



GOVERNOR OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
GOVERNOR

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July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 110 entitled:

AN ACT

To repeal sections 210.482 and 210.487, RSMo, and to enact in lieu thereof three new sections relating to custody and visitation for military personnel.

I disapprove of House Committee Substitute for Senate Bill No. 110. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 110 seeks to lessen the burden placed on those who are required to resubmit fingerprints on a biannual basis to maintain their license as foster parents or to receive a child through an emergency placement. Though well-intended, House Committee Substitute for Senate Bill No. 110 proposes a convoluted and cumbersome solution to a process that can be streamlined in a simpler, more straightforward manner.

Current law mandates that foster care applicants present, at the time of application, two sets of fingerprints – one to the Missouri State Highway Patrol to conduct a state background check, and one to the Federal Bureau of Investigation to conduct a federal background check. This process is required every two years so that any new information related to the licensee can be used in reviewing the application for renewal.

House Committee Substitute for Senate Bill No. 110 attempts to balance the interests of protecting the safety of children in foster care with the convenience of not mandating that licensees submit fingerprints every two years by requiring that a third set of fingerprints be provided to the Children's Division at the time of initial licensure. The idea is that this would enable the Division to transmit the additional set of prints to the Missouri State Highway Patrol when a licensee applies for re-licensure, instead of requiring the applicant to submit a new set of fingerprints every two years in order to initiate subsequent background checks.

There is a simpler, more effective solution. Since approximately 2005, applicant fingerprints have been electronically stored. As such, the requirement under current law that two physical sets of fingerprint cards be provided is already obsolete. Moreover, because subsequent state and federal background checks can be generated by the initial set of fingerprints, an additional set of prints is unnecessary. Instead, an applicant's electronically-stored fingerprints will, going forward, be used to initiate subsequent background checks. This will allow the Children's Division to continue to protect the safety of children who are placed in foster care without requiring applicants to submit fingerprints every two years or a third set of prints at the time of the initial application.

Of course, this legislative proposal might have been more appropriately crafted, or avoided altogether, had the provision benefitted from a public hearing so that the relevant stakeholders had the opportunity to provide information on the existing process for conducting background investigations. However, no such hearing occurred.

In addition, by adding this provision to a bill titled "relating to custody and visitation for military personnel," it expanded the original purpose of House Committee Substitute for Senate Bill No. 110 in violation of Article III, Sec. 21 of the Missouri Constitution. *See Missouri State Medical Ass'n. v. Missouri Dept. of Health*, 39 S.W.3d 837 (Mo. banc. 2001). A corollary to this requirement is Article III, Section 23, which prohibits a bill from containing more than one subject which shall be clearly expressed in its title. It can hardly be said that the two provisions contained in House Committee Substitute for Senate Bill No. 110, one related to the custody and visitation for military personnel, which also exists in other approved legislation, and one related to foster care licensure, pertain to the same subject.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 110 without my approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay Nixon", written in a cursive style.

Jeremiah W. (Jay) Nixon
Governor