

Idaho to sue US Federal Govt over Health Care

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Idaho took the lead in a growing, nationwide fight against health care overhaul Wednesday when its governor became the first to sign a measure requiring the state attorney general to sue the federal government if residents are forced to buy health insurance.

Similar legislation is pending in 37 other states.

Constitutional law experts say the movement is mostly symbolic because federal laws supersede those of the states.

But the state measures reflect a growing frustration with President Barack Obama's health care overhaul. The proposal would cover some 30 million uninsured people, end insurance practices such as denying coverage to those with pre-existing conditions, require almost all Americans to get coverage by law, and try to slow the cost of medical care nationwide.

Democratic leaders hope to vote on it this weekend.

With Washington closing in on a deal in the months-long battle over health care overhaul, Republican state lawmakers opposed to the measure are stepping up opposition.

Otter, a Republican, said he believes any future lawsuit from Idaho has a legitimate shot of winning, despite what the naysayers say.

"The ivory tower folks will tell you, 'No, they're not going anywhere,' " he told reporters. "But I'll tell you what, you get 36 states, that's a critical mass. That's a constitutional mass."

Last week, Virginia legislators passed a measure similar to Idaho's new law, but Otter was the first state chief executive to sign such a bill, according to the American Legislative Exchange Council, which created model legislation for Idaho and other states. The Washington, D.C.-based nonprofit group promotes limited government.

"Congress is planning to force an unconstitutional mandate on the states," said Herrera, the group's health task force director.

Otter already warned U.S. House Speaker Nancy Pelosi and Senate Majority Leader Harry Reid in December that Idaho was considering litigation. He signed the bill during his first public ceremony of the 2010 Legislature.

"What the Idaho Health Freedom Act says is that the citizens of our state won't be subject to another federal mandate or turn over another part of their life to government control," Otter said.

Minority Democrats in Idaho who opposed the bill called the lawsuits frivolous.

Senate Minority Leader Kate Kelly, D-Boise, also complained about the bill's possible price tag. Those who drafted the new law say enforcement may require an additional Idaho deputy attorney general with an annual salary of \$100,000 a year.

Kelly said that was irresponsible when Idaho is grappling with a \$200 million budget hole.

"For Democrats in the Legislature, our priority is jobs," she said. "We'd rather Gov. Otter was holding a signing ceremony for (a jobs package) meant to put Idaho residents back to work."