

SENATE FILE NO. SF0049

National health care bill review.

Sponsored by: Senator(s) Jennings

A BILL

for

1 AN ACT relating to protection of constitutional rights;
2 directing the attorney general to investigate the
3 constitutional effects of federal health care or health
4 insurance reform legislation; requiring a report; providing
5 for the attorney general to seek legal remedies as
6 specified; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.**

11

12 (a) The attorney general shall conduct an
13 investigation to determine whether any health care reform
14 or insurance reform legislation passed by the 111th
15 Congress of the United States violates either the United
16 States or Wyoming constitution. The investigation shall
17 include a determination of whether the Congress has

1 constitutional authority for the enacted legislation under
2 article 1, section 8, whether the legislation violates the
3 limits on congressional power under article 1, section 9
4 and whether that legislation violates rights retained by
5 the people or the state under the 9th amendment or the 10th
6 amendment to the United States constitution.

7

8 (b) The attorney general shall investigate potential
9 litigation against the federal government of the United
10 States for the reasons provided in this section, including
11 the possible initiation of litigation, the filing of an
12 amicus curiae brief or intervention as provided by state or
13 federal law in any existing lawsuit concerning essentially
14 the same issues. When considering whether to initiate or
15 intervene in litigation, the attorney general shall give
16 precedence to lawsuits with venue in Wyoming before acting
17 in lawsuits filed elsewhere in the United States.

18

19 (c) Within sixty (60) days of the enactment of any
20 health care reform or insurance reform legislation by the
21 United States 111th Congress, the attorney general shall
22 report the results of his investigation to the joint labor,
23 health and social services interim committee and the joint

1 appropriations interim committee. The report shall
2 include:

3

4 (i) The attorney general's recommendation
5 regarding initiation of or joinder in any litigation, and
6 the relief sought in that litigation;

7

8 (ii) The estimated potential cost of any
9 recommended litigation, whether the state would be
10 represented by the attorney general or a private attorney
11 representing the state under contract and whether an
12 additional appropriation would be necessary for the costs
13 of the recommended litigation;

14

15 (iii) Whether the state of Wyoming may be
16 entitled to damages or other relief as provided by state or
17 federal laws or rules or regulations as a result of the
18 health care reform or insurance reform legislation passed
19 by the 111th Congress or any other act.

20

21 (d) All costs of the investigation and report shall
22 be paid from the attorney general's law office budget.
23 However, nothing in this section shall be construed to
24 prohibit the state, through the attorney general or a

1 private attorney representing the state under contract,
2 from seeking reasonable costs and attorney's fees from any
3 responding party in litigation.

4

5 (e) If the attorney general deems it necessary to
6 preserve the rights of the state or its people, the
7 attorney general may, before filing the report required by
8 subsection (c) of this section, seek to intervene or file
9 an amicus curiae brief in any appropriate lawsuit filed in
10 state or federal court in the United States. Before
11 intervening in any lawsuit, the attorney general shall
12 obtain the approval of the governor.

13

14 **Section 2.** This act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18

19

(END)