

JOURNAL OF THE HOUSE

VETO SESSION

First Regular Session, 95th GENERAL ASSEMBLY

WEDNESDAY, SEPTEMBER 16, 2009

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Father, we give thanks for the state of Missouri and its government. We hold up in prayer before You these men and women, of the House of Representatives, who have accepted the responsibility to govern. We fully recognize that there is no authority except from You and the authorities that exist are appointed by You. Thank You for their continued dedicated service to this state.

You said, in Your Word, "Ask of Me and I will answer you. I'll tell you amazing and astonishing things that you could never figure out on your own."

Heavenly Father, as these men and women take up the tasks presented in this veto session, we believe, though much will be disputed, much will be accomplished as the best interests of the constituents remain the priority.

We believe these servants to be men and women of integrity, whom You brought together for such a time as this. Grant them wisdom, understanding, patience and a speedy answer to each question.

Now to Him who is able to keep us from stumbling, to Him, Who alone is wise; be glory and majesty, dominion and power, both now and forever.

In the name of Your Son, we pray. Amen.

The Pledge of Allegiance to the flag was recited.

HOUSE RESOLUTION

Representative Tilley offered **House Resolution No. 1**, which was read.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2009 Constitutional Veto Session and ready for consideration of business.

On motion of Representative Tilley, **House Resolution No. 1** was adopted by the following vote:

AYES: 157

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 149

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Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 80
Hoskins 121	Hughes	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

El-Amin	Holsman	Munzlinger	Tracy
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VACANCIES: 002

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 1**.

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

MESSAGES FROM THE GOVERNOR

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Section 2.017

I hereby veto \$155,000 State School Moneys Fund for Teacher Personal Finance and Economics Education Training. Since this program is not part of the critical state system of support and there is a revenue shortfall, the veto is necessary to ensure a balanced budget.

From \$291,326 to \$136,326 from State School Moneys Fund.
From \$7,000,000 to \$6,845,000 in total for the section.

Section 2.120

I hereby veto \$200,000 Federal Budget Stabilization Fund for charter schools evaluation. The revenue shortfall necessitates reducing spending on non-critical items.

From \$200,000 to \$0 from Federal Budget Stabilization Fund.
From \$2,632,000 to \$2,432,000 in total for the section.

Section 2.155

I hereby veto \$1,000,000 Federal Budget Stabilization Fund for Enhancing Missouri's Instructional Networked Teaching Strategies (eMINTS) classroom technology. Federal Stimulus Funds are provided in House Bill 21 for enhancing education through technology projects.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from Federal Budget Stabilization Fund.

On June 25, 2009 I approved said **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Section 3.220

I hereby veto \$2,011,539 Federal Budget Stabilization Fund for the Missouri Research and Education Network (MOREnet). These funds would have provided an increase in funding for this program and a veto of these additional funds is necessary to ensure a balanced budget.

From \$3,287,000 to \$1,275,461 from Federal Budget Stabilization Fund.

From \$14,766,151 to \$12,754,612 in total for the section.

Section 3.225

I hereby veto \$340,746 general revenue for the University of Missouri Hospital and Clinics. My budget recommendations included a five percent reduction to this program. These funds were not included in my budget recommendations and a veto of these additional funds is necessary to ensure a balanced budget.

From \$12,866,571 to \$12,525,825 from General Revenue Fund.

From \$19,416,571 to \$19,075,825 in total for the section.

On June 25, 2009 I approved said **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Section 4.037

I hereby veto \$3,000,000 Federal Budget Stabilization Fund for the railroad rolling stock tax credit. This funding would have been for a new program that cannot be supported due to the revenue shortfall.

Said section is vetoed in its entirety from \$3,000,000 to \$0 from Federal Budget Stabilization Fund.
From \$3,000,000 to \$0 in total for the section.

Section 4.160

I hereby veto \$368,097 Lottery Enterprise Fund for ten staff in the Lottery Commission to allow greater use of lottery funds for education.

Personal Service by \$368,097 from \$7,361,934 to \$6,993,837 Lottery Enterprise Fund.
From \$38,615,436 to \$38,247,339 in total from Lottery Enterprise Fund.
From \$38,615,436 to \$38,247,339 in total for this section.

Section 4.200

I hereby veto \$33,000 State Road Fund Administration due to administrative inefficiencies.

Expense and Equipment by \$33,000 from \$5,322,263E to \$5,289,263E State Road Fund.
From \$27,132,066 to \$27,099,066 from State Road Fund.
From \$51,710,288 to \$51,677,288 in total for this section.

On June 25, 2009 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2009 and ending June 30, 2010.

Section 6.008

I hereby veto \$35,004 general revenue for the administration of the Large Animal Veterinary Student Loan Program. The administrative duties of this small program can be absorbed by other staff.

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Personal Service and/or Expense and Equipment by \$35,004 from \$35,004 to \$0 General Revenue Fund.
From \$155,004 to \$120,000 in total for the section.

Section 6.020

I hereby veto \$121,257 general revenue, including \$46,257 to pay part of the Agriculture Business Development Director's salary, and \$75,000 to continue a contract to promote the international marketing of Missouri agricultural goods in China. A veto is necessary to help bring expenditures in line with available resources.

Personal Service and/or Expense and Equipment by \$121,257 from \$1,441,385 to \$1,320,128 from General Revenue Fund.
From \$2,235,587 to \$2,114,330 in total for the section.

