

House Concurrent Resolution No. 35

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (110) (Sponsor), RIDDLE, SCHARNHORST, STREAM,
CIERPIOT, CRAWFORD, DIEHL, BURLISON, KEENEY, HICKS, SMITH (120),
BERNSKOETTER AND JONES (50) (Co-sponsors).

2210H.011

2 **WHEREAS**, Senate Bill 749 was passed by the Ninety-sixth General Assembly, Second
3 Regular Session, to protect our state from provisions of federal law which would essentially
4 force religious institutions to provide insurance coverage for procedures and medications which
5 violate their core beliefs; and

6 **WHEREAS**, on July 12, 2012, the Honorable Jeremiah W. (Jay) Nixon, Governor of the
7 state of Missouri, vetoed Senate Bill 749; and

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9 **WHEREAS**, on September 12, 2012, the General Assembly voted to override the
10 Governor's veto of Senate Bill 749 in order to protect the First Amendment rights of Missouri's
11 citizens; and

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13 **WHEREAS**, on March 18, 2013, a United States District Judge, the Honorable Audrey
14 Fleissig, ruled that Senate Bill 749 was unconstitutional and issued a temporary restraining order
15 preventing the state from enforcing statutory provisions contained in the bill; and

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17 **WHEREAS**, as a result of Judge Fleissig's ruling numerous Missouri citizens,
18 businesses, and religious organizations will be forced to either pay massive fines or provide
19 insurance coverage for their employees for procedures that run counter to their religious beliefs;
20 and

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22 **WHEREAS**, the federal government lacks the authority to mandate that a business
23 provide a commodity at no cost; and

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25 **WHEREAS**, recently a federal judge in Michigan enjoined enforcement of the
26 contraception mandate and prohibited the federal government from violating the religious
27 freedom of business owners in that state.

28 **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of
29 Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate
30 concurring therein, hereby requests the Honorable Chris Koster, Attorney General of the state
31 of Missouri, to immediately appeal Judge Fleissig’s decision on behalf of our state and argue on
32 appeal that the federal contraception mandate violates the federal Religious Freedom Restoration
33 Act, as well as the First Amendment right to freedom of religion.

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35 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
36 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
37 Honorable Chris Koster, Attorney General of the state of Missouri.