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Idaho House approves bill to defy health reform

BOISE – Idaho’s state House passed legislation Wednesday attempting to nullify federal health care reform, ordering state employees not to do anything to carry it out – despite two state attorney general’s opinions warning the move was unconstitutional.

The bill, HB 117, passed on a 49-20 vote and now moves to the Senate, where its fate is uncertain. The opposition was bipartisan, and nearly 90 minutes of debate preceded the vote.

Freshman Rep. Vito Barbieri, R-Dalton Gardens, the lead sponsor of the bill, urged support, saying, “This is Idaho’s moment.”

Barbieri declared, “If Idaho is to stand for its sovereign rights, it must do so by every peaceful means. ... The federal government must be restrained.”

Rep. Eric Anderson, R-Priest Lake, disagreed with Barbieri’s assertion that a vote against the bill was a vote in favor of health care reform. Anderson said he opposes the reform bill, and supports Idaho’s court challenge against it – which recently got a favorable ruling from a federal judge in Florida.

“Let’s abide by the Constitution,” Anderson urged the House. “I believe ... that Congress has exceeded its constitutional authority in passing the health care law, and I now believe that this body will be exceeding its constitutional authority if they pass HB 117. ... Two wrongs don’t make a right.”

Anderson said he’s received recall threats for opposing the measure. “I’ve been called many things for this,” he said. “I will not cower from this. What I will do is tell you what I believe and vote for what I believe.”

Rep. Phil Hart, R-Athol, told the House, “I think this is a very appropriate step for us to take.”

Lawmakers have received two Idaho attorney general’s opinions on nullification; the first said any attempt by state lawmakers to nullify a federal law through legislation would violate both the U.S. and Idaho constitutions and lawmakers’ oath of office. The bill was revised after that to remove the word “null,” but it still says the Idaho Legislature considers the federal law to be “void and of no effect.”

The second opinion said the new version likely still is unconstitutional; plus, it said HB 117, if passed, could have the effect of opting Idaho out of the federal Medicaid program – including receiving more than \$1 billion in federal funds that now provide health care to the state’s poorest and disabled residents.