

JOURNAL OF THE HOUSE

VETO SESSION

First Regular Session, 97th GENERAL ASSEMBLY

WEDNESDAY, SEPTEMBER 11, 2013

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

You have need of patience, so that you may do the will of God and receive the promise. (Hebrews 10:36)

O God of us all, in this quiet moment of prayer we come with humble and contrite hearts acknowledging our dependence upon You and praying that with You we may live through this critical veto session with courage and with faith. Give to us an inner greatness of spirit, an interior graciousness of heart, and a deep gentleness of mind that we may be more than a match for the challenges of these hours. Make us more patient with each other and understanding, for we do not know the battles other members are fighting nor the experiences they are facing.

We also pray for the men and women defending our freedom with their lives as we recall the horrible terror of a dozen years ago. Grant unto them strength in need, help in danger, healing in body, and courage of mind and heart. May their sacrifices not be vain. With them may we unite in proclaiming the life of liberty and the fruits of freedom now and forever. May God bless and protect the United States of America.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ryan Mott and Maxwell Reed Jones.

A moment of silence was observed in recognition of September 11, 2001.

NOMINATION OF SPEAKER PRO TEM

Representative Gannon nominated Representative Denny Hoskins as Speaker Pro Tem of the House.

Representative Riddle seconded the nomination.

Representative Diehl moved that nominations cease and that Representative Hoskins be elected by acclamation.

Which motion was adopted.

The following committee was appointed to escort Representative Hoskins to the dais: Representatives Torpey, Keeney, Hinson, Hough, Dohrman, Redmon, Cierpiot, Zerr, Guernsey, Fraker, Ellington, Webb, Pace, and Kelly (45).

OATH OF OFFICE

Representative Hoskins subscribed to the oath of office which was administered by the Honorable Mary Rhodes Russell, Chief Justice of the Supreme Court of the State of Missouri.

Speaker Pro Tem Hoskins assumed the Chair and addressed the House.

ADDRESS BY SPEAKER PRO TEM DENNY HOSKINS

I first want to say thank you to my constituents for electing to me to be here and my House colleagues for selecting me as your new Speaker Pro Tem. It is an honor to serve my fellow state representatives and the citizens of the great State of Missouri in this position.

I also want to introduce my parents, Barry and Donna Hoskins, my son Cole, and my daughter Amelia. They sacrifice time with their dad so I can be here working with all of you towards a better Missouri.

I look forward to working with every House member on both sides of the aisle, as well as Speaker Tim Jones, Majority Floor Leader John Diehl and Minority Floor Leader Jake Hummel as we try to grow Missouri jobs, while adequately funding education and social service programs. Although we lead in different ways, each of us is a leader in our Districts and for the State of Missouri. I look forward to bringing my own brand of leadership to the General Assembly.

One of my strengths as a leader is thinking outside of the box. Not too long ago, I was at a groundbreaking ceremony at the University of Central Missouri. While talking with Dean Sluder, I saw a Professor, notorious for trying to make a scene, chomping at the bit to talk to me. This Professor has had previous run-ins with several elected officials, including my friend and former Democrat State Representative Joe Aull. Dean Sluder and I finished our conversation, and the Professor quickly approached. It was like the parting of the Red Sea; everyone scattered as the Professor confronted me and started yelling. I listened intently as the Professor screamed, tried to make a scene, and get me to do something out of character. Finally, I couldn't take any more of his loud, obnoxious behavior, so I reached out to him and said, "Professor, I need a hug". I hugged him for what seemed like hours, although in reality it was only several seconds. When I let go, he didn't say a word, just turned around and walked away. Again, sometimes a good leader has to think outside of the box.

Another strength I have is standing up for my beliefs and trying to do the right thing, even when it may not be the easiest option. Some of you may be struggling with the decisions you have to make today. As we have spent the interim back in our districts, meeting constituents, we've heard their voices loud and clear—Help us find jobs! Help keep jobs here in Missouri, so we can afford to educate our children, take care of our elderly, and provide for our most vulnerable!

When companies leave Missouri and go to other states, such as the one on our western border, we lose Missouri jobs and tax dollars Missouri families pay to fund vital programs such as education and social services—where the jobs go, the tax dollars follow. Missouri can ill afford for more jobs to bleed to neighboring states. We need a plan to ensure we remain competitive with other states and not place an increasing financial tax burden on companies and individuals who loyally remain in Missouri.

As your Speaker Pro Tem, I am excited about the responsibility and trust you have placed in me to help lead the General Assembly toward common sense solutions, ensuring Missouri is on the path to job growth and prosperity.

Thank you again for the opportunity to serve you in this new leadership role.

Speaker Jones resumed the Chair.

HOUSE RESOLUTION

Representative Diehl offered **HR 1**, which was read.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-seventh General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2013 Constitutional Veto Session and ready for consideration of business.

On motion of Representative Diehl, **HR 1** was adopted.

MESSAGE FROM THE SENATE

Mr Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 1**.

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

MESSAGES FROM THE GOVERNOR

June 28, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7** entitled:

“AN ACT”

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Section 7.018

I hereby veto \$25,000 General Revenue for the maintenance of a community improvement district in Springfield. Community improvement districts are separate, local entities formed to use a variety of local funding options to provide local infrastructure, improvements and services. The formation and operation of community improvement districts is a local issue and state funds should not be used to support such entities.

Said section is vetoed in its entirety from \$25,000 to \$0 General Revenue.

Section 7.090

I hereby veto \$80,000 Missouri Arts Council Trust Fund for the Blues in Schools Program. This appropriation attempts to bypass the well-established process that is in place to ensure accountability and fairness in selecting recipients of Missouri Arts Council grants.

For the Blues in Schools Program

From \$80,000 to \$0 Missouri Arts Council Trust Fund

From \$9,670,975 to \$9,590,975 in total from Missouri Arts Council Trust Fund

From \$12,943,461 to \$12,863,461 in total for the section.

On June 28, 2013 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 28, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10** entitled:

“AN ACT”

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Section 10.215

I hereby veto \$30,000 General Revenue Fund for Boone County Legal Fees. These funds are unable to be expended because they do not qualify under Section 56.700, RSMo.

For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo, from \$162,550 to \$132,550 General Revenue Fund.

From \$742,550 to \$712,550 in total from General Revenue Fund.
From \$742,550 to \$712,550 in total for the section.

On June 28, 2013 I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 28, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19** entitled:

“AN ACT”

To appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2013 and ending June 30, 2015.

Section 19.006

I hereby veto \$1,000,000 Fair Share Fund for the reconstruction of the Pike-Lincoln Technical Center. Section 149.015.7, RSMo, states that, “Such moneys in the fair share fund shall be transferred monthly to the state school moneys fund and distributed to the school districts in this state as provided in Section 163.031.” Section 163.031 is the state Foundation Formula.

Said section is vetoed in its entirety from \$1,000,000 to \$0 Fair Share Fund.

On June 28, 2013 I approved said **Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19** except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 12, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 110** entitled:

“AN ACT”

To repeal sections 115.027, 115.607, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof six new sections relating to the selection of public officials.

I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 110**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Committee Substitute for House Bill No. 110 establishes a process to be followed when a vacancy occurs in the office of lieutenant governor. However, Senate Committee Substitute for House Committee Substitute for House Bill No. 110 designs an ill-conceived process warranting my disapproval.

The lieutenant governor is a constitutional statewide officer. He serves as president of the senate and, upon a vacancy in the office of governor, becomes governor. The lieutenant governor serves on the Board of Public Buildings, Board of Fund Commissioners, Missouri Development Finance Board, Tourism Commission, Missouri Housing Development Commission, in addition to many others. Several of these boards issue bonds, distribute tax credits and otherwise incur debt on behalf of the state.

Under Senate Committee Substitute for House Committee Substitute for House Bill No. 110, when a vacancy occurs in the office of lieutenant governor, “the governor shall, within thirty days [of the vacancy], issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred...” That election would occur at the next general election.

