

Journal of the Senate

NINETY-SEVENTH GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

FIRST REGULAR SESSION

VETO SESSION

WEDNESDAY, SEPTEMBER 11, 2013

The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“Death and life are in the power of the tongue.” (Proverbs 18:21)

On this 12th Anniversary of 9-11 we are mindful of the power of words that drove men to criminal behavior and death of nearly 3,000 men and women whose horrifying screams of that day echo in our land especially at places and symbols of our freedom and democracy. As we gather in our Capitol building this day we are especially mindful of what is required of us to use our voices knowing we have the power to change or reinforce what we believe is right and necessary for our people. So we pray that You, O Lord, will help us exercise such power with wisdom, trusting always in Your guidance. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Richard announced photographers from the Associated Press, KOMU-TV, Gasconade County Republican, New York Times, KSDK-TV, KTVI Fox 2 and ABC 17 were given permission to take pictures in the Senate Chamber.

RESOLUTIONS

Senator Richard offered the following resolution, which was read and adopted:

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.

Senator Richard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-seventh General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-seventh General Assembly.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate Bills were received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 10, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 240 entitled:

AN ACT

To repeal sections 393.150 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to ratemaking for gas corporations.

I disapprove of Senate Committee Substitute for Senate Bill No. 240. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 240 would expand from three to five years the period of time in which a gas utility can collect an infrastructure system replacement surcharge (ISRS) and would impose a 30 percent increase in the maximum amount of ISRS the utility can charge consumers. Senate Committee Substitute for Senate Bill No. 240 would also authorize gas utilities to track the amount of bad debt (i.e. uncollectible utility bills) they incur and then recover 90 percent of the difference between the actual amount of bad debt and the amount of bad debt estimated during their most recent rate case before the Public Service Commission (PSC). Because the harm to consumers from increased gas bills outweighs the legislation's potential benefits, Senate Committee Substitute for Senate Bill No. 240 does not receive my approval.

The existing ISRS mechanism was created in 2003 when Missouri's two large gas companies, Missouri Gas Energy (MGE) and Laclede Gas Company (Laclede), and Missouri American Water Company (MAWC) had fallen behind on infrastructure maintenance. The needed infrastructure replacements, unlike a new power plant for an electric company, would not have generated any additional revenue, but would simply have replaced gas and water mains to maintain their systems in working order and to protect against threats to public safety from aging infrastructure.

To address this problem, the General Assembly enacted Senate Substitute for Senate Committee Substitute for House Bill No. 208 (2003), which authorized the ISRS mechanism for water utilities serving more than 10,000 customers in St. Louis County and all gas utilities in Missouri. Currently MGE and Laclede Gas are the only Missouri gas utilities utilizing the ISRS, although Laclede is currently in the process of acquiring MGE, which will leave only one gas utility imposing an ISRS surcharge. Since the gas ISRS was enacted, the utilities have made significant investments to ensure that their systems are in working order. According to MGE, the company replaced approximately 176 miles of bare steel and cast iron main from 2003 to 2012 – more than 86 percent in excess of the amount mandated under PSC order. Similarly, Laclede has indicated that it is replacing more than 31 miles of cast iron mains annually and, following its acquisition of MGE, will significantly increase its investments in MGE's infrastructure.

As the above demonstrates, the existing ISRS mechanism has had the intended effect of encouraging the gas utilities to replace and maintain their infrastructure. However, what the above fails to demonstrate is any compelling reason to expand this existing mechanism and, by doing so, raise utility costs for Missouri consumers. While an increase in the existing ISRS would no doubt benefit the utilities, this benefit would come at a cost to consumers—a cost the PSC could police less frequently due to the additional two years Senate Committee Substitute for Senate Bill No. 240 would allow between general rate cases. Moreover, this additional two years between rate cases would prevent consumers from seeing the benefit of any savings realized by the utility during that additional time—such as through the pending consolidation of MGE and Laclede.

More troubling than the ISRS expansion is the provision of Senate Committee Substitute for Senate Bill No. 240 that would authorize a gas utility to recover from its ratepayers 90 percent of the uncollectible “bad debt” it incurs from its non-paying customers. Under current law, a utility has a strong incentive to collect on its customer debts or prevent customers from running up excessive arrearages in the first place, since any increase in bad debt simply reduces the utility’s profits. However, Senate Committee Substitute for Senate Bill No. 240 would all but eliminate this incentive, since the utility would now be able to bank on recovering from its paying customers 90 percent of the bad debt it incurs. In this way, Senate Committee Substitute for Senate Bill No. 240 would insulate company profits from any increase in bad debt by shifting the risk of non-payment from the utility to its ratepayers, which is an unacceptable result for the vast majority of ratepayers who pay their bills on time.

While there is much in Senate Committee Substitute for Senate Bill No. 240 to benefit utilities, there is little, if anything, in it for consumers. Nowhere does the bill mandate increased reliability or enhanced safety and nowhere does it offer the real possibility of lower utility bills. Without a compelling reason to expand the existing ISRS and with the perverse incentive created by allowing utilities to recover bad debts from their paying customers, consumers should not have to shoulder the burden this bill would impose.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 240 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

May 17, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 60 entitled:

AN ACT

To repeal section 375.246, RSMo, and to enact in lieu thereof one new section relating to reinsurance, with an effective date.

I disapprove of Senate Bill No. 60. My reasons for disapproval are as follows:

Senate Bill No. 60 is duplicative of House Bill No. 133 which was truly agreed to and finally passed on April 29, 2013. While the language in both Senate Bill No. 60 and House Bill No. 133 is substantially similar, it is not identical. In addition to several non-substantive differences between the two bills, Senate Bill No. 60 omits an intrasectional reference that is contained in current law. Because of their similarities, it is unnecessary to approve both Senate Bill No. 60 and House Bill No. 133 and, due to the aforementioned drafting issues, I am not approving Senate Bill No. 60. House Bill No. 133 will provide the opportunity to enact this legislation after presentment is made in accordance with the Missouri Constitution.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 60 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
May 14, 2013

TO THE SECRETARY OF THE SENATE
97TH GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Bill No. 350 entitled:

AN ACT

To repeal sections 135.010, 135.025, and 135.030, RSMo, and to enact in lieu thereof three new sections relating to funds for vulnerable persons.

I disapprove of Senate Bill No. 350. My reasons for disapproval are as follows:

Senate Bill No. 350 is not comprehensive tax credit reform. Instead, it eliminates only part of a single program – the renters’ portion of the Property Tax Credit – that assists low income seniors and disabled individuals.

Effective tax credit reform must be broad-based and designed to ensure that all tax credit programs provide a strong return for taxpayers, our communities and our economy. Such an approach is fiscally prudent and would build upon the State of Missouri’s strong financial foundation. Senate Bill No. 350 does not constitute comprehensive tax credit reform.

Moreover, savings from the repeal of the renters’ portion of the Property Tax Credit would not be used to assist Missouri seniors. Instead, the fiscal year 2014 budget directs savings that would be realized from the program’s repeal to programs unrelated to seniors. Thus, under Senate Bill No. 350, seniors would lose their existing tax benefit and those savings would be directed elsewhere. Such a scenario is not acceptable.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 350 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
July 11, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 entitled:

AN ACT

To repeal sections 302.302, 302.700, 302.720, 302.735, 302.740, 302.755, 304.180, 304.820, 476.385, 577.041, RSMo, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session,

section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof nineteen new sections relating to transportation, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 would designate a portion of Interstate 70 in Montgomery County as the “Graham’s Picnic Rock Highway,” despite the fact that the referenced rock has also been known as “Slave Rock.” Accordingly, this bill does not receive my approval.

The apparent purpose of the designation proposed in Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 is to officially recognize as a landmark the large sandstone rock visible in the median of Interstate 70 when driving eastbound near Mineola, Missouri. The rock has been called “Graham’s Picnic Rock” in reference to Dr. Robert Graham, the former owner of the farm where the rock was located. According to local history, a popular outing in the 1880s was to drive with horse and buggy over the old Boone’s Lick Road to the Mineola Spring and Graham Cave for a picnic on Graham’s Picnic Rock.

However, in sharp contrast to the idyllic images of picnicking travelers conjured by the name “Graham’s Picnic Rock” are the shameful scenes of human bondage represented by the rock’s other name—“Slave Rock.” The rock’s name as “Slave Rock” comes from the widely held belief that slave auctions occurred at the site, perhaps related to Graham’s slave ownership prior to abolition.

By designating this stretch of highway as “Graham’s Picnic Rock Highway,” Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 has the effect, whether intentional or not, of elevating one history of the site above all others, thereby defining this landmark and its historical significance for generations to come. A step of such magnitude requires a robust public debate so that all interested parties’ voices can be heard. However, because the provision was never in an introduced bill, was added as a floor amendment, and never had a public hearing, interested members of the public, including those who have extensively researched the rock’s history, were given no opportunity to provide input and information to assist the legislature in its deliberations. Without a full public debate on this important issue, this bill cannot receive my approval.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 entitled:

AN ACT

To repeal sections 64.196, 135.305, 142.800, 348.521, 442.571, and 442.576, RSMo, and to enact in lieu thereof ten new sections relating to agriculture.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 contains several worthwhile provisions that have

been approved as part of other legislation; however, the bill would also exempt business entities in Cape Girardeau County from a statewide standard aimed at protecting the health and safety of school children. Existing law protects school children by prohibiting the Land Reclamation Commission and the Department of Natural Resources from permitting mining operations within 1,000 feet of any property on which an accredited school has been located for at least five years (Sec. 444.771, RSMo). Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 would eliminate this protection for school children in Cape Girardeau County and nowhere else. It is generally objectionable to excuse a select industry or company from an existing standard to which all other like entities are held. It is even more offensive to suggest that school children in Cape Girardeau County should receive any less protection than children in all other parts of the state.

Also, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 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 for House Committee Substitute for Senate Bill No. 342 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.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

June 26, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 entitled:

AN ACT

To repeal sections 34.040, 64.196, 135.710, 136.055, 137.010, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute for senate bill no. 568 merged with conference committee substitute for senate bill no. 611, ninety-sixth general assembly, second regular session, section 301.140 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, 301.301, 301.449, 302.132, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.154, 304.180, 304.820, and 307.400, RSMo, and to enact in lieu thereof twenty new sections relating to regulation of motor vehicles, with existing penalty provisions.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would authorize new fees and raise the existing fees charged by license offices. Missourians should not have to pay more than \$22 million in additional fees to renew their driver's license or get their vehicle registered without any improvement in the services they receive.

Since 2009, Missouri's license offices have been subject to an open, competitive bidding process designed to provide the most efficient and

effective service for taxpayers. The current license office contracts were bid under the current fee structure. If the private contractor with the winning bid has since failed to manage the contract to turn a profit, then the solution lies in the hands of the bidder and not in the pockets of Missourians.

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would cost Missourians an estimated \$22 million in additional fees on top of the more than \$31 million in fees they paid last fiscal year. Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would double the fees charged for each driver's license, nondriver's license, learner's permit, chauffer's license, and operator's license issued or renewed. The bill would increase the fee to register or renew registration on a vehicle or trailer by 43%. Fees for each application or transfer of title would also double. Likewise, fees would double for each notice of lien processed for a bank, although this increase would undoubtedly be passed along to the bank's customers.