Section 6.063

I hereby veto \$1E to transfer from general revenue to the Livestock Feed and Crop Input Loan Guarantee Fund up to \$4 million to pay for guarantees against livestock feed and crop input loan defaults. In light of current economic conditions, this would significantly expand the state's financial risk exposure.

Said section is vetoed in its entirety from \$1E to \$0 from General Revenue Fund.
From \$1E to \$0 in total for the section.

Section 6.064

I hereby veto \$1E from the Livestock Feed and Crop Input Loan Guarantee Fund to pay for up to \$4 million in livestock feed and crop input loan default guarantees. See Section 6.063 above for an explanation of this veto.

Said section is vetoed in its entirety from \$1E to \$0 from Livestock Feed and Crop Input Loan Guarantee Fund.
From \$1E to \$0 in total for the section.

Section 6.070

I hereby veto \$141,910, including \$104,901 general revenue, for an animal disease control veterinarian and a meat and poultry processing facility inspector. A veto is necessary to help bring expenditures in line with available resources.

Personal Service and/or Expense and Equipment by \$104,901 from \$2,591,992 to \$2,487,091 General Revenue Fund.
Personal Service by \$21,734 from \$647,722 to \$625,988 Federal Funds.
Expense and Equipment by \$15,275 from \$930,301E to \$915,026E Federal Funds.
From \$1,578,023 to \$1,541,014 from Federal Funds.
From \$5,518,850 to \$5,376,940 in total for the section.

Section 6.105

I hereby veto \$569,100 Federal Budget Stabilization Fund to replace three large scale inspection trucks. A veto is necessary to help bring expenditures in line with available resources.

Expense and Equipment by \$569,100 from \$584,100 to \$15,000 Federal Budget Stabilization Fund.
From \$4,147,586 to \$3,578,486 in total for the section.

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On June 25, 2009 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Section 8.095

I hereby veto \$83,598 State Highway and Transportation Department Fund for the Capitol Police. Use of State Highway and Transportation Department Funds for non-highway related purposes is in violation of Section 226.200, RSMo.

Personal Service and/or Expense and Equipment by \$83,598 from \$83,598 to \$0 State Highway and Transportation Department Fund.

From \$1,588,383 to \$1,504,785 in total for the section.

Section 8.165

I hereby veto \$193,675 General Revenue for the Division of Alcohol and Tobacco Control. These funds are not needed for essential services and a veto of these additional funds is necessary to ensure a balanced budget.

Personal Service and/or Expense and Equipment by \$193,675 from \$2,334,634 to \$2,140,959 General Revenue Fund. From \$2,954,535 to \$2,760,860 in total for the section.

Section 8.185

I hereby veto \$160,112 General Revenue for the Missouri Veterans Commission. These funds are not needed for the efficient administration of the services and a veto of these additional funds is necessary to ensure a balanced budget.

Personal Service and/or Expense and Equipment by \$160,112 from \$2,616,077 to \$2,455,965 General Revenue Fund. From \$5,678,980 to \$5,518,868 in total for the section.

On June 25, 2009 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Section 9.065

I hereby veto \$110,000 Federal Budget Stabilization Fund for specialty vehicles. Funding these vehicle replacements is not critical and a veto of these additional funds is necessary to ensure a balanced budget.

Expense and Equipment by \$110,000 from \$110,000 to \$0 Federal Budget Stabilization Fund.
From \$17,530,407 to \$17,420,407 in total for the section.

Section 9.240

I hereby veto \$250,000 Inmate Revolving Fund for Community Justice Programs because such funds can only be used for programming within the Corrections-supervised population.

From \$250,000 to \$0 Inmate Revolving Fund.
From \$8,194,155 to \$7,944,155 from Inmate Revolving Fund.
From \$75,054,751 to \$74,804,751 in total for the section.

On June 25, 2009 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Section 10.005

I hereby veto \$62,969 Federal Funds that would replace the 10% administrative general revenue core reduction. These funds are not needed for the efficient administration of programs and a veto of these additional funds is necessary to ensure a balanced budget.

Personal Service by \$34,618 from \$71,976 to \$37,358 Federal Funds.
Expense and Equipment by \$28,351 from \$104,574 to \$76,223 Federal Funds.
From \$176,550 to \$113,581 in total from Federal Funds.
From \$756,848 to \$693,879 in total for the section.

Section 10.200

I hereby veto \$92,410 Federal Funds that would replace the 10% administrative general revenue core reduction. These funds are not needed for the efficient administration of programs and a veto of these additional funds is necessary to ensure a balanced budget.

Expense and Equipment by \$92,410 from \$459,011 to \$366,601 Federal Funds.
From \$1,063,298 to \$970,888 in total from Federal Funds.
From \$2,415,010 to \$2,322,600 in total for the section.

Section 10.215

I hereby veto \$30,000 General Revenue Fund for Boone County Legal Fees. These funds are unable to be expended because they do not qualify under Section 56.700, RSMo.

For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo by \$30,000 from \$162,550 to \$132,550 General Revenue Fund.
From \$936,649 to \$906,649 in total from General Revenue Fund.
From \$936,649 to \$906,649 in total for the section.

Section 10.400

I hereby veto \$58,655 Federal Funds that would replace the 10% administrative general revenue core reduction. These funds are not needed for the efficient administration of programs and a veto of these additional funds is necessary to ensure a balanced budget.

Expense and Equipment by \$58,655 from \$122,536 to \$63,881 Federal Funds.
From \$425,545 to \$366,890 in total from Federal Funds.
From \$2,237,196 to \$2,178,541 in total for the section.

Section 10.660

I hereby veto \$500,000 Federal Budget Stabilization Fund for Area Health Education Centers. Given the revenue shortfall, limited resources need to be focused on essential services and a veto of these additional funds is necessary to ensure a balanced budget.

From \$1,000,000 to \$500,000 Federal Budget Stabilization Fund.
From \$5,535,224 to \$5,035,224 in total for the section.

Section 10.675

I hereby veto \$24,576 General Revenue Fund for a Medical Laboratory Technician at the Poplar Bluff satellite laboratory. These funds are not needed for the efficient administration of programs and a veto of these additional funds is necessary to ensure a balanced budget.

Personal Service and/or Expense and Equipment by \$24,576 from \$2,330,804 to \$2,306,228 General Revenue Fund. From \$9,553,309 to \$9,528,733 in total for the section.

On June 25, 2009 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 11** entitled:

"AN ACT"

To appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Section 11.432

I hereby veto \$8,375,209, including \$3,000,000 general revenue, for the Care Coordination Program. This is a pilot project that mirrors an existing program within the department, which is still being reviewed for its effectiveness. A veto of these additional funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$3,000,000 to \$0 from General Revenue Fund.
From \$5,375,209 to \$0 from Federal Funds.
From \$8,375,209 to \$0 in total for the section.

Section 11.455

I hereby veto \$1,326,075 including \$475,000 general revenue to increase dental rates in the Medicaid program. The appropriation will still include funding for a smaller rate increase. Given revenue constraints, a veto of these additional funds is necessary to ensure a balanced budget.

From \$4,761,170 to \$4,286,170 from General Revenue Fund.
From \$10,253,383 to \$9,402,308 from Federal Funds.
From \$15,934,488 to \$14,608,413 in total for the section.

Section 11.475

I hereby veto \$1,846,922 including \$637,500 general revenue to increase dental rates in the Medicaid program. The appropriation will still include funding for a smaller rate increase. Given revenue constraints, a veto of these additional funds is necessary to ensure a balanced budget.

From \$248,151,985 to \$247,514,485 from General Revenue Fund.
From \$688,308,950 to \$687,099,528 from Federal Funds.
From \$1,053,974,722 to \$1,052,127,800 in total for the section.

Section 11.490

I hereby veto \$200,000 Federal Budget Stabilization Fund for the telemonitoring program. This is not an essential service and a veto of these additional funds is necessary to ensure a balanced budget.

From \$200,000 to \$0 from Federal Budget Stabilization Fund.
From \$788,442,253 to \$788,242,253 in total for the section.

Section 11.520

I hereby veto \$279,174 including \$100,000 general revenue to increase dental rates in the Medicaid program. The appropriation will still include funding for a smaller rate increase. Given revenue constraints, a veto of these additional funds is necessary to ensure a balanced budget.

From \$30,895,887 to \$30,795,887 from General Revenue Fund.
From \$143,144,832 to \$142,965,658 from Federal Funds.
From \$191,128,792 to \$190,849,618 in total for the section.

Section 11.560

I hereby veto \$37,500 general revenue, to increase dental rates in the Medicaid program. The appropriation will still include funding for a smaller rate increase. Given revenue constraints, a veto of these additional funds is necessary to ensure a balanced budget.

From \$29,421,161 to \$29,383,661 from General Revenue Fund.
From \$31,234,926 to \$31,197,426 in total for the section.

On June 25, 2009 I approved said **Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 11** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12** entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money

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among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

Section 12.195

I hereby veto \$42,500 Workers' Compensation – Second Injury Fund for the purpose of hiring one of four additional assistant attorneys general. Three new staff should be sufficient to fulfill these responsibilities.

Personal Service and/or Expense and Equipment by \$42,500 from \$3,061,571 to \$3,019,071 Workers' Compensation – Second Injury Fund.

From \$23,727,954 to \$23,685,454 in total for the section.

Section 12.300

I hereby veto \$100,000 Federal Budget Stabilization Fund for increased funding for the Supreme Court Library. Due to revenue shortfalls, a veto of these increased funds is necessary to ensure a balanced budget.

Personal Service and/or Expense and Equipment by \$100,000 from \$626,321 to \$526,321 Federal Budget Stabilization Fund.

From \$9,003,255 to \$8,903,255 in total for the section.

Section 12.515

I hereby veto \$90,000 Federal Budget Stabilization Fund for performance measure evaluation. Program evaluation will continue to be a focus of each department, but due to revenue shortfalls, a veto of these funds is necessary to ensure a balanced budget.

From \$90,000 to \$0 from Federal Budget Stabilization Fund.

From \$2,072,411 to \$1,982,411 in total for the section.

On June 25, 2009 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Bill No. 13** entitled:

"AN ACT"

To appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

Section 13.145

I hereby veto \$1,000,000, including \$500,000 general revenue, from Real Estate contingency needs for projected efficiencies. A veto of these additional funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 from Federal Funds and Other Funds.
From \$1,000,000 to \$0 in total for the section.

On June 25, 2009 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Bill No. 13** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 21** entitled:

"AN ACT"

To appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2009 and ending June 30, 2010.

Section 21.175

I hereby veto the words "provided that the state distribution plan shall be approved by the chair of the House Budget and Senate Appropriations Committee prior to any expenditures of such funds." The approval language is null and void because such authority is reserved to the executive branch in accordance with Article IV, Section 28 of the Missouri Constitution. This language is unconstitutional and could raise concerns by grantees that they will not receive funds in a timely manner, delaying the completion of projects and potentially jeopardizing federal funds through missed deadlines.

