



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

P.O. Box 720
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June 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 267 entitled:

AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

I disapprove of Senate Substitute for Senate Bill No. 267. My reasons for disapproval are as follows:

Senate Substitute for Senate Bill No. 267 seeks to introduce a solution to a problem that does not exist and, in so doing, puts in jeopardy some of the very liberties that the bill purports to protect.

This legislation would inject considerable uncertainty into Missouri's legal system. The bill would declare as "void and unenforceable" contracts as well as judicial and administrative decisions that are based – in whole or in part – on a foreign law or foreign legal system that is deemed "repugnant or inconsistent with [sic]" the Missouri and United States Constitutions. Because all foreign legal systems can be argued to be "inconsistent" with our state and federal constitutions, Senate Substitute for Senate Bill No. 267 would needlessly cast doubt upon important legal instruments including wills, trusts, marriage and divorce decrees and contracts that involve foreign law. Our citizens and businesses should not be exposed to this unnecessary change and its unpredictable results.

Moreover, Senate Substitute for Senate Bill No. 267 would have a chilling effect on foreign adoptions. This legislation raises serious questions as to whether a Missouri court could consider the foreign decree or order that is necessary to finalize the adoption of a child from a foreign country. This obstacle would complicate an already challenging process facing a Missouri couple seeking to adopt a child from another country whose legal system is deemed "inconsistent" with ours. In addition to the hurdles this bill would impose on Missouri couples seeking to adopt, Senate Substitute for Senate Bill No. 267

could invite retaliatory action by a foreign country by denying all adoptions to Missourians. In Missouri, we value adoption. In the last ten years, Missourians have adopted more than 5,000 children from foreign countries. This bill is out of step with our basic belief that we should encourage adoption and make it easier, not more difficult, for children to grow up in strong, supportive families.

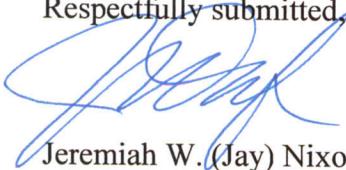
Senate Substitute for Senate Bill No. 267 would also undermine the freedom to contract. Article 1, Section 13 of the Missouri Constitution says "no . . . law impairing the obligation of contracts . . . can be enacted." This bill, by contrast, would render "mutually agreed upon" contracts and contractual provisions "void and unenforceable" if they include or are to be governed by foreign law from a country whose legal system is "inconsistent" with the Missouri and United States constitutions. This unnecessary interference with free market principles could also dampen foreign investment by companies unwilling to conduct business in a state with such uncertainty surrounding the application of foreign law.

Furthermore, Senate Substitute for Senate Bill No. 267 could prohibit a Missouri court from enforcing a judgment – based in whole or in part on a foreign law – rendered by a court in another state. The Full Faith and Credit Clause of the U.S. Constitution requires that states respect the "public acts, records, and judicial proceedings of every other state."

Senate Substitute for Senate Bill No. 267 is misguided, unnecessary and needlessly undermines certainty in important areas of the law. Missourians expect and deserve a judicial system that is both fair and predictable. Senate Substitute for Senate Bill No. 267 fails to meet that very basic standard and does not receive my approval.

Therefore, in accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Bill No. 267 without my approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeremiah W. (Jay) Nixon", is written over the printed name.

Jeremiah W. (Jay) Nixon
Governor