

**SUPPLEMENT**  
**MESSAGES FROM THE GOVERNOR**  
(Received after May 30, 2016)

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**EXECUTIVE OFFICE**  
**State of Missouri**  
**Room 216**  
**State Capitol**  
**Jefferson City 65101**

June 17, 2016

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 Substitute for Senate Committee Substitute for Senate Bill No. 572 entitled:

AN ACT

To repeal sections 67.287, 67.398, 67.451, 79.490, 80.570, 479.020, 479.350, 479.353, 479.359, 479.360, and 479.368, RSMO, and to enact in lieu thereof twenty-four new sections relating to local government, with penalty provisions.

On June 17, 2016, I approved said Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 572.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 13, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 578 entitled:

AN ACT

To repeal sections 476.083, 478.430, 478.433, 478.705, 513.430, 515.240, 515.250, and 515.260, RSMo, and to enact in lieu thereof thirty-eight new sections relating to judicial

proceedings.

On July 13, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 578.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 8, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 579 entitled:

AN ACT

To repeal sections 192.020, 192.667, 208.670, 334.108, and 335.175, RSMo, and to enact in lieu thereof twelve new sections relating to health care, with existing penalty provisions.

On June 8, 2016, I approved said Senate Bill No. 579.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 13, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 588, 603 & 942 entitled:

AN ACT

To repeal sections 488.650 and 610.140, RSMo, and to enact in lieu thereof two new sections relating to petitions for the expungement of records, with a delayed effective date.

On July 13, 2016, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 588, 603 & 942.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 13, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590 entitled:

AN ACT

To repeal sections 565.020, 565.030, 565.032, and 565.040, RSMo, and to enact in lieu thereof seven new sections relating to crime, with penalty provisions, an emergency clause for certain sections, and an effective date for a certain section.

On July 13, 2016, I approved said House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 591 entitled:

AN ACT

To repeal section 490.065, RSMo, and to enact in lieu thereof one new section relating to expert witnesses.

I disapprove of Senate Committee Substitute for Senate Bill No. 591. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 591 (Senate Bill No. 591) would discard Missouri's well-established criteria guiding the admissibility of expert testimony and replace it with a much more intricate, complicated and costly procedure. These changes are not proposed to solve an existing problem but instead are designed to make it more difficult and expensive for parties to bring forward their case and recover their proper damages. The process presently in place is fair and equitable to all litigants and the substantial and harmful retreat that would be realized by adoption of this new approach will not receive my approval.

The new requirements contained in Senate Bill No. 591 would needlessly strain judicial resources,

require trial judges to conduct unnecessary hearings and become quasi-experts on complex subjects, and, in many cases, would impose a substantial financial burden on litigants. The current, long-standing procedure governing the admissibility of expert testimony has served our state court system well. Senate Bill No. 591 would not improve upon this existing model but rather would abandon our current approach for the purpose of targeting injured litigants, whether individuals, small businesses or others, by making it more expensive – and perhaps cost prohibitive - to bring forward their claims. As revealed in the federal court system from where the language of this legislation is borrowed, these provisions could lead to extensive pretrial evidentiary proceedings that would needlessly clog our courts and unnecessarily drain financial resources from the parties.

Senate Bill No. 591 is a targeted attack on an injured party's ability to be justly compensated for their damages, a purpose that is confirmed by the fact that the bill would specifically retain our current expert admissibility standards for probate, juvenile and family court cases. Moreover, the legislation, designed to make it more difficult to admit expert testimony and avoid the use of "junk science," would nevertheless allow a property owner, "while not an expert," to testify as to the reasonable market value of their own land.

The inconsistent approach of Senate Bill No. 591 is indicative of the misguided impetus behind this legislation. Missouri trial judges properly understand and apply Missouri's common sense standards relating to the admissibility of expert testimony and it would be harmful and disruptive to adopt the federally authored changes contained in Senate Bill No. 591 into our Missouri courts.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 591 without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 5, 2016

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 Substitute for Senate Bill No. 608 entitled:

AN ACT

To repeal sections 167.638, 174.335, 197.315, 208.152, 208.952, 208.985, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 338.200, 376.1235, 376.1237, and 536.031, RSMo, and to enact in lieu thereof forty-five new sections relating to health care, with a contingent effective date for certain sections.

I disapprove of Conference Committee Substitute No. 2 for House Committee Substitute for Senate

Substitute for Senate Bill No. 608. My reasons for disapproval are as follows:

Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Bill No. 608 (Senate Bill No. 608) would needlessly punish our state's most vulnerable citizens without improving access to care or bringing Missouri's tax dollars back to Missouri. While these kinds of market-based reforms and incentives may be acceptable in the context of an expanded Medicaid population that includes more working Missourians, they are cruel and punitive when imposed solely on some of our very poorest and most vulnerable citizens.

Senate Bill No. 608 would impose a host of new penalties and fees on those who are least able to afford them, namely: low-income families, the aged, blind, and disabled. Fees for missed appointments and increased fees for emergency room visits later deemed non-emergency may seem very reasonable to those of us who have access to reliable transportation, who are able to take time off work for appointments and who have ready-access to telephone or e-mail services. Missourians who are disabled or who live in extreme poverty often cannot take advantage of these blessings that others may take for granted.

Over the past four years, the legislature has refused to expand Medicaid eligibility to cover working adults making up to 138 percent of the poverty level, or about \$15,000 a year for an individual, and Missouri has turned down billions of dollars in federal funding as a result. Currently, in order to qualify for Medicaid in Missouri, a single parent with two children can make no more than \$3,600 a year.

Strengthening Medicaid would provide health coverage to an additional 300,000 working Missourians, create thousands jobs in high-paying health care fields and generate millions of dollars in revenues for other priorities. Due to the legislature's inaction, Missourians continue to pay taxes to the federal government only to see those dollars go to the other 32 states that have moved forward with Medicaid expansion.

Gouging the poor while continuing to send our tax dollars to other states is not reforming our Medicaid system.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 608 without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 13, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bills Nos. 620 & 582 entitled:

AN ACT

*Supplement*

To repeal section 178.550, RSMo, and to enact in lieu thereof two new sections relating to career and technical education.

On June 13, 2016, I approved said Senate Committee Substitute for Senate Bills Nos. 620 & 582.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 6, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 624 entitled:

AN ACT

To repeal section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and section 570.135 as enacted by senate bill no. 491, ninety-seventh general assembly, and to enact in lieu thereof three new sections relating to stealing, with penalty provisions.

On June 6, 2016, I approved said Senate Bill No. 624.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 8, 2016

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. 625 entitled:

AN ACT

To amend chapter 227, RSMo, by adding thereto five new sections relating to the designation of highways.

On July 8, 2016, I approved said Conference Committee Substitute for House Committee Substitute for

Senate Bill No. 625.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 5, 2016

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. 635 entitled:

AN ACT

To repeal sections 167.638, 170.310, 174.335, 190.142, 190.241, 192.737, 192.2490, 192.2495, 197.315, 324.001, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 338.200, 376.1235, 376.1237, and 536.031, RSMo, and to enact in lieu thereof forty seven new sections relating to health care, with penalty provisions, an emergency clause for a certain section, and an effective date for certain sections.

On July 5, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Bill No. 635.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 22, 2016

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. 638 entitled:

AN ACT

To repeal sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with an effective date for a certain section.

On June 22, 2016, I approved said Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 638.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 641 entitled:

AN ACT

To repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a deduction for compensation payments for agricultural losses.

I disapprove of Senate Bill No. 641. My reasons for disapproval are as follows:

Senate Bill No. 641 would create a new income tax break that could eviscerate the 2017 budget by requiring the state to issue over \$50 million in refunds for past payments received as part of any program that compensates agricultural producers through the United States Department of Agriculture for lost profits as a result of droughts, floods and other natural disasters.

While these payments have a beneficial purpose, I cannot support exempting them for purposes of income tax and certainly not doing so retroactively. These payments are specifically intended to replace lost income and represent profits that would otherwise be subject to taxation just like any other business profits. That is precisely why these payments are currently treated as income under federal law, current Missouri law, and the law of 39 other states. Of the states with a state income tax, only one does not treat these payments as income, and even in that state the tax break was not applied retroactively when enacted. Missouri should not join this lonely class.

The provision was specifically written to be retroactive to tax years beginning on or after January 1, 2014, in order to allow amended tax returns for the previous two years to claim a refund back to a year in which historically high payments were received. These individuals have already received these payments, paid taxes on them, and if Senate Bill No. 641 were to become law, would receive a windfall in the form of a refund for those taxes previously paid on that income. Due in large part to its retroactivity, the fiscal impact of Senate Bill No. 641 is estimated to be as high as \$51.5 million in general revenue for Fiscal Year 2017. This fiscal impact is significant and, more troubling, not accounted for in the Fiscal Year 2017 budget.

Apart from being poor tax policy, Senate Bill No. 641 is poor fiscal policy. Again this year the General Assembly passed a budget and then passed tax breaks such as this to divert the very revenue upon which the budget was based. Because the Fiscal Year 2017 budget fails to account for the reduction of



revenue that would result from Senate Bill No. 641, executive action will be necessary to balance the budget if this bill were to become law.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 641 without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 24, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 655 entitled:

AN ACT

To repeal sections 266.301, 266.311, 266.331, 266.336, 266.341, 266.343, and 266.347, RSMo, and to enact in lieu thereof six new sections relating to the establishment of the fertilizer control board, with existing penalty provisions.

On June 24, 2016, I approved said Senate Bill No. 655.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 27, 2016

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. 656 (Senate Bill No. 656) entitled:

AN ACT

To repeal sections 50.535, 563.031, 571.030, 571.101, 571.104, 571.111, and 571.126, RSMo, and to enact in lieu thereof fourteen new sections relating to weapons, with penalty provisions, an emergency clause for a certain section, and an effective date for a certain section.

I disapprove of Senate Bill No. 656. My reasons for disapproval are as follows:

Senate Bill No. 656 would eliminate the current requirements that individuals obtain training, education, a background check and a permit in order to carry a concealed firearm in Missouri. Under Senate Bill No. 656, the safeguards in Missouri's concealed carry system would be thrown out and any individual who is allowed to possess a firearm would be automatically allowed to carry it concealed. In doing so, the bill would render meaningless the existing authority of sheriffs to deny concealed carry permits, allowing individuals to legally carry a concealed firearm even though they have been or would be denied a permit because their background check revealed criminal offenses or caused the sheriff to believe they posed a danger.

Since 2003, Missouri law has set forth a process for obtaining concealed carry permits.<sup>1</sup> Such permits are issued by Missouri sheriffs, who are charged with ensuring the safety of the communities they serve. As recently as 2013, the General Assembly passed and I signed a bill that reiterated the important role of Missouri sheriffs in issuing – and for proper public safety reasons denying where appropriate – concealed carry permits (Senate Bill No. 75 (2013)).

Missouri law requires classroom and range training, as well as a background check and review by the sheriff, before an applicant can obtain a concealed carry permit.

I support this system, and have signed bipartisan legislation that proposed sensible expansions to our concealed carry laws. Such changes include:

- Modifying training requirements (House Bill No. 294 (2011), House Bill No. 1647 (2012), Senate Bills No. 489 & 637 (2012));
- Expanding the list of places into which those with permits may carry concealed firearms (House Bill No. 294 (2011));
- Lowering the minimum age for obtaining a permit (House Bill No. 294 (2011));
- Lengthening the duration a concealed carry permit is valid from three years to five years (Senate Bill No. 75 (2013));
- Expanding the list of who is exempt from having to obtain permits (House Bill No. 294 (2011), House Bill No. 533 (2013), Senate Bill No. 745 (2014));
- Allowing those below the minimum age who serve our country in the armed forces to be able to obtain a permit (House Bill No. 1647 (2012));
- Vesting sole responsibility for maintaining concealed carry data in Missouri sheriffs (Senate Bill No. 75 (2013)).

While the above improvements received my support, Senate Bill No. 656, which would throw out the permit process and allow individuals to carry concealed firearms without any of the public safety protections that exist in current law, does not.

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<sup>1</sup> Prior to August 28, 2013, Missouri's concealed carry permit was reflected as an endorsement on the successful applicant's driver or non-driver license, and was therefore referred to in law and otherwise as a "concealed carry endorsement." Use of the term "permit" herein includes endorsements issued prior to August 28, 2013.

Under current law, to obtain a concealed carry permit, an individual must pass a course of at least eight hours in length that contains training on: handgun safety in the classroom, on the range, at home, and while carrying; basic principles of marksmanship; care and cleaning of concealable firearms; safe storage of firearms at home; the requirements for obtaining a concealed carry permit; Missouri laws relating to firearms. Section 571.111.2 RSMo. This training must also include instruction on Missouri laws relating to justifiable use of force. *Id.* Instructors spend a significant period of the classroom time educating students not only on how to use firearms, but, more importantly, when they are justified in using firearms to protect themselves or others. This classroom instruction is obviously important for public safety, and for the student as well, who needs to know when he may justifiably draw and fire his weapon at another human being. There are life-and-death scenarios reviewed in the classroom, as well as scenarios in which an individual *is not* justified in using lethal force.

In addition to this education, the individual must demonstrate that he or she can safely load and unload a handgun, and must successfully complete a live firing exercise that requires the applicant to fire twenty rounds at a target. Section 571.111.2 RSMo. Then, with the instructor present, the applicant must fire another twenty rounds at the target, hitting the target with at least fifteen of those twenty rounds. *Id.*

After successfully completing the day-long classroom and range instruction, the applicant must go to the sheriff's office and pass a background check before being authorized to carry concealed. Approved trainers throughout our state have taught many thousands of Missourians how to properly and safely handle a concealed firearm. And sheriffs in Missouri have processed applications, conducted background checks and issued concealed carry permits on the same scale. In doing so, sheriffs have also appropriately rejected many individuals' applications under the provisions of section 571.101 RSMo., and those decisions have been upheld by courts on appeal. But Senate Bill No. 656 would remove sheriffs' ability to appropriately exercise that authority to protect their communities from individuals who they determine are a danger to themselves or others.

Under Senate Bill No. 656, the following individuals could automatically, without any scrutiny, training or notification, carry a concealed weapon:

- A person who has pled guilty to a felony and received a suspended imposition of sentence (currently prohibited by section 571.101.2(3) RSMo.);<sup>2</sup>
- An 18-year old high school student (an individual who is not in the military must be at least 19 years old to apply for a concealed carry permit under section 571.101.2(1) RSMo.);
- A person who has been charged with (but not yet convicted of) a felony (currently prohibited by section 571.101.2(5) RSMo.);
- A person who has been convicted of misdemeanor assault (currently prohibited by section 571.101.2(4) RSMo.);
- A person who has two or more misdemeanor DUIs within the last five years (currently

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<sup>2</sup> A suspended imposition of sentence reflects a finding of guilt but does not reflect a conviction. Therefore, an individual receiving a suspended imposition of sentence is not prohibited from possessing a firearm under state and federal law, both of which only prohibit possession by those *convicted of* a felony. See section 571.070.1(1) RSMo. and 18 U.S.C. 922(g)(1). But Missouri's concealed carry law requires the sheriff to deny the application of one who has pled guilty to or been convicted of a felony. Section 571.101.1(3) RSMo.

- prohibited by section 571.101.2(4) RSMo.);
- A person with two or more misdemeanor drug possession convictions within the last five years (currently prohibited by section 571.101.2(4) RSMo.).

Under current law in Missouri, none of these individuals may carry a concealed firearm. Under Senate Bill No. 656, all of them may do so. And they may do so with no training, no background check or screening, and no permit required.

Members of Missouri's law enforcement community, many of whom supported the enactment of the concealed carry law in 2003 and still today support the permit system, have also raised these concerns. I have heard them, and I share their concerns. Sheriffs and their deputies are charged with keeping their communities safe. Through their work, they come to know very well the residents of their jurisdictions. The drafters of Missouri's concealed carry permitting law recognized this and included in the 2003 law section 571.101.2(7) RSMo., which authorizes a sheriff to deny the application of a person who has engaged in a documented pattern of behavior that causes the sheriff to reasonably believe that the applicant is a danger to himself or others. And sheriffs in Missouri can readily identify individuals in their jurisdictions who, although not prohibited by federal or state law from possessing a firearm, would be ineligible for a permit to carry one concealed.

While a permit to carry a concealed weapon in Missouri would be wholly unnecessary under Senate Bill No. 656, our existing permitting process would still be available for individuals who wish to carry concealed weapons in other states through reciprocity and will lead to absurd and dangerous scenarios. For instance, an individual who applies for a permit and is denied based on the sheriff's determination that he is a danger to himself or others would nevertheless be allowed, under Senate Bill No. 656, to carry a concealed weapon in Missouri the moment he leaves the sheriff's office. I cannot support a system that would ignore a determination by the chief law enforcement officer of a county that an individual is a danger to the community and should not be authorized to carry a concealed firearm.

Missouri's system for granting concealed permits has been in place for more than a decade, and it has worked. Senate Bill No. 656 flouts this system, allowing individuals with no training, no proven handgun capability, and no background check to carry concealed. Law enforcement officials have not called for this change, and for good reason. Allowing currently prohibited individuals to automatically carry concealed firearms would make Missouri less safe.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 656 without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 24, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 657 entitled:

AN ACT

To repeal sections 302.440, 319.114, 414.036, 414.082, and 414.255, RSMo, and to enact in lieu thereof six new sections relating to motor vehicles.

On June 24, 2016, I approved said House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 657.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 6, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 660 entitled:

AN ACT

To repeal section 110.140, RSMo, and to enact in lieu thereof one new section relating to bidding procedures for county depositaries, with a penalty provision.

On June 6, 2016, I approved said Senate Bill No. 660.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 24, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 664 entitled:

AN ACT

To repeal section 351.120, RSMo, and to enact in lieu thereof one new section relating to corporate registration reports for farm corporations.

2315

*Supplement*

On June 24, 2016, I approved said Senate Bill No. 664.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 24, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 665 entitled:

AN ACT

To repeal sections 135.679, 261.235, 262.960, 262.962, 348.407, 348.430, 348.432, 348.436, and 414.082, RSMo, and to enact in lieu thereof ten new sections relating to agriculture.

On June 24, 2016, I approved said House Committee Substitute for Senate Bill No. 665.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 14, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 702 entitled:

AN ACT

To repeal sections 288.032, 288.380, and 288.381, RSMo, and to enact in lieu thereof three new sections relating to employment security, with existing penalty provisions.

On July 14, 2016, I approved said Senate Bill No. 702.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 14, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 711 entitled:

AN ACT

To repeal section 170.310, RSMo, and to enact in lieu thereof one new section relating to cardiopulmonary instruction in schools.

On June 14, 2016, I approved said Senate Bill No. 711.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 8, 2016

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. 732 entitled:

AN ACT

To repeal sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902, 190.055, 190.102, 190.103, 190.142, 190.165, 190.241, 190.335, 192.737, 192.2400, 192.2405, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545, and 610.100, RSMo, and section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 575.145 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.145 as enacted by house bill no. 1270 and house bill no. 2032, ninety-first general assembly, second regular session, and to enact in lieu thereof thirty-seven new sections relating to public safety, with penalty provisions.

On July 8, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 732.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

July 13, 2016

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. 735 entitled:

AN ACT

To repeal sections 477.650, 600.042, 600.090, and 600.101, RSMo, and section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, and to enact in lieu thereof five new sections relating to judicial proceedings, with penalty provisions.

On July 13, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Bill No. 735.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 13, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 765 entitled:

AN ACT

To repeal sections 67.145, 221.407, and 610.100, RSMo, section 575.320 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.320 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, and to enact in lieu thereof five new sections relating to public safety, with penalty provisions.

On July 13, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 765.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor



July 7, 2016

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. 786 entitled:

AN ACT

To repeal sections 115.105, 115.107, 115.306, 115.361, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, and 115.621, RSMo, and section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof seventeen new sections relating to elections, with an emergency clause for certain sections and a delayed effective date for certain sections.

On July 7, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 786.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 794 entitled:

AN ACT

To repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption on parts and accessories for medical equipment.

On June 28, 2016, I approved said Senate Committee Substitute for Senate Bill No. 794.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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*Supplement*

June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 814 entitled:

AN ACT

To amend chapter 143, RSMo, by adding thereto one new section relating to income tax deductions for active duty military personnel.

On June 28, 2016, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 814.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 823 entitled:

AN ACT

To repeal sections 137.016, 144.030, and 144.087, RSMo, and to enact in lieu thereof four new sections relating to taxation.

On June 28, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 823.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 1, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute Senate Bill

No. 833 entitled:

AN ACT

To repeal sections 313.800, 313.817, 327.272, 381.022, and 381.058, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions, with existing penalty provisions.

On July 1, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Bill No. 833.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 6, 2016

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. 838 entitled:

AN ACT

To repeal sections 455.050 and 455.523, RSMo, and to enact in lieu thereof two new sections relating to the transfer of wireless telephone numbers.

On June 6, 2016, I approved said Senate Substitute for Senate Committee Substitute for Senate Bill No. 838.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 844 entitled:

AN ACT

To repeal section 272.030 and 272.230, RSMo, and to enact in lieu thereof one new

section relating to livestock trespass.

I disapprove of Senate Bill No. 844. My reasons for disapproval are as follows:

Under current law, if any horses, cattle or other stock break over or through a fence and trespass on the property of another, the owner of the animals is liable for the damage caused to the other landowner. Under Senate Bill No. 844, the owner of the animals would not be responsible to his neighbor for the damage caused by his animals, unless the injured party can establish "the owner of the trespassing horses, cattle, or other stock was negligent." Current law properly assigns liability upon the owner of the animals that have caused the damage, and I will not approve legislation that shifts that risk to an innocent neighbor.

There are many reasons a farmer's animals could escape from confinement including the farmer's negligence, an act of God or the independent actions of a third party. Regardless of the underlying reason for the escape, Missouri's fencing law properly assigns liability to the owner of the animals that caused the damage. However, under Senate Bill No. 844, the victim of the animal rampage would be left without recourse, despite playing no role in causing the damage, unless negligence on the part of either the owner of the animals or a third party can be proven. The responsibility for making the injured party whole for the action of these animals is and must continue to be placed with the owner of the trespassing animals. Further, nothing precludes the owner of those animals from subsequently pursuing a responsible third party, if one exists, and seeking damages and indemnification for any payments made to compensate the neighbor for damages. Existing law is fair, equitable and places the financial exposure with the proper party.

Lastly, it was just three sessions ago, the General Assembly, over my objection, enacted Senate Bill No. 9 (2013) to create the crime of animal trespass. So, while in 2013 the General Assembly was willing to hold the owner of trespassing animals criminally responsible, in 2016, it now attempts to make it more difficult to hold that same owner civilly liable. This is wholly inconsistent, unfair and will not receive my approval.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 844 without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute No. 2 for Senate Bill No. 847 entitled:

AN ACT

To repeal section 490.715, RSMo, and to enact in lieu thereof one new section relating to evidence for the cost of medical care and treatment.

I disapprove of Senate Substitute No. 2 for Senate Bill No. 847. My reasons for disapproval are as follows:

In order for a person to be compensated for the harm they suffered as a result of the carelessness of another, the injured person is entitled to show a jury the total value of their losses - from past and future medical expenses to physical pain and suffering. Today, one way in which an injured person may help a jury to understand the extent and seriousness of their injuries is to show the jury the value of the medical care required for their treatment. This is a well-grounded, common-sense approach that has been used for many years.

Senate Substitute No. 2 for Senate Bill No. 847 (Senate Bill No. 847) abandons these principles, and instead substitutes an arbitrary rule that seeks to lessen the seriousness of person's injury, not based on an physical evidence, but instead based primarily on deals made between insurance companies and healthcare providers that have nothing to do with the individual's injuries. This legislation would limit recoveries by injured people, and unfairly favor those who cause the injuries. It is fundamentally unjust, unmerited, and unnecessary and will not receive my support.

The value of medical treatment is an important piece of an injured person's total losses and a very critical piece of the information a jury considers when evaluating those injuries. Senate Bill No. 847 would completely undermine an injured individual's ability to fully and fairly establish their damages by illogically reducing the "actual cost of the medical care or treatment" through "adjustment for any contractual discounts, price reduction, or write-off by any person or entity." Application of these reductions would significantly understate the true impact of the defendant's actions and would preclude the fact-finder from fully considering the harm suffered by the individual.

While Senate Bill No. 847 would be unfair to all injured individuals, it would be particularly unjust to those injured people who had the foresight and means to acquire insurance. It is those individuals with insurance who would have the value of their medical care or treatment most significantly reduced by contract or otherwise. These reductions afforded insurance companies by healthcare providers are often substantial and the admissibility of only the diminished or remaining cost, as would be required under Senate Bill No. 847, would wrongly limit an individual's recovery. As a result, this legislation would irrationally punish individuals with insurance and would do so to the benefit of the wrongdoer. This incongruous result illustrates the absurdity underlying this wrongheaded legislation.

Senate Substitute No. 2 for Senate Bill No. 847 is misguided policy purposely designed to benefit a wrongdoer at the expense of their victim and will not receive my approval.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute No. 2 for Senate Bill No. 847 without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

*Supplement*

July 8, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for Senate Bill No. 852 entitled:

AN ACT

To repeal chapter 227, RSMo, by adding thereto seven new sections relating to designation of certain memorial infrastructure.

On July 8, 2016, I approved said Conference Committee Substitute for Senate Bill No. 852.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 1, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 861 entitled:

AN ACT

To repeal sections 227.600 and 447.708, RSMo, and to enact in lieu thereof eight new sections relating to tax incentives.

On July 1, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 861.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 5, 2016

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 Committee Substitute for Senate Bill No. 865 & 866 entitled:

AN ACT

To repeal sections 338.270, 338.347, 374.185, 376.1237, 379.934, 379.936, 379.938, and 379.940, RSMo, and to enact in lieu thereof sixteen new sections relating to health care.

On July 5, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 865 & 866.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 23, 2016

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. 867 entitled:

AN ACT

To repeal sections 66.620, 67.402, 99.845, 136.055, 137.016, 137.100, 137.115, 137.565, 182.802, 184.815, 190.335, 221.407, 233.180, 233.295, 304.190, 311.179, and 347.048, RSMo, and to enact in lieu thereof twenty new sections relating to political subdivisions.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867 began its legislative existence as a simple, four-page bill containing a single, worthwhile measure providing a process for consolidating special road districts. Unfortunately, gathering legislative detritus on its voyage through the General Assembly, it transformed into an omnibus monstrosity running afoul of the Missouri Constitution and failing to gain my approval.

Since 1875, the Missouri Constitution has required legislation to be limited to its original purpose. This basic requirement promotes an open process to alert legislators and the general public to the substance of pending legislation and further prevents “logrolling,” in which several matters that would not individually command a majority vote are bundled into a single bill to ensure passage. Despite repeated admonitions from the courts, omnibus bills violating this Constitutional requirement continue to be passed.

The Missouri Constitution provides that “no bill shall be so amended in its passage through either house as to change its original purpose.” Mo. Const. Art. III, Sec. 21. This prohibition on adding “subject matter that is not germane to the object of the legislation or that is unrelated to its original subject” is meant to fairly apprise citizens of the subject of the legislation being considered. *C.C. Dillon Co. v. City*

*of Eureka*, 12 S.W.3d 322, 326-27 (Mo. Banc 2000). Here, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867, began as an act “relating to county road district consolidation” but ballooned to 20 subjects ranging from tax deductions, to sheltered workshops, to property managers, to alcohol sales at an airport, to assessments of mining property, to state highway designations. Indeed, many of the provisions weighing down this legislation were inserted as amendments during the waning hours of session, without the benefit of a public hearing and with limited or no public debate.

The most egregious of these surreptitious additions would seek to impose new fees upon Missourians at license offices. If Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867 were to become law, Missourians would be faced with a \$2.00 “notary fee” at their local license office, despite a separate subsection of law unchanged by the amendment expressly prohibiting the charging of a notary fee. The second new fee sought to be imposed would allow license offices to charge \$2.00 for each “electronic transmission” and each “electronic look-up.” Neither “transmission” nor “look-up” is defined in the legislation, instead leaving the scope of this new fee to the fee office agent’s imagination.

At the very least under this legislation, Missourians could be charged a new fee each and every time the license office sends an email (\$2.00), receives a fax (\$2.00), or electronically verifies information such as personal property tax (\$2.00), insurance (\$2.00), and a motor vehicle inspection (\$2.00). Add in a notarized document (\$2.00), and in a single transaction to register a motor vehicle, a Missourian could be facing an additional \$12.00 in fees, on top of the \$3.50 fee the license office can currently charge—more than quadruple the fees they could currently be charged.

As I stated in vetoing similar legislation in 2013, Missourians should not be asked to pay yet another new government fee to receive the same service they receive today, and certainly not by way of an eleventh hour amendment to an already swollen omnibus bill stretched far beyond the bill’s original purpose. While my action today will prevent a number of worthwhile provisions from becoming law, including the measure that gave birth to the underlying bill, it will also prevent Missourians being charged new fees at license offices through a constitutionally suspect vessel.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867 without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 8, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 875 entitled:

AN ACT



To repeal sections 338.056, 338.059, and 338.100, RSMo, and to enact in lieu thereof four new sections relating to interchangeable biological products.

On June 8, 2016, I approved said Senate Bill No. 875.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 15, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bills Nos. 905 & 992 entitled:

AN ACT

To repeal sections 454.849 and 454.1728, RSMo, and to enact in lieu thereof two new sections relating to the uniform interstate family support act, and an emergency clause.

On June 15, 2016, I approved said Senate Committee Substitute for Senate Bills Nos. 905 & 992.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 24, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 915 entitled:

AN ACT

To amend chapter 227, RSMo, by adding thereto two new sections relating to memorial highway designations.

On June 24, 2016, I approved said Senate Bill No. 915.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 1, 2016

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. 919 entitled:

AN ACT

To repeal sections 311.090, 311.195, 311.200, 311.205, 311.220, 311.328, and 311.665, RSMo, and to enact in lieu thereof ten new sections relating to intoxicating liquor, with an effective date for a certain section and penalty provisions.

On July 1, 2016, I approved said Senate Substitute for Senate Committee Substitute for Senate Bill No. 919.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 1, 2016

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. 921 entitled:

AN ACT

To repeal sections 43.545, 455.543, 455.545, 595.030, and 595.209, RSMo, and to enact in lieu thereof seven new sections relating to victims of crime.

On July 1, 2016, I approved said Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 921.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 1, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 932 entitled:

AN ACT

To repeal sections 370.230, 486.245, 486.275, 486.285, 486.305, 486.310, and 486.375, RSMo, and to enact in lieu thereof eight new sections relating to regulation of bonded entities, with a penalty provision.

On July 1, 2016, I approved said House Committee Substitute for Senate Bill No. 932.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 23, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 947 entitled:

AN ACT

To amend chapter 379, RSMo, by adding thereto five new sections relating to transportation network company insurance.

On June 23, 2016, I approved said Senate Bill No. 947.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 13, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 968 entitled:

AN ACT

To repeal sections 173.234 and 173.900, RSMo, and to enact in lieu thereof three new sections relating to tuition rates for members of the military, with an emergency clause for a certain section.

*Supplement*

On June 13, 2016, I approved said Senate Committee Substitute for Senate Bill No. 968.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 5, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973 entitled:

AN ACT

To repeal sections 197.315, 376.1237, and 536.031, RSMo, and to enact in lieu thereof seventeen new sections relating to health care.

On July 5, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 17, 2016

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 Committee Substitute for Senate Bill No. 986 entitled:

AN ACT

To authorize the conveyance of certain state properties, with an emergency clause for a certain section.

On June 17, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 986.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 5, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for Senate Bill No. 988 entitled:

AN ACT

To repeal sections 190.060, 190.241, and 197.315, RSMo, and to enact in lieu thereof six new sections relating to health care providers, with an emergency clause for certain sections.

On July 5, 2016, I approved said Conference Committee Substitute for Senate Bill No. 988.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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July 1, 2016

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. 994 entitled:

AN ACT

To repeal sections 262.823, 311.060, 311.091, and 311.205, RSMo, and to enact in lieu thereof five new sections relating to alcohol.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 994 (Senate Bill No. 994). My reasons for disapproval are as follows:

Senate Bill No. 994 would provide authority for the Missouri Wine and Grape Board to hire attorneys to oversee legal services that promote the board's marketing goals, and is specifically intended to authorize the board to hire legal counsel to defend the interests of Missouri wine manufacturers in lawsuits that are brought against those companies in another state. Authorizing legal services that are intended to ensure that lawsuits against Missouri businesses are unsuccessful is ultimately an expenditure of public funds for a private purpose, which would violate the Missouri Constitution regardless of the substance or merit of the lawsuit. Mo. Const. Art. III, Section 38(a). While promoting the Missouri wine industry is a worthy and legal endeavor, using state tax dollars to pay attorneys to defend the interests of private litigants is not.

The Missouri Wine and Grape Board is a public entity with the primary goal to promote the Missouri grape and wine industry through technical and marketing support. Funding for the board is derived from an excise tax on wine, and revenues are deposited in the state treasury to be used for the functions specifically authorized by law. Section 311.554, RSMo. However, the Missouri Constitution is the ultimate authority on how public funds may be spent and specifically forbids the grant of public money to any private person,

association or corporation. Mo. Const. Art. III, Section 38(a). And, the grant need not be given directly to a private person or corporation to violate the constitution. If the primary object of a public expenditure is to serve a public purpose, the expenditure is legal, even though it would also incidentally involve an expense, which, standing alone, would not be lawful. However, if the primary object is not to serve a public purpose, but to promote some private end, the expense is illegal, even though it may incidentally serve some public purpose. *State ex rel. City of Jefferson v. Smith*, 348 Mo. 554, 154 S.W.2d 101, 102 (Mo. banc 1941).

There is little doubt that House Bill No. 994's intended goal would result in the use of public funds for a private purpose. Indeed, an attorney would be hired and the intended expenditure would be triggered only when a Missouri company is subjected to litigation in another state. And, the outcome of that litigation will directly impact only the private company named as a defendant. Though the Missouri wine industry may ultimately benefit from a successful campaign to dismiss out-of-state claims against individual wine companies, that does not save an otherwise ill-conceived measure to allow state funds for an unconstitutional purpose. Whether it involves a promotion-worthy Missouri industry or not, I cannot support a bill that is intended to authorize a public entity to expend state revenue to support private litigants.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 994 without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 16, 2016

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. 997 entitled:

AN ACT

To repeal sections 103.003, 103.079, 167.223, 173.005, 173.234, and 178.780, RSMo, and to enact in lieu thereof nineteen new sections relating to higher education, with an emergency clause for certain sections, with existing penalty provisions.

On June 16, 2016, I approved said Conference Committee Substitute for House Committee Substitute for Senate Bill No. 997.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 29, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 1002 entitled:

AN ACT

To repeal section 67.1471, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

On June 29, 2016, I approved said Senate Bill No. 1002.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 24, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 1009 entitled:

AN ACT

To amend chapter 227, RSMo, by adding thereto one new section relating to the designation of "Trooper James M. Bava Memorial Highway".

On June 24, 2016, I approved said Senate Committee Substitute for Senate Bill No. 1009.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 1025 entitled:

AN ACT

To repeal section 144.010, 144.018, and 144.020, RSMo, and to enact in lieu thereof three new sections relating to the taxation of instructional classes.

I disapprove of Senate Bill No. 1025. My reasons for disapproval are as follows:

Senate Bill No. 1025 would exclude any amount paid for instructional classes from the definition of sale at retail for purposes of the Missouri sales tax law. Its intent is to exempt "instructional classes" offered at businesses like dance studios, martial art studios and gymnastic centers from sales tax, thereby overruling long-standing Missouri Supreme Court precedent. Because Senate Bill No. 1025 seeks to create an exemption from established law and

its unaccounted-for budgetary impact is unsound fiscal policy, it fails to receive my support.

Senate Bill No. 1025 is another attempt to subvert the law that applies state and local sales tax to places of recreation and amusement like dance studios and gyms. It does so by creating a loophole for instructional classes that are conducted at these entities. Proponents disingenuously claim this provision is necessary to clarify a confusing area of the law. What they are really seeking is to chip away at an area of law that has consistently been applied by the Missouri Supreme Court and diligently followed by the department of revenue over the course of previous and current administrations. Places of amusement and recreation have always been subject to this particular tax. Earlier this year, the Missouri Supreme Court reiterated this point and made it clear that activities that constitute amusement or recreation are subject to the tax under existing law even if there is an instructional component. Moreover, because Senate Bill No. 1025's definition of "instructional class" is vague, it has the potential to generate even more litigation designed to further test and expand the exemption.

Enacting this new exemption would further erode the tax base without requiring the creation of even a single job, in addition to reducing state revenue for education, public safety and other vital services by \$8 million in Fiscal Year 2017 alone. When coupled with an additional estimated \$8 million reduction in local sales tax revenues, the overall cost of this provision to state and local revenues grows to \$16 million. The Fiscal Year 2017 budget passed by the General Assembly fails to account for the cost of this new carve-out, and would necessitate executive action to offset its fiscal impact if this legislation were to become law. This is fiscally irresponsible and cannot receive my support.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 1025 without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

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June 23, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Concurrent Resolution No. 50 entitled:

AN ACT

Relating to the recognition of September as Suicide Prevention Awareness Month in Missouri.

On June 23, 2016, I approved said Senate Concurrent Resolution No. 50.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor