

SENATE BILL NO. 161

INTRODUCED BY V. JACKSON

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A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING THAT THE PATIENT PROTECTION AND AFFORDABLE CARE ACT OF 2010 AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010 ARE INVALID, NULL, VOID, AND UNENFORCEABLE IN MONTANA; PROVIDING PENALTIES FOR ENFORCEMENT OR ATTEMPTED ENFORCEMENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 3] may be cited as "The Montana State Health Care Freedom Act of 2011".

NEW SECTION. **Section 2. Findings.** The legislature finds that:

(1) the people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes as set forth in the United States constitution and nothing more;

(2) the 10th amendment to the United States constitution defines the total scope of federal powers as being those that have been delegated by the people of the several states to the federal government, and all powers not delegated to the federal government in the United States constitution are reserved to the states, respectively, or to the people themselves;

(3) the ninth amendment to the United States constitution states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

(4) the assumption of power that the federal government made by enacting Public Law 111-148, known as the Patient Protection and Affordable Care Act of 2010, and Public Law 111-152, known as the Health Care and Education Reconciliation Act of 2010, is nowhere expressly granted by the United States constitution and interferes with the right of the people of the state of Montana to regulate health care as they see fit.

NEW SECTION. **Section 3. Certain federal laws declared unconstitutional -- null and void in Montana.** (1) The legislature declares that the following laws are not authorized by the United States constitution



- 1 and violate the true meaning and intent given to the United States constitution by the founders and ratifiers:
- 2 (a) Public Law 111-148, known as the Patient Protection and Affordable Care Act of 2010; and
- 3 (b) Public Law 111-152, known as the Health Care and Education Reconciliation Act of 2010.
- 4 (2) The legislature declares the federal laws listed in subsection (1):
- 5 (a) are invalid in this state;
- 6 (b) may not be recognized by the state of Montana;
- 7 (c) are specifically rejected by the state of Montana; and
- 8 (d) are considered null and void, having no effect in this state.
- 9 (3) The legislature shall adopt and enact any measures needed to prevent the enforcement of the federal
- 10 laws listed in subsection (1) within the state of Montana, consistent with the legislative declaration contained in
- 11 2-1-402.
- 12 (4) An official, agent, or employee of the United States government or an employee of an entity providing
- 13 services to the United States government may not attempt to enforce an act, order, law, executive order, court
- 14 decision, or regulation of the United States government in violation of [sections 1 through 3].
- 15 (5) A public officer or employee of the state of Montana may not enforce or attempt to enforce an act,
- 16 order, law, executive order, court decision, or regulation of the United States government in violation of [sections
- 17 1 through 3].
- 18 (6) A violation of subsection (4) or (5) is a felony and is punishable by a fine of up to \$5,000, incarceration
- 19 in a county jail for up to 1 year, or both.
- 20 (7) An aggrieved party may bring a private action against a person who violates the provisions of
- 21 subsection (4) or (5).

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23 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified

24 as an integral part of Title 50, chapter 4, part 1, and the provisions of Title 50, chapter 4, part 1, apply to [sections

25 1 through 3].

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27 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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