

As Amended by House Committee

Session of 2011

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~~; **the**
3 **federal Patient Protection and Affordable Care Act.**

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

7 WHEREAS, ~~Obamacare~~ **The Patient Protection and Affordable**
8 **Care Act** contains harmful provisions designed to create a federally-
9 imposed universal healthcare program; and

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

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

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

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

31 WHEREAS, Federal Judge Roger Vinson declared ~~Obamacare~~ **the**
32 **Patient Protection and Affordable Care Act** an unconstitutional exercise
33 of Congressional power on January 31, 2011. Judge Vinson held: “The
34 individual mandate is outside Congress’ commerce clause power, and it
35 cannot be otherwise authorized by an assertion of power under the

1 necessary and proper clause. It is not constitutional.”; and

2 WHEREAS, In reaching his decision, Judge Vinson reasoned that
3 “...never before has Congress required that everyone buy a product from
4 a private company (essentially for life) just for being alive and residing
5 inside the United States.” He went on to say, “...if Congress can penalize
6 an individual for failing to engage in commerce, the enumeration of
7 powers in the Constitution would have been in vain for it would have
8 been difficult to perceive any limitation on federal power.”; and

9 WHEREAS, The passage of ~~Obamacare~~ **the Patient Protection and**
10 **Affordable Care Act** has already had a detrimental effect on the state of
11 Kansas and will continue to raise costs, reduce the quality of care and
12 threaten future prosperity; and

13 WHEREAS, ~~Obamacare~~ **The Patient Protection and Affordable**
14 **Care Act** has caused health insurance premiums to rise an average of 5%
15 to 7% in Kansas, and with the bulk of the law’s provisions still not
16 scheduled to go into effect for three years, further large premium
17 increases are anticipated in the future; and

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

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

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

27 *Be it resolved by the House of Representatives of the State of Kansas:*
28 That ~~Obamacare~~ **the Patient Protection and Affordable Care Act** is an
29 unconstitutional exercise of federal power that violates the fundamental
30 concepts of federalism and limited government; and

31 *Be it further resolved:* That the Kansas House of Representatives
32 wishes to express its steadfast support for the Attorney General’s
33 challenge to ~~Obamacare~~ **the Patient Protection and Affordable Care**
34 **Act** in federal court.

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