

[CORRECTED]

JOURNAL OF THE HOUSE

VETO SESSION

Second Regular Session, 96th GENERAL ASSEMBLY

WEDNESDAY, SEPTEMBER 12, 2012

Speaker Pro Tem Schoeller in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Cleanse Thou me from secret faults. (Psalm 19:12)

O God, facing the demanding duties of this day and conscious of our pressing problems we feel our need of You - so we come lifting our hearts to You in prayer. Make us ready for every responsibility, equal to every experience and adequate for every activity. May we be more than a match for the mood of this moving moment.

Remove from us any resentment which may be ruining our disposition, any bitterness that may be blighting our lives, and any animosity which may activate ill will in us. Cleanse the thoughts of our hearts by the inspiration of Your Holy Spirit, that we may perfectly love You, worthily magnify Your Holy Name, and truly serve our state well this day.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

NOMINATION FOR SPEAKER

Representative Crawford nominated Representative Tim Jones as Speaker of the House.

Representative Torpey seconded the nomination.

Representative Talboy moved that nominations cease and that Representative Jones (89) be elected by acclamation.

Which motion was adopted

OATH OF OFFICE

Representative Jones (89) advanced to the bar and subscribed to the oath of office which was administered by the Honorable Mary Rhodes Russell, Judge of the Supreme Court of the State of Missouri.

Speaker Jones (89) assumed the Chair and addressed the House.

ADDRESS BY SPEAKER TIMOTHY JONES

Good afternoon.

Speaker Pro Tem Schoeller, Justice Russell, colleagues and friends, thank you very much.

I humbly accept the decision of this body to elect me to serve out the remainder of Speaker Tilley's term. This change comes at a busy time for all of us. Today's veto session brings with it critical issues that require our immediate, undivided attention. It also allows us to consider the future of our state.

To begin, I would like to share some personal reflections on this day, this time in our history, and on the hard work that we all know lies ahead of us, for us and for all the citizens of our state.

First, I owe a deep debt of gratitude and an immeasurable amount of thanks to the many people who have supported me, counseled me, comforted me, and yes, even constructively criticized me for these past many years. Last but absolutely not least, I thank all the citizens of the 89th District and the new 110th District. Without their constant support, guidance, counsel, and assistance, I would not be standing before you today.

My family is first and foremost in my mind today. While many of them are unable to attend, my dear wife, Suzanne, and one of our beautiful, cherished daughters, Abigail, were able to make the journey here. Suzanne has been my staunchest supporter, my fiercest defender, and the rock to which I cling when the world seems engulfed in storm and fire. She is patient, she is kind, she is thoughtful, she is wise. We do not always agree on "Tim's Political Topic of the Day," but then again, what two people ever agree on everything? As of this year, we have been married for ten years and I can tell you that every day I am thankful that this wonderful person chose me as her husband and partner in this business we call life. Suzanne, I cannot thank you enough for all you do and continue to do.

We have two daughters, Katherine Sophia and Abigail Elizabeth. Katie is seven and currently attending second grade at Geggie Elementary in the Rockwood School District. She excels in reading and writing... and arguing. I wonder where she gets it? I could not be more proud of my spirited little girl who tells me every day when I have to travel that she is sorry I am going and that she misses me very much.

Little Abby is a treasure. Her bright eyes and bright smile can light up the most somber of situations and remind us all to be more joyful. Abby has also begun her education as she attends pre-school at St. Mark's Lutheran in Eureka. These three ladies endure so much given the interesting career path that their husband and father has taken; yet their love is endless. For that, I am so blessed.

What I have learned, through colleagues like Sandy and Noel, is that Missourians are caring, hard-working, and industrious people. Missourians foster faithful families, make extraordinary products, and lead the way to new markets in agriculture, science, and technology. Despite what others might say, Missourians – WE BUILT IT.

We are now caught up in the worst economy of our lives and face what is arguably the most challenging period in our nation's history, but Missourians continue to forge ahead, to create, to innovate, to grow, and to BUILD.

So what do we...

...as public servants...

...as representatives of the people...

owe to our constituents and to the citizens of our great state?

Leadership.

Whatever the issue may be, whatever the policy decision laid before us, wherever and however the political winds may blow, we owe our great state principled, determined LEADERSHIP.

The people deserve the kind of leadership that transcends party lines and overcomes the differences we have too often seen between this chamber and our esteemed colleagues on the other side of the building.

