



GOVERNOR OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

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March 16, 2012

TO THE SECRETARY OF THE SENATE
96th GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 572 entitled:

AN ACT

To repeal sections 287.067, 287.120, 287.150, and 287.240, RSMo, and to enact in lieu thereof four new sections relating to workers' compensation.

I disapprove of Senate Substitute for Senate Committee Substitute for Senate Bill No. 572. My reasons for disapproval are as follows:

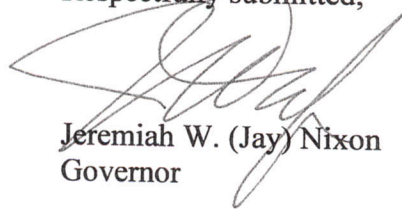
Under current law, workers suffering from work-related occupational diseases may seek redress by bringing a civil action against their employer. This includes workers who suffer from serious and deadly work-related occupational diseases such as mesothelioma and cardiopulmonary disease that involve long-term workplace exposure to toxic substances. Current law appropriately recognizes the severity and duration of these types of occupational diseases, which may take years or even decades to manifest themselves, by allowing affected workers broader redress through access to the civil justice system. Taking this right away from workers suffering from serious and deadly occupational diseases, as Senate Substitute for Senate Committee Substitute for Senate Bill No. 572 would do by adding "occupational disease" to the workers' compensation exclusivity provision, is not acceptable.

With respect to proposed Section 287.120.11, RSMo, which provides that a civil action against an employer or employee of the employer may not proceed until all administrative remedies are exhausted, it is worth noting that both employers and employees have a shared interest in a timely and efficient disposition of claims. It is questionable whether holding a civil action in abeyance pending "exhaustion" of all "administrative remedies" – terms that, moreover, are not

defined in the bill – furthers these goals. Procedural requirements should foster an efficient and equitable resolution for all parties.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Committee Substitute for Senate Bill No. 572 without my approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay Nixon", is written over the printed name and title.

Jeremiah W. (Jay) Nixon
Governor