During any period when a vacancy exists in the office of lieutenant governor, Senate Committee Substitute for House Committee Substitute for House Bill No. 110 states that the “chief administrative assistant of the vacating lieutenant governor shall perform all ministerial duties during the period of such vacancy.” The term “chief administrative assistant” is not defined in the legislation nor is there any process by which that person is to be identified or formally appointed to assume those duties. Instead, under the legislation, a nebulously described staffer of the exiting lieutenant governor would, by operation of law, assume the position until the next general election. Moreover, the legislation makes no provision in the event the “chief administrative assistant” is unwilling to serve or for replacing that person should he or she fail to fulfill those duties until the next general election. A statewide official, elected by the voters, should not be succeeded – even on a temporary and perhaps limited basis – by an individual who happens to hold an undefined, unelected staff position at the time of the vacancy. This is true if the vacancy occurs under benign circumstances but is even more problematic if the vacancy arises following a criminal investigation involving the office (and perhaps the “chief administrative assistant”) or is the result of an impeachment.

It is noted that the term “chief administrative assistant” is also found in Article IV, Section 11(c) of the Missouri Constitution. That provision provides that when a state officer, other than the lieutenant governor, is acting as governor, that officer’s regular elective office is not deemed vacant and the duties of that office are to be performed by the official’s “chief administrative assistant.” The term “chief administrative assistant” is not defined in the constitution. However, in an Article IV, Section 11(c) situation, the elected official serving as acting governor continues to hold his office, can identify and designate his chief administrative assistant and provide direction to that individual in the performance of the duties. None of that control would exist with a vacancy in the office of lieutenant governor under Senate Committee Substitute for House Committee Substitute for House Bill No. 110.

It is also concerning that the term “ministerial duties” is not defined in Senate Committee Substitute for House Committee Substitute for House Bill No. 110. Thus, the limits of the power of this staff member who would be acting

as lieutenant governor, without oversight or supervision, are unknown except that, according to the legislation, the staff member may not discharge the lieutenant governor's duties as president of the senate. As a result, it is left unresolved whether the staff member – who is neither elected nor appointed – would serve as a voting member on the various boards and commissions on which the lieutenant governor serves and thus be vested with the power to authorize bonds and other debt of the state. A staff member, anointed by happenstance to handle duties of a statewide elected official, should not be so empowered.

As mentioned above, Senate Committee Substitute for House Committee Substitute for House Bill No. 110 requires the president pro tempore to perform the duties of president of the senate when the office of lieutenant governor is vacant.

As directed by Article IV, Section 10 of the Missouri Constitution, in his role as president of the senate, the lieutenant governor has the duty to “cast the deciding vote on equal division in the [state] senate.” Senate Committee Substitute for House Committee Substitute for House Bill No. 110 dubiously assumes that a constitutional duty of the lieutenant governor can be so informally transferred to the president pro tempore, but even setting aside that infirmity, the delegation made by this legislation would apparently permit the president pro tempore to vote twice when a senate vote is tied.

Senate Committee Substitute for House Committee Substitute for House Bill No. 110 will also deprive voters of an important role in the process of filling a vacancy in the office of lieutenant governor. Under the bill, the governor is mandated, within thirty days of a vacancy, to issue a writ of election and that election shall be held at the “next general election.” There is no authority for the setting or conducting of a primary election. Thus, the nominee of each party will be selected not by the voters but rather by a narrow cast of party officials. If a statewide office is to be filled by election, the voters should have a meaningful role in determining their parties' candidates. Senate Committee Substitute for House Committee Substitute for House Bill No. 110 denies voters that opportunity.

Finally, Senate Committee Substitute for House Committee Substitute for House Bill No. 110 requires that the governor issue a writ of election regardless of when the vacancy occurs during the lieutenant governor's term. This causes a particularly odd result when the vacancy happens in the last two years of the lieutenant governor's term. In that situation, the election to fill the vacancy for the remainder of the term will happen at the same election that the voters will be electing the next lieutenant governor. The winner of the election to fill the vacancy will serve approximately two months - from the date the election is certified until early January - when the next lieutenant governor, elected on the same ballot, will be inaugurated. An election to select an individual to serve in office for such a short period of time is of extremely limited purpose and having the office of lieutenant governor appear twice on the same ballot would lead to voter confusion.

Empowering an undefined staff member of the vacating lieutenant governor or crafting a process that improperly transfers constitutional duties and requires unnecessary and confusing elections is a process that cannot receive my approval.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 110** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

June 5, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for House Bill No. 253** entitled:

“AN ACT”

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 143.221, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof seventy-nine new sections relating to taxation, with penalty provisions, effective dates for certain sections, and an emergency clause.

I disapprove of **Senate Substitute for House Bill No. 253**. My reasons for disapproval are as follows:

Senate Substitute for House Bill No. 253 is an ill-conceived, fiscally irresponsible experiment that would inject far-reaching uncertainty into our economy, undermine our state’s fiscal health, and jeopardize basic funding for education and vital public services. At the same time, the legislation would increase taxes on prescription drugs and college textbooks, provide special treatment for some businesses while discriminating against others, and make our tax code less economically efficient and less fair. For these reasons and to protect the long-term economic prosperity of our state, Senate Substitute for House Bill No. 253 does not receive my approval.

Over the past four and a half years, we have balanced our state budget and made strategic investments in economic development. We have enacted targeted tax cuts for small businesses that create good jobs, and we are eliminating the outdated franchise tax on employers and the income tax on military pensions for our veterans. But along with these targeted tax cuts, we have maintained steady, fiscal discipline by reducing spending to ensure balanced budgets. Not only has this protected our spotless AAA credit rating, Missouri families and businesses are reaping the benefits as our economy continues to grow. Our exports over the past two years set an all-time record, and the most recent jobs report showed Missouri employers added another 12,000 jobs, while our unemployment rate dropped to 6.6 percent—the forty-fourth consecutive month it has been at or below the national average. In every corner of our state, businesses large and small are deciding to invest and expand in Missouri because of our stable, predictable business climate and our skilled, productive workforce.

Senate Substitute for House Bill No. 253 would veer Missouri irretrievably off this steady course and abandon our strong tradition of fiscal discipline. With a premise based on unproven assumptions, careless drafting, and an utter disregard for long-term consequences, Senate Substitute for House Bill No. 253 would irreparably damage vital public services, including the very educational system that provides the skilled, productive workforce employers demand.

I. Missouri Is Already a Low Tax State

Like most Missourians, I support keeping taxes low and predictable. Indeed, I am proud that, with or without Senate Substitute for House Bill No. 253, Missouri will continue to have among the lowest taxes in the nation. In a September 2011 report, the State Auditor recognized that Missouri has the seventh-lowest state taxes as a percentage of personal income. In 2012, the Federation of Tax Administrators ranked Missouri the fifth-lowest in per capita state taxes in the country, representing a lower tax burden than all of our surrounding states. Moreover, a 2012 report by Ernst & Young and the Council on State Taxation ranked Missouri’s effective business tax rate as the eighth-lowest in the country. Not only are Missouri taxes among the lowest in the nation, our low tax climate is stable and predictable. This encourages businesses to grow and invest here with certainty that their tax burden will not constantly shift on the whim of policymakers testing out the latest fad. This stability also gives businesses and consumers the confidence that they will

not see higher property taxes or sales taxes to stave off cuts to education and vital public services when risky experiments with the income tax fail to live up to their billing.

II. The Fiscal Note Dramatically Understates the Cost of the Bill

The cost of Senate Substitute for House Bill No. 253 would be far greater than that estimated by the fiscal note. Although the fiscal note for the Senate Substitute assumes a cost of between \$492 and \$692 million annually when fully-phased in—a considerable amount—the bill’s true cost would exceed \$800 million annually. The fiscal note estimate failed to account for the full cost of the business income exemption because it only considered “self-employment income” reported on the federal 1040 form even though additional business income would also be exempt. In addition, the fiscal note estimate of \$344 to \$544 million annually in new sales tax revenue from enactment of the Federal Marketplace Fairness Act (FMFA) greatly exceeds even the highest estimate of \$210 million in published studies on the issue. When taking into account the drafting errors in the FMFA provision of Senate Substitute for House Bill No. 253, discussed more fully below, Missouri could see an immediate \$1.2 billion revenue loss in a single year. Perhaps even more significant than the overall cost of this experiment is the inability to undo the downward spiral Senate Substitute for House Bill No. 253 would set in motion, which could swallow even basic funding for the priorities Missourians share.

