



OFFICE OF THE LIEUTENANT GOVERNOR

STATE OF MISSOURI
JEFFERSON CITY
65101
www.ltgov.mo.gov

PETER D. KINDER
LIEUTENANT GOVERNOR

STATE CAPITOL
ROOM 224
(573) 751-4727

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VIA HAND DELIVERY

The Honorable Chris Koster
Missouri Attorney General
Supreme Court Building
207 W. High St.
Jefferson City, Missouri 65102

Dear Attorney General Koster:

This letter is a formal request, pursuant to RSMo § 27.040, from the undersigned, in our official capacities as constitutional officers of the State of Missouri, for a legal opinion. Specifically, we request from you an opinion on the legal status of the State of Missouri regarding the federal health care reform law, officially titled the Patient Protection and Affordable Care Act ("PPACA" or "the Act").

You are aware that on January 31, 2011, U.S. District Judge Roger Vinson of Florida found the entire law – every word of it – to be unconstitutional. While he did not issue an injunction against enforcement of the PPACA, Judge Vinson did say that the legal effect of his ruling is the "functional equivalent" of such an injunction, as he presumes "that federal officers will adhere to the law as declared by the court."

Governing authorities in other states are taking notice. In Florida, the Governor and Attorney General have announced the suspension of enforcement of the Act within their state, owing to Judge Vinson's ruling. Similar stands are being announced by attorneys general in other states. Wisconsin Attorney General Van Hollen declared the Act "dead" in Wisconsin "unless and until it is revived by an appellate court." Attorney General Van Hollen went on to say that, "[e]ffectively, Wisconsin was relieved of any obligations or duties that were created under terms of the federal health care law."

You are also aware that the elected representatives of the people in the Missouri General Assembly are meeting between now and mid-May, and that foremost among their responsibilities is the daunting task of crafting a state budget. Buried within the 2,700 pages of the PPACA are dozens of mandates on every state in the Union. The budgetary consequences of the Act are multi-various and

extremely burdensome and, if lawful, must be accounted for by those crafting the state budget for FY 2013. Budgetary consequences for the current FY 2012 must be taken into account as well. And we now have a federal judge's definitive ruling that the Act is unconstitutional. Further, in the past month, both houses of the General Assembly have passed resolutions asking you to get involved in the legal fight against the Act. In the House of Representatives, the bipartisan vote asking for you to act was an overwhelming majority of 115-46.

Our request to you is to render a legal opinion that can guide all of us in state government. Is the Act – now declared unconstitutional – lawful and enforceable in our state, or isn't it? Must state officials follow its unconstitutional dictates, or should we ignore them as we see the top officials of other states now doing?

In crafting your answer, we respectfully ask that you take into account certain facts unique to our state. Specifically, we cite you to the overwhelming vote of the people last August at our Primary election. Missouri voters adopted the Health Care Freedom Act by the overwhelming margin of 71 percent as the measure carried all 114 counties. As you know, this is now a law on our statute books, duly enacted according to our Constitution. As officers of the State of Missouri, we have taken an oath to defend the Missouri Constitution and its laws.

The great state of Missouri and all our citizens are waiting on you, the attorney for our State, to let us know where we stand on this crucial issue.

Sincerely,



PETER D. KINDER
Lieutenant Governor



ROBERT MAYER
President Pro Tem



STEVEN TILLEY
Speaker of the House