

Good News

Bringing the light of Christ to Missouri.



May/June 2012
Vol. 31 No. 5

In This Issue:

**Missouri Moves to
Protect Religious
Liberty**

What's in SB 749?

**Missouri General
Assembly 2012 Votes
of Interest**

**Federal Law and SB
749**

**Justice Reinvestment
Act Sent to Gov. Nixon**

**Senate Rejects Study of
Death Penalty Costs**

**Legislators Fail to Save
Benevolent Tax Credits**

**Missouri General
Assembly 2012
Votes of Interest**

**Sign SB 749 — Will Gov.
Nixon Defend Religious
Liberty?**



Missouri Moves to Protect Religious Liberty

Legislators Pass SB 749 in Final Hours

Sen. John Lamping (R-Ladue), a Catholic, was upset. The Obama Administration had issued its edict requiring even the Catholic Church to pay for abortion drugs, contraceptives and sterilizations in their health plans. What could be done? Could the state of Missouri protect religious liberties even if the federal government would not? On Feb. 2, the senator filed SB 749, a bill that declared that no one could be compelled to pay for items such as abortion drugs in their health insurance plans.

By legislative standards, SB 749 got off to a relatively fast start. It reached the Senate floor on Feb. 21 but then things slowed down, as is not unusual in the Missouri Senate, where efficiency takes a back seat to the right to free and unlimited debate. On March 27, however, some 3,000 Missouri citizens converged on the Missouri State Capitol to protest the Obama Administration's abortion-drug mandate and to urge the Missouri General Assembly to protect the religious liberties of Missouri citizens. Rally participants took cards supporting SB 749 to legislators throughout the Capitol. Word spread among legislators that a new legislative priority had emerged, one that had not been on their planning charts at the outset of the legislative session.

Two days after the rally, the Missouri Senate gave final approval to SB 749

and sent the bill to the Missouri House of Representatives. Then things began to slow down — a lot. The insurance industry decided they did not like SB 749. As one insurance lobbyist told the MCC, writing “Catholic kosher” health plans would be an administrative hassle. Although the House got SB 749 from the Senate on March 29, Speaker Steve Tilley (R-Farmington) did not refer the bill to a committee until April 18. Making matters worse, SB 749 was referred to the insurance industry's favorite committee — the Health Insurance Committee.

More time went by, but at least negotiations ensued between the MCC and insurance lobbyists. On May 10, just days before the session would end on May 18, the insurance committee reported a house committee substitute (HCS) for SB 749 “Do Pass.” The HCS wasn't everything the MCC wanted, but it did offer some assurances that people would be able to obtain health plans that conformed to their moral and religious convictions.

When SB 749 came to the House floor for debate, State Rep. Jay Barnes (R-Jefferson City) offered an MCC-drafted amendment to ensure that any employee could exclude and not pay for abortion coverage in his insurance premium. State Rep. Stanley Cox (R-Sedalia) then added another amendment that authorized the state attorney general to bring

Continued inside

Continued: Missouri Moves to Protect Religious Liberty



suit in state or federal court to defend the religious liberties established in SB 749.

While Barnes and Cox were strengthening the provisions of SB 749, Rep. Sandy Crawford (R-*Buffalo*) served as floor handler for the legislation and rebutted phony arguments that the legislation represented a “war on women.”

Because the House-passed SB 749 was different from what the Senate passed, a conference committee convened to resolve the differences. Agreement could not be reached on provisions added to the bill by the House and championed by State Reps. Tim Jones (R-*Eureka*) and Dave Sater (R-*Cassville*) that

expanded conscience protections for health care providers (doctors, nurses, etc.) and pharmacies. The Senate would not accept these provisions and they were dropped from the Conference Committee Report presented to both chambers on the last day of the session. With only three hours remaining in the session, the general assembly finally passed SB 749 (the final Senate and House votes are provided in this *Good News*).

As truly agreed to and finally passed, SB 749, if signed by Gov. Nixon, will give Missouri one of the strongest, if not the strongest, conscience protection law in the nation. Most significantly, it will allow individuals to make sure elective abortion is not

included in their health coverage.

As the controversy over the U.S. Department of Health and Human Services (HHS) abortion-drug mandate has grown, some purchasers of insurance have found out that, unbeknownst to them, their health plan covered contraceptives or even elective abortions. If enacted into law, SB 749 will put an end to this secrecy; people will know whether their plans cover items such as elective abortions, and they will be able to exclude these items from their plans if they so choose. It turns out that choice is not a concept owned by the pro-abortion forces. People of faith ought to have the right to refuse to pay for abortion and abortion drugs.

What’s in SB 749?

SB 749 establishes various rights of conscience for health insurance consumers.

- No employee or self-employed person can be compelled to obtain health coverage for abortion, contraceptives or sterilizations when these items violate their moral or religious beliefs.
- No employer or health plan sponsor can be compelled to provide coverage for abortion, contraceptives or

sterilizations when this violates their moral or religious beliefs.

- No government agency may discriminate against or penalize a health plan sponsor, employer or employee that refuses to provide coverage for, participate in, or refer for, abortion, contraceptives or sterilizations because of their religious beliefs or moral convictions.
- Authorizes the state attorney general to file suit in state or federal

court to defend the religious liberties outlined in SB 749.