III. The Bill Would Irreparably Harm Education and Vital Public Services

Although Missourians expect to have low and predictable taxes, they also want good jobs, quality schools, and safe and healthy communities, and they are not willing to gamble these priorities on unproven experiments. With our taxes already among the lowest in the nation, the additional reductions called for by Senate Substitute for House Bill No. 253 would leave a gaping budget hole for decades to come, requiring cuts of such magnitude that meeting even our basic obligations for K-12 education, for our colleges and universities, for public safety and for other vital services would be out of reach.

The level of reductions necessary to accommodate Senate Substitute for House Bill No. 253 would be the equivalent of closing all of our state prisons, eliminating entirely the Department of Mental Health, or cutting all funding to our colleges and universities. Senate Substitute for House Bill No. 253 would undermine the very foundation of our long-term economic growth and our strongest economic development tool—our educational system. This bill could decimate vital public services like scholarships for high school seniors to attend college, affordable child care for Missouri working families, assistance for foster parents to provide abused and neglected children a loving home, the chance for children with severe disabilities to meet their full potential, home-delivered meals and transportation to doctor’s appointments for needy seniors, and the safety of Missourians, with fewer patrolmen and more violent criminals on our streets. This is the Missouri our children would inherit if Senate Substitute for House Bill No. 253 became law and foisted upon them with full force this fiscally irresponsible folly.

IV. The Bill Would Increase Taxes on Prescription Drugs

In addition to its staggering long-term consequences, the problems with Senate Substitute for House Bill No. 253 stemming from its careless and haphazard drafting would begin wreaking havoc immediately. One need look no further for evidence than its elimination of the long-standing sales tax exemption on prescription drugs. With this provision alone, the General Assembly has voted to impose a \$200 million tax increase on Missourians in need of prescription medication—Missourians who are suffering from cancer, from heart disease, and from other life-threatening conditions. In place since 1979, but eliminated in an instant, this exemption may have gone unnoticed by some members of the legislature in their haste to get this bill to my desk, but it will surely be noticed by the sick Missourians forced to pay the bill.

V. The Bill Would Increase Taxes on Textbooks

Senate Substitute for House Bill No. 253 would also add to the tax burden of Missouri families by eliminating the state sales tax exemption for college textbooks. This would increase the cost of college for Missouri students, when other provisions of the bill would reduce revenue available to fund our colleges and universities.

VI. The Bill's Revenue Triggers Do Not Apply To Two of the Most Costly Provisions

In response to concerns about the bill's overall cost and its impact on education and vital public services, proponents of Senate Substitute for House Bill No. 253 have pointed to various revenue "triggers" that must occur before tax reductions in the bill can take effect. Proponents claim that these triggers would protect against shortfalls because revenue collections would have to grow by more than \$100 million before taxes are cut. In other words, if state revenues do not grow enough, then no additional taxes are cut. This is simply not true. Two of the most expensive provisions in the bill—the tax reduction tied to enactment of the Federal Marketplace Fairness Act (FMFA) and the business income exemption—are not tied to any revenue trigger whatsoever and will begin reducing revenues regardless of whether revenue collections are going up or going down.

a. The Business Income Exemption Would Take Effect During Fiscal Year 2014

Senate Substitute for House Bill No. 253's exemption for pass-through entity business income is not subject to any trigger whatsoever and therefore would begin impacting education and vital public services in the fiscal year that will begin July 1, 2013. This provision alone would cost \$230 million annually by the fifth year and will occur regardless of whether revenue collections are going up or going down.

b. The FMFA Provision is Not Tied to Any Revenue and Applies Retroactively

Extremely troubling is Senate Substitute for House Bill No. 253's provision that would reduce the maximum income tax rate by .5% immediately upon enactment of the Federal Marketplace Fairness Act (FMFA). This immediate drop in the tax rate would force an estimated \$300 million cut to education and vital public services, regardless of whether revenues are otherwise increasing or decreasing, since this trigger has no tie to revenue collections whatsoever. While proponents of Senate Substitute for House Bill No. 253 estimate that the FMFA might ultimately generate additional sales tax revenue, any additional revenue from the FMFA would not occur simply upon federal passage of the FMFA; instead, Missouri would also have to meet all of the requirements of the FMFA, which could not occur until 2015 at the earliest, if at all. This means that while there would be an immediate loss of an estimated \$300 million annually upon enactment of the FMFA, any additional revenue to offset this decline could be years away.

Even more troubling are the drafting problems in this provision that allow the reduction in tax rates to apply retroactively to prior tax years. Specifically, the change in Section 143.011.2, RSMo, would require a .5% reduction to the maximum tax rate upon enactment of the FMFA for all tax tables in Section 143.011.1, RSMo. Intentional or not, the effect of this change to all tax tables in Section 143.011.1, RSMo, could enable taxpayers to seek refunds of taxes previously paid for up to three prior tax years (due to the three year statute of limitations for filing amended returns). All told, this could obligate the state to pay out tax refunds of approximately \$300 million per year for taxes paid during the last three tax years—for an additional fiscal impact of \$900 million—all coming in the same year as the immediate approximately \$300 million loss described above.

With both of the above issues, this single provision of Senate Substitute for House Bill No. 253, could reduce funding for education and vital public services by as much as \$1.2 billion in Fiscal Year 2014 if the FMFA were to pass this year. This significant additional cost is not reflected in the bill's fiscal note.

VII. The So-Called Revenue "Triggers" Provide Only A False Sense of Security

Even for provisions of the bill where revenue triggers would apply, they provide little protection from cuts to education and vital public services.

a. The Triggers Fail to Prevent Cuts During an Economic Downturn

The revenue triggers are drafted to allow for permanent changes in the tax code based on a prior year's increase in revenue collections. This is fiscally irresponsible because it could result in a reduction in tax rates even during the depths of an economic recession. For example, if Senate Substitute for House Bill No. 253 had been in effect at the time, the more than \$100 million revenue collection increase in Fiscal Year 2008 would have triggered tax rate reductions in Fiscal

Year 2009. This would have meant that tax rates would have been reduced despite the fact that there was a \$553 million reduction in revenue in Fiscal Year 2009 due to the economic recession. Had Senate Substitute for House Bill No. 253 been in effect, steep cuts to education and vital public services could not have been avoided, as the tax reductions would have continued blindly with no way to turn off the experiment once it had begun.

b. The Triggers Ignore Tax Refunds

The revenue triggers are drafted based on overall revenue “collections” and therefore fail to factor in tax refunds. This will further reduce available revenue because a significant amount of tax refunds would reduce any increase in collection to the point that very little new revenue would remain to offset the fiscal impact of the tax reduction triggered. Looking at actual historical collection data, there are a number of years where revenue *collections* may have increased by \$100 million, but the *actual revenue* available after refunds did not. For example, in Fiscal Year 2000, revenue collections increased by \$221 million, but, after refunds, actual revenues were up by only \$6 million. Nevertheless, if Senate Substitute for House Bill No. 253 were in effect at that time, tax reductions would have occurred despite the fact that the cost of the reductions would far exceed actual revenue available.

VIII. The Bill Rewards Economically Inefficient Activity

The business income exemption within Senate Substitute for House Bill No. 253 is fraught with problems that will reward tax avoidance activities even if they are economically inefficient.

First, the critical term “business income” is not adequately defined, which, in addition to enabling the cost of this exemption to be underrepresented in the bill’s fiscal note, would provide a strong incentive for creative accounting to game this new exemption by classifying as much income as possible as exempt, even to the point of forming a “business” simply to gain the new tax exemption. This rewards tax avoidance activity without concomitant economic activity and thereby makes our tax code less efficient.

Second, the exemption provides preferential treatment to select Missouri businesses, while discriminating against the majority of others based solely on the paperwork the businesses filed to organize. Businesses organized as “pass-through entities”—e.g. certain LLCs, partnerships—would see half their income exempt within five years, while the majority of business would see just a few tenths of a percent shaved off their tax rate over the next decade. Preferential tax treatment for selected businesses would create a perverse incentive for businesses to restructure solely for tax avoidance and not for economic efficiency. This kind of manipulation through the tax code unduly interferes with the free market by incentivizing economically inefficient behavior. There is simply no principled economic justification for the tax code to pick winners and losers based solely on elevating the form of a business’s organizational structure over its economic substance.

