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Michael L. Parson

GOVERNOR
STATE OF MISSOURI

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July 13, 2018

TO THE SECRETARY OF STATE
OF THE STATE OF MISSOURI
99th GENERAL ASSEMBLY
SECOND REGULAR SESSION

Herewith I return to you Senate Substitute for Senate Committee Substitute for House Bill No. 2562 entitled:

AN ACT

To repeal sections 67.398, 67.410, 82.1025, 82.1027, 82.1028, 84.510, 208.151, 217.703, 452.430, 476.521, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 479.020, 479.190, 479.353, 479.360, 483.075, 488.2230, 488.2250, 488.5358, 514.040, 516.105, 537.100, 559.600, and 577.001, RSMo, and to enact in lieu thereof thirty six new sections relating to courts, with existing penalty provisions.

I disapprove of Senate Substitute for Senate Committee Substitute for House Bill No. 2562. My reasons for disapproval are as follows:

Section 82.462 of the bill authorizes certain individuals to enter property they do not own if they suspect it is abandoned in order to secure the property, remove trash, landscape, or remove graffiti. Such individuals are not required to give actual or constructive notice to the property owner. This could result in an individual performing improvements in good faith on another's property, but without their knowledge or permission. If the property owner was to arrive on the scene, it could lead to an unsafe situation. I understand the dilemma that many of our communities face with derelict and abandoned properties, but I want to ensure that any remedy we propose puts the safety of our citizens and the rights of property owners at the forefront.

Section 476.521 of the bill allows for any judicial candidate who filed in 2010, was elected, and became judge in 2011 to receive retirement benefits from a previous MOSERS Judicial Retirement Plan instead of the 2011 Judicial Retirement Plan. The 2011 Judicial Retirement Plan is viewed by some as less favorable, since it requires new members to contribute 4% of their salaries to the plan and reduces other benefits. Based upon information provided by MOSERS, the narrowly tailored language of this section applies to only one individual in the entire state. Special laws such as this are unconstitutional. The Missouri Constitution, in Article III, Section 40, prohibits special laws that grant an "individual any special or exclusive right, privilege or immunity."

Finally, the bill appears to violate the original purpose and single subject provisions of the Missouri Constitution. As introduced, House Bill No. 2562 solely related to treatment courts, which was reflected in its title. As truly agreed to and finally passed, Senate Substitute for Senate Committee Substitute for

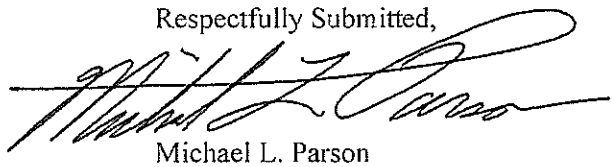
House Bill No. 2562 contains at least thirteen different subjects, many of which do not appear to relate to the final title of "courts."

Article III, Section 21 of the Missouri Constitution prohibits any bill from being "so amended in its passage through either house as to change its original purpose." Article III, Section 23 of the Missouri Constitution provides that "[n]o bill shall contain more than one subject which shall be clearly expressed in its title." The courts have not held that this prevents a bill or its title from being amended throughout its passage. "The restriction is against the introduction of matter that is not germane to the object of the legislation or that is unrelated to its original subject." *Stroh Brewery Co. v. State of Missouri*, 954 S.W.2d 323, 326 (Mo. banc 1997). Some provisions of House Bill No. 2562 do not appear to be germane or related to its original subject. For example, the provisions in this bill regarding abandoned property, nuisance abatement, and the salaries of police officers have nothing to do with treatment courts or courts in general. In *Hammerschmidt v. Boone County*, 877 S.W.2d 98, 102 (Mo. banc 1994), the court held that all of a bill's provisions must "fairly relate to the same subject, have a natural connection therewith or are incidents or means to accomplish its purpose."

It is unfortunate that the provisions of this bill relating to treatment courts will not move forward as a result of the aforementioned issues. Treatment courts serve a valuable purpose for both our judicial and corrections systems. I look forward to working with the legislature next session on improving and expanding treatment courts across our state, and hope to do so in an expedient fashion.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Committee Substitute for House Bill No. 2562 without my approval.

Respectfully Submitted,



Michael L. Parson
Governor