As your Speaker, I promise you this: We will work together with our colleagues in the Missouri Senate. Several of our members here today will soon make that trek across the rotunda to the east side of the Capitol. I know they realize a change in location doesn't mean a change in their policy positions. And even though they will find themselves on the other side of the building next year, I know they will work with their new colleagues in the Senate and their old friends here in the House to find the common ground we all know exists.

As we look at the session ahead, know that I will work faithfully with our friends in the Senate to advance a principled policy agenda that will ensure our state is nationally competitive and is in the best interests of all Missourians.

Though I cannot speak for any other leader in our government, I promise you that I will lead with the House's agenda from the forefront. With my colleagues, we will unveil a bold, specific agenda that is rooted in optimism as we look to our better days ahead. Our agenda will inspire growth, innovation, and creativity by building a better Missouri through three basic building blocks:

We will foster an environment that encourages job creation and economic development through streamlined government, tax relief, and a reduced regulatory burden;

We will encourage research and innovation that brings new jobs to our state and leads Missouri closer to energy independence;

We will reform our failing education bureaucracy to guarantee all of our children – no matter their address or zipcode – a quality, affordable education.

These are issues that are near and dear to all Missourians, no matter your philosophy and no matter your political party.

Missourians have also made it clear at the ballot box that elected leaders are expected to stay true to our core values and beliefs. While I am committed to working with all elected officials, I will not waiver on my core principles. I am dedicated to protecting life, ensuring our second amendment rights, and advancing the cause of freedom and liberty that is guaranteed in the Constitution that we have all taken a sacred oath to protect.

My friends, our nation was promised hope and change. These are lofty goals that we all should embrace. But hope and change require more than just speeches and statements, sound bites and talking points. Hope and change requires leaders to do more than talk about the problems and lay blame upon those of the past. Hope and change requires action. It requires pragmatism and cooperation. Hope and change succeeds only in the presence of those willing to face with true grit the challenges that place the future of our state and nation in harm's way.

I believe there is a new dawn on the horizon.

It is our responsibility to take principled stands and to create a new, more prosperous tomorrow. That tomorrow must be full of promise and brimming with optimism and strength. Missouri is known as the Show-Me State because our citizens demand results. They demand action to back up the promises of a greater tomorrow. The solutions we present, the solutions we "show" to the extremely challenging issues before us will not come easy without leadership, integrity, hard work, and perseverance.

But Missourians are a hard lot...an industrious lot...a serious people who encountered this great land so long ago and found it to be one of abundance and prosperity. We have before us a bright future where that abundance and prosperity is simply waiting for us to harness it and place it to a bountiful use.

I again thank you for the humble opportunity to serve you in this role, to lead you, to walk with you, to that more promising tomorrow. May God bless you and your families, the Great State of Missouri, and may God bless America.

Speaker Pro Tem Schoeller resumed the Chair.

HOUSE RESOLUTION

Representative Riddle 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-sixth General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2012 Constitutional Veto Session and ready for consideration of business.

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

AYES: 157

Allen	Anders	Asbury	Aull	Bahr
Barnes	Bernskoetter	Berry	Black	Brandom
Brattin	Brown 50	Brown 85	Brown 116	Burlison
Carlson	Carter	Casey	Cauthorn	Cierpiot
Colona	Conway 14	Conway 27	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Dieckhaus	Diehl	Dugger	Ellinger
Ellington	Elmer	Entlicher	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz
Frederick	Fuhr	Funderburk	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Harris
Higdon	Hinson	Hodges	Holsman	Hoskins
Hough	Houghton	Hubbard	Hummel	Johnson
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelley 126	Kelly 24	Kirkton	Klippenstein	Koenig
Korman	Kratky	Lair	Lampe	Lant
Largent	Lasater	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	May
McCaherty	McCann Beatty	McCreery	McDonald	McGhee
McManus	McNary	McNeil	Molendorp	Montecillo
Morgan	Nance	Nasheed	Neth	Newman
Nichols	Nolte	Oxford	Pace	Parkinson
Phillips	Pierson	Pollock	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schatz
Schieber	Schieffer	Schneider	Schoeller	Schupp
Shively	Shumake	Sifton	Silvey	Smith 71
Smith 150	Solon	Sommer	Spreng	Still
Stream	Swearingen	Swinger	Talboy	Taylor
Thomson	Torpey	Wallingford	Walton Gray	Webb
Webber	Wells	White	Wieland	Wright
Wyatt	Zerr			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Atkins Hughes McGeoghegan Meadows

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

March 16, 2012

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
96TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you **House Bill No. 1219** entitled:

“AN ACT”

To repeal sections 213.010, and 213.111, RSMo, and to enact in lieu thereof three new sections relating to unlawful discriminatory practices.