IX. The Bill Would Create Uncertainty For Existing Investments

Not only would the business income exemption lead to economically inefficient activity, the other reductions in Senate Substitute for House Bill No. 253 could undermine business confidence in investments that have relied on previously-authorized state incentives based on retained withholding tax. Reduced withholdings for employees as a result of a lowered personal income tax would lessen the value of such incentives and impact debt service on financing long-ago secured. Injecting this uncertainty into our economy at a time when our stable, predictable business climate and rock-solid fiscal discipline are paying dividends would undermine confidence in the investments businesses have already made and jeopardize our ability to effectively compete for additional investments in the future.

X. The Bill Would Make Our Tax Code Less Fair

Ultimately, one of the most striking aspects of Senate Substitute for House Bill No. 253 is its lack of fundamental fairness. No legislation that gives two individual taxpayers with identical incomes—one who owns a business and one who works at one—such drastically different tax exemptions can be called fair. No legislation that would gut K-12 education in exchange for letting LLC shareholders call half of their income exempt can be called fair. No legislation that would give the lobbyists who helped write the bill a 50% tax cut, while shaving just .5% off his mechanic’s tax rate over the next decade can be called fair.

In accordance with the above stated reasons for disapproval, I am returning **Senate Substitute for House Bill No. 253** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 1, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 278** entitled:

“AN ACT”

To amend chapter 9, RSMo, by adding thereto one new section relating to federal holidays.

I disapprove of **House Bill No. 278**. My reasons for disapproval are as follows:

House Bill No. 278 would prohibit governmental entities from regulating activities relating to “federal holidays.” The legislation would cover a wide scope of activities falling within the undefined terms of “practice” and “celebration.” House Bill No. 278 constitutes a direct assault on local government authority and curtails the flexibility that cities and counties need to address pressing public health and safety concerns. Indeed, House Bill No. 278 does not contain a public safety exception. As a result, local governments would be hampered in their efforts to enforce existing fireworks ordinances around July 4th. More troubling, House Bill No. 278 would greatly frustrate a ban on fireworks imposed during a period of severe fire risk. During 2012, as much of Missouri experienced drought conditions and large fires put Missourians and their property in peril, many jurisdictions prudently passed fireworks bans. If House Bill No. 278 were to become law, individuals would be permitted to circumvent such bans by simply claiming the fireworks were being used to celebrate July 4th or other federal holiday. Restricting local control in such a manner is harmful to public safety and cannot receive my approval.

The problems with House Bill No. 278 go beyond issues related to public safety. Indeed, under the broad language of the bill, public sector employees at the state and local level could demand leave from work in order to celebrate any federal holiday. This could cause staffing shortages for essential governmental functions including twenty-four hour institutions such as veterans homes, mental health facilities and county jails.

It also deserves noting that House Bill No. 278 is not limited to federal holidays celebrated in Missouri. For instance, in addition to the annual federal holidays, 5 U.S.C. 6103 also establishes January 20th in years when a president is inaugurated as a federal holiday in the District of Columbia and certain parts of Maryland and Virginia. Although presumably beyond its intent, the fact that House Bill No. 278 would grant sanctuary from reasonable restrictions to an individual celebrating an event occurring more than 800 miles from Missouri confirms the challenges created by this legislation.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 278** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Bill No. 301** entitled:

“AN ACT”

To repeal sections 43.650, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 556.036, 556.037, 556.061, 558.018, 558.026, 559.115, 559.117, 566.020, 566.030, 566.031, 566.040, 566.060, 566.061, 566.070, 566.090, 566.093, 566.095, 566.100, 566.101, 566.224, 566.226, 589.015, 589.400, 589.402, 590.700, 632.480, 632.498 and 632.505, RSMo, and to enact in lieu thereof thirty-seven new sections relating to sex offenders, with penalty provisions for certain sections and with an emergency clause for certain sections.

I disapprove of **Senate Committee Substitute for House Bill No. 301**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Bill No. 301 contains several worthwhile provisions that have been approved as part of other legislation, but it also includes broadly crafted provisions that would reduce public safety and fail to protect the rights of victims, and therefore must be met with my objection.

Senate Committee Substitute for House Bill No. 301 would prevent any individual who committed a sex offense as a juvenile (under 18) from being placed on either the state or county sexual offender notification website, and would further require the immediate removal of the estimated 560 such sex offenders who are currently on the state and county sexual offender websites.

This language is considerably overbroad because it would grant this relief to juvenile sex offenders regardless of the sexual offense for which they were convicted, to include forcible rape, forcible sodomy, and child molestation. Moreover, the bill would deprive victims of sex offenses the opportunity to be heard before an offender is removed from the very websites that are designed to protect victims and other members of the public.

The bill would also allow this class of offenders, after five years from the later of when the offender was found guilty or the end of sentence, to petition a court for removal from the state sexual offender registry. The court would be required to grant the petition unless such person has been adjudicated of, or has charges pending for, failure to register or any additional offense which would require registration. This petition process eliminates judicial discretion and precludes a court from considering factors that could help inform whether those eligible for removal under this bill could be removed without jeopardizing public safety, such as whether the individual successfully completed any court required treatment. In addition, and similar to the process for removing juvenile sex offenders from the public notification websites, victims would not have an opportunity to object.

Senate Committee Substitute for House Bill No. 301 does not strike the appropriate balance between providing this relief to a limited class of juvenile sex offenders and the need to ensure public safety. Instead, the bill would reverse the significant steps that Missouri has taken to protect the rights of victims and would undermine the important public safety functions provided by the sexual offender registry and public notification websites, and for these reasons Senate Committee Substitute for House Bill No. 301 receives my disapproval.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Bill No. 301** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Bill No. 329** entitled:

“AN ACT”

To repeal sections 208.010, 361.160, 408.140, 408.590, 408.592, 408.600, and 513.430, RSMo, and to enact in lieu thereof six new sections relating to financial institutions.

I disapprove of **Senate Committee Substitute for House Bill No. 329**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Bill No. 329 would increase the fees that payday, title and consumer installment lenders can charge consumers. Current law limits origination fees to 5% of the principal up to \$75, but this bill would increase the fee to 10% of the principal up to \$75. This fee increase would most impact those consumers, often of limited means, seeking to take out short-term loans of under \$1,500. Because the fee could be charged each time the loan is rewritten, the increased cost to consumers could be substantial. Missourians need payday loan reform, not the expansion and higher fees provided in Senate Committee Substitute for House Bill No. 329, which will do nothing to help consumers trapped in a spiral of debt.

In addition, Senate Committee Substitute for House Bill No. 329 would authorize funds to be placed in a “personal funeral trust account” at a financial institution to be held in trust and used for funeral services. The bill specifies that no contract with any cemetery, funeral establishment or any provider or seller shall be required when a personal funeral trust account is established. This differs from the highly specific preneed funeral contract requirements established in Chapter 436 by House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1 (2009), which was enacted as a result of the work by the legislature’s Interim Committee for Pre-Need Funeral Service Plans. This interim committee was formed in the wake of the 2008 collapse of Missouri’s largest preneed funeral plan seller, National Prearranged Services, Inc. (NPS), to develop policy recommendations to protect consumers from abuses like those perpetrated by NPS. Senate Committee Substitute for House Bill No. 329 could enable funeral licensees to enter into non-contractual preneed financial arrangements that would not be required to comply with Chapter 436, thereby creating a loophole in the strong consumer protections enacted in the wake of the NPS collapse. At the very least, this provision could create confusion among the public and funeral licensees as to whether or not a preneed funeral contract is required when a funeral licensee is named as the beneficiary of a personal funeral trust account.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Bill No. 329** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **House Bill No. 339** entitled:

“AN ACT”

To amend chapter 303, RSMo, by adding thereto one new section relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law.

I disapprove of **House Bill No. 339**. My reasons for disapproval are as follows:

House Bill No. 339 would prohibit an “uninsured motorist” from having a cause of action or “otherwise collect[ing] for noneconomic loss” arising out of a motor vehicle accident if the uninsured motorist attempts to recover damages from a motorist who is in compliance with motor vehicle financial responsibility requirements. House Bill No. 339 cannot receive my approval because it is riddled with ambiguity that will generate excessive litigation over how and to whom its provisions would apply.

Significantly, House Bill No. 339 does not adequately define the term “uninsured motorist,” which is the very crux of the bill. An “uninsured motorist” is defined as “[a]n uninsured driver who is the owner of the vehicle; [a]n uninsured permissive driver of the vehicle; and [a]ny uninsured nonpermissive driver,” yet there is no definition of “uninsured.” Given the magnitude of barring an individual’s access to the courts, it is unacceptable to leave this key term open to interpretation.

The above ambiguity is exacerbated by the uncertainty as to whether House Bill No. 339 would bar an uninsured motorist from a cause of action in its entirety or simply from recovering a category of damages. Under Section 303.390.1 of the bill, an “uninsured motorist shall waive the ability to have a cause of action or otherwise collect for noneconomic loss,” which presumably contemplates that in some instances the motorist would be barred from bringing a cause of action altogether. Yet, Section 303.390.4 of the bill states that “[n]othing in this section shall be construed to preclude recovery against an alleged tort-feasor of benefits provided or economic loss coverage.” In addition, Section 303.390.3 of the bill provides for a reduction in damages equal to the portion of an award representing compensation for noneconomic losses. Read in conjunction, Sections 1, 3 and 4 of the proposed Section 303.390 presumably contemplate an action solely for “economic loss,” but that is far from clear.

It is also unclear as to how the exceptions to the waiver under Section 303.390.1 of House Bill No. 339 would work procedurally. Section 303.390.1 of the bill provides that the waiver does not apply “if it can be proven [sic]” that the other motorist was under the influence of drugs or alcohol, was convicted of involuntary manslaughter or assault in the second degree, and caused the accident in whole or in part. The foregoing are questions of fact, but the bill does not specify who is to be the finder of these facts. Although factual determinations are typically reserved to juries, under Section 303.390.3(2) of the bill, the trier of fact is prohibited from being informed of “such waiver.” If waiver is a legal determination, then that would be the province of the judge, yet that is not addressed in the bill.

In accordance with the above stated reasons for disapproval, I am returning **House Bill No. 339** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 5, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 436** entitled:

“AN ACT”

To repeal sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof fourteen new sections relating to firearms, with a penalty provision.

I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 436**. My reasons for disapproval are as follows:

Senate Committee Substitute for House Committee Substitute for House Bill No. 436 violates the Supremacy Clause of the United States Constitution as well as an individual's free exercise of speech protected by both the federal and state constitutions.

I. Violates the Supremacy Clause of the United States Constitution

Senate Committee Substitute for House Committee Substitute for House Bill No. 436 violates the Constitution of the United States, Article VI, Clause 2, commonly referred to as the Supremacy Clause. A conflicts-of-law provision, the Supremacy Clause was designed to provide a mechanism to enforce federal acts and to resolve discord between state and federal laws that touch upon the same subject, giving precedence to the laws of the nation over those of the respective states.

At the time of the Constitutional Convention, the framers proposed a number of ideas to resolve conflict between state and federal law, including the Virginia Plan where Congress would have been given the direct power to “negative” or veto state laws. Ultimately, however, the Supremacy Clause was adopted – an idea derived from Alexander Hamilton's Federalist Paper No. 33 and James Madison's Federalist Paper No. 44, but proposed for inclusion in the Constitution by Anti-Federalist Luther Martin. It states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Supremacy Clause becomes relevant when a state law conflicts with a federal statute, or when it is impossible to comply with both state and federal law, or, as in the particular case of Senate Committee Substitute for House Committee Substitute for House Bill No. 436, when a state law “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” *Hines v. Davidowitz*, 312 U.S. 52 (1941), see also *Crosby v. National Foreign Trade Council*, 530 U.S. 363 (2000). By seeking to declare certain federal acts null and void, Senate Committee Substitute for House Committee Substitute for House Bill No. 436 seeks to turn the hierarchy of our national framework of laws on its head in clear violation of Article VI of the U.S. Constitution.

In addition, Senate Committee Substitute for House Committee Substitute for House Bill No. 436 would deprive a federal agent of his or her authority to enforce certain federal acts within the state; indeed it would make such conduct a crime. The lineage of cases prohibiting this type of legislation dates back to 1819, when Chief Justice John Marshall, writing for a unanimous U.S. Supreme Court in *McCulloch v. Maryland*, solidified the principle that the Supremacy Clause prevents states from regulating, interfering with, or controlling federal instrumentalities. 17 U.S. 316 (4 Wheat.). Decades later, in *Tennessee v. Davis*, the Court reiterated this position: “No state government can exclude [a federal agency] from the exercise of any authority conferred upon it by the Constitution” (100 U.S. 257 (1879)). And, in 1890, the Court ruled that a state does not have criminal jurisdiction over a federal agent who commits an act in the performance of his official functions. *In re Neagle*, 135 U.S. 1.

Notwithstanding *McCulloch* and its progeny, states have, from time to time, attempted to resurrect the pre-Civil War concept of nullification, an argument that individual states, either through legislation or state court ruling, can decide for themselves if a federal law is constitutional, all in an effort to distance a state from the reach of Congress. Counted among such efforts is now Senate Committee Substitute for House Committee Substitute for House Bill No. 436, which seeks to not only prevent federal agents from performing their sworn duties within Missouri, but to exempt Missouri from a number of named and unnamed federal acts.

Of course, an individual state is not empowered to determine which federal laws it will comply with, nor is it empowered to declare a federal act to be unconstitutional. Under Article III of the U.S. Constitution, the authority to declare a federal act unconstitutional is within the sole province of the federal courts. See *Cohens v. Virginia*, 19 U.S. 264 (1821);

see also *Cooper v. Aaron*, 358 U.S. 1 (1958). Notably, the federal acts targeted in the bill for nullification have not been deemed unconstitutional by a federal court.

The doctrine of supremacy is as logically sound as it is legally well-established. Consider how our nation's efforts during the Second World War might have been frustrated if, following the passage of the Burke-Wadsworth Act, individual states could have exempted their citizens from selective service, or how one state's economic prosperity might have been diminished if one or more contiguous states opted out of the Federal Highways Act of 1956, thereby making it more difficult to bring goods and services to market.

Still, nullification advocates often reference the Kentucky and Virginia Resolutions of 1798 and 1799, in which Thomas Jefferson and James Madison asserted a state's right to nullify the Alien and Sedition Acts (though the respective states chose not to assert that right). Jefferson and Madison argued that states must have the final word because the Constitution had not expressly established an ultimate authority on constitutional matters. However, a few years later in *Marbury v. Madison*, the Supreme Court unanimously held that: "It is emphatically the province and duty of the judicial department to say what the law is." 5 U.S. 137 (1803).

Nonetheless, from the 1820s throughout the 2000s, nullification attempts periodically surfaced, but consistently failed. Shortly after *McCulloch*, the Ohio legislature passed a resolution rejecting Chief Justice Marshall's ruling and then legislatively imposed a tax on the federal bank. In response, the U.S. Supreme Court, in *Osborn v. Bank of the United States*, held that Ohio's tax was "repugnant to a law of the United States . . . and therefore void." 22 U.S. (9 Wheat.) 738 (1824).

More than a century later in *Cooper v. Aaron*, the Supreme Court, relying on the Supremacy Clause, rejected attempts by the state of Arkansas to ignore its direction to desegregate schools in *Brown v. Board of Education*, stating that nullification was not "a constitutional doctrine . . . [but] illegal defiance of constitutional authority." 358 U.S. 1 (1958). At the time of the *Brown* decision, the Missouri Constitution of 1945 contained a provision that required separate schools based on race (Art. IX, Sec. 1). However, Missouri properly recognized the legal authority of the United States Supreme Court and, soon after *Brown*, Attorney General John M. Dalton declared that the State Constitution and any statutes requiring segregation were "superseded by the decision of the Supreme Court of the United States and are, therefore, unenforceable . . ." Daugherty, B.J. & Bolton, C.C. *With all deliberate speed: Implementing Brown v. Board of Education*, 179. University of Arkansas Press, 2008. Also, the state board of education adopted a resolution stating its intent to implement *Brown*, and Governor Phil M. Donnelly joined by stating that Missouri would follow *Brown*'s requirements.

