

House Resolution No. 6011

By Committee on Federal and State Affairs

2-23

1 A RESOLUTION expressing support of the Kansas House of
2 Representatives for the state's legal challenge of Obamacare.

3 WHEREAS, The federal Patient Protection and Affordable Care Act
4 (“Obamacare”) was passed by Congress on March 23, 2010 and signed
5 into law by President Obama on March 30, 2010; and

6 WHEREAS, Obamacare contains harmful provisions designed to
7 create a federally-imposed universal healthcare program; and

8 WHEREAS, The most egregious of these provisions is an
9 unconstitutional federal mandate requiring all individuals to purchase
10 approved health insurance; and

11 WHEREAS, The United States House of Representatives of the 112th
12 Congress recently passed the “Repealing the Job-Killing Health Care
13 Law Act” on January 19, 2011. The United States Senate then failed to
14 follow the clear will of the American people by not also passing a full
15 repeal of Obamacare; and

16 WHEREAS, Kansas, under the direction of Attorney General Derek
17 Schmidt, has joined 25 other states in a legal challenge to the
18 constitutionality of Obamacare in the State of Florida, et al. v. United
19 States Department of Health and Human Services, et al., Case No. 3:10-
20 cv-910RV/EMT (N.D. Fla. 2011); and

21 WHEREAS, The framers of our constitution created a system of dual
22 sovereignty under which the powers delegated to the federal government
23 are few and defined. Under the commerce clause, Congress may only
24 regulate economic activity between the states and Obamacare’s individual
25 mandate clearly constitutes an unprecedented attempt to regulate
26 economic inactivity by forcing private citizens to become market
27 participants; and

28 WHEREAS, Federal Judge Roger Vinson declared Obamacare an
29 unconstitutional exercise of Congressional power on January 31, 2011.
30 Judge Vinson held: “The individual mandate is outside Congress’
31 commerce clause power, and it cannot be otherwise authorized by an
32 assertion of power under the necessary and proper clause. It is not
33 constitutional.”; and

34 WHEREAS, In reaching his decision, Judge Vinson reasoned that
35 “...never before has Congress required that everyone buy a product from
36 a private company (essentially for life) just for being alive and residing

1 inside the United States.” He went on to say, “...if Congress can penalize
2 an individual for failing to engage in commerce, the enumeration of
3 powers in the Constitution would have been in vain for it would have
4 been difficult to perceive any limitation on federal power.”; and

5 WHEREAS, The passage of Obamacare has already had a detrimental
6 effect on the state of Kansas and will continue to raise costs, reduce the
7 quality of care and threaten future prosperity; and

8 WHEREAS, Obamacare has caused health insurance premiums to rise
9 an average of 5% to 7% in Kansas, and with the bulk of the law’s
10 provisions still not scheduled to go into effect for three years, further
11 large premium increases are anticipated in the future; and

12 WHEREAS, The law’s provisions make it more difficult for young
13 adults to afford health coverage, and that is the group that insurer’s need
14 to keep overall costs in line; and

15 WHEREAS, The law acts as a disincentive for small business owners
16 to provide insurance coverage for their employees; and

17 WHEREAS, The law converts the medicaid program from a federal-
18 state partnership to provide a safety for the needy into a federally-
19 imposed universal healthcare program that removes state discretion and
20 unfairly mandates massive expenditures by the state.

21 *Be it resolved by the House of Representatives of the State of Kansas:*
22 That Obamacare is an unconstitutional exercise of federal power that
23 violates the fundamental concepts of federalism and limited government;
24 and

25 *Be it further resolved:* That the Kansas House of Representatives
26 wishes to express its steadfast support for the Attorney General’s
27 challenge to Obamacare in federal court.

28 *Be it further resolved:* That the Chief Clerk of the House of
29 Representatives be directed to provide an enrolled copy of this resolution
30 to attorney general, Derek Schmidt.