On June 25, 2009 I approved said **Senate Committee Substitute for House Committee Substitute for House Bill No. 21** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 25, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 22** entitled:

"AN ACT"

To appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds.

Section 22.015

I hereby veto \$50,000 Federal Budget Stabilization Fund for renovations, improvements, maintenance, repairs, and equipment purchases for the Mid-Missouri Mental Health Center. These funds are in excess of the amount needed for this purpose.

From \$6,500,000 to \$6,450,000 from Federal Budget Stabilization Fund.

From \$6,500,000 to \$6,450,000 in total for the section.

Section 22.021

I hereby veto \$5,000,000 Federal Budget Stabilization Fund for maintenance, repairs, replacements, and improvements at community colleges. Community colleges have other funding for this purpose and a veto of these additional funds is necessary to ensure a balanced budget.

From \$13,000,000 to \$8,000,000 from Federal Budget Stabilization Fund.

From \$13,000,000 to \$8,000,000 in total for the section.

Section 22.060

I hereby veto \$2,250,000E Board of Public Buildings – Series A 2003 Bond Proceeds - Projects Fund. A veto of these additional funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$2,250,000E to \$0 from Board of Public Buildings – Series A 2003 Bond Proceeds - Projects Fund.

From \$2,250,000E to \$0 in total for the section.

Section 22.077

I hereby veto \$275,000 Federal Budget Stabilization Fund for implementation and administration of a pseudoephedrine tracking system. Sufficient resources still remain to begin implementing this project. A veto of these additional funds is necessary to ensure a balanced budget.

From \$886,455 to \$611,455 from Federal Budget Stabilization Fund.

From \$886,455 to \$611,455 in total for the section.

Section 22.080

I hereby veto \$432,000 Special Employment Security Fund for maintenance, repairs, replacements, and improvements at Employment Security and Job Service facilities. This item will be funded in HB 13 in Fiscal Year 2010.

Said section is vetoed in its entirety from \$432,000 to \$0 from Special Employment Security Fund.
From \$432,000 to \$0 in total for the section.

Section 22.140

I hereby veto \$300,000 State Highways and Transportation Department Fund for construction of a paved lot in Pettis County for the Troop A commercial drivers license facility. This project is not a high priority for limited highway funds and a veto of these additional funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$300,000 to \$0 from State Highways and Transportation Department Fund.
From \$300,000 to \$0 in total for the section.

Section 22.145

I hereby veto \$931,086 State Highways and Transportation Department Fund for the purchase of the Troop C radio towers. This expenditure is not a high priority for limited highway funds and a veto of these additional funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$931,086 to \$0 from State Highways and Transportation Department Fund.
From \$931,086 to \$0 in total for the section.

Section 22.170

I hereby veto \$12,643,617 Federal Budget Stabilization Fund for a transfer to the Missouri Qualified Fuel Ethanol Producer Incentive Fund, intended to pre-pay incentives. Sufficient funding remains in the budget for Fiscal Years 2010 and 2011 commitments.

From \$23,000,000 to \$10,356,383 from Federal Budget Stabilization Fund.
From \$23,000,000 to \$10,356,383 in total for the section.

Section 22.175

I hereby veto \$12,643,617 Missouri Qualified Fuel Ethanol Producer Incentive Fund for Missouri ethanol producer incentive payments. Sufficient funding remains in the budget for Fiscal Years 2010 and 2011 commitments.

From \$23,000,000 to \$10,356,383 from Missouri Qualified Fuel Ethanol Producer Incentive Fund.
From \$23,000,000 to \$10,356,383 in total for the section.

Section 22.176

I hereby veto \$10,000,000 Federal Budget Stabilization Fund for highway access to the Missouri State Penitentiary Site. Highway funds should be the source of funding for such a project and a veto of these additional funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$10,000,000 to \$0 from Federal Budget Stabilization Fund.
From \$10,000,000 to \$0 in total for the section.

Section 22.230

I hereby veto \$2,673,949 Federal Budget Stabilization Fund for cleanup of hazardous waste sites. Sufficient funding remains for commitments through Fiscal Year 2011.

From \$7,821,249 to \$5,147,300 from Federal Budget Stabilization Fund.
From \$7,821,249 to \$5,147,300 in total for the section.

Section 22.240

I hereby veto \$24,700,000 Federal Budget Stabilization Fund for statewide interoperable communication system development for the Missouri State Highway Patrol and other state agencies. Sufficient funding remains for statewide replacement of the Missouri State Highway Patrol radio system and the interoperability projects.

From \$111,700,000 to \$87,000,000 from Federal Budget Stabilization Fund.

From \$111,700,000 to \$87,000,000 in total for the section.

Section 22.245

I hereby veto \$408,004, including \$146,147 Federal Budget Stabilization Fund for the purpose of providing a rate increase for pediatric nursing services. The appropriation will still include funding for a smaller rate increase. Given revenue constraints, a veto of these additional funds is necessary to ensure a balanced budget.

From \$292,291 to \$146,144 from Federal Budget Stabilization Fund.

From \$523,709 to \$261,852 from Federal Funds.

From \$816,000 to \$407,996 in total for the section.

Section 22.254

I hereby veto \$4,000,000, including \$2,000,000 Federal Budget Stabilization Fund for the purpose of funding contractor and provider payments associated with participant case management services for Medicaid. Sufficient funds are appropriated in House Bill 11 for a chronic care management pilot and a veto of these additional funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from Federal Budget Stabilization Fund.

From \$2,000,000 to \$0 from Federal Funds.

From \$4,000,000 to \$0 in total for the section.

Section 22.290

The words “provided that no more than \$19,228,211 is expended for this project regardless of appropriation source” are deleted and not approved for the reason that they do not reflect the true intent of the language. The intent of the language was to ensure that this capital project appropriation, which is the remaining balance of a larger project and which was being considered in several different bills, not be appropriated and expended multiple times. However, because the larger project has received other sources of state funding, this restrictive language would not allow for expenditures on the project beyond this partial funding amount.

Section 22.295

I hereby veto \$4,500,000 Federal Budget Stabilization Fund for planning, design, renovation, and construction of a business incubator at Southeast Missouri State University. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$4,500,000 to \$0 from Federal Budget Stabilization Fund.

From \$4,500,000 to \$0 in total for the section.

Section 22.300

The words “provided that no more than \$10,222,081 is expended for this project regardless of appropriation source” are deleted and not approved for the reason that they do not reflect the true intent of the language. The intent of the language was to ensure that this capital project appropriation, which is the remaining balance of a larger project and which was being considered in several different bills, not be appropriated and expended multiple times. However, because the larger project has received other sources of state funding, this restrictive language would not allow for expenditures on the project beyond this partial funding amount.

Section 22.305

The words “provided that no more than \$31,182,000 is expended for this project regardless of appropriation source” are deleted and not approved for the reason that they do not reflect the true intent of the language. The intent of the language was to ensure that this capital project appropriation, which is the remaining balance of a larger project and which was being considered in several different bills, not be appropriated and expended multiple times. However, because the larger project has received other sources of state funding, this restrictive language would not allow for expenditures on the project beyond this partial funding amount.

Section 22.310

I hereby veto \$1,859,737 Federal Budget Stabilization Fund for planning, design, renovation, construction, and/or purchase of equipment for the Greenley Learning and Discovery Park. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$1,859,737 to \$0 from Federal Budget Stabilization Fund.
From \$1,859,737 to \$0 in total for the section.

Section 22.315

I hereby veto \$1,726,810 Federal Budget Stabilization Fund for planning, design, renovation, construction, and/or purchase of equipment for a plant science greenhouse at the Delta Research Center. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$1,726,810 to \$0 from Federal Budget Stabilization Fund.
From \$1,726,810 to \$0 in total for the section.

Section 22.320

I hereby veto \$3,059,191 Federal Budget Stabilization Fund for planning, design, renovation, construction, and/or purchase of equipment for an education and outreach center in Lawrence County. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$3,059,191 to \$0 from Federal Budget Stabilization Fund.
From \$3,059,191 to \$0 in total for the section.

Section 22.325

I hereby veto \$579,754 Federal Budget Stabilization Fund for planning, design, renovation, construction, and/or purchase of equipment for a meeting and education facility in Atchison and Holt Counties. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$579,754 to \$0 from Federal Budget Stabilization Fund.
From \$579,754 to \$0 in total for the section.

Section 22.330

I hereby veto \$2,998,232 Federal Budget Stabilization Fund for planning, design, renovation, construction, and/or purchase of equipment for an agroforestry education and research center and meeting and education facilities in Howard County. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$2,998,232 to \$0 from Federal Budget Stabilization Fund.
From \$2,998,232 to \$0 in total for the section.

Section 22.335

I hereby veto \$671,256 Federal Budget Stabilization Fund for planning, design, renovation, construction, and/or purchase of equipment for a headquarters building and meeting room in Grundy County. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$671,256 to \$0 from Federal Budget Stabilization Fund.
From \$671,256 to \$0 in total for the section.

Section 22.340

I hereby veto \$527,101 Federal Budget Stabilization Fund for planning, design, renovation, construction, and/or purchase of equipment for a meeting and education facility in Crawford County. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$527,101 to \$0 from Federal Budget Stabilization Fund.
From \$527,101 to \$0 in total for the section.

Section 22.345

I hereby veto \$600,000 Federal Budget Stabilization Fund for planning, design, renovation, construction, and/or purchase of equipment for a swine research isolation facility in Callaway County. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget.

Said section is vetoed in its entirety from \$600,000 to \$0 from Federal Budget Stabilization Fund.
From \$600,000 to \$0 in total for the section.

Section 22.350

The words “provided that no more than \$28,130,767 is expended for this project regardless of appropriation source” are deleted and not approved for the reason that they do not reflect the true intent of the language. The intent of the language was to ensure that this capital project appropriation, which is the remaining balance of a larger project and which was being considered in several different bills, not be appropriated and expended multiple times. However, because the larger project has received other sources of state funding, this restrictive language would not allow for expenditures on the project beyond this partial funding amount.

Section 22.355

The words “provided that no more than \$2,500,000 is expended for this project regardless of appropriation source” are deleted and not approved for the reason that they do not reflect the true intent of the language. The intent of the language was to ensure that this capital project appropriation, which is the remaining balance of a larger project and which was being considered in several different bills, not be appropriated and expended multiple times. However, because the larger project has received other sources of state funding, this restrictive language would not allow for expenditures on the project beyond this partial funding amount.

Section 22.360

I hereby veto \$2,000,000 Federal Budget Stabilization Fund for trade zone facilities in the state. Given the current revenue shortfall, a veto of these funds is necessary to ensure a balanced budget. The remaining appropriation amount will provide sufficient resources for this project.

