

HOUSE BILL NO. HB0039

Health litigation fund.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to the administration of government and
2 national health care reform; providing for a fund to
3 litigate issues relating to federal health care enactments
4 and their implementation; specifying uses of the fund;
5 providing an appropriation; and providing for an effective
6 date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 9-1-641 is created to read:

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12 **9-1-641. National health care reform litigation**
13 **account; account created; use of funds.**

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1 (a) There is created the national health care reform
2 litigation account. The account shall be administered by
3 the attorney general.

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5 (b) Funds in the account shall be used for expenses
6 related to litigation concerning health care reform.

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8 (c) Litigation that may be funded pursuant to this
9 section shall be related to health care reform, including
10 but not limited to:

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12 (i) Defense of the state of Wyoming or its
13 political subdivisions against litigation or regulatory
14 orders brought by the federal government or any other
15 governmental or private party relating to provisions of the
16 federal health care reform or the state's response to it;

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18 (ii) Litigation and activities that may lead to
19 litigation, including legal comments on proposed federal
20 regulations, alleging that a federal agency has exceeded or
21 misused its statutory authority in any regulation, or other
22 activity implementing or not implementing health care
23 reform;

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1 (iii) Litigation alleging the federal government
2 has exceeded its constitutional authority in any provision
3 of these acts;

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5 (iv) Litigation alleging the federal government
6 has violated or will violate the fundamental rights of
7 citizens of Wyoming under the United States constitution,
8 particularly the first, fifth, ninth and fourteenth
9 amendments to the constitution of the United States;

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11 (v) Intervention in health care reform
12 litigation brought by another state or states or a third
13 party in which Wyoming or its citizens have a vital
14 interest;

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16 (vi) The development and submission of amicus
17 curiae briefs in other health care reform cases in which
18 Wyoming or its citizens have an interest.

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20 (d) In determining which litigation to become
21 involved with, the governor and the attorney general shall
22 give first priority to litigation concerning the Patient
23 Protection and Affordable Care Act and the Health Care

1 Education and Reconciliation Act of 2010 and shall
2 consider:

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4 (i) The degree of probable harm that may be done
5 to the people of the state of Wyoming if the state does not
6 enter into the litigation, or the benefits that may accrue
7 to the people or the state if litigation is successful;

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9 (ii) The probability the litigation will be
10 successful;

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12 (iii) The expected cost of the litigation;

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14 (iv) The possibility of a favorable negotiated
15 settlement to the litigation.

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17 (e) The attorney general may intervene in litigation
18 brought by private citizens or other states only if in the
19 attorney general's opinion precedents are likely to be
20 established that will be of general utility or harm to the
21 people of the state of Wyoming and if in his opinion
22 Wyoming's intervention will materially aid in obtaining
23 favorable precedents.

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1 (f) For purposes of this section, "health care
2 reform" means the Patient Protection and Affordable Care
3 Act, P.L. 111-148, the Health Care Education and
4 Reconciliation Act of 2010, P.L. 111-152, the Children's
5 Health Insurance Program Reauthorization Act of 2009, P.L.
6 111-3, the health provisions of the American Recovery and
7 Reinvestment Act of 2009, P.L. 111-5, the federal Medicare
8 program, 42 U.S.C. 1395 et seq., the federal Medicaid
9 program, 42 U.S.C. 1396 et seq., and federal statutes now
10 enacted or that may be enacted related to any of these acts
11 or programs.

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13 **Section 2.** There is appropriated two million dollars
14 (\$2,000,000.00) from the general fund to the national
15 health care reform litigation account. This appropriation
16 shall be for the period beginning with the effective date
17 of this act and ending June 30, 2012. Notwithstanding any
18 other provision of law, this appropriation shall not be
19 transferred or expended for any purpose other than as
20 provided in W.S. 9-1-641 and any unexpended, unobligated
21 funds remaining in the account from this appropriation
22 shall revert as provided by law on June 30, 2012. This
23 appropriation shall not be included in the attorney
24 general's 2013-2014 standard biennial budget request.

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2 **Section 3.** This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

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7 (END)