GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

P.O. Box 720
(573) 751-3222

July 10, 2015

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute No. 2 for House Committee Substitute for House Bill No. 722 (House Bill No. 722) entitled:

AN ACT

To amend chapters 260 and 285, RSMo, by adding thereto two new sections relating to prohibited ordinances by political subdivisions.

I disapprove of House Bill No. 722. My reasons for disapproval are as follows:

House Bill No. 722 is a clear example of unwarranted government intrusion – in this case, interference with the policymaking of local governments and the abandonment of the principle of local control. Proponents of this legislation believe that their views should supplant the decisions of elected local officeholders on matters traditionally within the purview of local government, ranging from policies affecting the local standard of living to the more granular question of "paper or plastic." Because I support local control, I will not approve House Bill No. 722.

Specifically, House Bill No. 722 would prohibit local governments from establishing a minimum wage or employment benefits that exceed state or federal law, and from banning or imposing a fee on plastic bags used by retailers for packaging the goods they sell. In doing so, this bill would inject the heavy hand of state government into issues typically addressed through the local democratic process. Missouri is a diverse state. In many instances, local elected officials may be best suited to determine the appropriate – and local – priorities for the citizens who elected them. And, it is important that local governments have the ability to build on the minimum standards that are set at the state level. House Bill No. 722 instead usurps local control and supplants it with edicts emanating from Jefferson City.

Local elected officials are directly accountable for their actions. If a city passes an ordinance with which the voters disagree, those local officials will be held accountable at the next election. Healthy and important debate on issues addressed by this bill has been occurring, illustrating the importance of local governments' ability to respond to local needs. Moreover, the issues impacted by House Bill No. 722 are *local* issues. How is St. Robert affected if St. Louis passes a minimum wage higher than that required by state law? What difference does it make in Cabool if Columbia bans plastic bags? Under House Bill No. 722, cities are prohibited from providing for

earned sick or bereavement leave, or extending other employment benefits that build upon minimum state standards.

The extent of governmental overreaching in House Bill No. 722 is epitomized by the plastic bag ban. Irrespective of whether one favors paper or plastic, of all of the issues facing Missouri families today, it is highly questionable that the bagging of groceries is one that warrants intervention by the long arm of state government. To be sure, there are areas that should remain the province of state law, but the limitations on local governments imposed by House Bill No. 722 do not rise to the level of a blanket statewide prohibition.

With its passage of House Bill No. 722, the General Assembly is telling local voters that legislators in Jefferson City – not they – know best how to address the local issues that their local communities face. I disagree. Local voters ought to have the right to decide these issues. Just as there should be an appropriate allocation of responsibilities between federal and state governments, so too should the precept of local control apply to the relationship between state and local governments. The power grab embodied by House Bill No. 722 clearly violates that principle.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute No. 2 for House Committee Substitute for House Bill No. 722 without my approval.

Respectfully submitted,

Jeremiah W. (Jay) Nixon
Governor