I disapprove of **House Bill No. 1219**. My reasons for disapproval are as follows:

Much like Senate Committee Substitute for Senate Bill No. 188, which I vetoed in 2011, **House Bill No. 1219** weakens Missouri’s commitment to address discriminatory conduct and limits existing protections for whistleblowers in the workplace.

The following are several of the unacceptable provisions contained in **House Bill No. 1219** that collectively evince a desire to undo decades of progress in Missouri.

Eliminates individual responsibility for discrimination. **House Bill No. 1219** ignores a basic tenet of the Missouri Human Rights Act in that it releases from liability the very person who committed the discriminatory act. The Missouri Human Rights Act was established to protect Missourians from such treatment by holding those who discriminate and harass accountable for their actions.

Exempts private clubs and seasonal employers from suit. **House Bill No. 1219** would exempt private clubs and many seasonal employers from the type of conduct prohibited by the Missouri Human Rights Act. This Act must continue to protect against discrimination regardless of where it occurs.

Significantly reduces the availability of damages in discrimination cases. **House Bill No. 1219** would establish a cap on damages in discrimination cases. And while federal law also establishes limits, the federal caps apply against the aggregate of only compensatory and punitive damages. **House Bill No. 1219**, meanwhile, would apply that same

monetary limit to the sum of awarded “back pay, interest on back pay, other equitable relief [front pay], court costs and reasonable attorneys fees,” as well as compensatory and punitive damages. Such limits would significantly reduce the potential award in any given case and would undermine the effectiveness of the Missouri Human Rights Act.

Prevents a court from awarding any damages in housing discrimination cases. State law makes it unlawful to discriminate in housing decisions because of race, color, religion, national origin, ancestry, sex, disability or familial status and provides for the recovery of damages for such conduct. **House Bill No. 1219**, by way of Section 213.111.8, RSMo, would inexplicably eliminate a court’s ability to award damages in housing discrimination cases brought under Sections 213.040, 213.045 or 213.050, RSMo.

Prohibits punitive damages against government. **House Bill No. 1219** would bar punitive damages in discrimination suits against the State or political subdivisions except in certain housing cases, effectively holding governmental entities less accountable to its citizens than their private sector counterparts. Discrimination and unfair treatment does not become more or less abhorrent based on who is doing the discriminating, and the Missouri Human Rights Act should therefore make no such distinction.

Reduces protection for Whistleblowers. **House Bill No. 1219** would narrow the protections that currently exist against retaliation in the workplace. Whistleblowers provide an important service to all Missourians, and laws should not be written to discourage individuals from exposing misconduct.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 1219** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 12, 2012

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 1250** entitled:

“AN ACT”

To repeal sections 77.080, 78.090, and 115.123, RSMo, and to enact in lieu thereof four new section [sic] relating to elections.

I disapprove of **House Bill No. 1250**. My reasons for disapproval are as follows:

The proposed new section 77.085.1 in **House Bill No. 1250**, which would allow an ordinance prohibiting smoking to be passed by the voters of Farmington, includes a defective intersectional reference. The bill indicates that the term “smoking” is defined in subdivision (6) of section 191.765, RSMo. However, subdivision (6) of section 191.765 defines the term “restaurant.” Because this intersectional reference to the definition of “restaurant” cannot be reconciled with any rational understanding of the term “smoking,” it would deprive the public of any ability to understand the scope of the proposed ordinance. Moreover, it is not permissible to substitute what the legislature might have meant for what it actually said. Accordingly, this error, while perhaps inadvertent, is fatal to the bill.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 1250** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 12, 2012

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for House Committee Substitute for House Bill No. 1329** entitled:

“AN ACT”

To repeal sections 32.087, 144.069, 144.757, and 301.140, RSMo, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles, with an emergency clause and a contingent effective date for a certain section.

I disapprove of **Senate Substitute for House Committee Substitute for House Bill No. 1329**. My reasons for disapproval are as follows:

Senate Substitute for House Committee Substitute for House Bill No. 1329 seeks to impose a local tax on the out-of-state purchase of motor vehicles, boats, trailers and outboard motors (collectively “vehicles”). But it does so without a vote of the people and for that reason earns my disapproval.

