



Republicans sign on to legal brief in challenge to Obama's federal health care reforms

ROGER ALFORD

February 12, 2012

FRANKFORT, Ky. — Nearly all of Kentucky's state-level Republican lawmakers have signed a legal brief in support of a lawsuit challenging President [Barack Obama](#)'s health care overhaul.

"We're tired of sitting out on the sidelines when something of this importance is being deliberated," said Rep. Tim Moore, R-Elizabethtown. "We're now making it clear where we stand, that we want that law undone because it's unconstitutional."

More than 300 lawmakers from 17 states, including nearly 60 from Kentucky, have signed a friend-of-the-court brief that an attorney for the libertarian Cato Institute will file Monday with the U.S. Supreme Court.

Justices announced late last year that they will hear arguments from lawyers in late March on the constitutionality of four provisions, including one that requires people to buy health insurance starting in 2014 or pay a penalty. That's the provision the state lawmakers are weighing in on.

The lawmakers contend that Congress violated the Constitution's commerce clause by compelling people to purchase insurance. Congress, they say, has no right to force people to engage in commerce.

The 2010 health care reform law aims to extend insurance coverage to more than 30 million Americans through measures that include expanding Medicaid and requiring individuals to buy health insurance.

Sen. Kathy Stein, D-Lexington, said the Republican lawmakers could be striking a blow at a health care law that benefits many in Kentucky, including families who now can keep their children on their workplace insurance plans until they reach 26 years old.

"It kind of makes me crazy when Kentucky legislators in particular rail against the federal government and what it does," Stein said. "Don't they recognize that we're not a donor state to the federal government? We receive. We get lots of money back, more than the taxes we send in. And until folks realize that, I don't believe we can have an intelligent debate about it."

Republicans at the national and state levels have long criticized the health care overhaul, officially known as the Patient Protection and Affordable Care Act, as being unconstitutional.

Last year in Kentucky, GOP candidates for governor, attorney general and other state-level offices made the health care reforms the centerpiece in their campaigns. They repeatedly called for Democratic Gov. [Steve Beshear](#) and Attorney General [Jack Conway](#) to join in the legal fight against the health care reforms. Both refused, saying there's no need to waste the state's financial resources on a legal battle that's already being fought.

State Rep. Ben Waide, R-Madisonville, said he's convinced that the reforms put the nation's health care system at risk.

"This is why I ran for office," said Waide.

As of Friday, 23 state senators from Kentucky, all Republicans except for independent Bob Leeper of Paducah, had signed onto the brief, as had 35 state representatives.

"It's all about the Constitution, which was written to describe the responsibilities of government and to limit them," said state Rep. David Floyd, R-Bardstown, another of the signatories. "It's really critical that this is defeated at the Supreme Court and now, because without that, there is no limit to what the Congress can do."