Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY—WEDNESDAY, MARCH 15, 2006

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"...how little do my countrymen know what precious blessings they are in possession of, and which no other people on earth enjoy." (Thomas Jefferson, June 17, 1785)

Heavenly Father, we often take so much of our freedom for granted and the cost to have obtained it and to maintain it. We see the thousands who have died to secure freedom and democracy in Iraq and make only a slight connection that is how we had to obtain our freedom as a nation. We pray for those who continue to be in harms way and pray for Your presence and protection to be with them. We pray for the families who have seen their sons and daughters, husbands and wives die and ask Your mercy and comfort be with them. And we pray for guidance to help our leaders bring this warring to an end. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KMIZ-TV, KOMU-TV, and KRCG-TV, had been given permission to take pictures in the Chamber today.

The following Senators were present during the

day's proceedings:

Present—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 2416, regarding the Seventy-eighth Birthday of Florine Seay, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 2417, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clyde Bachtel, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution

No. 2418, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. John Bollmeyer, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 2419, regarding Mr. and Mrs. Eric Zinnah Sayonkon, which was adopted.

Senator Coleman offered Senate Resolution No. 2420, regarding Randi Aurich, Park Hills, which was adopted.

Senator Coleman offered Senate Resolution No. 2421, regarding Molly Anderson, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2422, regarding Erica L. Ballard, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2423, regarding Sarah Lindsay Dettmer, Overland, which was adopted.

Senator Coleman offered Senate Resolution No. 2424, regarding Jennifer Ellison, High Ridge, which was adopted.

Senator Coleman offered Senate Resolution No. 2425, regarding Mara Ferlisi, Ferguson, which was adopted.

Senator Coleman offered Senate Resolution No. 2426, regarding Rebecca L. Flynn, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2427, regarding Milissa Foley, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 2428, regarding Kadee Gross, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2429, regarding Jace Karmon Heard, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2430, regarding Lindsay Lea Herzog, Ste. Genevieve, which was adopted. Senator Coleman offered Senate Resolution No. 2431, regarding Elizabeth Karslake, Webster Groves, which was adopted.

Senator Coleman offered Senate Resolution No. 2432, regarding Autumn Leigha Kennedy, Cedar Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 2433, regarding Heather Marie Koenig, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 2434, regarding Christine Mann, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2435, regarding Katie Lynne McKenna, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2436, regarding Nicole Newton, Festus, which was adopted.

Senator Coleman offered Senate Resolution No. 2437, regarding Elizabeth Perry, High Ridge, which was adopted.

Senator Coleman offered Senate Resolution No. 2438, regarding Kathryn "Katie" Piper, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 2439, regarding Amy Elise Randazzo, Ferguson, which was adopted.

Senator Coleman offered Senate Resolution No. 2440, regarding Caitlyn Ashlee Rettke, Ferguson, which was adopted.

Senator Coleman offered Senate Resolution No. 2441, regarding Amanda G. Roberts, O'Fallon, which was adopted.

Senator Coleman offered Senate Resolution No. 2442, regarding Rebecca Smith, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 2443, regarding Sarah W. Summers, High Ridge, which was adopted. Senator Coleman offered Senate Resolution No. 2444, regarding Christine Tiffin, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 2445, regarding Natalie Zerface, St. Charles, which was adopted.

Senator Bray offered Senate Resolution No. 2446, regarding the Fiftieth Birthday of Eileen Otero Wolfington, Florissant, which was adopted.

Senator Nodler offered Senate Resolution No. 2447, regarding Teresa Williams, Neosho, which was adopted.

Senator Koster offered Senate Resolution No. 2448, regarding J. Dusstin Leathers, which was adopted.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 582**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1165**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to

which was referred **SB 1146**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also.

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 845**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 804**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also.

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 725**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also.

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1045**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1208**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also.

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 878**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also.

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1221**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 980**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also.

Mr. President: Your Committee on Education, to which was referred **SB 1085**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 1084**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 1247**,

begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 952**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, 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 SCS for SB 616, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1189**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also.

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1093**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1124**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

At the request of Senator Bartle, **SB 589** was placed on the Informal Calendar.

SB 637, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 901** was placed on the Informal Calendar.

SB 635 was placed on the Informal Calendar.

SB 817 was placed on the Informal Calendar.

SB 892, with **SCS**, was placed on the Informal Calendar.

SB 798, with **SCS**, was placed on the Informal Calendar.

SB 778 was placed on the Informal Calendar.

At the request of Senator Stouffer, **SB 1064**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Koster, **SB 617**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 1037** was placed on the Informal Calendar.

At the request of Senator Nodler, **SB 894**, with **SCS**, was placed on the Informal Calendar.

SB 976, with **SCS**, was placed on the Informal Calendar.

Senator Shields moved that **SB 1254**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 1254, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1254

An Act to repeal sections 105.470, 105.473, 130.032, and 130.046, RSMo, and to enact in lieu thereof four new sections relating to ethics, with an effective date.

Was taken up.

Senator Bartle assumed the Chair.

Senator Shields moved that **SCS** for **SB 1254** be adopted.

Senator Shields offered SS for SCS for SB 1254, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1254

An Act to repeal sections 105.470, 105.473, 130.032, and 130.046, RSMo, and to enact in lieu thereof four new sections relating to ethics, with an effective date.

Senator Shields moved that **SS** for **SCS** for **SB 1254** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by deleting the words "Any rule or regulation under the"; and further amend said page and section, lines 13-22 by deleting all of said lines and inserting in lieu thereof the following:

"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.".

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

Senator Goodman assumed the Chair.

Having voted on the prevailing side, Senator Gross moved that the vote by which **SA 1** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Gross, $SA\ 1$ was withdrawn.

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 19, Section 130.032, Line 7, by inserting after all of said line the following:

"130.042. The Missouri ethics commission shall post on its website in an easily accessible and conspicuous manner, a listing organized by candidate showing all expenditures required to be disclosed by sections 130.041 and 130.050, made in support of and against each candidate, together with the date and amount of each expenditure. The list underlying each candidate shall be further organized into the following two categories:

(1) Expenditures in support of the

candidate; and

(2) Expenditures in opposition to the candidate."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Bartle assumed the Chair.

Senator Shields offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 1, Section 130.042, Line 8 by inserting after the word "expenditure." the following: "The Commission shall post each expenditure within seven days of notification of the expenditure."

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

SA 2, as amended, was again taken up.

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

At the request of Senator Shields, **SB 1254**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

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

RESOLUTIONS

Senator Alter offered Senate Resolution No. 2449, regarding Fox Senior High School Sports Hall of Fame, which was adopted.

Senator Engler offered Senate Resolution No. 2450, regarding the Sixtieth Anniversary of the Norman L. Rigdon VFW Post 5896, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2451, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James S. Sadler, Bloomsdale, which was adopted.

Senator Scott offered Senate Resolution No. 2452, regarding Roberta Powell, Benton County, which was adopted.

Senator Scott offered Senate Resolution No. 2453, regarding Wayne Powell, Benton County, which was adopted.

Senator Purgason offered Senate Resolution No. 2454, regarding the One Hundredth Birthday of Orpha Bridges, Houston, which was adopted.

Senator Barnitz offered Senate Resolution No. 2455, regarding the One Hundredth Birthday of Opal Burnett, Bourbon, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 1254**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for SCS for SB 1254, as amended, was again taken up.

Senator Green offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting after all of said line the following:

"Section 1. 1. Any person who files as a candidate for election to an office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any local, or state taxes including, but not limited to, income taxes, personal property taxes, or any business

taxes for a business in which the person has a majority interest, or is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349, RSMo. Such affidavit shall be in substantially the following form:

"AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any local or state taxes, other than those taxes which may be in dispute.

