



GOVERNOR OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
GOVERNOR

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July 7, 2014

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 508 entitled:

AN ACT

To repeal sections 43.530, 105.711, 208.631, 208.636, 208.640, 208.643, 208.646, and 376.2004, RSMo, and to enact in lieu thereof nine new sections relating to health insurance, with a penalty provision.

I disapprove of House Committee Substitute for Senate Bill No. 508. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 508 contains a number of worthwhile provisions that can become law with my action on other legislation. However, this legislation does not receive my approval due to a significant drafting error.

House Committee Substitute for Senate Bill No. 508 would impose additional restrictions on the licensure of an individual as a “navigator,” one who provides information or services in connection with eligibility, enrollment, or the program specifications of any health benefit exchange operating pursuant to the Affordable Care Act. Section 376.2004.6 of the bill would require an applicant for a navigator license to submit two full sets of fingerprints to the Missouri State Highway Patrol “for the purpose of obtaining a state and federal criminal records check under section 43.540 and Public Law 92-554 [sic].”

The bill’s reference to Public Law 92-554 should be to Public Law 92-544. This mistaken reference to Public Law 92-554, which deals with alcohol abuse and prevention, instead of to Public Law 92-544, which deals with federal criminal records, was included in model legislation developed by the American Legislative Exchange Council (ALEC) entitled the “Navigator Background Check Act,” which provides, in relevant part:

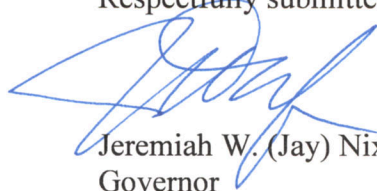
(4) The {insert state department of insurance} shall submit a full set of fingerprints to the {insert state department of public safety} for the purpose of

obtaining a state and federal criminal records check pursuant to **{insert relevant state criminal history records statute}** and Public Law 92-554 [sic]. The **{insert state department of insurance}** shall not issue the registration if the person has been convicted of a felony offense or a misdemeanor offense involving fraud or dishonesty.¹

It appears that in copying and pasting from this ALEC model act, the General Assembly failed to correct this incorrect reference to Public Law 92-554.² While some may believe that such an error is “close enough” for a model act, it cannot be allowed to become the law of this State. Particularly in an area of the law that is the subject of ongoing litigation, a glaring defect such as this cannot simply be ignored. Accordingly, this measure does not receive my approval.

In accordance with the above-stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 508 without my approval.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor

¹ The full text of the ALEC Model “Navigator Background Check Act” is available at <http://www.alec.org/model-legislation/navigator-background-check-act/>.

² Some state legislatures that have considered similar navigator-related legislation derived from the ALEC model legislation have taken the opportunity to fix the incorrect reference from the ALEC model before enacting it. *See* Arizona House Bill 2508 (2014), available at <http://www.azleg.gov/legtext/51leg/2r/laws/0153.pdf>. However, like the Missouri General Assembly, other state legislatures considering such legislation have simply parroted the incorrect reference from the ALEC model act without alteration. *See* Kansas Senate Bill 362 (2014), available at http://www.kslegislature.org/li/b2013_14/measures/documents/sb362_01_0000.pdf