Street Decision

Senate Substitute for House Committee Substitute for House Bill No. 1329 is intended to overrule the recent Missouri Supreme Court decision in *Street v. Director of Revenue*. In that case, the Court confirmed that vehicles purchased outside of Missouri, and registered here, are subject to the State and local use tax, and not the State and local sales tax. The two are easily distinguished – a sales tax is imposed upon retailers, on in-state transactions, for the privilege of doing business in the State, whereas a use tax is imposed on the consumer for the benefit of using the State’s roads and bridges. In so ruling, the Court stated that in order for a local jurisdiction to impose a local use tax, it “must be authorized by voters in local referendums.”

Local jurisdictions with a voter-approved local use tax have been unaffected by the *Street* decision, including more than 90 cities and now 40 counties (last month the voters of Dunklin County approved a local use tax by nearly a two-to-one margin). It is the remaining cities and counties – where the measure has either not yet gone before the voters or the people have voted against such a tax - to which **Senate Substitute for House Committee Substitute for House Bill No. 1329** is directed.

Senate Substitute for House Committee Substitute for House Bill No. 1329 would create the fiction that all vehicle purchases are made within the State, regardless of where they actually occur, so that such transactions would be treated as sales tax events. However, manipulating the location of the sale in such a way would circumvent the local referendum process, in defiance of the Supreme Court’s directive in *Street*, and deny voters the ability to approve or reject a local use tax on such purchases. Moreover, it exploits the voters’ prior consent to a local sales tax by expanding the breadth of that tax beyond what was approved. In sum, **Senate Substitute for House Committee Substitute for House Bill No. 1329** undermines the fundamental principle that the imposition and rate of local taxes is an issue for Missouri voters, and with my action today, the people will retain that authority.

New and Retroactive Tax

Today, no local tax is collected on out-of-state vehicle sales in jurisdictions that do not have a voter-approved local use tax. Despite this fact, **Senate Substitute for House Committee Substitute for House Bill No. 1329** attempts to convey the opposite, in part by stating that the tax created by this legislation “shall continue to be imposed” (emphasis added). Exacerbating this fabrication, **Senate Substitute for House Committee Substitute for House Bill No. 1329** would apply the tax retroactively to transactions that have already been finalized (i.e., [the legislation] “restores, retroactively and prospectively, the application of Missouri’s local sales tax law . . . on the sale of all motor vehicles, trailers, boats, and outboard motors . . .” (emphasis added). Under a plain reading of that provision, individuals living in jurisdictions without a local use tax, who have purchased a vehicle out-of-state since the Court’s mandate in *Street*, and have registered that vehicle and paid all applicable taxes, would, upon the effective date of **Senate Substitute for House Committee Substitute for House Bill No. 1329**, become liable for an additional “sales” tax of potentially hundreds of

dollars. Such individuals would require no additional confirmation that **Senate Substitute for House Committee Substitute for House Bill No. 1329** imposes a new tax – and does so without voter approval.

Other Concerns

While my disapproval of **Senate Substitute for House Committee Substitute for House Bill No. 1329** unequivocally centers on the imposition of a new tax without voter approval, other concerns remain.

First, the Commerce Clause of the United States Constitution, which prevents states from discriminating against interstate commerce, would become relevant when a Missourian purchases a vehicle in another state that imposes a tax at the time of sale. To avoid duplicative taxation (a tax at the time of purchase and a tax upon registration), states, including Missouri, offset the assessment of a use tax with any tax that has been paid in the other state at the time of purchase. State and federal courts have held that failing to provide such an offset creates double taxation on out-of-state transactions in violation of the Commerce Clause. **Senate Substitute for House Committee Substitute for House Bill No. 1329**, however, does not provide an offset.

And for those who cite the difficulty that local jurisdictions are having in carrying out essential local functions following the reduction in revenue caused by *Street*, it is important to be mindful of the limitation that Article X, Section 10(a) of the Missouri Constitution imposes upon the General Assembly. This section states, in relevant part, that “[e]xcept as provided in this constitution, the general assembly shall not impose taxes upon counties or other political subdivisions or upon the inhabitants or property thereof for municipal, county or other corporate purposes.”

Both the Commerce Clause and Article X, Section 10(a) are important because **Senate Substitute for House Committee Substitute for House Bill No. 1329** contains a non-severability clause. If any provision is found to be unenforceable, the entire legislation would become invalid.

