

House Concurrent Resolution No. 30

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FREDERICK (Sponsor), JONES (89), LICHTENEGGER, WHITE, FITZWATER, BERRY, BRATTIN, JOHNSON, FRANKLIN, McCAHERTY, McNARY, CROSS, LONG, THOMSON, RUZICKA, SMITH (150), PARKINSON, MOLENDORP, HOSKINS, SCHIEBER AND SOLON (Co-sponsors).

1402L.011

2 **WHEREAS**, the federal Patient Protection and Affordable Care Act (PPACA), also
3 known as ObamaCare, has been ruled unconstitutional in its entirety by the Florida Federal
4 District Court, and the individual mandate contained in the PPACA requiring the purchase of
5 insurance was ruled unconstitutional by Judge Henry Hudson in Federal District Court in
6 Virginia; and

7 **WHEREAS**, the President of the United States, while addressing the issue of an
8 individual mandate to purchase health insurance as a United States Senator in 2008, stated that
9 "If a mandate was the solution, we can try that to solve homelessness by mandating everybody
10 to buy a house."; and

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12 **WHEREAS**, in the August 2010 primary election, the citizens of Missouri have
13 expressed their clear opposition to the individual mandate by passing Missouri Health Care
14 Freedom, Proposition C by a 71% margin; and

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16 **WHEREAS**, each house of the Missouri General Assembly has requested that the
17 Governor and the Attorney General of the State of Missouri join in the legal challenge to the
18 PPACA, so far to no avail; and

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20 **WHEREAS**, considerable time, effort, and money has been, are being, and will continue
21 to be expended attempting to comply with the mandates of the PPACA, which may ultimately
22 be wasted time, energy, and money if the PPACA is subsequently found by the United States
23 Supreme Court to be unconstitutional; and

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25 **WHEREAS**, the federal Court of Appeals process can be protracted and may well take
26 up to two years for this issue to work its way through the appellate process and then ultimately
27 to the United States Supreme Court; and

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29 **WHEREAS**, such a lengthy delay of a final determination by the United States Supreme
30 Court regarding the constitutionality of the PPACA would be extremely harmful to the State of
31 Missouri and will cause substantial waste of state resources at a time when such resources are
32 scarce; and

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34 **WHEREAS**, allowing the waste of substantial amounts of state resources and uncertainty
35 to continue when clarity could be provided is not good stewardship on the part of any elected
36 state official:

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38 **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of
39 Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate
40 concurring therein, hereby urge the Governor and Attorney General of the State of Missouri to
41 send a letter to the President of the United States informing him of the urgency with which they
42 view the need for a prompt resolution to the constitutional questions that have arisen regarding
43 the federal Patient Protection and Affordable Care Act and further urge the President to take all
44 actions within his powers to facilitate a hearing of this constitutional question by the United
45 States Supreme Court at the earliest possible time; and

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47 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
48 Representatives be instructed to prepare properly inscribed copies of this resolution for Governor
49 Jay Nixon, Attorney General Chris Koster, and President Barack Obama.

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