



GOVERNOR OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
GOVERNOR

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July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 entitled:

AN ACT

To repeal sections 178.550, 267.655, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, and to enact in lieu thereof nine new sections relating to agriculture, with penalty provisions.

I disapprove of Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9. My reasons for disapproval are as follows:

Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 contains a host of worthwhile provisions that have been approved as part of other legislation, as well as the following two provisions that do not improve upon the public policy of the state.

Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 would allow up to 1% of Missouri agricultural land to be foreign owned. Whether, or to what degree, Missouri agricultural land should be foreign owned is an important policy choice for the people of Missouri, a decision that should be made through their elected representatives and only after the specific proposal has been sufficiently vetted and openly considered. However, this provision was inserted into Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 without the benefit of a hearing that would have allowed for public testimony. In addition, the measure was rejected by at least one legislative committee on agriculture as well as publicly opposed by leading Missouri agricultural groups.

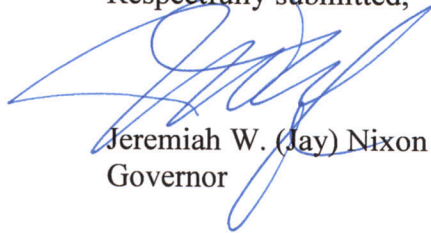
Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 also creates the new offense of animal trespass, which would prohibit a person, having ownership or custody of an animal, from knowingly failing to provide

adequate control of that animal for at least twelve hours. Several problems exist with this language. For one, the bill oddly enough does not require a showing that an animal actually trespassed on another's land – only that there was not adequate control. Under this scenario, a farmer can wake up to discover that a piece of fence requires mending, take some initial steps toward a fix and still be charged with animal trespass if enough time passes, even though no animals ever left the owner's property.

And while the impetus behind this provision may have been to deal with trespassing livestock, the proposed offense was broadly written to cover all manner of animal, including dogs, cats, rabbits and chickens. Conceivably, an otherwise law-abiding Missourian who failed to control the family cat on two separate occasions could be subject to incarceration. This example alone demonstrates the type of unintended consequence that can occur as a result of Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9 without my approval.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor