



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

999 E Street NW
Washington DC 20001

RECEIVED 694-1152
FEC MAIL
OPERATIONS CENTER
RQ-2

2006 MAR -6 A 8:19

Rosa Lewis

January 25, 2006

Mary Tucker, Treasurer
Kirby Corporation Political Action Committee
55 Waugh Dr., Suite 1000
Houston, TX 77007

Response Due Date:
February 27, 2006

Identification Number: C00250027

Reference: Mid-Year Report (1/1/05-6/30/05)

Dear Ms. Tucker:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule B of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(a) prohibits a multicandidate committee and its affiliates from making a contribution to a candidate for federal office in excess of \$5,000 per election.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If any contribution you made exceeds the limits, you must request a refund of the excessive amount or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund of the excessive amount.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed

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*Memo
Text*

on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or ~~redesignating the contribution(s) will be taken into consideration.~~

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1142.

Sincerely,

Andrea Needles

Andrea Needles
Senior Campaign Finance Analyst
Reports Analysis Division

Recipient Name	Date	Amount	Election	Report
Kay Bailey Hutchinson for Senate	12/19/03	\$4,000	P-2006	2003 Year End Report
Kay Bailey Hutchinson for Senate	2/28/05	\$5,000	P-2006	2005 Mid-Year Report

Andrea -

Please see attached
for correction for
this discrepancy.
We will disclose
on filing due 3/30/06
Mary Tucker
713 435 1129

25039010590

Kirby Corporation Political Action Committee
55 Waugh Drive, Suite 1000
Houston, Texas 77007
Phone 713-435-1108

RECEIVED
FEC MAIL
OPERATIONS CENTER
2006 MAR -6 A 8:20

February 2, 2006

Kay Bailey Hutchison for Senate Committee
801 Congress Avenue, Suite 310
Austin, Texas 78701
Attn: Treasurer

Dear Sir or Madam:

We have received notice from the Federal Election Commission that we inadvertently exceeded the maximum \$5,000 per election limit for Senator Hutchison's 2006 primary campaign. We designated contributions of \$4,000 on December 19, 2003 and \$5,000 on February 28, 2005 as contributions to the 2006 primary.

FEC regulations require we request a refund of the \$4,000 excess contribution as the time for a re-designation to the 2006 general election has lapsed.

Please send the refund to my attention at the address above.

Regards,



Mark R. Buese
Vice President and Secretary

cc: Mary Tucker

2006031010501

**KAY BAILEY HUTCHISON
FOR SENATE COMMITTEE**

P.O. BOX 9180
DALLAS, TX 75209-9180

JPMORGAN CHASE BANK, N.A.
HOUSTON, TX 77002
32-115-1110

2/8/2006

PAY TO THE ORDER OF Kirby Corporation PAC

\$ ***4,000.00

Four Thousand and 00/100***** DOLLARS

Kirby Corporation PAC
Attn: Mark R. Buese
55 Waugh Drive, Suite 1000
Houston, TX 77007

MEMO

Refund



⑆06⑆9⑆2⑆2⑆

KAY BAILEY HUTCHISON FOR SENATE COMMITTEE

3922

Kirby Corporation PAC
6000 - Refunds

2/8/2006
Refund of Excessive Primary 2006 Contribution

4,000.00

6-2006

Checking

Refund

4,000.00

25079010502

KIRBYPAC

55 Waugh Drive, Suite 1000
HOUSTON, TEXAS 77007
(713) 435-1000

SOUTHWEST BANK OF TEXAS, N.A.
HOUSTON, TX 77227

35-1125
1190

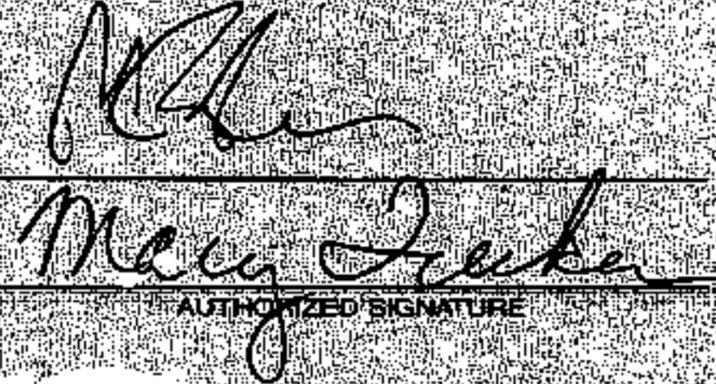
000845

DATE February 17, 2006

PAY Four thousand dollars and no cents*****DOLLARS \$4,000.00

TO THE ORDER OF

Kay Bailey Hutchison for Senate Committee



AUTHORIZED SIGNATURE

⑈000845⑈

DATE	DESCRIPTION	INVOICE NO.	AMOUNT	DISCOUNT	DEDUCTIONS	NET AMOUNT
02/17/06	General 2006		\$4,000.00			\$4,000.00

SC-811-3
PRINTED IN U.S.A.

KIRBYPAC

Mary Tucker - Hutchison Contribution

From: Mark Buese
To: Lawrence, Berdon
Date: 2/2/2006 10:40 AM
Subject: Hutchison Contribution
CC: Pyne, Joe; Rossicone, Linda; Tucker, Mary; Woodruff, Matt

Berdon - KirbyPAC received notice from the Federal Election Commission. It had exceeded the \$5,000 maximum contribution per election to Senator Hutchison's 2006 Primary. We made a \$4,000 contribution in 2003 and a \$5,000 contribution in 2005, both designated as contributions to the 2006 Primary. FEC regs require we request a refund of the excess \$4,000 as the time for redesignating the excess to the 2006 General has lapsed. I have sent the campaign treasurer a refund request. After they provide it, we'll make a \$4,000 contribution designated to the 2006 General election.

Mark Buese
Senior Vice President
Kirby Corporation
Office: 713 435-1108
Cell: 713 805-3031
Fax: 713 435-1011

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
 The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input checked="" type="checkbox"/> USPS First Class Mail	Postmarked <i>2-21-06</i>
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked

Jmp
 PREPARER
 (3/2005)

3/6/06
 DATE PREPARED

2005030610595