a candidate for presidential elector.

5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall be printed on any official ballot until the required fee has been paid.

386.050. **1. Until the year 2001**, the commission shall consist of five members who shall be appointed by the governor, with the advice and consent of the senate, and one of whom shall

be designated by the governor to be chairman of said commission. Each commissioner, at the time of his appointment and qualification, shall be a resident of the state of Missouri, and shall have resided in said state for a period of at least five years next preceding his appointment and qualification, and he shall also be a qualified voter therein and not less than twenty-five years of age. Upon the expiration of each of the terms of office of the first commissioners, the term of office of each commissioner thereafter appointed shall be six years from the time of his appointment and qualification and until his successor shall qualify. Vacancies in said commission shall be filled by the governor for the unexpired term.

2. At the general election in the year 2000 and every four years thereafter the qualified voters in each congressional district shall elect a commissioner in accordance with the provisions of chapter 115, RSMo. Each commissioner shall be a qualified voter of the congressional district, shall have resided in said district one whole year immediately prior to such commissioner's election and shall be not less than twenty-five years of age. Commissioners shall enter office upon the discharge of their duties on the first day of January next after their election and shall hold office for a term of four years except for those first elected, and until their successors are elected and qualified, unless sooner removed from office. Any commissioner serving an appointive term as of the effective date of this section shall hold such office until such commissioner's term expires. For the commissioners first elected pursuant to this section, each commissioner who resides in a congressional district of an even number shall hold office for a term of two years and each commissioner who resides in a congressional district of an odd number shall hold office for a term of four years, and all commissioners shall hold office until a successor is elected and qualified, unless sooner removed from office.

386.110. Each commissioner and each person **elected to office or** appointed to [office or] employment [by the governor or] by the commission shall, before entering upon the duties of the commissioner's office or employment, take and subscribe to an oath or affirmation to support the Constitution of the United States and of this state, and to faithfully and honestly discharge the duties of such office. No person shall be eligible to [appointment] **election** or shall hold the office of commissioner, or be appointed by the commission, or hold any office or position under the commission, who holds any official relation to any gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, heat and refrigerating corporation, sewer corporation, or other public service or public utility corporation or person subject to any of the provisions of this chapter, or who owns stocks or bonds therein, or who has any pecuniary interest therein.

386.120. 1. The principal office of the commission shall be at the state capital at the city of Jefferson City. The commissioners, **except those elected**, shall reside within a forty-mile

radius of the city of Jefferson City during their respective terms of office. The office required by this subsection shall be provided and assigned by the board of public buildings.

2. The commission shall at all times, except Saturdays, Sundays and legal holidays, be open and in session for the transaction of business and the commissioners shall devote their entire time to the duties of their office.

3. The commission shall have an official seal bearing the following inscription: "Public Service Commission of the State of Missouri". The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of such seal.

4. The commission may sue and be sued in its official name. The offices of said commission shall be supplied with all necessary books, maps, charts, stationery, office furniture, telephone and telegraph connections, and all other necessary appliances and incidentals, to be paid for in the same manner as other expenses authorized by this chapter.

5. The offices of the commission shall be open during business hours on all days except Saturdays, Sundays and legal holidays, and one or more responsible persons, designated by the commission or by the secretary, under the direction of the commission, shall be on duty at all times, in immediate charge thereof.

6. Any summons or other writ issued by any court of this state or of the federal government shall be served upon the secretary of the commission or on any commissioner at the principal office of the commission in Jefferson City. Service of any summons or other writ upon the secretary of the commission, or upon any single commissioner, shall constitute service upon the entire commission.

386.150. The annual salary of each commissioner shall be fifty-five hundred dollars plus any salary adjustment provided pursuant to section 105.055, RSMo, **except the annual salary of each commissioner elected to the office shall be one and one half times that for a member of the general assembly as provided pursuant to section 21.140, RSMo.** The salary of the secretary to the commission and the salaries of all other commission employees shall be such as may from time to time be fixed by the commission. The commissioners and all employees of the commission shall have reimbursed to them all actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties while away from their regular offices in the performance of such duties.

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