

**2011 -- H 5797**

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LC01153

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2011**

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**H O U S E R E S O L U T I O N**

**RESPECTFULLY URGING GOVERNOR LINCOLN CHAFEE TO REFRAIN FROM  
IMPLEMENTING ALL ASPECTS OF "THE PATIENT PROTECTION AND AFFORDABLE  
CARE ACT" WITH THE EXCEPTION OF PROVISIONS ON HEALTH CARE EXCHANGES**

Introduced By: Representatives Gordon, Watson, Newberry, Brien, and Costa

Date Introduced: March 03, 2011

Referred To: House Health, Education & Welfare

1        WHEREAS, The Patient Protection and Affordable Care Act (PPACA) is a federal  
2        statute signed into law by President Barack Obama on March 23, 2010. The statute mandates  
3        health care reform measures in the United States; and

4        WHEREAS, Since being enacted, the PPACA has raised a national debate on federal  
5        power versus states' rights, resulting in multiple court challenges to the act's provision that  
6        requires people to buy health insurance and the imposition of a penalty for non-compliance; and

7        WHEREAS, Judge George Caram Steeh of the Eastern District of Michigan issued the  
8        first substantive ruling on the constitutionality of the Affordable Care Act (ACA). Judge Steeh  
9        ruled that Congress did have the authority, under the Commerce Clause of the Constitution, to  
10      mandate the purchase of health insurance, a requirement of the ACA considered essential to its  
11      workability; and

12       WHEREAS, In the 1930s, upon implementation of the New Deal under President  
13      Roosevelt, the courts vastly broadened the federal government's power to regulate interstate  
14      commerce. In 1942, the court upheld this position in *Wickard v. Filburn*, the most relevant  
15      precedent for Judge Steeh's current ruling; and

16       WHEREAS, The ACA was also upheld as constitutional by a lower district court in  
17      Virginia; however, federal district court Judge Henry E. Hudson in Virginia later issued a  
18      decision stating that the Affordable Care Act's (ACA) requirement to buy health insurance is  
19      unconstitutional, ruling that Congress does not have the power to require people to buy health

1 insurance; and

2 WHEREAS, Judge Hudson's decision affirms that there are constitutional limits to  
3 congressional power and that the federal government may not intrude into some areas of a  
4 person's private decision-making; and

5 WHEREAS, A fourth ruling on the ACA was issued in the United States District Court  
6 for the Northern District of Florida. Judge Roger Vinson found the ACA to be unconstitutional  
7 due to its individual insurance mandate. He further cited standing Court precedent which holds  
8 that "when the party to be enjoined is the federal government there is a long-standing  
9 presumption that officials of the Executive Branch will adhere to the law as declared by the court.  
10 As a result, the declaratory judgment is the functional equivalent of an injunction." and

11 WHEREAS, Judge Vinson's decision essentially states that because the court ruled the  
12 ACA unconstitutional, and the courts are the final voice on an issue, that states are under no  
13 authority to implement the ACA statute; and

14 WHEREAS, In the aforementioned Florida court case, twenty-six Attorneys General or  
15 Governors of the States of Alabama, Alaska, Arizona, Colorado, Florida, Georgia, Idaho, Indiana,  
16 Iowa, Kansas, Louisiana, Maine, Michigan, Mississippi, Nebraska, Nevada, North Dakota, Ohio,  
17 Pennsylvania, South Carolina, South Dakota, Texas, Utah, Washington, Wisconsin, and  
18 Wyoming joined in the filing of this lawsuit; and

19 WHEREAS, These court challenges do not question or invalidate all aspects of the  
20 PPACA. For instance, in addition to the requirement for people to purchase health insurance, the  
21 PPACA calls on states to establish health care exchanges, where people not covered through their  
22 employers could shop for health insurance at competitive rates. This provision should be  
23 implemented regardless of the court's final decision on the constitutionality of the ACA, as it  
24 stands on its own merits as being beneficial to states and individuals; and

25 WHEREAS, Currently, with two court decisions upholding the constitutionality of the  
26 ACA and two ruling it to be unconstitutional, and with state Governors and Attorneys General  
27 from across the country looking for a definitive answer, there is no doubt that the constitutionality  
28 of the Patient Protection and Affordable Care Act will ultimately be decided by the United States  
29 Supreme Court. Another consideration is that the United States Government has pegged the total  
30 expense to implement the Patient Protection and Affordable Care Act at \$940 billion, a serious  
31 financial burden for debt-encumbered states; and

32 WHEREAS, The State of Rhode Island is already facing a significant projected shortfall  
33 in the 2012 budget, and resultantly, the fiscal circumstances of the state dictate that any spending  
34 which may prove to be unnecessary in the future should be avoided; now, therefore be it

1           RESOLVED, That this House of Representatives of the State of Rhode Island and  
2 Providence Plantations hereby urges Governor Lincoln Chafee to refrain from implementing all  
3 aspects of the Patient Protection and Affordable Care Act with the exception of provisions on  
4 health care exchanges until such time as the United States Supreme Court has rendered its  
5 opinion on the constitutionality of the provisions mandated by this statute; and be it further

6           RESOLVED, That the Secretary of State be and he hereby is authorized and directed to  
7 transmit a duly certified copy of this resolution to Governor Lincoln Chafee.

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