

As Amended by House Committee

Session of 2010

House Resolution No. 6036

By Representatives Jack, Landwehr, Siegfried, Kelley, Mast, Hermanson,
A. Brown, Brunk, Carlson, DeGraaf, Gordon, Horst, Kerschen, Kin-
zler, Kleeb, Merrick, O'Brien, O'Neal, Prescott, Rhoades, Seiwert and
Suellentrop

3-29

13 A RESOLUTION requiring the Attorney General of the State of Kansas
14 to **join or** bring an action challenging the constitutionality of the Fed-
15 eral health care reform package.

16

17 WHEREAS, The United States Constitution establishes a limited fed-
18 eral government, as expressed in the Bill of Rights, that protects the
19 freedom of individuals and the rights of states; and

20 WHEREAS, The United States Congress is urged to enact legislation
21 that respects and recognizes the rights of individuals, families, groups and
22 communities to make decisions about their health care insurance and
23 treatment options; and

24 WHEREAS, The "individual mandate" provision included in the
25 health care reform package requires all individuals to purchase health
26 insurance products and services; and

27 WHEREAS, Such individual mandates are contrary to the rights of a
28 free and prosperous people and deny individuals the right to make one
29 of the most basic health care decisions for themselves and their loved
30 ones; and

31 WHEREAS, The United States Supreme Court has recognized each
32 individual's freedom to refuse health care treatment; and

33 WHEREAS, On January 19, 2010, Florida Attorney General Bill
34 McCollum sent to Congressional leaders an analysis in which he outlined
35 the unconstitutionality of the individual health care mandates; and

36 WHEREAS, According to Attorney General McCollum's analysis, the
37 United States Congress does not possess the constitutional authority to
38 compel individuals under threat of government fines or taxes to purchase
39 an unwanted product or service simply as a condition of living in this
40 country; and

41 WHEREAS, With the legislation now passed, Attorney General
42 McCollum has stated that he will be compelled to file suit to challenge
43 the constitutionality of that provision; and

1 WHEREAS, Currently, numerous other states including South Caro-
2 lina, Nebraska, Texas, Utah, Pennsylvania, Washington, North Dakota,
3 South Dakota, Alabama, Michigan, Virginia, Idaho and Colorado have
4 agreed to join in the suit; and
5 ~~WHEREAS, The Patient Protection and Affordable Care Act, H.R.~~
6 ~~3590 is also before Congress, and~~
7 ~~—WHEREAS, The Senate version of H.R. 3590 provides that the federal~~
8 ~~government would bear the cost of newly eligible Nebraska medicaid~~
9 ~~enrollees, but all other states would be required to appropriate funds to~~
10 ~~pay for H.R. 3590's new medicaid mandates, and~~
11 WHEREAS, The ~~fundamental unfairness~~ **passage** of H.R. 3590, **the**
12 **Patient Protection and Affordable Care Act**, may give rise to claims
13 under the due process, equal protection, privileges and immunities
14 clauses and other provisions of the Constitution: Now, therefore,
15 *Be it resolved by the House of Representatives of the State of Kansas:*
16 That in accordance with K.S.A. 75-702, the Attorney General of the State
17 of Kansas is hereby required to **join or** bring an action in the United
18 States District Court challenging the Federal health care package in order
19 to protect the rights and freedoms that have been guaranteed Kansans
20 under the Constitution of the United States of America.