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any local or state taxes, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all outstanding taxes."; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 19, Section 130.032, Line 7, by inserting immediately after all of said line the following:

"10. If any committee in support of any candidate in any one election receives contributions with limits determined by the office for which the candidate is seeking election under this section, and the candidate subsequently seeks election to another office with more restrictive contributions limits, the committee shall refund all contributions to the respective donors in excess of the contribution limits allowed under this section for the office for which the candidate ultimately seeks."

Senator Bray moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 16, Section 130.032, Line 17, by striking the words "candidate committees" and inserting in lieu thereof the following: "political party committees"; and

Further amend said bill, section, and page, line 19 of said page, by striking the words: "political party committees" and inserting in lieu thereof the following: "candidate committees"; and

Further amend said bill and section, page 19, line 7 of said page, by inserting immediately after said line the following:

"10. Notwithstanding the provisions of this section to the contrary, the amount of contribution made by or accepted from any person to any political party committee, as defined in section 130.011, in any year shall not

exceed five hundred dollars in the aggregate."

Senator Green moved that the above substitute amendment be adopted.

At the request of Senator Green, **SSA 1** for **SA 4** was withdrawn.

SA 4 was again taken up.

At the request of Senator Bray, the above amendment was withdrawn.

Senator Days offered **SA 5**, which was read: SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting after the end of said line the following:

"Section 1. Any individual currently holding office as a state representative or a state senator shall not contract with or solicit any other current senator or representative for the purposes of securing or providing services for political fund raising, campaigning, or consulting that in any way relates to the election of any state or federal office.";

And further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on SA 5.

Senator Koster assumed the Chair.

Senator Days requested a roll call vote be taken on the adoption of **SA 5** and was joined in her request by Senators Barnitz, Bray, Coleman and Graham.

Senator Bray offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 1, Section 1, Line 5, by inserting immediately following the word "solicit" the following: "for compensation".

Senator Bray moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on **SA 1** to **SA 5**.

At the request of Senator Bray, **SA 1** to **SA 5** was withdrawn.

SA 5 was again taken up.

At the request of Senator Days, **SA 5** was withdrawn.

Senator Days offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 15, Section 105.473, Line 13, by inserting immediately after all of said line, the following:

"105.485. 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse. shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the

financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

- (1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;
- (2) The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;
- (3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

- (4) The location by county, subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;
- (5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his services to the state or political subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service, need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;
- (6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;
- (7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee

- draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the organization;
- (8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a gift shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a gift shall include gifts to or by creditors of the individual for the purpose of canceling, reducing or otherwise forgiving the indebtedness of the individual to that creditor:
- (9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:
- (a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or
- (b) For which the official may be reimbursed as provided by law; or
- (c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or
- (d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130, RSMo; or
 - (e) Paid for purely personal purposes which

are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

- (10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;
- (11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:
- (a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, RSMo, of the state of Missouri:
 - (b) Is a lobbyist; or
- (c) Is a fee agent of the department of revenue;
- (12) The name and address of each campaign committee, political committee, candidate committee, or continuing committee for which such person or any corporation listed on such person's financial interest statement received payment.
- 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his employer or the terms of an agreement, he has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term "income" as used in this section shall have the same meaning as

- provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.
- 4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:
- (1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:
- (a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;
 - (b) The date and the identities of the parties to

each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

- (2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;
- (3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;
- (4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours."; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on **SA** 6.

Senator Bray offered **SA 1** to **SA 6**:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 8, Section 105.485, Line 16, by inserting immediately after the end of the closing quotation mark "the following:

- "105.487. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:
- (1) Each candidate for elective office, except those candidates for county committee of a political party pursuant to section 115.609, RSMo, or section 115.611, RSMo, who is required to file a personal financial disclosure statement shall file a financial interest statement no later than fourteen days after the close of filing at which the candidate seeks nomination or election, and the statement shall be for the twelve months prior to the closing date, except that in the event an individual does not become a candidate until after the date of certification for candidates, the statement shall be filed within fourteen days of the individual's nomination by caucus. An individual required to file a financial interest statement because of the individual's candidacy for office prior to a primary election in accordance with this section is also required to amend such statement no later than the close of business on Monday prior to the general election to reflect any changes in financial interest during the interim. The appropriate election authority shall provide to the candidate at the time of filing for election written notice of the candidate's obligation to file pursuant to sections 105.483 to 105.492 and the candidate shall sign a statement acknowledging receipt of such notice;
- (2) Each person appointed to office, except any person elected for county committee of a political party pursuant to section 115.617, RSMo, and each official or employee described in section 105.483 who is not otherwise covered in this subsection shall file the statement within thirty days of such appointment or employment;
- (3) Every other person required by sections 105.483 to 105.492 to file a financial interest statement shall file the statement annually not later than the first day of May and the statement shall cover the calendar year ending the immediately preceding December thirty-first; provided that the

governor, lieutenant governor, any member of the general assembly or any member of the governing body of a political subdivision may supplement such person's financial interest statement to report additional interests acquired after December thirty-first of the covered year until the date of filing of the financial interest statement;

- (4) The deadline for filing any statement required by sections 105.483 to 105.492 shall be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement required within a specified time shall be deemed to be timely filed if it is postmarked not later than midnight of the day previous to the last day designated for filing the statement.
- (5) Such financial interest statement filed with the Missouri ethics commission shall be filed electronically."

Senator Bray moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on **SA 1** to **SA 6**.

Senator Bray moved that **SA 1** to **SA 6** be adopted, which motion prevailed.

SA 6, as amended, was again taken up.

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

Senator Callahan offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting immediately after all of said line the following:

"Section 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or found

guilty of or pled guilty to a felony under the laws of this state."; and

Further amend the title and enacting clause accordingly.

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

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on the adoption of **SS** for **SCS** for **SB 1254**, as amended.

Senator Green offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 15, Section 130.032, Lines 15-16 of said page, by striking all of said lines and inserting in lieu thereof the following: "pursuant to section 130.031, the amount of contributions from a house district committee, senate district committee, judicial circuit committee, or congressional district committee to any candidate in any one"; and

Further amend said section, page 16, lines 17-28, by striking all of said lines; and

Further amend said section, page 17, lines 1-21, by striking all of said lines and inserting in lieu thereof the following:

- "3. No house district committee shall receive more than the amount allowable under subdivision 3 of subsection 1 of this section from any person for each calendar year.
- 4. No senate district committee, judicial circuit committee, or congressional district committee shall receive more than the amount allowable under subdivision 2 of subsection 1 of this section from any person for each calendar year."; and

Further amend said section by renumbering the remaining subsections accordingly.

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

Senator Griesheimer offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Lines 13-19, by striking all of said lines from the bill.

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

Senator Dougherty offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 18, Section 130.032, Line 28, by striking all of said line; and further amend said bill, page 19, section 130.032, lines 1 through 3, by striking all of said lines, and inserting in lieu thereof the following: "Candidates for".

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Engler, Gibbons and Wheeler.

SA 10 failed of adoption by the following vote:

YEAS-	-Senators		
Days	Dougherty	Green	Wheeler
Wilson—5			
NAYS-	—Senators		
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Shields	Stouffer	Vogel—27	

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies-1

Senator Ridgeway offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting at the end of said line the following:

"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.".

Senator Ridgeway moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Clemens, Engler and Stouffer.

SA 11 was adopted by the following vote:

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Alter Scott—2

Absent with leave—Senators—None

Vacancies—1

Senator Shields offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 15, Section 105.473, Line 13 of said page, by inserting immediately after said line the following:

- "105.497. 1. Any member of the general assembly who seeks election only to the office of president pro tempore of the Missouri senate or the speaker of the Missouri house of representatives may establish a committee for such purpose. This committee may be in addition to any committee established by the member pursuant to the provisions of chapter 130, RSMo.
- 2. Each committee so established shall file disclosure reports setting forth the same content as provided for by section 130.041, RSMo, at the following times and for the following periods:
- (1) Not later than the fifteenth day following the close of each calendar quarter;
- (2) Not later than the eighth day before the general election for a period closing on the twelfth day before the general election;
- (3) Such disclosure reports shall be filed with the Missouri ethics commission.
- 3. Candidates for the office of president pro tempore of the Missouri senate and the speaker of the Missouri house of representatives may accept a contribution equal to the contribution set out in subdivision (1) of subsection 1 of section 130.032, RSMo, as increased by subsection 2 of section 130.032, RSMo.
- 4. A committee established pursuant to this section shall neither make any political contributions to the candidate committee of the candidate who controls the committee, nor

purchase any political advertising for such individual.

- 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 thirty 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 elective office.

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. "Public office" or "office" shall not include the office of president pro tempore of the Missouri senate or the speaker of the Missouri house of representatives;
- (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 Shields moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 26, Section 130.046, Line 19, by inserting immediately after all of said line the following:

"Section 1. Any debt, in excess of the maximum individual contribution allowed by law, incurred by a candidate's campaign committee must be repaid before the committee's next regularly scheduled report to the ethics committee is due."; and

Further amend the title and enacting clause

accordingly.

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

Senator Gibbons offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1254, Page 15, Section 105.473, Line 13 of said page, by inserting immediately after said language the following:

"105.957. 1. The commission shall receive any complaints alleging violation of the provisions of:

- (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;
- (2) The financial interest disclosure requirements contained in sections 105.483 to 105.492;
- (3) The campaign finance disclosure requirements contained in chapter 130, RSMo;
- (4) Any code of conduct promulgated by any department, division or agency of state government, or by state institutions of higher education, or by executive order;
- (5) The conflict of interest laws contained in sections 105.450 to 105.468 and section 171.181, RSMo; and
- (6) The provisions of the constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.
- 2. Complaints filed with the commission shall be in writing and filed only by a natural person. The complaint shall contain all facts known by the complainant that have given rise to the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant. No complaint shall be investigated unless the complaint alleges facts which, if true, fall within the jurisdiction of the

commission. Within five days after receipt of a complaint by the commission, a copy shall be distributed to the alleged violator.

- 3. No complaint shall be investigated which concerns alleged criminal conduct which allegedly occurred previous to the period of time allowed by law for criminal prosecution for such conduct. The commission may refuse to investigate any conduct which is the subject of civil or criminal litigation. The commission, its executive director or an investigator shall not investigate any complaint concerning conduct which is not criminal in nature which occurred more than two years prior to the date of the complaint. A complaint alleging misconduct on the part of a candidate for public office, other than those alleging failure to file the appropriate financial interest statements or campaign finance disclosure reports, shall not be accepted by the commission within sixty days prior to the primary election at which such candidate is running for office, and until after the general election.
- 4. If the commission finds that any complaint is frivolous in nature or finds no probable cause to believe that there has been a violation, the commission shall dismiss the case. For the purposes of this subsection, "frivolous" shall mean a complaint clearly lacking any basis in fact or law. Any person who submits a frivolous complaint shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. If the commission finds that a complaint is frivolous or that there is no probable cause to believe there has been a violation, the commission shall issue a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal of the complaint. Upon such issuance, the complaint and all materials relating to the complaint shall be a public record as defined in chapter 610, RSMo.
 - 5. Complaints which allege violations as

described in this section which are filed with the commission shall be handled as provided by section 105.961."; and

Further amend the title and enacting clause accordingly.

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

Senator Shields moved that **SS** for **SCS** for **SB 1254**, as amended, be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **SB 1254**, as amended, be declared perfected and ordered printed.

Under the provisions of Senate Rule 91, Senator Crowell was excused from voting on the perfection of **SS** for **SCS** for **SB 1254**, as amended.

