



GOVERNOR OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON  
GOVERNOR

P.O. Box 720  
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June 20, 2012

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

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

AN ACT

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

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

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

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

transforming the bill into a seventy-nine page hodgepodge of unrelated matters, and abandoning the constitutional guideposts for legislative transparency in the process.

### **Original Purpose Requirement**

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

In this instance, the added matters must be germane to “restructuring statutes based on executive branch reorganizations.” However, the numerous provisions added at the end of the legislative session bear no resemblance to this purpose; instead, they run the policy gamut, from reducing the statute of limitations on municipal annexation challenges, to divesting from Iran in order to diminish its nuclear capacity, to increasing the penalty for injuring or killing a service dog - to name just a few. Further frustrating the transparency that the legislative process requires, not all of the newly added provisions received a public hearing. Regardless, when House Committee Substitute for House Bill No. 1900 departed from its original purpose, it ran afoul of Art. III, Sec. 21 of the Missouri Constitution.

### **Single Subject/Clear Title**

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

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

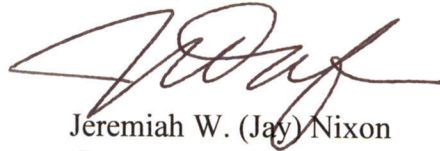
Also, “[t]he ‘clear title’ provision [of Mo. Const. Art. III, Sec. 23], like the ‘single subject’ restriction, was designed to prevent fraudulent, misleading, and improper legislation, by providing that the title should indicate in a general way the kind of legislation that was being enacted.” *Fust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



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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Jay Nixon", with a stylized, sweeping flourish extending from the end of the name.

Jeremiah W. (Jay) Nixon  
Governor