Conclusion

Senate Substitute for House Committee Substitute for House Bill No. 1329 is an affront to every Missourian who has not yet had the opportunity to vote on whether to impose a local use tax, and especially to those voters in jurisdictions that have explicitly rejected such a tax. And while I recognize the impact that the *Street* decision is having on local governments and auto dealers across the State, that is not justification for usurping the authority of the voters on matters dealing with local taxation.

In accordance with the above stated reasons for disapproval, I am returning **Senate Substitute for House Committee Substitute for House Bill No. 1329** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 12, 2012

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. 1758** entitled:

“AN ACT”

To repeal section 453.005, RSMo, and to enact in lieu thereof two new sections relating to rights of persons with parental relationships.

I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 1758**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Committee Substitute for House Bill No. 1758 would extend visitation and custody rights to certain persons other than a child’s natural parents when a “parent/child relationship” has been established. While present-day family dynamics might very well merit measured expansion in this area when it is in the best interests of a child, establishing a legal mechanism that overrides the objection of an otherwise fit and willing natural parent presents cause for further review.

The stated purpose of **Senate Committee Substitute for House Committee Substitute for House Bill No. 1758** is commendable: “to protect the psychological, emotional, and physical well-being of Missouri children by ensuring continuing interaction between a minor child and those persons with whom the minor child shares a substantial bond” This objective appropriately recognizes individuals who have assumed the role of parent for a meaningful period of time as well as the potential harm that can occur to the child if that relationship is severed. That said, given the breadth of circumstances that can give rise to a custody determination, which is backed by a well-settled body of law, this proposal would benefit from additional scrutiny so that it can achieve the end sought and avoid the hidden peril of all well-intended legislation – the unintended consequence.

Adding to the need for continued study are the drafting missteps that are present within **Senate Committee Substitute for House Committee Substitute for House Bill No. 1758**. For one, while the bill gives a court the authority to impose a support obligation on a non-biological parent in the same manner as existing law, it fails to amend corresponding sections of law referencing the “parent and child relationship” so that the Department of Social Services, Family Support Division, can modify and terminate such orders. Moreover, **Senate Committee Substitute for House Committee Substitute for House Bill No. 1758** neglects to amend the criminal non-support statute so that those in a recognized “parent/child relationship” are subject to the same types of penalties as those levied against natural parents who fail to meet their support obligations. These oversights are more than just untidy drafting; because the standards and procedures for imposing support orders in Missouri are both clear and reliable, any inconsistency that is introduced could jeopardize the welfare of the very children the bill seeks to help.

To be sure, **Senate Committee Substitute for House Committee Substitute for House Bill No. 1758** strikes at the confluence of two important policy objectives: the best interests of a child and the rights of natural parents. Therefore, it is critical that any adjustment made to that balance is delicately crafted to prevent unintended outcomes and avoid disturbing the existing process for administering support obligations.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 1758** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 27, 2012

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. 1789** entitled:

“AN ACT”

To repeal sections 162.431 and 167.121, RSMo, and to enact in lieu thereof three new sections relating to travel hardships of public school pupils.

I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 1789**. My reasons for disapproval are as follows:

Existing law already establishes a reasoned process by which a pupil can be reassigned to another school district if the student’s residence “is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship because of natural barriers, travel time, or distance.” These requests are governed by detailed regulations promulgated by the Department of Elementary and Secondary Education with the discretion to grant a request vested in the Commissioner of Education. The existing process has statewide application and has resulted in students being granted transportation hardships.

Senate Committee Substitute for House Committee Substitute for House Bill No. 1789 would deviate from this statewide approach by establishing a substantially different standard for transportation hardship requests submitted on behalf of pupils from three communities specifically described in the legislation. In contrast to current law, the new standard would mandate approval based solely on mileage without regard to whether a particular student’s circumstance constitutes a “hardship.”

This bill violates the Hancock Amendment by imposing an unfunded mandate on resident school districts affected by the new standard. This new standard does not require an applicant establish a transportation hardship but rather focuses exclusively on differences in driving distance. Students permitted to transfer under this new standard impose a new or increased activity on their resident school district which will be responsible for the cost of tuition in the receiving school district. This is particularly problematic when the cost of tuition exceeds the per pupil state aid received by the resident school district.

In addition, the driving distance between a pupil’s residence and the “attendance center” in both the resident school district and the proposed receiving school district is a critical component to the new standard. However, the term “attendance center” is undefined in **Senate Committee Substitute for House Committee Substitute for House Bill No. 1789** creating a real and practical inability to implement the new standard. For instance, the school administration building, the school the pupil would attend or the geographic center of the school district could all constitute the “attendance center.”

Senate Committee Substitute for House Committee Substitute for House Bill No. 1789 also makes permanent all transportation hardships previously granted by the Commissioner of Education. Under this provision, the Commissioner of Education would no longer be able to terminate a previously granted hardship assignment due to improvements in transportation circumstances implemented by a resident school district. The elimination of periodic reviews by the Commissioner of Education will unnecessarily extend the financial strain on an affected resident school district that has implemented appropriate steps to address a transportation issue.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 1789** without my approval.

Sincerely,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 20, 2012

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 1900** entitled:

“AN ACT”

To repeal sections 3.060, 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 37.005, 37.010, 37.020, 37.110, 71.012, 71.014, 71.015, 99.845, 160.545, 161.418, 161.424, 181.110, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.935, 196.1103, 209.150, 209.152, 209.200, 209.202, 209.251, 217.575, 251.100, 251.240, 253.320, 261.010, 288.034, 301.020, 301.143, 302.171, 304.028, 311.650, 313.210, 320.260, 334.125, 361.010, 595.036, 595.037, 595.060, 610.029, 610.120, 620.1100, 620.1580, and 660.315, RSMo, and to enact in lieu thereof eighty new sections for the sole purpose of restructuring statutes based on executive branch reorganizations, with penalty provisions.

I disapprove of **House Committee Substitute for House Bill No. 1900**. My reasons for disapproval are as follows:

Since 1875, the Missouri Constitution has required legislation to be limited to its original purpose and a single subject. These basic requirements promote an open process that alert legislators and the general public to the substance of pending legislation. They further prevent “logrolling,” in which several matters that would not individually command a majority vote are bundled into a single bill to ensure passage. Nevertheless, despite repeated admonitions from the courts, the development of omnibus legislation continues to trample upon these tenets of legislative transparency en route to passage. **House Committee Substitute for House Bill No. 1900** is the most recent example.

House Committee Substitute for House Bill No. 1900 was introduced as a simple housekeeping measure to reconcile state statutes with organizational changes that have been made within the executive branch. Its title reflected this singular purpose – “for the sole purpose of restructuring statutes based on executive branch reorganizations.” Indeed, the bill went through most of the legislative process in that form, including committee review and public hearings. But in the final days of the session, discipline waned as amendment upon unrelated amendment was added, transforming the bill into a seventy-nine page hodgepodge of unrelated matters, and abandoning the constitutional guideposts for legislative transparency in the process.

Original Purpose Requirement

The Missouri Constitution requires that “no bill shall be so amended in its passage through either house as to change its original purpose.” *Mo. Const. Art. III, Sec. 21*. This prohibition on adding “subject matter that is not germane to the object of the legislation or that is unrelated to its original subject” is meant to fairly apprise citizens of the subject of legislation being considered. *C.C. Dillon Co. v. City of Eureka*, 12 S.W.3d 322, 326-327 (Mo. Banc 2000).

In this instance, the added matters must be germane to “restructuring statutes based on executive branch reorganizations.” However, the numerous provisions added at the end of the legislative session bear no resemblance to this purpose; instead, they run the policy gamut, from reducing the statute of limitations on municipal annexation challenges, to divesting from Iran in order to diminish its nuclear capacity, to increasing the penalty for injuring or killing a service dog - to name just a few. Further frustrating the transparency that the legislative process requires, not all of the newly

added provisions received a public hearing. Regardless, when **House Committee Substitute for House Bill No. 1900** departed from its original purpose, it ran afoul of Art. III, Sec. 21 of the Missouri Constitution.

Single Subject/Clear Title

As a corollary to the “original purpose” limitation, Article III, Section 23 of the Missouri Constitution requires that “[n]o bill shall contain more than one subject which shall be clearly expressed in its title” This prohibition of multiple subjects is intended to protect legislators from having to vote for some matter that offends them in order to enact another that they support. The test is “whether all provisions of the bill fairly relate to the same subject, have a natural connection therewith or are incidents or means to accomplish its purpose.” *Hammerschmidt v. Boone County*, 877 S.W.2d 98, 101-102 (Mo. Banc 1994).

Admittedly, terms such as “relate” and “natural connection” lend themselves to a subjective examination where rational people may reach different conclusions in some cases. This is not such a case. Rather, the presence of multiple subjects within **House Committee Substitute for House Bill No. 1900** is unequivocal. Beyond the already-stated topics of service dogs, municipal annexation, and divestment from Iran, the bill also addresses tax increment financing, unemployment benefits, disabled parking, and a 911 sales tax. Undeniably, the bill contains multiple subjects.

Also, “[t]he ‘clear title’ provision [of Mo. Const. Art. III, Sec. 23], like the ‘single subject’ restriction, was designed to prevent fraudulent, misleading, and improper legislation, by providing that the title should indicate in a general way the kind of legislation that was being enacted.” *Fust v. Attorney Gen. for the State of Mo.*, 947 S.W.2d 424, 429 (Mo. Banc 1997). The title of **House Committee Substitute for House Bill No. 1900** is not only narrowly crafted but is self-limiting to affirmatively exclude any matter that is not “*for the sole purpose* of restructuring statutes based on executive branch reorganizations...” (emphasis added). In cases such as this one, where the “title of a bill contains a particular limitation or restriction, a provision that goes beyond the limitation . . . is invalid” because it is deemed to mislead the reader. *Id.*

The manifest disregard for openness and transparency in furtherance of this legislation has revealed **House Committee Substitute for House Bill No. 1900** for what it is, a sanctuary for orphaned ideas in search of safe transport to becoming law. But it cannot be. And while my action today will unfortunately preclude the enactment of certain important provisions contained in this bill, it will preserve the constitutional safeguards for accountability in the legislative process.

In accordance with the above stated reasons for disapproval, I am returning **House Committee Substitute for House Bill No. 1900** without my approval.

Sincerely,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 22, 2012

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. 2004** 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of

the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Section 4.520

I hereby veto \$50,000 State Transportation Fund and \$80,000 Federal Funds for a port authority. Section 1.100, RSMo requires the use of 2010 census data after July 1, 2011. Based on 2010 census data, the location description in the bill does not match any existing port authority.

For the Waterways Program.
From \$80,000 to \$0 Federal Funds.
From \$50,000 to \$0 State Transportation Fund.
From \$755,000 to \$625,000 in total for the section.

On June 22, 2012 I approved said **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2004** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 22, 2012

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. 2007** entitled:

“AN ACT”

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations, 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Section 7.095

I hereby veto \$80,000 Missouri Humanities Council Trust Fund for the 2012 Blues in Schools Program. This appropriation attempts to bypass the well-established process that is in place to ensure accountability and fairness in selecting recipients of humanities grants.

For the 2012 Blues in Schools Program.
From \$80,000 to \$0 Missouri Humanities Council Trust Fund.
From \$430,000 to \$350,000 in total from Missouri Humanities Council Trust Fund.
From \$11,189,252 to \$11,109,252 in total for the section.

On June 22, 2012 I approved said **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2007** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 21, 2012

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. 2010** entitled:

“AN ACT”

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee 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, 2012 and ending June 30, 2013; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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 from \$162,550 to \$132,550 General Revenue Fund.

From \$900,916 to \$870,916 in total from General Revenue Fund.

From \$900,916 to \$870,916 in total for the section.

On June 21, 2012 I approved said **Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

HOUSE BILLS VETOED FROM THE SECOND REGULAR SESSION

The Speaker read the following House Bills vetoed from the Second Regular Session: **HB 1219, HB 1250, SS HCS HB 1329, SCS HCS HB 1758, SCS HCS HB 1789, HCS HB 1900, CCS SS SCS HCS HB 2004, CCS SS SCS HCS HB 2007** and **CCS SS SCS HCS HB 2010**.

HOUSE RESOLUTION

Representative Riddle 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 **HB 1219, HB 1250, SS HCS HB 1329, SCS HCS HB 1758, SCS HCS HB 1789, HCS HB 1900, CCS SS SCS HCS HB 2004, CCS SS SCS HCS HB 2007 and CCS SS SCS HCS HB 2010** when the bills were called by the Speaker.

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

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 749**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the attached is a certified copy of the Roll Call on **Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 749**.

SENATE BILL VETOED FROM THE SECOND REGULAR SESSION

The Speaker read the following Senate Bill vetoed from the Second Regular Session: **CCS HCS SS SB 749**.

