

House Resolution 1824

By: Representatives Scott of the 153rd and Ralston of the 7th

A RESOLUTION

- 1 Directing the Attorney General of the State of Georgia to file a lawsuit challenging the
- 2 constitutional merit of Public Law 111-148 passed by the United States Congress on March
- 3 21, 2010, and signed by the President on March 23, 2010; and for other purposes.
- 4 WHEREAS, the Tenth Amendment of the U.S. Constitution states that "[t]he powers not
- 5 delegated to the United States by the Constitution, nor prohibited by it to the States, are
- 6 reserved to the States respectively, or to the people"; and
- 7 WHEREAS, the Constitution does not empower the federal government to mandate
- 8 participation from the several states in a federal health care program; and
- 9 WHEREAS, Public Law 111-148 does not provide each state the opportunity to choose not
- 10 to participate in such program; and
- 11 WHEREAS, because Public Law 111-148 in effect mandates the states to participate in a
- 12 federal health care program without direct constitutional authority to make such mandate, it
- 13 is very arguable that it violates the Tenth Amendment of the United States Constitution and
- 14 is unconstitutional; and
- 15 WHEREAS, Article V of Section III of Paragraph IV of the Georgia Constitution states that
- 16 the Attorney General of Georgia shall "perform such duties as shall be required by law."
- 17 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL
- 18 ASSEMBLY OF GEORGIA that Attorney General of Georgia is directed to file a lawsuit
- 19 on behalf of the State of Georgia challenging the constitutionality of Public Law 111-148
- 20 passed by the United States Congress and signed by the President.

21 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
22 and directed to transmit an appropriate copy of this resolution to the Attorney General of the
23 State of Georgia.