From \$12,000,000 to \$10,000,000 from Federal Budget Stabilization Fund.
From \$12,000,000 to \$10,000,000 in total for the section.

On June 25, 2009 I approved said **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 22** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 2, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 89** entitled:

"AN ACT"

To repeal section 300.390 and 557.060, RSMo, and to enact in lieu thereof two new sections relating to traffic violations, with a penalty provision.

I disapprove of **House Committee Substitute for House Bill No. 89**. My reasons for disapproval are as follows:

House Committee Substitute for House Bill No. 89 purports to require that vehicles yield the right-of-way to all pedestrians and bicyclists crossing in an appropriate crosswalk on a city or neighborhood street. By its terms, the provision would only apply to the City of Kansas City.

The bill's language is amended to a provision in Chapter 300, RSMo, which is also known as the Model Traffic Ordinance. The Model Traffic Ordinance is a template from which cities may adopt their own traffic ordinances. City specific provisions such as is contained in **House Committee Substitute for House Bill No. 89** are inconsistent with the intent of this generic template and could cause confusion.

In addition, the provisions contained in Chapter 300, RSMo, have no legal effect unless adopted by the legislative body of a city. The City of Kansas City has not generally adopted the Model Traffic Ordinance and the statutory change contained in **House Committee Substitute for House Bill No. 89** would not become applicable to the City of Kansas City through enactment of this bill. Rather, the City of Kansas City would need to adopt this language as an ordinance which the city can accomplish without approval of **House Committee Substitute for House Bill No. 89**.

This veto does not prohibit or otherwise preclude the City of Kansas City from adopting a traffic ordinance identical to the language contained in **House Committee Substitute for House Bill No. 89**.

In accordance with the above stated reason for disapproval, I am returning **House Committee Substitute for House Bill No. 89** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 116** entitled:

"AN ACT"

To repeal sections 565.081, 565.082, 565.083, and 565.084, RSMo, and to enact in lieu thereof four new sections relating to assault of a law enforcement officer, emergency personnel, probation and

parole officer, transit operator, or an employee of mass transit systems while on duty or in operation of their official vehicle, with penalty provisions.

I disapprove of **House Bill No. 116**. My reasons for disapproval are as follows:

Currently, sections 565.081, 565.082, and 565.083, RSMo, provide enhanced punishment for assaults committed against law enforcement officers, emergency personnel and probation and parole officers. The enhanced punishment applies to assaults of these classes of individuals regardless of whether they were on duty at the time of the assault, so long as the defendant knew the victim was a member of one of these groups.

House Bill No. 116 adds transit operator and mass transit employee into each of these offenses. This is a laudable purpose because such employees can be targeted while engaged in their vocation and deserve additional protection.

However, **House Bill No. 116** inserts "while on duty or in operation of their official vehicle" at the end of each operative section. While this language may have been intended to only apply to transit operators and mass transit employees, its placement at the end of each section would likely be deemed to modify and limit the protections afforded all law enforcement officers, emergency personnel, and probation and parole officers contained in sections 565.081, 565.082, and 565.083, RSMo.

Enhanced punishment for assaults against transit operators and mass transit employees may be appropriate but cannot be accomplished at the expense of protections already afforded law enforcement officers, emergency personnel, and probation and parole officers.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 116** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 148** entitled:

"AN ACT"

To repeal sections 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 67.110, 137.073, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof nineteen new sections relating to property taxation.

I disapprove of **Conference Committee Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 148**. My reasons for disapproval are as follows:

Conference Committee Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 148 would permit political subdivisions to levy a property tax rate that exceeds the latest voter-approved maximum rate for that jurisdiction. This legislation would overturn an important property tax reform that was passed in 2008, which prohibits taxing districts from increasing property tax rates without a vote of the people. The effect of **Conference Committee Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 148** would be to give a large number of taxing districts the ability to increase property tax rates without having to get the approval of the voters of those districts.

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In accordance with the above stated reasons for disapproval, I am returning **Conference Committee Substitute for Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 148** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Bill No. 171** entitled:

"AN ACT"

To amend chapter 441, RSMo, by adding thereto one new section relating to payment of rent when a leased residence is destroyed.

I disapprove of **Senate Committee Substitute for House Bill No. 171**. My reasons for disapproval are as follows:

Because of the inclusion of the phrase “[i]n the absence of a written contract to the contrary,” **Senate Committee Substitute for House Bill No. 171** permits landlords to attempt to hold tenants contractually liable for rent even after a residence is destroyed by an act of God or other natural or “man-made” disaster.

Under Missouri law, the implied warranty of habitability provides that a leased premises must be habitable and fit for living. A residence that is destroyed by disaster is neither habitable nor fit for living. The phrase “in the absence of a written contract to the contrary” in **Senate Committee Substitute for House Bill No. 171**, however, would allow a landlord to attempt to contractually require a tenant to pay rent on a residence that was destroyed, thereby calling into question or even nullifying the implied warranty of habitability. As a matter of public policy, tenants should not be liable for rent under these circumstances.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Bill No. 171** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 251** entitled:

"AN ACT"

To repeal section 416.440, RSMo, and to enact in lieu thereof one new section relating to the sale of milk.

I disapprove of **House Committee Substitute for House Bill No. 251**. My reasons for disapproval are as follows:

House Committee Substitute for House Bill No. 251 as it relates to the Unfair Milk Sales Practices Act would allow milk processors, distributors or cooperative associations to create monopolies or unfairly manipulate trade. This

represents a substantial change to longstanding regulation of milk and milk products that could have a detrimental impact on consumers.

