

FIRST REGULAR SESSION

HOUSE BILL NO. 995

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FREDERICK.

2201L.02I

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
2 known as section 1.325, to read as follows:

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

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

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

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;**

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.

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 (8) The decision of the United States Supreme Court in *National Federation of*
49 *Independent Business, et. al. v. Sebelius, Secretary of Health and Human Services, et. al.*, 132
50 S.Ct. 2566 (2012), upheld the constitutional validity of the Patient Protection and
51 Affordable Care Act based on the taxing authority of the United States Congress. Such an
52 expansive construction of the taxing authority of the national government renders virtually
53 all limitations on the powers of the national government meaningless, thereby granting to

54 **itself unlimited powers to execute its limited constitutional powers. In defense of the**
55 **limitations placed on the national government's power under the Tenth Amendment to the**
56 **United States Constitution, the Missouri general assembly is duty-bound to defend the**
57 **constitutional rights of the state of Missouri and all state governments against this**
58 **indefensible overreach in authority of the national government which utterly destroys the**
59 **balance of power between the national government and the state governments.**

60 **2. In response to the unconstitutional decision of the United States Supreme Court**
61 **in *National Federation of Independent Business, et. al. v. Sebelius, Secretary of Health and***
62 ***Human Services, et. al.*, 132 S.Ct. 2566 (2012), the Missouri general assembly asserts its**
63 **independent constitutional right and duty to support and defend the United States**
64 **Constitution against every aggression by declaring that the federal law known as the**
65 **Patient Protection and Affordable Care Act, signed by President Barack Obama on March**
66 **23, 2010, exceeds the power granted to Congress under the United States Constitution,**
67 **including but not limited to the taxing authority of Congress, and therefore is not law, but**
68 **is altogether void and of no force.**

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

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

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

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

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