In addition to raising the fees license offices already charge, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would also create new fees where fees cannot currently be imposed. For example, under Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51, a simple address change would now cost Missourians \$5.00, while a new \$2.00 fee would apply to any "electronic transmission," such as the license office checking insurance information or verifying personal property taxes. Indeed, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would subject residents of the City of St. Louis, and the counties of St. Louis, Franklin, St. Charles, and Jefferson to an additional \$2.00 fee—paid by no one else in the state—for the license office to electronically verify whether the vehicle passed or failed an emissions inspection.

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would also require the Department of Revenue to "reimburse" the private contractors who operate the license offices for all "reasonable costs" associated with the offices. In other words, taxpayers would be saddled with providing private contractors additional subsidies for everything from wages, to rent, to printer toner. It is hard to fathom why these additional taxpayer subsidies would be necessary on top of the increased fees the private contractors would receive if this bill were to become law.

Finally, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 would prohibit the Department of Revenue from awarding additional points for bidders who elect to return to taxpayers a percentage of the fees they collect. Since 2009, the private contractors operating the license offices have returned more than \$3 million in fee revenue, which not only provides additional funding for education and other vital public services it also belies any argument by the private contractors that the current fee structure is inadequate to support license office operations throughout the state.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

June 25, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 29 entitled:

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

I disapprove of Senate Substitute for Senate Committee Substitute for Senate Bill No. 29. My reasons for disapproval are as follows:

Senate Substitute for Senate Committee Substitute for Senate Bill No. 29 would prohibit public employers from deducting union dues or fees unless an employee provides – on an annual basis – a written authorization for the deduction of a specific amount on a form prescribed by the bill. The legislation also would require public employees to complete a separate written authorization – again on an annual basis – if they want

to allow the dues they pay to be used for political purposes. The bill targets a single group of employees and imposes on them an unnecessary and cumbersome process.

There are a number of items that employees may elect to have withheld from their paychecks, including money for college savings accounts, deferred compensation, and 401(k) plans. And, under current law, state employees may elect to have their union dues withheld. Section 33.103 RSMo. In each of these instances, the withholdings are based on one-time authorizations that the employee clearly has the authority to revoke at any time. Employees are not required to take additional steps to cause such withholdings to continue in subsequent years. But under this bill, public employees who are members of unions would be required to complete two separate written authorizations each year. Singling out union dues for these extra processes serves no beneficial purpose. Rather, the bill places unnecessary burdens on public employees for the purpose of weakening labor organizations. I therefore disapprove of Senate Substitute for Senate Committee Substitute for Senate Bill No. 29.

Senate Substitute for Senate Committee Substitute for Senate Bill No. 29 also exempts first responders from its requirements regarding authorizations for deduction and use of union dues. It has been held that such an exemption provides disparate treatment to similarly situated people without a compelling government interest, in violation of the Equal Protection Clause of the United States Constitution. (*See Bailey v. Callaghan*, 873 F.Supp.2d 879, 885-886 (E.D. Mich. 2012)).

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Committee Substitute for Senate Bill No. 29 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 28 entitled:

AN ACT

To repeal sections 288.030 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to disqualification from unemployment benefits.

I disapprove of Senate Substitute for Senate Bill No. 28. My reasons for disapproval are as follows:

This bill greatly expands the types of “misconduct” that can serve to disqualify terminated employees from receiving unemployment benefits. It is important to note that this is not a bill that changes whether or not employees may be terminated. Missouri employers can terminate employees for any reason (as long as it is not a legally impermissible reason such as race or gender). This bill does not in any way affect employers’ ability to do so.

Under current law, individuals may be denied unemployment benefits if they engaged in “misconduct” as defined in section 288.030.1(23) RSMo. The bill would expand the definition of misconduct to include activities occurring outside the workplace and outside of work hours. This bill would also broaden the definition of misconduct to include, among other things, “violation of an employer’s no-call, no-show policy” and “violation of an employer’s rule.”

The bill goes too far when it denies unemployment benefits in these circumstances. What employees do on their own time should not be used as a basis for denying unemployment benefits, except in the narrow circumstances already set forth in law. And employers should not be encouraged to adopt unreasonable rules to use as a basis for denying unemployment benefits.

Under the bill, the following situations would result in denial of unemployment benefits:

- An employer has a rule that all employees dress appropriately, both during work hours and during non-work hours. The office manager, while conducting the routine patrol of employees’ social media presence that would be encouraged and rewarded by this bill, finds a picture of a female employee participating in a charity dance contest. He deems the costume she is wearing inappropriate and fires her. Under the bill, she would also be denied unemployment benefits.

- An employer requires employees to play on, or show up and cheer for, the company softball team every Wednesday evening after work. An employee who is a single mother of three needs to be home to take care of her children, so she does not to participate and is fired. Under the bill, she would also be denied unemployment benefits.
- An employer has a rule that salespeople should conduct themselves professionally at all times. A salesperson is overheard at his child's soccer game saying negative things about his boss. He does not identify his boss by name, but the person overhearing the comment knows where he works and who he reports to. When word gets back to the boss, he fires the employee for "unprofessional behavior." Under the bill, he would also be denied unemployment benefits.
- A mother has to rush her daughter to the emergency room but in the rush forgets to call her employer. She therefore violates the employer's "no-call, no-show" policy and is fired. Under the bill, she would also be denied unemployment benefits.

In all of these instances, Missouri law already allows the employer to terminate the employee. However, this legislation goes a step further, also disqualifying the employees from receiving unemployment benefits while they look for other jobs.

The bill also creates nonconformity with federal law that could cost Missouri employers hundreds of millions of dollars. The unemployment benefits program is a federal program administered by states, subject to federal laws. By denying unemployment benefits for conduct occurring outside the workplace, Senate Substitute for Senate Bill No. 28 would place Missouri's unemployment laws at odds with federal law,¹ potentially jeopardizing the Federal Unemployment Tax Act (FUTA) credits Missouri employers receive, costing them an estimated \$859 million per year.

Unemployment benefits provide modest, temporary, but important assistance to individuals who become unemployed through no fault of their own. Not every Missourian is entitled to receive these benefits upon separation from work; in 2012, only 38 percent of Missourians who applied for unemployment actually received benefits. While not affecting an employer's ability to fire an employee, this bill would improperly deny Missourians unemployment benefits.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Bill No. 28 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

¹ Under the Federal Unemployment Tax Act, "[c]ompensation shall not be denied to any individual . . . for any cause other than discharge for misconduct connected with his work." 26 U.S.C. 3304(a)(10).

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 entitled:

AN ACT

To repeal sections 287.957 and 287.975 RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 requires the Division of Workers' Compensation to compile a database of all Missourians who have filed workers' compensation claims. The bill also requires that employers be given access to this database through the Division's website. Such a database would unnecessarily invade Missourians' privacy, with no valid purpose.

To protect employees' privacy, employers' access to and use of workers' compensation information under current law are limited. Employers

are authorized to receive claim information, provided they comply with federal law. So that privacy is preserved in the release of any information, employers and prospective employees must execute a release that requires the employer to certify that: (1) the inquiry is being made after a conditional offer has been extended, and (2) the information will not be used to discriminate against the individual in violation of the Americans with Disabilities Act (ADA). The prospective employee must also sign the release for the information, and the signature must be notarized.

This legislation would jettison these important privacy protections. In their place, the bill requires the creation of a database that can be easily searched. Mandating a government database of every Missourian who has been injured on the job and filed a workers' compensation claim – while weakening the legal and privacy protections currently in place for such information – is not in the best interests of Missourians. Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 is an affront to the privacy of our citizens and does not receive my approval.

This legislation also could cause Missouri employers – without any knowledge or intent – to violate federal law through their access of this new government database. The ADA prohibits discrimination in employment decisions – including hiring, advancement, and discharge – on the basis of a disability. 42 U.S.C. § 12112. Federal regulations applicable to the ADA do allow an employer to inquire into an individual's workers' compensation history, but only when a conditional job offer has already been extended. 29 CFR Part 1630. Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 contains no commensurate protection. This legislation's conflict with federal law misleads Missouri employers into believing that a "pre-hire" database search would be authorized where no conditional offer has been made.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

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

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

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,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 129 entitled:

AN ACT

To amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

I disapprove of Senate Substitute for Senate Committee Substitute for Senate Bill No. 129. My reasons for disapproval are as follows:

Senate Substitute for Senate Committee Substitute for Senate Bill No. 129 aims to induce more health professionals to provide volunteer services by granting them immunity from civil liability in such situations. This is unnecessary given that Missouri already has a system in place that encourages volunteerism and protects both volunteer health professionals and the patients they treat. It would be bad public policy to deny individuals who receive poor medical care access to the legal system simply because the person who provided the care was a volunteer.

The State Legal Expense Fund (LEF) provides liability coverage for volunteers at free health clinics (section 105.711.2(3)(e), RSMo) and schools (section 105.711.2(3)(d), RSMo). A bill approved in 2009 extended LEF coverage to health professionals volunteering at summer camps (section 105.711.2(3)(d), RSMo). Under this system, an individual who receives substandard care has legal recourse. The health care professional alleged to have violated the standard of care does not have to pay out of his own pocket to compensate the patient – nor does he have to pay for an attorney, as he would be represented by the Attorney General (section 105.716 RSMo).

This system accomplishes both goals of encouraging volunteerism and protecting those harmed by medical malfeasance. Currently, the law targets specific areas of need and provides liability coverage to health professionals volunteering in those areas. If there is a gap in the current system provided for in Missouri law, it should be addressed within the system, as was done in 2009. I do not approve of the approach provided for in Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, which simply provides blanket immunity to any health professional who volunteers for a “sponsoring organization” regardless of the setting. This is inconsistent with the balanced approach that Missouri law already takes.

Missourians are quick to help their fellow citizens, whether in a disaster or elsewhere. And Missouri law already encourages this volunteerism by providing appropriate protections for volunteers and those they serve. This bill unnecessarily puts at risk those individuals who have the right to expect that the care they receive – in whatever setting and irrespective of compensation – is of the same high quality that health professionals rightly demand of themselves.

Wednesday, September 11, 2013

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In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Committee Substitute for Senate Bill No. 129 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

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. 73 entitled:

AN ACT

To repeal sections 307.075, 478.007, and 488.2250, RSMo, and to enact in lieu thereof four new sections relating to judicial procedures.

I disapprove of House Committee Substitute for Senate Bill No. 73. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 73 contains a provision that permits the use of a court-approved private probation service by a DWI court under limited circumstances. Both Conference Committee Substitute for House Committee Substitute for Senate Bill No. 100 and Conference Committee Substitute for Senate Bill No. 327, which I have approved, also contain this provision. However, the language contained in House Committee Substitute for Senate Bill No. 73 is not consistent with the language contained in the other pieces of legislation and approval of House Committee Substitute for Senate Bill No. 73 will result in two versions of section 478.007, RSMo, being printed in statute. Consequently, I am not approving House Committee Substitute for Senate Bill No. 73.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 73 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 1, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 265 entitled:

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to prohibition on certain policies that infringe on private property rights.

I disapprove of Senate Bill No. 265. My reasons for disapproval are as follows:

Senate Bill No. 265 is broadly drafted legislation directed primarily at a United Nations resolution adopted more than 20 years ago. This resolution, known as Agenda 21, provides a general blueprint for sustainable development. It imposes no mandates on state or local governments and not a single pejorative action in Missouri has been tied to it.

Senate Bill No. 265 would force ambiguously worded restrictions on state and local governments. Specifically, the legislation would prohibit the adoption or implementation of "recommendations" that "infringe or restrict private property rights without due process" if the action

“originates in, or [is] traceable to Agenda 21...or any other international law or ancillary plan of action that contravenes the Constitution of the United States or the Missouri Constitution.”

Although there is no evidence that Agenda 21 is spurring governmental action across our state, Senate Bill No. 265 would nevertheless require that governmental entities become knowledgeable about its content as well as “any other international law or ancillary plan of action” and then make the undefined determination whether a proposed action is “traceable” to any of those sources. This bizarre and burdensome analysis must be accomplished through a prism of difficult to comprehend language that will waste public resources and impose needless confusion where none is necessary. It is Senate Bill No. 265 that is the problem, not the obscure and little known Agenda 21.

It is fundamentally misguided and unnecessary to require local government officials to become international law experts in order to perform their duties. This legislation would spawn endless litigation frivolously attacking governmental action based on a belief that a two decades old United Nations resolution is somehow shaping decisions regarding such issues as health codes and road projects. And it is absurd for a city council making a zoning decision to find it necessary to retain a high priced attorney specializing in international law for the purpose of needlessly chasing imaginary shadows around corners. The premise of Senate Bill No. 265, to the extent it is discernible, is wrong and the solution it puts forth is worse.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 265 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 77 entitled:

AN ACT

To repeal section 210.278, RSMo, and to enact in lieu thereof one new section relating to neighborhood youth development programs.

I disapprove of Senate Bill No. 77. My reasons for disapproval are as follows:

Senate Bill No. 77 would exempt Girls Incorporated of St. Louis (“Girls Inc.”) from state childcare requirements, including the required staff-to-child ratios, safety inspections, emergency preparedness planning, fire inspections, and sanitation inspections. Girls Inc. is an outstanding organization that has provided educational and cultural programs for thousands of girls. However, protecting the safety of Missouri’s children should be paramount. Accordingly, any measure that would exempt a single organization from generally applicable child safety requirements cannot receive my approval, regardless of the quality of the organization.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 77 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

June 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 267 entitled:

AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

I disapprove of Senate Substitute for Senate Bill No. 267. My reasons for disapproval are as follows:

Senate Substitute for Senate Bill No. 267 seeks to introduce a solution to a problem that does not exist and, in so doing, puts in jeopardy some of the very liberties that the bill purports to protect.

This legislation would inject considerable uncertainty into Missouri's legal system. The bill would declare as "void and unenforceable" contracts as well as judicial and administrative decisions that are based – in whole or in part – on a foreign law or foreign legal system that is deemed "repugnant or inconsistent with [sic]" the Missouri and United States Constitutions. Because all foreign legal systems can be argued to be "inconsistent" with our state and federal constitutions, Senate Substitute for Senate Bill No. 267 would needlessly cast doubt upon important legal instruments including wills, trusts, marriage and divorce decrees and contracts that involve foreign law. Our citizens and businesses should not be exposed to this unnecessary change and its unpredictable results.

Moreover, Senate Substitute for Senate Bill No. 267 would have a chilling effect on foreign adoptions. This legislation raises serious questions as to whether a Missouri court could consider the foreign decree or order that is necessary to finalize the adoption of a child from a foreign country. This obstacle would complicate an already challenging process facing a Missouri couple seeking to adopt a child from another country whose legal system is deemed "inconsistent" with ours. In addition to the hurdles this bill would impose on Missouri couples seeking to adopt, Senate Substitute for Senate Bill No. 267 could invite retaliatory action by a foreign country by denying all adoptions to Missourians. In Missouri, we value adoption. In the last ten years, Missourians have adopted more than 5,000 children from foreign countries. This bill is out of step with our basic belief that we should encourage adoption and make it easier, not more difficult, for children to grow up in strong, supportive families.

Senate Substitute for Senate Bill No. 267 would also undermine the freedom to contract. Article 1, Section 13 of the Missouri Constitution says "no . . . law impairing the obligation of contracts . . . can be enacted." This bill, by contrast, would render "mutually agreed upon" contracts and contractual provisions "void and unenforceable" if they include or are to be governed by foreign law from a country whose legal system is "inconsistent" with the Missouri and United States constitutions. This unnecessary interference with free market principles could also dampen foreign investment by companies unwilling to conduct business in a state with such uncertainty surrounding the application of foreign law.

Furthermore, Senate Substitute for Senate Bill No. 267 could prohibit a Missouri court from enforcing a judgment – based in whole or in part on a foreign law – rendered by a court in another state. The Full Faith and Credit Clause of the U.S. Constitution requires that states respect the "public acts, records, and judicial proceedings of every other state."

Senate Substitute for Senate Bill No. 267 is misguided, unnecessary and needlessly undermines certainty in important areas of the law. Missourians expect and deserve a judicial system that is both fair and predictable. Senate Substitute for Senate Bill No. 267 fails to meet that very basic standard and does not receive my approval.

Therefore, in accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Bill No. 267 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 1, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 entitled:

AN ACT

To repeal sections 84.480, 84.490, 84.510, 86.200, 86.257, 86.263, 313.817, and 568.040, RSMo, and to enact in lieu thereof nine new sections relating to public safety.

I disapprove of Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224. My reasons for disapproval are as follows:

Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 purports to deter minors from presenting false identification in order to obtain access to an excursion gambling boat. In reality, Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 reduces the maximum penalty available for such an offense. The current classification for this offense is a class B misdemeanor, punishable by up to six months in jail and up to a \$500.00 fine. Instead, the bill would lower the offense classification to an infraction, eliminate incarceration as a potential penalty, and require only the payment of a \$500.00 fine.

The State of Missouri takes illegal gambling seriously and has appropriately enacted strong laws and penalties to combat these types of offenses. However, underage gambling continues to be a problem. Since 1997, Missouri casinos have paid \$1.66 million in fines related to underage patrons. Therefore, lowering the available penalties for such conduct, and removing a prosecutor's ability to seek incarceration for illegal gambling, is not a recipe to deter this criminal behavior.

Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 would also allow an individual with a single conviction for criminal nonsupport to petition the court for the purpose of expunging all records associated with that offense. While current law permits the extreme remedy of expungement in very limited circumstances, Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 would expand expungement eligibility without providing adequate standards on which this relief would be provided.

Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 provides two distinct standards for granting expungement, with the common denominator being that eight years has passed since the person has been sentenced or completed probation. The first requires that the individual: (1) has not been convicted of any subsequent offense; (2) does not have any other felony convictions; (3) is current on all child support obligations; and (4) has no other charges or administrative child support actions pending. **Or**, in lieu of the foregoing, the individual has successfully completed a criminal nonsupport courts program. The first standard neglects to take into consideration whether the individual has a history of arrearages and late payments following the nonsupport conviction. As such, individuals who are chronically late and deficient on their support obligations during the past eight years can make themselves current and then apply to have their records expunged as long as no other charges are pending and there are no subsequent or other felony convictions.

The second standard requires only that the individual complete a criminal nonsupport court program. While this program is a meaningful tool to foster compliance with a person's support obligations, it should not take the place of also requiring that the individual demonstrate a history of complying with any support order since the underlying conviction and has no other subsequent convictions.

Exacerbating the insufficiency of these standards is that Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 does not provide the court with any discretion in determining whether to order expungement. Instead, the bill explicitly states that the court "*shall enter an order of expungement*" if either of the standards are satisfied. Therefore, the court would be deprived of the opportunity to consider other relevant factors, such as the individual's history of meeting support obligations since the previous conviction, as well as any statement that the victim or prosecutor would like to make in objection to any order for expungement; indeed, Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 does not even provide the victim or prosecutor with an opportunity to be heard on the matter. In sum, neither of the two standards is adequate, and depriving the court of discretion on such an important issue as expunging an individual's criminal records is unacceptable.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 170 entitled:

AN ACT

To repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to the participation by members of public governmental bodies in roll call votes.

I disapprove of Senate Bill No. 170. My reasons for disapproval are as follows:

Under current law, public governmental bodies comprised entirely of elected members must physically attend meetings in order to cast a vote on matters under consideration. Members may participate in the meetings "via phone, facsimile, Internet, or any other voice or electronic means" but they may not cast any votes unless the meeting is called due to an emergency. Existing law emphasizes the duty appropriately imposed on elected officials to physically attend meetings and should not be changed.

Senate Bill No. 170, the stated purpose of which is to increase the opportunity for full participation by elected officials through videoconferencing, does not include any safeguards to protect against abuses that would have the opposite result. Under the bill, any member of an elected governmental body may participate and vote in public meetings via videoconference without demonstrating good cause for doing so. While it may be understandable to provide this tool to accommodate the occasional scheduling conflict, no limit is placed on the number of meetings a member could attend by videoconference. Nothing in this legislation would prevent officials from attending every meeting via videoconference. In fact, the bill would not prohibit every member of an elected board from attending all meetings via videoconference.

The statutory requirement that members of elected boards be physically present to vote represents the paramount responsibility they have been entrusted with by the voters. This provides assurances that our elected officials are, at a minimum, approachable and available to their constituents at public meetings. It also ensures their active engagement in the topics at hand and provides an environment for open interaction and dialogue with colleagues, staff and the public in order to develop compromise and navigate difficult decisions.

Technology has bridged geographical gaps connecting citizens from all corners of our state to accomplish great work. But for local governmental bodies, the distances are quite short and easily navigated. Local government is designed to provide citizen representation that is close to home and readily accountable to its residents. Allowing attendance through videoconferencing places unnecessary and unwarranted 'virtual' distance between voters and their elected officials. Residents wishing to speak and interact with their elected officials would be forced to do so using video screens and broadband wires.

Serving in elected public office is a privilege and attending regularly scheduled public meetings is an important component of that service. Allowing elected members to join every public meeting by videoconference is not an acceptable proxy for responsible governance. Requiring elected members to be physically present is a small and reasonable obligation placed on office holders. Removing that requirement erodes this very basic level of engagement we must expect from our officials.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 170 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Senator Richard moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

SCS for SB 240 was called thereafter and no motion was taken thereon.

SB 60 was called thereafter and no motion was taken thereon.

SB 350 was called thereafter and no motion was taken thereon.

CCS for **HCS** for **SB 43** was called thereafter and no motion was taken thereon.

CCS for **HCS** for **SB 342** was called thereafter and no motion was taken thereon.

CCS for **HCS** for **SB 51** was called thereafter and no motion was taken thereon.

Senator Brown moved that **SS** for **SCS** for **SB 29** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Rupp
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wasson—22		

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Sifton	Wallingford	Walsh—11					

Absent—Senator Romine—1

Absent with leave—Senators—None

Vacancies—None

The Senate observed a moment of silence in memory of the events and loss of life on September 11, 2001.

Senator Kraus moved that **SS** for **SB 28** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Sifton	Walsh—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

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

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the Missouri House of Representatives of the Ninety-seventh General Assembly, First Regular Session, inform the Governor and the Senate that the House of Representatives is duly convened and is now in session in the 2013 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19.

AYES: 112

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood	Wright	Zerr	Mr. Speaker

NOES: 47

Anders	Black	Burns	Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Englund	Fowler	Frame	Gardner	Harris	Hodges
Hummel	Kirkton	Kratky	LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schupp	Smith	Swearingen	Walton Gray	Webb	

PRESENT: 1

English

ABSENT WITH LEAVE: 2

Ellington Newman

VACANCIES: 1

Senator Richard requested unanimous consent of the Senate to allow members of the Jefferson City Police Department be allowed to enter the Chamber with side arms, which request was granted.

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HB 19** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Kehoe	Kraus	Lager	Lamping	Libla	McKenna	Munzlinger	Nieves
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schaefer
Schmitt	Silvey	Wallingford	Wasson—28				

NAYS—Senators

Curls	Keaveny	Nasheed	Sifton	Walsh—5
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Absent—Senator LeVota—1

Absent with leave—Senators—None

Vacancies—None

VETOED BILLS

Senator Cunningham moved that **CCS** for **HCS** for **SS** for **SB 34** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Kehoe assumed the Chair.

Senator Pearce moved that **CCS No. 2** for **HCS** for **SCS** for **SB 9** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaefer	Schmitt	Silvey	Wallingford—23	

NAYS—Senators

Curls	Holsman	Justus	Keaveny	McKenna	Nasheed	Schaaf	Sifton
Walsh	Wasson—10						

Absent—Senator LeVota—1

Absent with leave—Senators—None

Vacancies—None

Senator Brown moved that **HCS** for **SB 110** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Sater moved that **SS** for **SCS** for **SB 129** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

HCS for **SB 73** was called thereafter and no motion was taken thereon.

Senator Nieves moved that **SB 265** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Holsman	Justus	Keaveny	McKenna	Sifton—6
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Absent—Senators

Curls	LeVota	Nasheed	Walsh—4
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Absent with leave—Senators—None

Vacancies—None

SB 77 was called thereafter and no motion was taken thereon.

Senator Nieves moved that **SS** for **SB 267** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed
Sifton	Walsh—10						

Absent—Senator Lamping—1

Absent with leave—Senators—None

Vacancies—None

CCS for **SCS** for **SB 224** was called thereafter and no motion was taken thereon.

Senator Chappelle-Nadal moved that **SB 170** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators

Justus Keaveny McKenna—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Richard, the Senate recessed for one hour.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

Photographers from KRCG-TV and Al Jazeera America were given permission to take pictures in the Senate Chamber.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed House Bill No. 278, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on House Bill No. 278.

AYES:114

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Black
Brattin	Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeier	Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White	Wieland	Wilson	Wood
Zerr	Mr. Speaker						

NOES: 45

Anders	Burns	Butler	Carpenter	Colona	Conway 10	Curtis	Dunn
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Ellinger	English	Englund	Gardner	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Rizzo	Runions	Schupp	Smith
Swearingen	Walton Gray	Webb	Webber	Wright			

PRESENT: 00

ABSENT WITH LEAVE: 3

Ellington	Newman	Pierson
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VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Committee Substitute for House Bill No. 329, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Committee Substitute for House Bill No. 329.

AYES:109

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 51

Anders	Black	Burns	Butler	Carpenter	Colona	Conway 10	Dunn
Ellinger	Ellington	English	Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Nichols	Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp	Smith	Swearingen	Walton Gray

Webb Webber Wright

PRESENT: 00

ABSENT WITH LEAVE: 2

Curtis Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed House Bill No. 339, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on House Bill No. 339.

AYES:109

Allen	Anderson	Austin	Bahr	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
English	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	McKenna	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 51

Anders	Barnes	Burns	Butler	Carpenter	Colona	Curtis	Dunn
Ellinger	Ellington	Englund	Fowler	Frame	Gardner	Haahr	Hodges
Hummel	Kelly 45	Kirkton	Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McManus	McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Neth	Nichols	Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Smith	Swearingen	Torpey	Walton Gray
Webb	Webber	Wright					

PRESENT: 1

Conway 10

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Committee Substitute for House Committee Substitute for House Bill No. 436, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Committee Substitute for House Committee Substitute for House Bill No. 436.

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan	Thomson	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 49

Anders	Barnes	Black	Burns	Butler	Carpenter	Colona	Conway 10
Curtis	Dunn	Ellinger	Ellington	English	Englund	Gardner	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	May	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Smith	Swearingen	Torpey	Walton Gray	Webb	Webber
Wright							

PRESENT: 3

Higdon	Mayfield	Roorda
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ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

VETOED BILLS

Senator Emery moved that **HB 278** be passed, the objections of the Governor thereto notwithstanding,

which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaefer	Schmitt	Silvey	Wallingford	Wasson—24

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Schaaf
Sifton—9							

Absent—Senator Walsh—1

Absent with leave—Senators—None

Vacancies—None

Senator Cunningham moved that **SCS** for **HB 329** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Dempsey moved that **HB 339** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nasheed	Nieves	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	McKenna	Sifton	Walsh—8
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Nieves moved that **SCS** for **HCS** for **HB 436** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Cunningham	Dixon	Emery	Kehoe	Kraus	Lager	Lamping
Libla	Munzlinger	Nieves	Parson	Pearce	Romine	Rupp	Sater
Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—22		

NAYS—Senators

Chappelle-Nadal	Curls	Dempsey	Holsman	Justus	Keaveny	LeVota	McKenna
Nasheed	Richard	Sifton	Walsh—12				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Substitute for Senate Committee Substitute for House Bill No. 650, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Substitute for Senate Committee Substitute for House Bill No. 650.

AYES: 110

Allen	Anderson	Austin	Bahr	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
English	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	McKenna	Meredith	Messenger	Miller	Molendorp	Montecillo
Moon	Morris	Muntzel	Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson

Riddle	Roorda	Ross	Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Sommer	Spencer	Stream	Swan	Thomson	Walker	Webb
White	Wieland	Wilson	Wood	Zerr	Mr. Speaker		

NOES: 50

Anders	Barnes	Burns	Carpenter	Colona	Conway 10	Cornejo	Curtis
Dunn	Ellinger	Ellington	Englund	Frame	Gardner	Grisamore	Haahr
Hodges	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McManus	McNeil	Mims	Mitten	Morgan
Nichols	Norr	Otto	Pace	Peters	Pierson	Rizzo	Rowden
Runions	Schieffer	Schupp	Smith	Solon	Swearingen	Torpey	Walton Gray
Webber	Wright						

PRESENT: 1

Higdon

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035.

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Ellington
Elmer	Engler	English	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Mayfield	McCaherty	McGaugh	Messenger
Miller	Molendorp	Montecillo	Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda	Ross	Rowden	Rowland

Scharnhorst	Schatz	Schieber	Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 44

Anders	Black	Burns	Butler	Carpenter	Colona	Curtis	Dunn
Ellinger	Englund	Gardner	Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten	Morgan	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo	Runions	Schieffer	Schupp
Smith	Walton Gray	Webb	Wright				

PRESENT: 0

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

VETOED BILLS

Senator Munzinger moved that **SS** for **SCS** for **HB 650** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Lager
Lamping	Libla	McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schmitt	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators

Curls	Holsman	Justus	Keaveny	Kraus	LeVota	Schaefer	Sifton—8
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Schmitt moved that **CCS No. 2** for **SCS** for **HCS** for **HB 1035** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	Munzlinger	Nieves	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Curls Holsman Justus Keaveny McKenna Nasheed Sifton Walsh—8

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Holsman offered Senate Resolution No. 3, regarding JobOne Recycling, Grandview, which was adopted.

Senator Cunningham offered Senate Resolution No. 4, regarding Hartville High School 2013 state champion baseball team, Wright County, which was adopted.

Senators Romine and Wallingford offered Senate Resolution No. 5, regarding SEMO Family Violence Council, which was adopted.

Senator Lager offered Senate Resolution No. 6, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence F. Abbott, Maryville, which was adopted.

Senator Wasson offered Senate Resolution No. 7, regarding American Legion Memorial Post 434, Nixa, which was adopted.

Senator Wallingford offered Senate Resolution No. 8, regarding Dr. Shawn Wilson, Cape Girardeau, which was adopted.

Senator Richard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 9

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 Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51; Senate Bill No. 60; House Committee Substitute for Senate Bill No. 73; Senate Bill No. 77; Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224; Senate Committee Substitute for Senate Bill No. 240; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 and Senate Bill No. 350 when the bills were so called by the President.

On motion of Senator Richard, the Senate recessed for 30 minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

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 for SCS for HCS for **HB 7**, CCS for SCS for HCS for **HB 10** and SCS for HCS for **HB 110** when the bills were called by the Speaker.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 9.

AYES: 111

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood	Zerr	Mr. Speaker	

NOES: 50

Anders	Black	Burns	Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr	Otto	Pace	Peters
Rizzo	Roorda	Runions	Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright						

PRESENT: 0

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed House Committee Substitute for Senate Bill No. 110, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on House Committee Substitute for Senate Bill No. 110.

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry	Brattin
Brown	Burlison	Cierpiot	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 52

Anders	Black	Burns	Butler	Carpenter	Colona	Conway 10	Curtis
Dunn	Ellinger	Ellington	English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer	Schupp	Smith	Swearingen
Walton Gray	Webb	Webber	Wright				

PRESENT: 0

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is

a certified copy of the Roll Call on Senate Substitute for Senate Committee Substitute for Senate Bill No. 129.

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter	Berry	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Norr	Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker			

NOES: 52

Anders	Barnes	Black	Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton	Kratky	LaFaver	Marshall
May	Mayfield	McCann Beatty	McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer	Schupp	Smith	Swearingen
Walton Gray	Webb	Webber	Wright				

PRESENT: 0

ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Senate Bill No. 170, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on Senate Bill No. 170.

AYES: 125

Allen	Anders	Anderson	Austin	Bahr	Barnes	Bernskoetter	Berry
Brattin	Brown	Burlison	Butler	Cierpiot	Conway 10	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl	Dohrman	Dugger	Dunn

Ellinger	Elmer	Engler	English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Leara	Lichtenegger	Love	Lynch	McCaherty
McCann Beatty	McGaugh	McKenna	Meredith	Messenger	Miller	Mims	Molendorp
Montecillo	Moon	Morris	Muntzel	Neely	Neth	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden	Rowland	Scharnhorst	Schatz
Shull	Shumake	Smith	Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr. Speaker			

NOES: 32

Black	Burns	Carpenter	Colona	Conway 104	Cookson	Curtis	Haefner
Harris	Hodges	Hummel	Kelly 45	Kirkton	LaFaver	Marshall	May
Mayfield	McDonald	McManus	McNeil	Mitten	Morgan	Nichols	Norr
Pogue	Rizzo	Roorda	Runions	Schieber	Schieffer	Schupp	Solon

PRESENT: 4

Ellington	Gardner	Otto	Pace
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ABSENT WITH LEAVE: 1

Newman

VACANCIES: 1

COMMUNICATIONS

Senator Schaaf submitted the following:

September 10, 2013

Ms. Terry Spieler
Secretary of the Senate
Missouri State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Due to a recent foot surgery, I am unable to comfortably stand for more than a few minutes at a time. I invoke Rule 76 that requires a letter be sent to you and subsequently printed in the journal.

Thank you for your attention to this matter.

Sincerely,
/s/ Rob Schaaf
Rob Schaaf
State Senator
District 34

INTRODUCTIONS OF GUESTS

Senator Keaveny introduced to the Senate, former State Senator Harry Kennedy, St. Louis.

Senator Kehoe introduced to the Senate, Army First Lieutenant Eric Wilde, Jefferson City.

Senator Walsh introduced to the Senate, teachers and six seniors from Hazelwood School District, St. Louis.

On motion of Senator Richard, the Senate of the Veto Session of the First Regular Session of the 97th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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