

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 515

Introduced by Christensen, 44.

Read first time January 18, 2011

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to legislation; to adopt the Federal Health Care
- 2 Nullification Act; to provide penalties; and to declare
- 3 an emergency.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as
2 the Federal Health Care Nullification Act.

3 Sec. 2. The Legislature finds and declares:

4 (1) The people of the states comprising the United States
5 of America created the federal government to be their agent for
6 certain enumerated purposes and nothing more;

7 (2) The Tenth Amendment to the United States Constitution
8 defines the total scope of federal power as being that which has been
9 delegated by the people of the several states to the federal
10 government, and all power not delegated to the federal government in
11 the United States Constitution is reserved to the states respectively
12 or to the people themselves; and

13 (3) The assumption of power that the federal government
14 has undertaken by enacting the federal Patient Protection and
15 Affordable Care Act interferes with the right of the people of
16 Nebraska to regulate health care as they see fit and makes a mockery
17 of James Madison's assurance in Federalist #45 that the powers
18 delegated to the United States government are few and defined while
19 those of the states are numerous and indefinite.

20 Sec. 3. (1) The Legislature declares that the federal
21 Patient Protection and Affordable Care Act is not authorized by the
22 Constitution of the United States and violates its true meaning and
23 intent as given by the founders and ratifiers and is hereby declared
24 to be invalid in this state, shall not be recognized by this state,
25 is specifically rejected by this state, and shall be considered null

1 and void and of no effect in this state.

2 (2) The Legislature shall enact any and all legislation
3 necessary to prevent the enforcement of the federal Patient
4 Protection and Affordable Care Act within the limits of this state.

5 (3) Any official, agent, or employee of the United States
6 or any employee of a corporation providing services to the United
7 States that enforces or attempts to enforce a federal act, order,
8 law, statute, rule, or regulation of the United States government in
9 violation of the Federal Health Care Nullification Act is guilty of a
10 Class IV felony.

11 (4) Any state officer or state employee that enforces or
12 attempts to enforce a federal act, order, law, statute, rule, or
13 regulation of the United States in violation of the Federal Health
14 Care Nullification Act shall be guilty of a Class I misdemeanor.

15 (5) Any aggrieved party shall also have a private action
16 against any person convicted under subsection (3) or (4) of this
17 section.

18 Sec. 4. Since an emergency exists, this act takes effect
19 when passed and approved according to law.