



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

ERIC R. GREITENS
GOVERNOR

P.O. Box 720
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June 30, 2017

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
99th GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9 entitled:

AN ACT

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2017 and ending June 30, 2018.

Section 9.263

I hereby veto \$35,500,000 allocated to the Inmate Canteen Fund.

Section 217.195, RSMo, which created the Inmate Canteen Fund, states that the funds shall be kept in a "separate account" and "shall not revert or be transferred to general revenue." The General Assembly has authorized the creation of funds that are separate from general revenue: "All moneys received by this state shall be deposited in the state treasury to the credit of the general revenue fund, unless required by statute or constitutional provision to be deposited in some other specifically named fund." Section 33.543, RSMo.

Section 217.195, RSMo expressly excepted the Inmate Canteen Fund from the requirements in Section 33.80, RSMo, that all state money be placed in the state treasury and be subject to appropriation by the General Assembly. Like in *Petition of Bd. of Pub. Buildings*, 363 S.W.2d 598, 607 (Mo. banc 1962), the Inmate Canteen Fund "would not have passed through the treasury at any time and would not have been withdrawn therefrom by appropriation." Accordingly, Section 9.263 impermissibly brings the

Inmate Canteen Fund into the State Treasury and appropriations process. This provision is inconsistent with Section 217.195, RSMo. The legislature may not amend current legal requirements through the appropriation process. It is well-settled that “legislation of a general character cannot be included in an appropriation bill.” *State ex rel. Davis v. Smith*, 75 S.W.2d 828, 830 (Mo. banc 1934); *see also State ex rel. Hueller v. Thompson*, 289 S.W. 338, 340 (Mo. banc 1926).

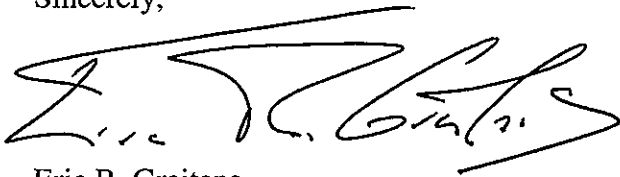
In addition, Section 217.195, RSMo further directs the Department of Corrections to “keep accurate records of the source of money deposited” into the fund and to “allocate appropriations from the fund to the appropriate correctional center.” Because Section 217.195, RSMo already authorizes the Department of Corrections to allocate appropriations from the fund to the appropriate correctional center, where funds shall be expended “for the benefit of the offenders in the improvement of recreational, religious, or educational services,” Section 9.263 is unnecessary.

Section 9.263 is vetoed in its entirety from \$35,500,000 to \$0 in total from the Inmate Canteen Fund.

From \$35,500,000 to \$0 in total for the section.

On June 30, 2017, I approved said Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, except for those items specifically vetoed and not approved.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric R. Greitens". The signature is stylized with a large, sweeping initial "E" and "G".

Eric R. Greitens
Governor