

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SIXTH DAY—WEDNESDAY, MAY 30, 2007

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HJR 7**; **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**; **SS** for **HCS** for **HB 741**; and **CCS** for **SS** for **SCS** for **HCS** for **HB 780**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the joint resolution and bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Coleman submitted the following:

May 30, 2007

Terry Spieler – Secretary of the Senate
Missouri State Capitol, Room 325
Jefferson City, Missouri 65101

HCS/HB 1055

Dear Ms. Spieler:

Pursuant to Senate Rule 68 and Article III, Section 30 of the Missouri Constitution, please let this correspondence serve as my objection to the signing of the above-referenced bill. I request that

my objection be attached to the bill and be sent with the bill for the remainder of the process. In addition, I ask that my objection be printed in the journal of today's date.

Among other things, HCS/HB 1055 requires every facility in the state of Missouri that performs more than five first trimester abortions to be licensed as an ambulatory surgical center. To make matters worse, the bill broadens the definition of "abortion facility" to include any facility that induces an abortion. The practical – and intended – effect of this legislation is to make any medical provider that prescribes the medication known as RU486 become licensed as an ambulatory surgical center. To be clear, this means that the state of Missouri has now defined prescribing a pill to a patient to be surgery. It is my understanding that the practical consequences of this legislation will be that all medical providers in this state that provide abortions except one will be required to close.

In *Planned Parenthood of Southeastern Pennsylvania vs. Casey*, the United State Supreme Court held that where a state regulation imposes an undue burden on a woman's ability to make the decision to terminate a pregnancy, the state reaches into the heart of a liberty protected by the Due Process Clause of the United States Constitution. 505 U.S. 833, 874, 112 S.Ct. 2791, 2819 (1992). The Court went on to state,

A statute which, while furthering the interest in potential life or some other valid state interest, has the effect of placing a substantial obstacle in the path of a woman's choice cannot be considered a permissible means of serving its legitimate ends...An undue burden exists, and therefore a provision is invalid, if its purpose or effect is to place a substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability.

Id. 505 U.S. at 877-878, 112 S.Ct. 2820-2821.

The House Committee Substitute for House Bill 1055 does exactly and precisely what the U.S. Supreme Court has forbidden under the Due Process Clause of the United States Constitution. Both its

effect and its purpose has been to force the closure of all but one of the medical providers in the state of Missouri that provide abortions. This is obviously a substantial obstacle to Missouri women who wish to exercise reproductive choice over their own bodies.

In addition, this legislation also violates Article III, Section 23 of the Missouri Constitution. This provision requires that no bill contain more than a single subject which is to be clearly expressed in the title.

Throughout every stage of the bill's passage, its title has continued to be "relating to abortions." In the originally introduced version of the bill, it contained only provisions relating to abortions. However, the House Committee Substitute of the bill added section 170.015 which dealt with sex education in Missouri schools. The addition of section 170.015 caused this legislation to contain more than a single subject and also caused the legislation to contain a subject that was not clearly expressed in the title of the bill.

I regret that the insistence of this General Assembly to continue to suppress the reproductive rights of Missouri women has yet again lead it to pass unconstitutional legislation. This not only hurts Missouri women, but hurts all tax payers of Missouri when precious state resources are exhausted to defend unconstitutional legislation. It is my hope that in the very near future these actions will come to an end.

Sincerely,

Maida J. Coleman
Minority Floor Leader

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS for HB 1055**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for HCS No. 2 for SS for SCS for SB 3; SCS for SB 16; CCS for HCS for SS for SCS for SB 22; CCS for HCS for SB 25; CCS for HCS for SB 30; SCS for SB 46; HCS for SCS for SB 47; HCS for SCS for SB 54; CCS for HCS for SCS for SBs 62 and 41; CCS No. 3 for HCS for SCS for SB 64; SCS for SB 66; CCS for HCS for SB 81; CCS for HCS for SCS for SB 82; CCS for

HCS for SB 84; CCS No. 2 for HCS for SCS for SB 86; SCS for SB 91; HCS for SS for SB 112; HCS for SB 127; SB 162; HCS No. 2 for SCS for SB 163; SB 166; SB 172; SS for SB 195; HCS for SCS for SB 198; SS for SCS for SB 215; SS for SCS for SB 225; CCS for SB 233; HCS for SB 270; HCS for SCS for SB 272; SB 298; CCS for HCS for SCS for SB 299 and SS for SCS for SB 616; SCS for SB 302; CCS No. 2 for HCS for SCS for SB 308; HCS for SS for SCS for SB 320; HCS for SB 322; SB 352; HCS for SCS for SB 384; SCS for SB 397; CCS No. 2 for HCS No. 2 for SB 406; SB 407; CCS for HCS for SB 416; SCS for SB 418; SCS for SB 420; SB 433; SCS for SB 456; HCS for SCS for SB 497; SB 513; CCS for HCS for SS for SCS for SB 577; SS for SCS for SB 591; and HCS for SRB 613, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

On behalf of Senator Lager, Senator Gibbons offered Senate Resolution No. 1449, regarding the One Hundredth Birthday of Sister Irmina Blatt, Clyde, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 1450, regarding Alana Pharis, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 1451, regarding Thomas Cochran, Halltown, which was adopted.

On behalf of Senator Goodman, Senator Gibbons offered Senate Resolution No. 1452, regarding Charolette Kay Phillips, Mt. Vernon, which was adopted.

On behalf of Senator Ridgeway, Senator Gibbons offered Senate Resolution No. 1453, regarding Jake Johnson, Kansas City, which was adopted.

On behalf of Senator Graham, Senator Gibbons offered Senate Resolution No. 1454, regarding Police Chief Michael Garbulski, Moberly, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1455, regarding Amber Lee Hollingsworth, Marble Hill, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1456, regarding Bradley James Proctor, Marquand, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1457, regarding the Sikeston Family Clinic, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1458, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Phipps, Willow Springs, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1459, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Joe Whitten, Alton, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 1460, regarding Vincent Walrath, Oak Grove, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 1461, regarding Colton Ambrose, Buckner, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 1462, regarding Paul W. Felsch, which was adopted.

On behalf of Senator Shoemyer, Senator Gibbons offered Senate Resolution No. 1463, regarding Mary L. Hussmann, Columbia, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1464, regarding Norris Johnson, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1465, regarding Leroy Hayes, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1466, regarding Kali Strother, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1467, regarding Tamika L. Newton, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1468, regarding Tiffany Gilyard, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1469, regarding the Fiftieth Anniversary of Overhead Door Company, Jackson, which was adopted.

On motion of Senator Gibbons, the Senate adjourned pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of the Senate

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