



HR1075

LRB096 21760 RPM 39556 r

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HOUSE RESOLUTION

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WHEREAS, On March 23, 2010, President Obama signed the Patient Protection Affordable Care Act, H.R. 3590 (the Act) into law; and

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WHEREAS, The Act mandates among other things that all citizens and legal residents of the United States have qualifying healthcare coverage or pay a tax penalty; and

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WHEREAS, On March 23, 2010, Attorneys General from the following states filed suit in the United States District Court of the Northern District of Florida: Florida, South Carolina, Nebraska, Texas, Utah, Louisiana, Alabama, Michigan, Colorado, Pennsylvania, Washington, Idaho, and South Dakota (the States) against the United States Department of Health and Human Services, the United States Department of the Treasury, and the United States Department of Labor; and

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WHEREAS, The suit filed by the States alleges, among other things, that:

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(1) the U.S. Constitution nowhere authorizes the United States to mandate, either directly or under threat of penalty, that all citizens and legal residents have qualifying healthcare coverage;

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(2) the Act exceeds the powers of the United States

1 under Article I of the Constitution and violates the Tenth
2 Amendment to the Constitution;

3 (3) the tax penalty required under the Act which must
4 be paid by uninsured citizens and residents, constitutes an
5 unlawful capitation or direct tax, in violation of Article
6 I, Sections 2 and 9 of the Constitution of the United
7 States;

8 (4) the Act violates the Tenth Amendment to the
9 Constitution; and

10 (5) the Act violates the sovereign rights of states and
11 their citizens' and residents' rights; therefore, be it

12 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
13 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
14 the Illinois House of Representatives urges the Attorney
15 General to take steps necessary to file a suit challenging the
16 constitutionality of the Act in order to protect the sovereign
17 rights of the State of Illinois, as well as the State and
18 federal constitutionally guaranteed rights of its residents
19 and citizens; and be it further

20 RESOLVED, That that a copy of this resolution be delivered
21 to the Attorney General.