GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

P.O. Box 720
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July 8, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Bill No. 2237 entitled:

AN ACT

To repeal sections 49.098 and 262.590, RSMo, and to enact in lieu thereof two new sections relating to University of Missouri extension councils.

I disapprove of House Bill No. 2237. My reasons for disapproval are as follows:

House Bill No. 2237 would create significantly more problems than the narrow issue it seeks to solve. The bill is intended to clarify that county commissioners, who serve on various boards as the commission representative, are allowed to vote on funding requests made by those boards to the county commission. While that makes sense, the language in House Bill No. 2237 does not. Instead of simply clarifying that a commissioner's role on a board is not an automatic disqualification for voting on that particular board's funding request, this poorly drafted legislation would render meaningless the entire body of law dealing with financial conflict of interests applicable to county commissioners. This sledgehammer approach to legislative drafting to address a very specific issue will create significant unintended consequences and cannot receive my support.

Missouri statutes contain numerous prohibitions that prevent elected and appointed officials, including county commissioners, from receiving any personal financial gain from their official duties. For example, a county commissioner cannot take part in a decision when the vote would provide them, their spouse, or dependent children a special monetary benefit which is not provided to everyone in the same class, nor can they use their decision-making authority to coerce another person to provide something of monetary value that would enrich the commissioner, their spouse or dependent children. See RSMo Sections 105.452; 105.454.

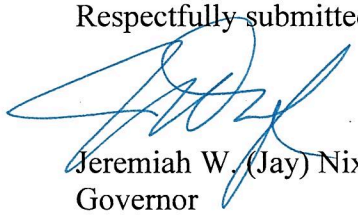
Yet, House Bill No. 2237 would apply notwithstanding all those laws and require a county commissioner who serves on any board as the commission representative to vote on "*any* funding request submitted to the county commission." That mandate is not limited to only those funding requests submitted by the particular board that the commissioner is duty-bound to serve on but, based on the bill's overly broad language, would require the commissioner to vote on

"any funding request," regardless of its origin. This obligation would apply even if the funding request would result in a personal financial gain to the commissioner or his or her immediate family. Indeed, the language in House Bill No. 2237 is mandatory and specifically applies "notwithstanding any provision of the law to the contrary" and would provide the county commissioner no ability to properly recuse from participation in a problematic vote.

The very specific issue that House Bill No. 2237 sought to address pales in comparison to the unintended consequences of invalidating all the conflict of interest laws prohibiting county commissioners from voting on funding requests that involve personal financial gain.

In accordance with the above stated reasons for disapproval, I am returning House Bill No. 2237 without my approval.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor