



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

P.O. Box 720
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July 12, 2012

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Bill No. 1250 entitled:

AN ACT

To repeal sections 77.080, 78.090, and 115.123, RSMo, and to enact in lieu thereof four new section [sic] relating to elections.

I disapprove of House Bill No. 1250. My reasons for disapproval are as follows:

The proposed new section 77.085.1 in House Bill No. 1250, which would allow an ordinance prohibiting smoking to be passed by the voters of Farmington, includes a defective intersectional reference. The bill indicates that the term "smoking" is defined in subdivision (6) of section 191.765, RSMo. However, subdivision (6) of section 191.765 defines the term "restaurant." Because this intersectional reference to the definition of "restaurant" cannot be reconciled with any rational understanding of the term "smoking," it would deprive the public of any ability to understand the scope of the proposed ordinance. Moreover, it is not permissible to substitute what the legislature might have meant for what it actually said. Accordingly, this error, while perhaps inadvertent, is fatal to the bill.

In accordance with the above stated reasons for disapproval, I am returning House Bill No. 1250 without my approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Nixon".

Jeremiah W. (Jay) Nixon
Governor