House Committee Substitute for House Bill No. 251 could also adversely affect the economic well being of Missouri dairy farmers. The bill would create incentives for the grocery industry to purchase milk from dairy producers outside the State of Missouri, which would have a negative impact on Missouri dairy producers. At a time when the state should be enacting policies that support Missouri farmers and Missouri agriculture, this legislation would be a step in the wrong direction.

In addition, **House Committee Substitute for House Bill No. 251** could adversely affect public health and welfare to the extent that the bill creates incentives for expanded warehousing of milk and milk products. Milk and milk products have a limited shelf life, and lengthening the amount of time it takes these products to reach consumers could increase health risks to consumers.

In accordance with the above stated reasons for disapproval, I am returning **House Committee Substitute for House Bill No. 251** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 2, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 306**, entitled:

"AN ACT"

To repeal section 67.1177, RSMo, and to enact in lieu thereof one new section relating to certain hotel and motel taxes.

I disapprove of **House Committee Substitute for House Bill No. 306**. My reasons for disapproval are as follows:

House Committee Substitute for House Bill No. 306 shifts the burden of collecting this locally enacted transient guest tax onto the Missouri Department of Revenue. The proposed change from local collection would needlessly result in a more disruptive enforcement process for the local citizenry. This local tax should be collected by local officials with knowledge of the area and better positioned to administer the program in a fair and consistent manner. State government involvement is both unwarranted and unnecessary.

In accordance with the above stated reasons for disapproval, I am returning **House Committee Substitute for House Bill No. 306** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 2, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 373**, entitled:

"AN ACT"

To amend chapter 161, RSMo, by adding thereto one new section relating to the general educational development revolving fund.

I disapprove of **House Bill No. 373**. My reasons for disapproval are as follows:

House Bill No. 373 unnecessarily creates another fund within the State Treasury. The State Treasury is already burdened with more than 460 separate funds. The fund created in **House Bill No. 373**, known as the "General Educational Development (GED) Revolving Fund," would consist of moneys from fees charged to GED test applicants and examinees. By creating a dedicated revolving fund, the expectation of program self-sufficiency will put additional upward pressure on program and administrative fees. As a result, the program should continue to operate within the normal appropriations process, where legislative oversight can continue to exist.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 373** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Bill No. 544** entitled:

"AN ACT"

To amend chapters 8, 33 and 37, RSMo, by adding thereto three new sections relating to the oversight of public funds.

I disapprove of **Senate Committee Substitute for House Bill No. 544**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Bill No. 544 contains many provisions that I strongly support. The Missouri Accountability Portal was codified by my approval of Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 191. In addition, the "Joint Interim Committee on Recovery Accountability and Transparency" was separately established by Senate Concurrent Resolution No. 27.

While I support these provisions in **Senate Committee Substitute for House Bill No. 544**, and with knowledge that these provisions have become effective by separate action, due to my concern that a provision in this bill could pose potential harm to legislators, their constituents and our historic capitol building, I must disapprove of this legislation.

The Office of Administration, the Capitol Police and the Missouri Department of Public Safety have expressed serious concerns and reservations with the requirement that keys to the capitol dome area be issued to each member of the General Assembly. My concern is not with the legislators who would receive these keys, but simply with the increased access to more than a hundred additional keys which could be stolen and misplaced. The concerns of those responsible for the safety and security of our capitol building and its occupants and visitors are very serious and range from the inaccessibility of the capitol dome area in the event of a medical emergency to the potential for security threats.

I note that nothing in current law prohibits legislators from seeking an additional key from the Office of Administration and working with Capitol Police and the Office of Administration to ensure that their safety and the safety of our visitors in the capitol is put first.

Although the Missouri State Capitol belongs to all Missourians, we must heed the warnings of the agencies tasked with providing a safe environment for those who work in and visit this great building.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Bill No. 544** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill Nos. 620 & 671** entitled:

"AN ACT"

To repeal sections 313.010, 313.015, 313.040, 313.045, 313.050, 313.055, and 313.057, RSMo, and to enact in lieu thereof six new sections relating to bingo, with penalty provisions.

I disapprove of **House Committee Substitute for House Bill Nos. 620 & 671**. My reasons for disapproval are as follows:

House Committee Substitute for House Bill Nos. 620 & 671 will reduce proceeds to the Bingo Proceeds for Education Fund by approximately \$2.2 million annually. This reduction in education funding will have a significant negative fiscal impact on the Missouri Schools for the Deaf, Blind and Severely Disabled.

In addition, the fiscal year 2010 budget appropriates \$300,000 from the Bingo Proceeds for Education Fund to the University of Missouri for planning and design of a new Nursing and Optometry School on the campus of the University of Missouri-St. Louis and \$300,000 to the University of Missouri for planning and design for a new Nursing/Health Professions School on the campus of the University of Missouri-Columbia.

In light of current fiscal conditions, this reduction to education funding cannot be absorbed.

In addition, **House Committee Substitute for House Bill Nos. 620 & 671** authorizes the use of "electronic bingo card monitoring devices." The bill fails to define this term, an ambiguity which could lead to uncertain future interpretation. The lack of a specific definition could lead to a significant expansion of gaming activities in the state.

In accordance with the above stated reasons for disapproval, I am returning **House Committee Substitute for House Bill Nos. 620 & 671** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 644** entitled:

"AN ACT"

To repeal sections 301.069, 301.190, 301.218, 306.410, 430.082 and 700.320, RSMo, and to enact in lieu thereof six new sections relating to the registration and licensing of motor vehicles.

I disapprove of **House Bill No. 644**. My reasons for disapproval are as follows:

House Bill No. 644 establishes a two-tiered fee schedule for driveaway license plates by permitting wholesale motor vehicle auctions to purchase such plates at a rate different from all other applicants. There is no basis for creating a separate cost structure for similarly situated applicant groups.

The remaining provisions of **House Bill No. 644** are identical to Conference Committee Substitute for Senate Committee Substitute for House Bill No. 269 which I signed on July 8, 2009.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 644** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 751** entitled:

"AN ACT"

To repeal sections 414.530, 414.560, and 414.570, RSMo, and to enact in lieu thereof three new sections relating to the Missouri propane education and research act.

I disapprove of **House Bill No. 751**. My reasons for disapproval are as follows:

The Missouri Propane Education & Research Council (MOPERC) was authorized by legislation in 1993. MOPERC assesses a levy on odorized propane which is used to fund various MOPERC activities. Since its inception, MOPERC has operated under a statutory framework that permits appropriate oversight by the Missouri Department of Natural Resources. **House Bill No. 751** would remove many of those oversight provisions. For instance:

The director of the Department of Natural Resources could no longer conduct a referendum on his or her own initiative to determine if the industry favors termination or suspension of MOPERC;

The role of the director of the Department of Natural Resources in the appointment of members to the council will be eliminated;

The authority to adopt an annual spending plan following public comment would be shifted from the director of the Department of Natural Resources to MOPERC;

Management of the assessment process would be transferred from the director of the Department of Natural Resources to MOPERC; and

The director of the Department of Natural Resources could no longer require reports from MOPERC on their activities or reports on compliance, violations and complaints regarding the implementation of sections 414.500 to 414.590, RSMo.

The oversight contained in current law is needed to maintain an adequate monitoring structure over the activities of MOPERC.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 751** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

HOUSE BILLS VETOED FROM THE FIRST REGULAR SESSION

The Speaker read the following House Bills vetoed from the First Regular Session: **CCS SS SCS HCS HB 2, CCS SS SCS HCS HB 3, CCS SCS HCS HB 4 and CCS SCS HCS HB 6.**

Representative Loehner moved that **Section 6.063** of **CCS SCS HCS HB 6**, relating to appropriations, be enacted into law, the objections of the Governor thereto notwithstanding.

The motion to enact **Section 6.063** of **CCS SCS HCS HB 6** into law was withdrawn.

The Speaker read the following House Bills vetoed from the First Regular Session: **CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 10, CCS#2 SCS HCS HB 11, CCS SCS HCS HB 12, CCS SCS HB 13, SCS HCS HB 21, SS SCS HCS HB 22, and HCS HB 89.**

Representative Brown (50) moved that **HCS HB 89**, relating to traffic violations, be enacted into law, the objections of the Governor thereto notwithstanding.

The motion to enact **HCS HB 89** into law was withdrawn.

The Speaker read the following House Bills vetoed from the First Regular Session: **HB 116, CCS SCS#2 HCS HB 148, SCS HB 171, HCS HB 251, HCS HB 306, HB 373, and SCS HB 544.**

Representative Smith (150) moved that **SCS HB 544**, relating to the Missouri Accountability Portal, be enacted into law, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 086

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg

Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wright	Yates	Zerr
Mr Speaker				

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Corcoran	Curls	Dougherty	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Wildberger	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 004

El-Amin	Holsman	Munzlinger	Tracy
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VACANCIES: 002

The Speaker read the following House Bill vetoed from the First Regular Session: **HCS HBs 620 & 671**.

Representative Hoskins (121) moved that **HCS HBs 620 & 671**, relating to bingo, be enacted into law, the objections of the Governor thereto notwithstanding.

The motion to enact **HCS HBs 620 & 671** into law was withdrawn.

The Speaker read the following House Bills vetoed from the First Regular Session: **HB 644** and **HB 751**.

HOUSE RESOLUTION

Representative Tilley offered **House Resolution No. 2**, which was read.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS SS SCS HCS HB 2, CCS SS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 10, CCS#2 SCS HCS HB 11, CCS SCS HCS HB 12, CCS SCS HB 13, SCS HCS HB 21, SS SCS HCS HB 22, HB 116, CCS SCS#2 HCS HB 148, SCS HB 171, HCS HB 251, HCS HB 306, HB 373, HB 644 and HB 751** when the bills were called by the Speaker.

On motion of Representative Tilley, **House Resolution No. 2** was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 3**.

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's vetoes of Senate Committee Substitute for Senate Bill No. 37; House Committee Substitute for Senate Bill No. 147; Senate Committee Substitute for Senate Bill No. 153; Senate Bill No. 156; Senate Committee Substitute for Senate Bill No. 202; Senate Committee Substitute for Senate Bill No. 216; House Committee Substitute for Senate Bill No. 235; Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242; Senate Committee Substitute for Senate Bill No. 243; House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464 and Senate Committee Substitute for Senate Bill No. 542 when the bills were so called by the President.

COMMITTEE APPOINTMENT

September 15, 2009

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 306
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby appoint Representative Ann Zerr Chairman of the Tourism Committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Ron Richard
Speaker

ADJOURNMENT

On motion of Representative Tilley, the Veto Session of the Ninety-fifth General Assembly, First Regular Session, adjourned sine die pursuant to the Constitution.

RON RICHARD
Speaker of the House

D. ADAM CRUMBLISS
Chief Clerk of the House