On motion of Senator Shields, **SS** for **SCS** for **SB 1254**, as amended, was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, 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 **SB 1055**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1060**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the

Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 852**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1086**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1130**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1175**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1094**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1101**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1207**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1177**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1102**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 568**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1155**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1206**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1197**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 895**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee

on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 925**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1017**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1222**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 877**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 655**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1109**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1027**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 821**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 752**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1002**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1057**, begs leave to report that it has considered the same and recommends

that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle requested unanimous consent of the Senate to have the Judiciary and Civil and Criminal Jurisprudence committee report on **SB 895** returned, which request was granted.

On motion of Senator Shields, the Senate recessed until 9:30 p.m.

RECESS

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

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 **SS** for **SCS** for **SB 1254**, 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 Crowell offered Senate Resolution No. 2456, regarding Rob Huff, Cape Girardeau, which was adopted.

Senators Bartle and Callahan offered Senate Resolution No. 2457, regarding Bud Lathrop, Raytown, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Vogel and himself, Senator Shields introduced to the Senate, Arliss Elliot, Vera Lisenby, Joyce Johnson, Judy Johnson, Sandy Sharp and Carol Shipp.

Senator Champion introduced to the Senate, Donna Washburn, Lacey Nunnally and twenty students from Evangel University, Springfield.

Senator Champion introduced to the Senate, Sarah Ivaska and twenty-four students from the New Covenant Academy, Springfield.

Senator Shields introduced to the Senate, Mayor David Jones, St. Joseph.

Senator Coleman introduced to the Senate, Todd Sklamberg, Kathy Pope, Julia Grubb, Jim Eggemeyer, Donna Avers, members of the Transport Services Team and staff, Friends of St. Louis Children's Hospital.

Senator Koster introduced to the Senate, the Physician of the Day, Dr. Michael Fessenden, M.D., Peculiar.

Senator Griesheimer introduced to the Senate, Rusty and Theresa Lee, Warrenton.

Senator Vogel introduced to the Senate, fourth grade students from McIntire School, Fulton; and Paul Brooks and Joe Schlemeier were made honorary pages.

Senator Gibbons introduced to the Senate, Pat and Mickey Owen and their children, Hannah and John, Homeschoolers from St. Louis; and Hannah and John were made honorary pages. Senator Stouffer introduced to the Senate, Elisabeth Godfrey, Liberty.

Senator Scott introduced to the Senate, Recorder of Deeds Stacy Satterfield, Buffalo; Recorder of Deeds Carol Poindexter, Bolivar; and Recorder of Deeds Carole Wilkerson, Stockton.

Senator Purgason introduced to the Senate, Leanna Brahm, Hartville.

Senator Engler introduced to the Senate, John Mass, St. Louis.

Senator Days introduced to the Senate, D'Andre Braddix and Student Curator Maria Curtis, University of Missouri-St. Louis.

Senator Stouffer introduced to the Senate, Mike Johnson, Jefferson City.

Senator Engler introduced to the Senate, Youth Leadership from Jefferson Youth Excel, Jefferson County.

Senator Engler introduced to the Senate, Lindell Coleman, Greg Kester, John Haguwood and thirteen twelfth grade students from Potosi High School.

Senator Scott introduced to the Senate, Matt Harr, Pettis County.

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

SENATE CALENDAR

FORTY-FIRST DAY-THURSDAY, MARCH 16, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

HOUSE BILLS ON SECOND READING

HCS for HB 1070 HB 1118-Dempsey, et al HB 983-Meadows, et al HCS for HB 1078 HB 1427-Johnson (90), et al HB 1310-Lipke, et al HB 1035-Young (49), et al HCS for HB 1232 HCS for HB 1138 HCS for HB 1153 HCS for HB 978 HB 1320-Lipke, et al HCS for HB 1344 HCS for HB 1343 HB 1251-Guest, et al HCS for HB 1357 HCS for HB 1366 HCS for HB 1168 HCS for HB 1367 HB 1204-Roorda, et al HCS for HB 1742 HB 1424-Franz HCS for HB 1456

