

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1534

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BAHR (Sponsor), KOENIG, LEACH, HOUGHTON, DAVIS, SHUMAKE, CURTMAN, JONES (89), LASATER, WYATT, FRANKLIN, SOMMER, GUERNSEY, LICHTENEGGER, PARKINSON, BRATTIN, SMITH (150), ROWLAND, JONES (117), MCGHEE, FISHER, TILLEY, COX, WIELAND, REDMON, REIBOLDT, DUGGER, SCHATZ, FRANZ, FITZWATER, COOKSON, CAUTHORN, FUNDERBURK, CIERPIOT SCHARNHORST AND FREDERICK (Co-sponsors).

4754L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to the federal health care reform law, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.325, to read as follows:

1.325. 1. The general assembly finds and declares that:

(1) The Missouri general assembly is firmly resolved to support and defend the United States Constitution against every aggression, either foreign or domestic, and the Missouri general assembly is duty-bound to watch over and oppose every infraction of those principles which constitute the basis of the Union of the States, because only a faithful observance of those principles can secure the nation's existence and the public happiness;

(2) Acting through the United States Constitution, the people of the several states created the national government to be their agent in the exercise of a few defined powers, while reserving to the state governments the power to legislate on matters which concern the lives, liberties, and properties of citizens in the ordinary course of affairs;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **(3) The limitation of the national government's power is affirmed under the Tenth**
13 **Amendment to the United States Constitution, which defines the total scope of federal**
14 **power as being that which has been delegated by the people of the several states to the**
15 **federal government, and all power not delegated to the federal government in the**
16 **Constitution of the United States is reserved to the states respectively, or to the people**
17 **themselves;**

18 **(4) Whenever the national government assumes powers that the people did not**
19 **grant it in the Constitution, its acts are unauthoritative, void, and of no force;**

20 **(5) The several states composing the United States of America are not united on the**
21 **principle of unlimited submission to their national government. The government created**
22 **by the compact among the states is not the exclusive or final judge of the extent of the**
23 **powers granted to it by the Constitution, because that would have made the national**
24 **government's discretion - and not the Constitution - the measure of those powers. To the**
25 **contrary, as in all other cases of compacts among powers having no common judge, each**
26 **party has an equal right to judge for itself, as well of infractions as of the mode and**
27 **measure of redress. Although the several states have granted supremacy to laws and**
28 **treaties made pursuant to the powers granted in the Constitution, such supremacy does not**
29 **apply to the Patient Protection and Affordable Care Act, because that act exceeds the**
30 **powers granted to the national government;**

31 **(6) The people of the several states have given Congress the power "to regulate**
32 **commerce with foreign nations, and among the several states, and with the Indian tribes",**
33 **but the federal law known as the Patient Protection and Affordable Care Act exceeds this**
34 **power by forcing individual citizens to engage in commerce by purchasing products they**
35 **may neither want nor need, and also intruding upon the authority each state has reserved**
36 **to determine how the provision of health care should be regulated within its own borders;**

37 **(7) In attempting to justify the federal Patient Protection and Affordable Care Act,**
38 **the national government has construed those parts of the United States Constitution which**
39 **delegate to Congress the power "to lay and collect taxes, duties, imports, and excises, to pay**
40 **the debts, and provide for the common defense and general welfare of the United States"**
41 **and "to make all laws which shall be necessary and proper for carrying into execution the**
42 **powers vested by the Constitution in the government of the United States, or in any**
43 **department or officer thereof" in such a way as to destroy all limits the Constitution has**
44 **imposed upon its powers. These constitutional provisions merely identify the means by**
45 **which the national government may execute its limited powers and ought not to be so**
46 **construed as themselves to give unlimited powers because to do so would be to destroy the**
47 **balance of power between the national government and the state governments.**

48 **2. The general assembly declares that the federal law known as the Patient**
49 **Protection and Affordable Care Act, signed by President Barack Obama on March 23,**
50 **2010, exceeds the power granted to Congress under the United States Constitution and**
51 **therefore is not law, but is altogether void and of no force.**

52 **3. It shall be the duty of the general assembly to adopt and enact any and all**
53 **measures as may be necessary to prevent the enforcement of the Patient Protection and**
54 **Affordable Care Act within the limits of this state.**

55 **4. No public officer or employee of this state shall have any authority to enforce or**
56 **attempt to enforce any aspect of the federal Patient Protection and Affordable Care Act.**

57 **5. Any official, agent, or employee of the United States government who undertakes**
58 **any act within the borders of this state that enforces or attempts to enforce any aspect of**
59 **the federal Patient Protection and Affordable Care Act is guilty of a class A misdemeanor.**

60 **6. Any person who has been subject to any act attempting to enforce the federal**
61 **Patient Protection and Affordable Care Act within this state's borders shall have a private**
62 **cause of action for declaratory judgment and for damages against any person violating the**
63 **provisions of subsection 4 or 5 of this section.**

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