Even recently, efforts to nullify federal law have continued without success. The Supreme Court of Montana, swayed by the unique character of its state, mimicked Ohio's defiance of *McCulloch* in upholding a state law that limited political contributions by corporations, despite the U.S. Supreme Court's ruling to the contrary in *Citizens United v. Federal Election Commission*. 558 U.S. 310 (2010). The U.S. Supreme Court, confronted with the question of whether *Citizens United* applied to state law, unequivocally affirmed the long-standing supremacy doctrine by stating: "There can be no serious doubt that it does." *American Trade Partnership, Inc. v. Bullock*, 132 S.Ct. 2490 (2012).

II. Violates the Free Exercise of Speech Protected by the State and Federal Constitutions

Senate Committee Substitute for House Committee Substitute for House Bill No. 436 would also infringe upon an individual's freedom of speech protected by the federal and state Constitutions by making it a crime to publish the name or other information of someone who owns a firearm.

There is no shortage of unacceptable scenarios that could result from this provision. As one example, newspapers around the state annually publish photos of proud young Missourians who harvest their first turkey or deer. Under this bill, doing so would be a crime. Also, and somewhat ironically, a reporter who prints a photo of a local rally being held in support of gun rights could face up to a year in jail or a thousand dollar fine, or both.

In addition, a reporter would be precluded from writing or tweeting the name of a burglary victim who had his or her firearm stolen, or even from doing a story on a candidate in an upcoming General Assembly election if that candidate

owns a firearm. Presumably, a reporter could not even attach her name to any story if she is herself a gun owner. Moreover, there is nothing in the bill's broad prohibitive language that would prevent criminal charges if a firearm owner is mentioned in court records or police reports, or even by a private citizen on a social networking site. Such a list of examples is conceivably endless. That said, and putting aside the perplexing paradox of seeking to protect one constitutional right by so significantly diminishing another, curtailing speech in such a manner clearly violates the free exercise of speech protected by the state and federal constitutions.

Conclusion

In light of Article VI, Clause 2, of the U.S. Constitution, the guarantee of an individual's freedom of speech contained in both the federal and state Constitutions, as well as the vast and enduring case law affirming the supremacy doctrine and invalidating the concept of nullification, it can safely be determined that Senate Committee Substitute for House Committee Substitute for House Bill No. 436 is, in multiple respects, constitutionally impermissible.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 436** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 2, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 611** entitled:

“AN ACT”

To repeal sections 285.300, 288.030, 288.040, 288.050, 288.100, and 288.380, RSMo, and to enact in lieu thereof six new sections relating to employment, with penalty provisions.

I disapprove of **Senate Committee Substitute for House Committee Substitute for House Bill No. 611**. My reasons for disapproval are as follows:

This bill greatly expands the types of “misconduct” that can serve to disqualify terminated employees from receiving unemployment benefits. It is important to note that this is not a bill that changes whether or not employees may be terminated. Missouri employers can terminate employees for any reason (as long as it is not a legally impermissible reason such as race or gender). This bill does not in any way affect employers' ability to do so.

Under current law, individuals may be denied unemployment benefits if they engaged in “misconduct” as defined in section 288.030.1(23) RSMo. The bill would expand the definition of misconduct to include activities occurring outside the workplace and outside of work hours. This bill would also broaden the definition of misconduct to include, among other things, “violation of an employer's no-call, no-show policy” and “violation of an employer's rule.”

The bill goes too far when it denies unemployment benefits in these circumstances. What employees do on their own time should not be used as a basis for denying unemployment benefits, except in the narrow circumstances already set forth in law. And employers should not be encouraged to adopt unreasonable rules to use as a basis for denying unemployment benefits.

Under the bill, the following situations would result in denial of unemployment benefits:

- An employer has a rule that all employees dress appropriately, both during work hours and during non-work hours. The office manager, while conducting the routine patrol of employees' social media presence that would be encouraged and rewarded by this bill, finds a picture of a female employee participating in a charity dance contest. He deems the costume she is wearing inappropriate and fires her. Under the bill, she would also be denied unemployment benefits.
- An employer requires employees to play on, or show up and cheer for, the company softball team every Wednesday evening after work. An employee who is a single mother of three needs to be home to take care of her children, so she does not to participate and is fired. Under the bill, she would also be denied unemployment benefits.
- An employer has a rule that salespeople should conduct themselves professionally at all times. A salesperson is overheard at his child's soccer game saying negative things about his boss. He does not identify his boss by name, but the person overhearing the comment knows where he works and who he reports to. When word gets back to the boss, he fires the employee for "unprofessional behavior." Under the bill, he would also be denied unemployment benefits.
- A mother has to rush her daughter to the emergency room but in the rush forgets to call her employer. She therefore violates the employer's "no-call, no show" policy and is fired. Under the bill, she would also be denied unemployment benefits.

In all of these instances, Missouri law already allows the employer to terminate the employee. However, this legislation goes a step further, also disqualifying the employees from receiving unemployment benefits while they look for other jobs.

The bill also creates nonconformity with federal law that could cost Missouri employers hundreds of millions of dollars. The unemployment benefits program is a federal program administered by states, subject to federal laws. By denying unemployment benefits for conduct occurring outside the workplace, Senate Committee Substitute for House Committee Substitute for House Bill No. 611 would place Missouri's unemployment laws at odds with federal law,¹ potentially jeopardizing the Federal Unemployment Tax Act (FUTA) credits Missouri employers receive, costing them an estimated \$859 million per year.

Unemployment benefits provide modest, temporary, but important assistance to individuals who become unemployed through no fault of their own. Not every Missourian is entitled to receive these benefits upon separation from work; in 2012, only 38 percent of Missourians who applied for unemployment actually received benefits. While not affecting an employer's ability to fire an employee, this bill would improperly deny Missourians unemployment benefits.

In accordance with the above stated reasons for disapproval, I am returning **Senate Committee Substitute for House Committee Substitute for House Bill No. 611** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

¹ Under the Federal Unemployment Tax Act, "[c]ompensation shall not be denied to any individual ... for any cause other than discharge for misconduct connected with his work." 26 U.S.C. 3304(a)(10).

July 12, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Senate Substitute for Senate Committee Substitute for House Bill No. 650** entitled:

“AN ACT”

To repeal sections 43.543, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 253.180, 253.185, 256.117, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 260.200, 260.205, 260.235, 260.249, 260.262, 260.365, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 444.772, 621.250, 640.010, 640.012, 640.017, 640.075, 640.715, 640.725, 643.079, 644.051, 644.052, and 644.054, RSMo, and to enact in lieu thereof sixty-three new sections relating to the department of natural resources, with penalty provisions and an emergency clause for certain sections.

I disapprove of **Senate Substitute for Senate Committee Substitute for House Bill No. 650**. My reasons for disapproval are as follows:

Senate Substitute for Senate Committee Substitute for House Bill No. 650 contains a host of provisions that have been approved as part of other legislation, with the exception of the proposed Section 640.236, RSMo, which would exempt a select class of entities from punitive damages in certain instances and limit such damages in all other instances.

Current law establishes limitations on punitive damages at the greater of five hundred thousand dollars or five times the net amount of the judgment awarded against any one defendant (Sec. 510.265, RSMo). Senate Substitute for Senate Committee Substitute for House Bill No. 650, however, would exempt any civil action related to “underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975” from the existing limits on punitive damages. In these cases, defendants would not be subject to any punitive damages if they can show any evidence that they “have made or are making good faith efforts to remediate such sites.” If the defendant is unable to make such a showing, the amount of punitive damages that may be awarded would still be significantly reduced from what is currently available under existing Missouri law.

This effort to reduce the existing scope of damages is particularly egregious because Senate Substitute for Senate Committee Substitute for House Bill No. 650 seeks to apply the reduction retrospectively, not only against injuries that have already been sustained, but against actions that have already been filed. And it would do so after a judgment for damages has already been ordered against an entity that would be protected by this legislation, and on facts similar to those alleged in various other pending actions. If this provision became law, it could result in considerable inequities among individuals who may have been harmed by the same defendants under similar circumstances simply because certain parties were not as fast to the courthouse. Contrary to the damage limits imposed by this provision, citizens should have fair and unfettered access to the courts; they should be able to consult with counsel and be advised of the full scope of available remedies prior to commencing an action without having the proverbial goal posts moved after the fact.

Retrospectively attempting to decrease the liability exposure for a few select entities is not only inappropriate, it is legally impermissible. The State Constitution, Article I, Section 13, provides that “no . . . law . . . retrospective in its operation . . . can be enacted.” A law is retrospective in operation if it takes away or impairs vested or substantial rights acquired under existing laws or imposes new obligations, duties, or disabilities with respect to past transactions.” *Hess v. Chase Manhattan Bank*, 220 S.W.3d 758, 769 (Mo. banc 2007). In addition to this legal infirmity, enabling companies to legislate around liability would set a dangerous precedent.

In addition to these objections, the “fixed class” of beneficiaries created by Senate Substitute for Senate Committee Substitute for House Bill No. 650 would result in a special law prohibited by Article III, Section 40(30) of the Missouri Constitution, because a general law could be made applicable. Missouri courts have long recognized that a general law relates to “persons or things as a class,” whereas “a statute which relates to particular persons or things of a class is

special.” *Reals v. Courson*, 349 Mo. 1193 (1942); see also *City of Springfield v. Sprint Spectrum, L.P.*, 203 S.W.3d 177 (2006). Senate Substitute for Senate Committee Substitute for House Bill No. 650 would not benefit all defendants, or all defendants engaged in mining, or even a particular type of mining, but rather only those defendants that dealt in underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975. Because so few entities exist within these parameters, it can only be said that the limitation on punitive damages contained in Senate Substitute for Senate Committee Substitute for House Bill No. 650 would violate the constitutional prohibition against the enactment of special laws.

In accordance with the above stated reasons for disapproval, I am returning **Senate Substitute for Senate Committee Substitute for House Bill No. 650** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

July 12, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035** entitled:

“AN ACT”

To repeal sections 33.080, 67.457, 67.463, 67.469, 71.011, 99.845, 137.073, 137.090, 137.095, 137.115, 137.720, 138.431, 238.272, 360.045, and 374.150, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions, with an emergency clause for certain sections and an existing penalty provision.

I disapprove of **Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035**. My reasons for disapproval are as follows:

Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035 contains a number of worthwhile provisions, many of which have become law with my action on other pieces of legislation. However, Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035 cannot receive my approval because it would deprive voters of their right to be heard before their property is annexed into a city.

Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035 would authorize a city to annex an area by simply adopting an ordinance to do so, without an election by the people being annexed or a declaratory judgment from a court. Because this provision was not in any introduced bill and received no public hearing, individuals living in areas that could be annexed through this new procedure were given no opportunity to weigh in during the legislative process, just as they would have no opportunity to be heard during the annexation process if Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035 were to become law.

In accordance with the above stated reasons for disapproval, I am returning **Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1035** without my approval.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

HOUSE BILLS VETOED FROM THE FIRST REGULAR SESSION

The Speaker read the following House Bills vetoed from the First Regular Session: **CCS SCS HCS HB 7, CCS SCS HCS HB 10** and **SS SCS HCS HB 19**.

SS SCS HCS HB 19, relating to appropriations, was taken up by Representative Kelly (45).

Representative Kelly (45) moved that **Section 19.006** of **SS SCS HCS HB 19** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 112

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Englund	Fowler	Frame	Gardner	Harris
Hodges	Hummel	Kirkton	Kratky	LaFaver
Marshall	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schupp	Smith	Swearingen
Walton Gray	Webb			

PRESENT: 001

English

ABSENT WITH
LEAVE: 002

Ellington Newman

VACANCIES: 001

The Speaker read the following House Bills vetoed from the First Regular Session: **SCS HCS HB 110** and **SS HB 253**.

SS HB 253, relating to taxation, was taken up by Representative Berry.

Representative Berry moved that **SS HB 253** be passed, the objections of the Governor thereto notwithstanding.

Speaker Pro Tem Hoskins resumed the Chair.

Speaker Jones resumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharmhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45

Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Berry again moved that **SS HB 253** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 094

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Fitzpatrick
Flanigan	Franklin	Frederick	Funderburk	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Miller	Molendorp	Moon	Muntzel
Neely	Neth	Parkinson	Pike	Pogue
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Torpey	White
Wieland	Wilson	Zerr	Mr Speaker	

NOES: 067

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Entlicher	Fitzwater
Fowler	Fraker	Frame	Gannon	Gardner
Hampton	Harris	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Messenger	Mims	Mitten
Montecillo	Morgan	Morris	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pierson	Redmon	Rizzo	Roorda	Rowland
Runions	Schieffer	Schupp	Smith	Swearingen
Thomson	Walker	Walton Gray	Webb	Webber
Wood	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
HB 278.

HB 278, relating to federal holidays, was taken up by Representative Brattin.

Representative Brattin moved that **HB 278** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 114

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 045

Anders	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	English
Englund	Gardner	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace
Peters	Rizzo	Runions	Schupp	Smith
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH
LEAVE: 003

Ellington Newman Pierson

VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
SCS HB 301.

SCS HB 301, relating to sex offenders, was taken up by Representative Engler.

Representative Engler moved that **SCS HB 301** be passed, the objections of the Governor thereto notwithstanding.

Speaker Pro Tem Hoskins resumed the Chair.

The motion to pass **SCS HB 301**, the objections of the Governor thereto notwithstanding, was withdrawn.

The Speaker Pro Tem read the following House Bill vetoed from the First Regular Session: **SCS HB 329.**

SCS HB 329, relating to financial institutions, was taken up by Representative Dugger.

Speaker Jones resumed the Chair.

Representative Dugger moved that **SCS HB 329** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Shull	Shumake

Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH
LEAVE: 002

Curtis Newman

VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
HB 339.

HB 339, relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law, was taken up by Representative Wieland.

Representative Wieland moved that **HB 339** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	McKenna	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharmhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream

Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Barnes	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
Englund	Fowler	Frame	Gardner	Haahr
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Neth	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Smith
Swearingen	Torpey	Walton Gray	Webb	Webber
Wright				

PRESENT: 001

Conway 10

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
SCS HCS HB 436.

SCS HCS HB 436, relating to firearms, was taken up by Representative Funderburk.

Representative Funderburk moved that **SCS HCS HB 436** be passed, the objections of the Governor thereto notwithstanding.

Representative Keeney assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth

Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharmhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Funderburk again moved that **SCS HCS HB 436** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharmhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 049

Anders	Barnes	Black	Burns	Butler
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Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Gardner
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Smith	Swearingen	Torpey
Walton Gray	Webb	Webber	Wright	

PRESENT: 003

Higdon	Mayfield	Roorda
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ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Speaker Jones resumed the Chair.

The Speaker read the following House Bill vetoed from the First Regular Session:
SCS HCS HB 611.

SCS HCS HB 611, relating to employment, was taken up by Representative Lant.

Representative Lant moved that **SCS HCS HB 611** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH
LEAVE: 004

Engler	Flanigan	Kelly 45	Newman
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VACANCIES: 001

Representative Lant again moved that **SCS HCS HB 611** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 054

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace

Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith	Solon	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 1

The Speaker read the following House Bill vetoed from the First Regular Session:
SS SCS HB 650.

SS SCS HB 650, relating to the department of natural resources, was taken up by Representative Ross.

Representative Ross moved that **SS SCS HB 650** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

Ayes: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharmhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson

Rizzo	Roorda	Runions	Schieffer	Schupp
Smith	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH
LEAVE:

Kelly 45	Newman
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VACANCIES: 001

Representative Ross again moved that **SS SCS HB 650** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 110

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Black	Brattin	Brown	Burlison
Butler	Cierpiot	Conway 104	Cookson	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Guernsey	Haefner	Hampton
Hansen	Harris	Hicks	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	McKenna	Meredith	Messenger	Miller
Molendorp	Montecillo	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfausch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Sommer	Spencer	Stream
Swan	Thomson	Walker	Webb	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 050

Anders	Barnes	Burns	Carpenter	Colona
Conway 10	Cornejo	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Grisamore
Haahr	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McManus	McNeil	Mims
Mitten	Morgan	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Rowden
Runions	Schieffer	Schupp	Smith	Solon
Swearingen	Torpey	Walton Gray	Webber	Wright

PRESENT: 001

Higdon

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following House Bill vetoed from the First Regular Session:
CCS#2 SCS HCS HB 1035.

CCS#2 SCS HCS HB 1035, relating to political subdivisions, was taken up by Representative Kelley (127).

Representative Kelley (127) moved that **CCS#2 SCS HCS HB 1035** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Ellington	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Mayfield	McCaherty
McGaugh	Messenger	Miller	Molendorp	Montecillo
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 044

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Englund
Gardner	Harris	Hodges	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Marshall
May	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Runions	Schieffer	Schupp
Smith	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

On motion of Representative Diehl, the House recessed until 8:45 p.m.

EVENING SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

HOUSE RESOLUTION

Representative Diehl offered **HR 2**, which was read.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS SCS HCS HB 7**, **CCS SCS HCS HB 10** and **SCS HCS HB 110** when the bills were called by the Speaker.

On motion of Representative Diehl, **HR 2** was adopted.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SCS HCS HB 19**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SS SCS HCS HB 19**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **HB 278**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **HB 278**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SCS HB 329**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SCS HB 329**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **HB 339**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **HB 339**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **CCS#2 HCS SCS SB 9**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **CCS#2 HCS SCS SB 9**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SB 28**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SS SB 28**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **CCS HCS SS SB 34**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **CCS HCS SS SB 34**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **HCS SB 110**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **HCS SB 110**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SCS SB 129**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SS SCS SB 129**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SB 170**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SB 170**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SB 265**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SB 265**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SB 267**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that attached is a certified copy of the roll call on **SS SB 267**.

SENATE BILLS VETOED FROM THE FIRST REGULAR SESSION

The Speaker read the following Senate Bill vetoed from the First Regular Session: **CCS#2 HCS SCS SB 9**.

CCS#2 HCS SCS SB 9, relating to agriculture, was taken up by Representative Guernsey.

Representative Guernsey moved that **CCS#2 HCS SCS SB 9** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH
LEAVE: 004

Conway 10	Franklin	McKenna	Newman
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VACANCIES: 001

Representative Guernsey again moved that **CCS#2 HCS SCS SB 9** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 111

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Richardson	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Rizzo	Roorda	Runions	Schupp	Smith
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following Senate Bill vetoed from the First Regular Session:
CCS HCS SS SB 34.

CCS HCS SS SB 34, relating to workers' compensation, was taken up by Representative Fraker.

Representative Fraker moved that **CCS HCS SS SB 34** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 090

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowland	Schatz	Shull	Shumake
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Mr Speaker

NOES: 071

Anders	Barnes	Berry	Black	Burns
Butler	Carpenter	Colona	Conway 10	Curtis
Curtman	Dunn	Ellinger	Ellington	English
Englund	Fitzpatrick	Frame	Funderburk	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Korman	Kratky	LaFaver	Marshall
May	Mayfield	McCaherty	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Neth	Nichols	Norr	Otto	Pace
Peters	Pierson	Pogue	Rizzo	Roorda
Rowden	Runions	Scharnhorst	Schieber	Schieffer
Schupp	Smith	Solon	Sommer	Swearingen
Torpey	Walton Gray	Webb	Webber	Wright
Zerr				

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following Senate Bill vetoed from the First Regular Session:
HCS SB 110.

HCS SB 110, relating to custody and visitation for military personnel, was taken up by Representative Davis.

Representative Davis moved that **HCS SB 110** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharmhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

The Speaker read the following Senate Bill vetoed from the First Regular Session:
SS SCS SB 129.

SS SCS SB 129, relating to volunteer health services, was taken up by Representative Burlison.

Representative Burlison moved that **SS SCS SB 129** be passed, the objections of the Governor thereto notwithstanding.

Representative Keeney resumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 004

Hough	Molendorp	Newman	Rhoads
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VACANCIES: 001

Representative Burlison again moved that **SS SCS SB 129** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl

Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Norr
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 053

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Scharnhorst
Schieffer	Schupp	Smith	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Keeney read the following Senate Bill vetoed from the First Regular Session: **SB 170**.

SB 170, relating to the votes of public governmental bodies, was taken up by Representative Berry.

Representative Berry moved that **SB 170** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl

Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH
LEAVE: 002

McManus Newman

VACANCIES: 001

Representative Berry again moved that **SB 170** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 125

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Brattin	Brown
Burlison	Butler	Cierpiot	Conway 10	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	McCaherty	McCann Beatty	McGaugh	McKenna
Meredith	Messenger	Miller	Mims	Molendorp

Montecillo	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Shull
Shumake	Smith	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 032

Black	Burns	Carpenter	Colona	Conway 104
Cookson	Curtis	Haefner	Harris	Hodges
Hummel	Kelly 45	Kirkton	LaFaver	Marshall
May	Mayfield	McDonald	McManus	McNeil
Mitten	Morgan	Nichols	Norr	Pogue
Rizzo	Roorda	Runions	Schieber	Schieffer
Schupp	Solon			

PRESENT: 004

Ellington	Gardner	Otto	Pace
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ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Keeney read the following Senate Bill vetoed from the First Regular Session: **SB 265**.

SB 265, relating to private property rights, was taken up by Representative Rowland.

Representative Rowland moved that **SB 265** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch

Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 004

Elmer	Hinson	Newman	Richardson
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VACANCIES: 001

Representative Rowland again moved that **SB 265** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 053

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn

Ellinger	English	Englund	Frame	Gardner
Harris	Hodges	Hough	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 001

Ellington

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Keeney read the following Senate Bill vetoed from the First Regular Session: **SS SB 267**.

SS SB 267, relating to the laws of other countries, was taken up by Representative Curtman.

Representative Curtman moved that **SS SB 267** be passed, the objections of the Governor thereto notwithstanding.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Schamhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Representative Curtman again moved that **SS SB 267** be passed, the objections of the Governor thereto notwithstanding.

Which motion was defeated by the following vote:

AYES: 108

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Roorda	Ross	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 053

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Gardner
Harris	Hodges	Hough	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Rowden	Runions
Schieffer	Schupp	Smith	Swearingen	Walton Gray

Webb Webber Wright

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

MOTION

Representative Scharnhorst, having voted on the prevailing side, moved that the vote by which **SS SCS SB 129** was defeated, be reconsidered.

Representative Roorda raised a point of order that final action was taken on **SS SCS SB 129**.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Scharnhorst again moved that the vote by which **SS SCS SB 129** was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45

Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

Speaker Jones resumed the Chair.

SENATE BILLS VETOED FROM THE FIRST REGULAR SESSION

SS SCS SB 129, relating to volunteer health services, was again taken up by Representative Burlison.

Representative Burlison moved that **SS SCS SB 129** be passed, the objections of the Governor thereto notwithstanding.

Which motion was adopted by the following vote:

AYES: 109

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Norr
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharmhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus

McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Nichols	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH
LEAVE: 001

Newman

VACANCIES: 001

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **SS SCS HB 650**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the attached is a certified copy of the roll call on **SS SCS HB 650**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **CCS#2 SCS HCS HB 1035**, the objections of the Governor thereto notwithstanding.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the attached is a certified copy of the roll call on **CCS#2 SCS HCS HB 1035**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 9**.

SENATE RESOLUTION NO. 9

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 43; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 51; Senate Bill No. 60; House Committee Substitute for Senate Bill No. 73; Senate Bill No. 77; Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 224; Senate Committee Substitute for Senate Bill No. 240; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 342 and Senate Bill No. 350 when the bills were called by the President.

ADJOURNMENT

On motion of Representative Diehl, the Veto Session of the Ninety-seventh General Assembly, First Regular Session, adjourned sine die pursuant to the Constitution.

TIMOTHY W. JONES
Speaker of the House

D. ADAM CRUMBLISS
Chief Clerk of the House