THIRD READING OF SENATE BILLS

SS for SCS for SB 916-Koster SCS for SB 616-Stouffer

SB 778-Ridgeway, et al

SS for SCS for SB 1254-Shields

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 901-Shields

SB 566-Dougherty, et al, with SCS SB 780-Klindt SB 798-Nodler, with SCS SB 589-Bartle SB 816-Griesheimer and Coleman, SB 596-Days SBs 613, 1030 & 899-Engler and Crowell, with SCS & SS for SCS (pending) with SCS SB 817-Scott, et al SB 617-Koster, with SCS SB 820-Koster, with SCS SB 635-Cauthorn SB 822-Gross SB 637-Cauthorn, et al, with SCS SB 825-Koster, et al, with SCS SB 643-Scott SB 832-Griesheimer, with SCS SRB 848-Bartle, with SCS SB 646-Griesheimer, with SCS SB 849-Mayer, et al, with SS, SBs 665 & 757-Engler, with SCS SB 689-Scott SA 6 & SA 1 to SA 6 (pending) SB 690-Champion, with SCS SB 892-Scott, with SCS SB 718-Crowell and Mayer, with SCS SB 894-Nodler, et al, with SCS

SB 938-Stouffer

SB 953-Engler, et al, with SCS

SB 976-Gibbons, with SCS

SBs 1014 & 730-Scott and Gibbons, with

SCS, SS for SCS, SA 1 & SSA 3 for SA 1 (pending) SBs 1031 & 846-Klindt, with SCS

SB 1037-Mayer

SB 1064-Stouffer, with SCS

SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/2

SB 1020-Vogel

SB 951-Cauthorn

SB 974-Shields

SB 1008-Klindt, with SCS

SB 834-Nodler

SB 947-Shields

SB 981-Goodman, et al

Reported 3/9

SB 870-Mayer, with SCS

SB 726-Bray

SB 931-Scott

SB 977-Bartle

SB 1026-Cauthorn, with SCS

SB 1016-Gross

SB 884-Callahan

SB 1056-Griesheimer

SB 968-Green, with SCS

SB 1080-Coleman

SB 1003-Mayer, with SCS#2

SB 756-Clemens, with SCS

SB 1004-Days

SB 785-Alter

SB 769-Mayer, with SCS

SB 1139-Gibbons and Kennedy

SB 1059-Kennedy, with SCS

SB 1048-Shields, with SCS

SB 1039-Bray and Scott

SB 697-Nodler

Reported 3/15

SB 582-Griesheimer

SB 1165-Klindt

SB 1146-Ridgeway

SB 845-Kennedy, et al

SB 804-Gross	SB 1086-Kennedy, et al, with SCS
SB 725-Bray, et al	SB 1130-Green
SB 1045-Goodman	SB 1175-Stouffer, with SCS
SB 1208-Koster	SB 1094-Champion
SB 878-Champion, with SCS	SB 1101-Griesheimer
SB 1221-Goodman, with SCS	SB 1207-Mayer
SB 980-Clemens	SB 1177-Callahan
SB 1085-Kennedy, et al	SB 1102-Alter
SB 1084-Gibbons	SB 568-Dougherty, et al, with SCS
SB 1247-Vogel	SB 1117-Stouffer, with SCS
SB 952-Goodman, et al	SB 1155-Stouffer
SB 1189-Gibbons	SB 1206-Mayer
SB 1093-Gross	SB 1197-Wheeler and Champion
SB 1124-Shields	SB 925-Cauthorn, with SCS
SB 1055-Cauthorn, with SCS	SB 1017-Clemens
SB 1060-Kennedy, et al, with SCS	SB 1222-Goodman, with SCS
SB 852-Barnitz, with SCS	SB 1057-Loudon
SB 1122-Shields, with SCS	SB 1216-Goodman

House Bills

Reported 3/9

HB 1688-Johnson (47), et al (Callahan)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 27-Crowell
SCR 28-Days
SCR 30-Scott, with SCA 1
SCR 29-Graham

MISCELLANEOUS

REMONSTRANCE 1-Gross