

1 HJR743
2 130580-1
3 By Representative Wren
4 RFD: Rules
5 First Read: 25-MAY-11

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8 DECLARING THE STATE'S SOVEREIGNTY UNDER THE UNITED
9 STATES CONSTITUTION AND URGING THE UNITED STATES CONGRESS TO
10 FULLY PAY FOR MANDATORY FEDERAL ENTITLEMENT EXPANSIONS TO THE
11 MEDICAID PROGRAM.

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13 WHEREAS, the 10th Amendment to the Constitution of
14 the United States reads as follows: "The powers not delegated
15 to the United States by the Constitution, nor prohibited by it
16 to the States, are reserved to the States respectively, or to
17 the people"; and

18 WHEREAS, the 10th Amendment defines the total scope
19 of federal power as being that specifically granted by the
20 United States Constitution and no more; and

21 WHEREAS, the scope and power defined by the 10th
22 Amendment means that the federal government was created by the
23 states specifically to be the agent of the states; and

24 WHEREAS, for many years, the states have been
25 demonstrably treated as agents of the federal government; and

1 WHEREAS, many federal mandates are directly in
2 violation of the 10th Amendment to the Constitution of the
3 United States; and

4 WHEREAS, the United States Supreme Court has ruled
5 in *New York v. United States*, 505 U.S. 144 (1992), that
6 Congress may not simply commandeer the legislative and
7 regulatory processes of the states; and

8 WHEREAS, Congress has never required citizens to
9 purchase a good or service simply as a consequence of residing
10 in the United States; and

11 WHEREAS, Congress has created many entitlement
12 programs that rely on voluntary participation and funding from
13 the states, including Medicaid and the Children's Health
14 Insurance Program; and

15 WHEREAS, state decisions to participate in the
16 Medicaid program were made in the context of program
17 requirements for coverage of specific populations and options
18 for state flexibility; and

19 WHEREAS, with the passage of the Patient Protection
20 and Affordable Care Act and the Health Care and Education
21 Reconciliation Act of 2010 ("the Acts"), Congressional action
22 has considerably changed the requirements of the Medicaid
23 program, including enacting substantial new state spending
24 obligations and curtailing state decision-making; and

25 WHEREAS, these changes have effectively terminated
26 the Medicaid partnership between the federal government and

1 the states, rendering states in essence a taxing and
2 administrative arm of the federal government; and

3 WHEREAS, these recent federal decisions do not take
4 into account the severe decline in revenue experienced by
5 Alabama and many other states in recent years; and

6 WHEREAS, Medicaid takes up an increasing share of
7 the state's budget, and limits on Alabama's ability to manage
8 its Medicaid program will result in reductions in other
9 essential government services such as education and public
10 safety; and

11 WHEREAS, a decision to not participate in the
12 underlying Medicaid program would have an acute and lasting
13 economic impact on Alabama's health care system; and

14 WHEREAS, the Acts subject other state-administered
15 health care programs for employees and retirees to new
16 restrictions and coverage mandates; and

17 WHEREAS, states will be responsible for establishing
18 and operating exchanges; and

19 WHEREAS, in 2010, it was estimated that 900,000 to a
20 million people were enrolled in Medicaid in Alabama, and that
21 the Acts would expand the qualifications and would add an
22 additional 400,000 people to the Medicaid rolls; and

23 WHEREAS, it is estimated that 30.27 percent of the
24 current uninsured population in this state will now be
25 eligible for Medicaid under the Acts; and

26 WHEREAS, a Joint Congressional Report prepared by
27 the Senate Finance Committee and the House Energy & Commerce

1 Committee estimated that the Acts would cost Alabama taxpayers
2 at least \$865.4 million through fiscal year 2023; now
3 therefore,

4 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
5 HOUSES THEREOF CONCURRING, That we declare the sovereignty of
6 this state under the United States Constitution and urge the
7 United States Congress to introduce and enact legislation that
8 fully pays for all costs associated with the Acts, including
9 the mandatory entitlement expansions and the immediate costs
10 associated with maintaining coverage for Alabama's previously
11 federally optional Medicaid populations.

12 RESOLVED FURTHER, That a copy of this resolution be
13 provided to the President of the United States Senate, the
14 Speaker of the United States House of Representatives, and the
15 Alabama Congressional Delegation.