GOVERNOR OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

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

June 23, 2016

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. 867 entitled:

AN ACT

To repeal sections 66.620, 67.402, 99.845, 136.055, 137.016, 137.100, 137.115, 137.565,182.802, 184.815, 190.335, 221.407, 233.180, 233.295, 304.190, 311.179, and 347.048, RSMo, and to enact in lieu thereof twenty new sections relating to political subdivisions.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867 began its legislative existence as a simple, four-page bill containing a single, worthwhile measure providing a process for consolidating special road districts. Unfortunately, gathering legislative detritus on its voyage through the General Assembly, it transformed into an omnibus monstrosity running afoul of the Missouri Constitution and failing to gain my approval.

Since 1875, the Missouri Constitution has required legislation to be limited to its original purpose. This basic requirement promotes an open process to alert legislators and the general public to the substance of pending legislation and further prevents "logrolling," in which several matters that would not individually command a majority vote are bundled into a single bill to ensure passage. Despite repeated admonitions from the courts, omnibus bills violating this Constitutional requirement continue to be passed.

The Missouri Constitution provides 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 the legislation being considered. *C.C. Dillon Co. v. City of Eureka*, 12 S.W.3d 322, 326-27 (Mo. Banc 2000). Here, Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867, began as an act "relating to county road district consolidation" but ballooned to 20 subjects

ranging from tax deductions, to sheltered workshops, to property managers, to alcohol sales at an airport, to assessments of mining property, to state highway designations. Indeed, many of the provisions weighing down this legislation were inserted as amendments during the waning hours of session, without the benefit of a public hearing and with limited or no public debate.

The most egregious of these surreptitious additions would seek to impose new fees upon Missourians at license offices. If Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867 were to become law, Missourians would be faced with a $2.00 "notary fee" at their local license office, despite a separate subsection of law unchanged by the amendment expressly prohibiting the charging of a notary fee. The second new fee sought to be imposed would allow license offices to charge $2.00 for each "electronic transmission" and each "electronic look-up." Neither "transmission" nor "look-up" is defined in the legislation, instead leaving the scope of this new fee to the fee office agent's imagination.

At the very least under this legislation, Missourians could be charged a new fee each and every time the license office sends an email ($2.00), receives a fax ($2.00), or electronically verifies information such as personal property tax ($2.00), insurance ($2.00), and a motor vehicle inspection ($2.00). Add in a notarized document ($2.00), and in a single transaction to register a motor vehicle, a Missourian could be facing an additional $12.00 in fees, on top of the $3.50 fee the license office can currently charge—more than quadruple the fees they could currently be charged.

As I stated in vetoing similar legislation in 2013, Missourians should not be asked to pay yet another new government fee to receive the same service they receive today, and certainly not by way of an eleventh hour amendment to an already swollen omnibus bill stretched far beyond the bill's original purpose. While my action today will prevent a number of worthwhile provisions from becoming law, including the measure that gave birth to the underlying bill, it will also prevent Missourians being charged new fees at license offices through a constitutionally suspect vessel.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 867 without my approval.

Respectfully submitted,

Jeremiah W. (Jay) Nixon
Governor