



GOVERNOR OF MISSOURI

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JEREMIAH W. (JAY) NIXON
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TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
96TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you House Bill No. 1219 entitled:

AN ACT

To repeal sections 213.010, and 213.111, RSMo, and to enact in lieu thereof three new sections relating to unlawful discriminatory practices.

I disapprove of House Bill No. 1219. My reasons for disapproval are as follows:

Much like Senate Committee Substitute for Senate Bill No. 188, which I vetoed in 2011, House Bill No. 1219 weakens Missouri's commitment to address discriminatory conduct and limits existing protections for whistleblowers in the workplace.

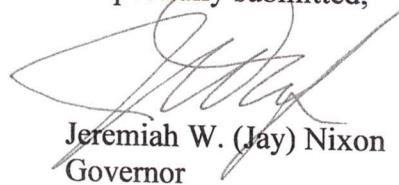
The following are several of the unacceptable provisions contained in House Bill No. 1219 that collectively evince a desire to undo decades of progress in Missouri.

- **Eliminates individual responsibility for discrimination.** House Bill No. 1219 ignores a basic tenet of the Missouri Human Rights Act in that it releases from liability the very person who committed the discriminatory act. The Missouri Human Rights Act was established to protect Missourians from such treatment by holding those who discriminate and harass accountable for their actions.
- **Exempts private clubs and seasonal employers from suit.** House Bill No. 1219 would exempt private clubs and many seasonal employers from the type of conduct prohibited by the Missouri Human Rights Act. This Act must continue to protect against discrimination regardless of where it occurs.

- **Significantly reduces the availability of damages in discrimination cases.** House Bill No. 1219 would establish a cap on damages in discrimination cases. And while federal law also establishes limits, the federal caps apply against the aggregate of only compensatory and punitive damages. House Bill No. 1219, meanwhile, would apply that same monetary limit to the sum of awarded “back pay, interest on back pay, other equitable relief [front pay], court costs and reasonable attorneys fees,” as well as compensatory and punitive damages. Such limits would significantly reduce the potential award in any given case and would undermine the effectiveness of the Missouri Human Rights Act.
- **Prevents a court from awarding any damages in housing discrimination cases.** State law makes it unlawful to discriminate in housing decisions because of race, color, religion, national origin, ancestry, sex, disability or familial status and provides for the recovery of damages for such conduct. House Bill No. 1219, by way of Section 213.111.8, RSMo, would inexplicably eliminate a court’s ability to award damages in housing discrimination cases brought under Sections 213.040, 213.045 or 213.050, RSMo.
- **Prohibits punitive damages against government.** House Bill No. 1219 would bar punitive damages in discrimination suits against the State or political subdivisions except in certain housing cases, effectively holding governmental entities less accountable to its citizens than their private sector counterparts. Discrimination and unfair treatment does not become more or less abhorrent based on who is doing the discriminating, and the Missouri Human Rights Act should therefore make no such distinction.
- **Reduces protection for Whistleblowers.** House Bill No. 1219 would narrow the protections that currently exist against retaliation in the workplace. Whistleblowers provide an important service to all Missourians, and laws should not be written to discourage individuals from exposing misconduct.

In accordance with the above stated reasons for disapproval, I am returning House Bill No. 1219 without my approval.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor