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## Idaho panel kills nullification bill

*Testimony to senators favored measure to void federal health care law in state*

BOISE – An Idaho Senate committee killed legislation Friday that sought to nullify the federal health care reform bill, angering a crowd of close to 200. “Coward!” Lori Shewmaker, of Boise, shouted at senators as they left the hearing. A young man told Senate President Pro Tem Brent Hill, R-Rexburg, “You know we’re left with no alternative but to defend ourselves.”

The Idaho House had passed the measure, sponsored by North Idaho Rep. Vito Barbieri, R-Dalton Gardens, on a 49-20 vote. Only two members of the nine-member Senate committee voted to send the bill to the full Senate with a recommendation that it pass.

Two opinions from the Idaho attorney general said the bill, HB 117, violates not only the U.S. and Idaho constitutions but lawmakers’ oath of office. The legal opinions also said the measure could have the effect of “opting” Idaho out of more than \$1 billion in federal Medicaid funds that pay for health care for the disabled and poor. All but two of those who testified Thursday supported the bill, many of them vehemently.

Leah Southwell, of Coeur d’Alene, told the Senate State Affairs Committee: “We have strayed so incredibly far from the original intent of our Founding Fathers. . . . If the Supreme Court is the final arbiter then no longer are we a republic. We are an oligarchy ruled by a few.”

Jack Stuart, of Meridian, told the senators, “I will not accept or obey the health care law. I will go to jail. . . . Give me liberty or give me death!” Thomas Rogers, of Nampa, told the panel, “This is going to create a monster. It’s going to be worse than Dracula.” He urged the senators to “drive a stake through its heart,” and said, “If the government will just get out of the way, we can do a better job.”

Among the two opponents to testify was Donna Yule, executive director of the Idaho Public Employees Association, who called the bill “a terrible idea.” Barbieri told the senators the measure “is not a nullification bill.” Rather, he said, it merely directs state agencies to cease work on anything related to the health care reform law. “We ask them to stop implementing this onerous bill. If we can’t take a stand on this issue . . . there is nothing to stop the federal government doing as it pleases when it pleases.”

Freshman Idaho Sen. Steve Vick, R-Dalton Gardens, also testified in favor of the bill. Senate Majority Leader Bart Davis spoke strongly of his opposition to the federal health care reform law, saying he thinks it’s unconstitutional. But he said the U.S. Constitution doesn’t permit states to nullify federal laws. “I agree that we should do all we can to push the federal government to return to its enumerated powers,” he said. “But for me, I need to do it within the system. . . . My heart, but not my mind, is with the supporters of this legislation.” Hill, the Senate president pro tem, told the crowd, “We’re angry and we’re frustrated, and I have a sacred Constitution that I believe provides for remedies for that. “I find no constitutional justification for the things that we are talking about here today. I commend you for your goals, for the passion with which you pursue those. I cannot pursue them in the manner that some of you are prescribing.”