

**SR-95, As Adopted by Senate, November 10, 2011**

**Substitute for Senate Resolution No. 95.**

A resolution to express support for the continued efforts of the Michigan Attorney General to oppose the implementation of the Patient Protection and Affordable Care Act and its amendments and to memorialize Congress to repeal it.

Whereas, The Tenth Amendment to the Constitution of the United States provides: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas, The Ninth Amendment to the Constitution of the United States provides: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people"; and

Whereas, In March 2010, the President of the United States signed into law the Patient Protection and Affordable Care Act, P.L. 111-148, and the amendment Health Care and Education Reconciliation Act of 2010, P.L. No. 111-152 (collectively called "the act"); and

Whereas, The Attorney General of the state of Michigan has joined in a lawsuit with 25 states and others which was filed in the U.S. District Court in the Northern District of Florida against the U.S. Department of Health and Human Services, U.S. Department of Treasury, and U.S. Department of Labor challenging the constitutionality of the act and its mandates; and

Whereas, The act violates the U.S. Constitution, including the Ninth and Tenth Amendments and the constitutional principles of federalism and dual sovereignty on which this nation was founded; and

Whereas, The act imposes unfunded mandates on the states and onerous requirements on the individuals and employers of this country; and

Whereas, The cost of the act, if allowed to be fully implemented, will outweigh the benefits and will further depress and impede the growth of this nation's economy; and

Whereas, Passage of Senate Bill No. 693 of 2011 should not be construed as support for the act. Rather, it merely preserves the rights of the state to govern its own affairs; now, therefore, be it

Resolved by the Senate, That we express support for the continued efforts of the Michigan Attorney General to oppose the implementation of the act and to memorialize Congress to repeal it; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Michigan Attorney General, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation