



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

P.O. Box 720
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July 8, 2014

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. 615 entitled:

AN ACT

To repeal sections 49.272, 452.556, 476.056, 478.320, 478.437, 478.464, 478.513, 478.600, 483.140, 488.012, 488.014, 488.426, 488.607, 550.040, 550.060, 575.153, and 610.021, RSMo, section 476.385 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 476.385 as enacted by conference committee substitute for senate substitute for senate committee substitute for house bill no. 683, ninety-fifth general assembly, first regular session, and to enact in lieu thereof twenty-one new sections relating to the administration of justice, with an existing penalty provision, and an emergency clause for certain sections.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 615. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 615 contains a number of worthwhile provisions that can become law with my action on other legislation. However, because this bill would reduce government transparency by exempting certain records of the Lieutenant Governor from disclosure under Chapter 610, RSMo, commonly known as the Missouri Sunshine Law, it does not receive my approval.

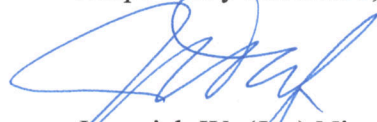
Conference Committee Substitute for House Committee Substitute for Senate Bill No. 615 would amend Chapter 610, RSMo, to authorize the closure of "[i]ndividually identifiable records submitted to the office of the Lieutenant Governor concerning or relating to reports of waste, fraud, and abuse of public resources." However, as noted by the State Auditor in his most recent audit of the Lieutenant Governor's Office, "the Lieutenant Governor lacks the statutory authority to investigate public concerns regarding the suspected misuse of taxpayer monies or to

create a website or telephone hotline for that purpose.”¹ Moreover, the State Auditor recognized that “because state law already provides other elected officials and agencies, such as the State Auditor, the Attorney General, the Department of Social Services, and the Department of Labor and Industrial Relations, Division of Workers’ Compensation, with authority to investigate fraud and misuse of public funds, the Lieutenant Governor’s Missouri Waste Report may be a duplication of effort and a waste of state resources.”

Missouri law already provides confidentiality protections for individuals making reports or allegations of improper governmental activity to agencies that actually have the statutory authority to investigate such allegations. For example, just last year I signed legislation authorizing the State Auditor to receive reports or allegations of improper governmental activities and allowing reporting individuals to choose to remain anonymous. *See* Section 29.221, RSMo. Although maintaining confidentiality may be warranted where information is being provided to an agency with the legal authority to investigate the allegations, there is no sound reason for shielding from public scrutiny an office that lacks such authority. Accordingly, this bill does not 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. 615 without my approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Nixon", is written over the printed name.

Jeremiah W. (Jay) Nixon
Governor

¹ *See Audit of the Office of Lieutenant Governor*, Report No. 2013-099 (October 2013), which is available at <http://www.auditor.mo.gov/Press/2013-099.pdf>. In the audit, the State Auditor noted: “The General Assembly increased the Lieutenant Governor’s fiscal year 2014 personnel service appropriation by \$38,000 to support the website; through July 2013, the office had spent \$2,700 and the Lieutenant Governor’s campaign committee paid \$1,189 for the website.”