CCS HCS SS SB 749, relating to religious beliefs and convictions, was taken up by Representative Crawford.

Representative Crawford moved that **CCS HCS SS SB 749**, be passed, the objections of the Governor thereto notwithstanding.

Representative Riddle moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr

Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Higdon	Hinson	Hoskins
Hough	Houghton	Johnson	Jones 89	Jones 117
Keeney	Kelley 126	Klippenstein	Koenig	Korman
Lair	Lant	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McGhee	McNary	Molendorp	Nance
Nasheed	Neth	Nolte	Parkinson	Phillips
Pollock	Redmon	Reiboldt	Richardson	Riddle
Rowland	Ruzicka	Sater	Schad	Scharnhorst
Schatz	Schieber	Schneider	Schoeller	Shumake
Silvey	Smith 150	Solon	Sommer	Stream
Thomson	Torpey	Wallingford	Wells	White
Wieland	Wright	Wyatt	Zerr	

NOES: 048

Anders	Aull	Black	Brown	Carlson
Carter	Casey	Colona	Conway 27	Ellinger
Ellington	Fallert	Hodges	Holsman	Hubbard
Hummel	Jones 63	Kander	Kelly 24	Kirkton
Kratky	Lampe	May	McCann Beatty	McCreery
McDonald	McManus	McNeil	Montecillo	Morgan
Newman	Nichols	Oxford	Pace	Pierson
Rizzo	Schupp	Shively	Sifton	Smith 71
Spreng	Still	Swearingen	Talboy	Taylor
Walton Gray	Webb	Webber		

PRESENT: 004

Harris	Quinn	Schieffer	Swinger
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ABSENT WITH LEAVE: 005

Atkins	Hughes	Largent	McGeoghegan	Meadows
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VACANCIES: 002

Representative Crawford again moved that **CCS HCS SS SB 749** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Casey	Cauthorn	Cierpiot	Conway 14
Cookson	Cox	Crawford	Cross	Curtman
Davis	Day	Denison	Dieckhaus	Diehl
Dugger	Elmer	Entlicher	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Frederick
Fuhr	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Harris	Higdon
Hinson	Hoskins	Hough	Houghton	Johnson
Jones 89	Jones 117	Keeney	Kelley 126	Klippenstein

Koenig	Korman	Lair	Lant	Lasater
Lauer	Leach	Leara	Lichtenegger	Loehner
Long	Marshall	McCaherty	McGhee	McNary
Molendorp	Nance	Neth	Nolte	Parkinson
Phillips	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rowland	Ruzicka	Sater
Schad	Scharnhorst	Schatz	Schieber	Schieffer
Schneider	Schoeller	Shively	Shumake	Silvey
Smith 150	Solon	Sommer	Stream	Swinger
Thomson	Torpey	Wallingford	Wells	White
Wieland	Wright	Wyatt	Zerr	

NOES: 045

Anders	Aull	Black	Carlson	Carter
Colona	Conway 27	Ellinger	Ellington	Hodges
Holsman	Hubbard	Hummel	Jones 63	Kander
Kelly 24	Kirkton	Kratky	Lampe	May
McCann Beatty	McCreery	McDonald	McManus	McNeil
Montecillo	Morgan	Nasheed	Newman	Nichols
Oxford	Pace	Pierson	Rizzo	Schupp
Sifton	Smith 71	Spreng	Still	Swearingen
Talboy	Taylor	Walton Gray	Webb	Webber

PRESENT: 000

ABSENT WITH LEAVE: 007

Atkins	Brown 50	Franz	Hughes	Largent
McGeoghegan	Meadows			

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 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 veto of Senate Committee Substitute for Senate Bill No. 566; Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 569; Senate Substitute for Senate Bill No. 607; Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 635; Senate Committee Substitute for Senate Bill No. 715; and Senate Committee Substitute for Senate Bill No. 837 when the bills were so called by the President.

ADJOURNMENT

On motion of Representative Wright, the Veto Session of the Ninety-sixth General Assembly, Second Regular Session, adjourned sine die pursuant to the Constitution.

TIMOTHY W. JONES
Speaker of the House

D. ADAM CRUMBLISS
Chief Clerk of the House

COMMITTEE HEARINGS

INTERIM COMMITTEE ON LOCAL GOVERNANCE ISSUES
Thursday, September 13, 2012, 8:30 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Organizational meeting.
Public comments welcome.
Please contact Rep. Allen's office at (573) 751-9765 to register for testimony.