GOVERNOR OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

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

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TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 142 (Senate Bill No. 142) entitled:

AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to implementation impact reports.

I disapprove of Senate Bill No. 142. My reasons for disapproval are as follows:

Senate Bill No. 142 contains drafting errors that vitiate its intended purpose. Senate Bill No. 142 would require the department of natural resources to submit to the general assembly an "implementation impact report" regarding state plans to comply with the federal Clean Air Act and Clean Water Act. The report and the plan itself would be required to be submitted 45 days before the plan is submitted to the United States Environmental Protection Agency.

In imposing this requirement for plans regarding clean air, Senate Bill No. 142 requires the department to prepare and submit a report when it is "developing, amending, or revising . . . state plans to comply with federal regulations relating to carbon emissions for existing-source performance standards (42 U.S.C. Section 7412)." (Senate Bill No. 142, page 1, lines 4-6). The referenced section – 42 U.S.C. Section 7412 – is part of the Clean Air Act, but it contains no requirement that a state submit a plan "relating to carbon emissions for existing-source performance standards." It appears that the drafters meant to cite to 42 U.S.C. 7411, under which, among other things, states must develop and submit plans to address emissions of carbon dioxide and other greenhouse gases. In addition, on page 3, line 86, Senate Bill No. 142 cites to "33 U.S.C. Section 12541, et seq." There is no such section in federal law.

These drafting errors take an already complex area of state and federal law and confuses it further. Given the stakes for those impacted, I cannot approve legislation that will cause uncertainty for companies doing business in Missouri.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 142 without my approval.

Respectfully submitted,

Jeremiah W. (Jay) Nixon
Governor