- Requires health insurers to give clear and conspicuous notice to consumers whether or not contraceptives and elective abortions are proposed to be in their health plan.
- Requires health insurers to exclude contraceptive and elective abortion coverage when purchasers object on moral or religious grounds.

Federal Law and SB 749

Most people learned in high school civics that federal law is supreme over a state law. So what good is it to pass SB 749? SB 749 authorizes the state attorney general to bring suit in state or federal court to contest the constitutionality of the so-called “contraceptive mandate” issued in January by the U.S. Department of Health and Human Services (HHS).

Many legal observers think the HHS mandate runs afoul of the First Amendment’s protection of religious freedom. SB 749 then offers a tool to obtain a court decision striking

down the HHS mandate.

But there is more to SB 749 than simply offering a way to protest and potentially overturn the HHS mandate. The legislation proposes new rights for insurance consumers. When applying for an insurance plan, consumers will be informed whether or not it covers contraceptives or abortions. If the consumer objects on moral or religious grounds, the insurers must write a new policy that excludes these items. By exercising their rights under SB 749, people of faith can refuse to pay for abortions

and contraceptives in their health plans.

SB 749 therefore addresses not only government policies that coerce people to act against their religious and moral convictions, but instances where private insurance companies might be tempted to ignore a consumer’s request for a health plan that does not pay for abortion, abortion drugs, etc. If SB 749 is signed by Gov. Nixon, insurance companies will not be able to ignore the rights of conscience of their customers.

Senate Rejects Study of Death Penalty Costs

Missouri enacted its death penalty statute 35 years ago but has no idea what the death penalty system costs the state. On the last day of the session, the Senate rejected an amendment that would have required the state auditor to conduct a thorough study with prosecutors, public defenders and the courts to determine the cost of carrying out executions.

The amendment, similar to SB 786, was offered by Sen. Joe Keaveny (D-St. Louis) to a bill requiring audits of various state departments.

In a spirited debate, arguments were raised that the amendment was a backdoor approach to getting rid of the death penalty. Supporters countered that it was a matter of fiscal responsibility to know the cost of public policies. In the end, the amendment was defeated on a voice vote. Sen. Keaveny is committed to bringing the bill back next year.

Justice Reinvestment Act Sent to Gov. Nixon

In a rare bipartisan effort, the Missouri General Assembly this session passed a bill modifying laws relating to probation, parole and conditional release.

Sponsored by Rep. Gary Fuhr (R-St. Louis), HB 1525 was known as the Justice Reinvestment Act. At the heart of the measure is an attempt to reserve limited prison space for the most serious offenders. Under the bill, individuals on probation or parole can reduce their time of supervision by following the rules. Probation officers can send those who violate supervision rules to short stints in county jails instead of returning them to prison. More serious violations could

result in a 120-day “shock” sentence instead of enforcing the original, longer sentence.

While not as far-reaching as some had hoped, this bill was the culmination of a joint, bipartisan working group appointed by Gov. Nixon last summer to find a way to reduce prison costs while maintaining public safety. The bill is estimated to save state coffers at least \$165,000 a year.

The MCC supported the measure for its restorative justice components and its efforts to reduce the prison population. Gov. Nixon is expected to sign the bill.

Legislators Fail to Save Benevolent Tax Credits

Legislators failed this session to reauthorize benevolent tax credits that promote the work of pregnancy resource centers and food pantries, despite overwhelming support for the credits. These credits were held hostage as legislators sought to enact “global tax credit reform.” Missouri has more than 60 tax credits that reduce potential tax collections

by more than \$520 million. The pregnancy resource and food pantry credits, however, are not the fiscal problem; each is capped at \$2 million annually. The MCC will work next year to restore these two credits, both of which enjoy strong support. (See the House vote on HCS HB 1278 in this *Good News*.)

Nonprofit Org.
U.S. POSTAGE
PAID
Jefferson City, MO
Permit #42

Missouri Catholic
Conference
PO BOX 1022
Jefferson City, MO
65102-1022

RETURN SERVICE
REQUESTED

Phone: (573) 635-7239
Fax: (573) 635-7431



Missouri Catholic
Conference



MOCatholic

Online at
MOCatholic.org

Board of Directors

Most Rev. Robert J. Carlson
General Chairman
Archbishop of St. Louis

Most Rev. John R. Gaydos
Executive Chairman
Bishop of Jefferson City

Most Rev. Robert Finn
Vice Chairman
Bishop of
Kansas City/St. Joseph

Most Rev. James Johnston
Bishop of
Springfield/Cape Girardeau

Most Rev. Edward Rice
Auxiliary Bishop
Archdiocese of St. Louis

Sign SB 749 —

Will Gov. Nixon Defend Religious Liberty?

Recently, Gov. Jay Nixon placed on the Aug. 7 election ballot a “right to pray” proposed constitutional amendment that will protect a citizen’s right to express his religious beliefs. No doubt the proposal will pass overwhelmingly. By signing SB 749, however, the governor has an opportunity to allow Missouri citizens to not only pray, but to practice their faith on a daily basis. After all, no one should be forced to pay for abortion in his or her health plan.

Gov. Nixon has an opportunity to hold up Missouri as an example to the nation of

how to protect our religious freedoms and rights of conscience. It’s time to send the national pundits a message: when it comes to religious freedom, Missouri will not be “flyover territory.”



Gov. Jay Nixon

Gov. Nixon, right now we need a hero for religious freedom. Please stand up, sign SB 749, and defend our religious liberties!