Health litigation fund.

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

A BILL

for

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

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

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

9-1-641. National health care reform litigation account; account created; use of funds.
(a) There is created the national health care reform litigation account. The account shall be administered by the attorney general.

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

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

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

(ii) Litigation and activities that may lead to litigation, including legal comments on proposed federal regulations, alleging that a federal agency has exceeded or misused its statutory authority in any regulation, or other activity implementing or not implementing health care reform;
(iii) Litigation alleging the federal government has exceeded its constitutional authority in any provision of these acts;

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

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

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

(d) In determining which litigation to become involved with, the governor and the attorney general shall give first priority to litigation concerning the Patient Protection and Affordable Care Act and the Health Care
Education and Reconciliation Act of 2010 and shall consider:

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

(ii) The probability the litigation will be successful;

(iii) The expected cost of the litigation;

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

(e) The attorney general may intervene in litigation brought by private citizens or other states only if in the attorney general's opinion precedents are likely to be established that will be of general utility or harm to the people of the state of Wyoming and if in his opinion Wyoming's intervention will materially aid in obtaining favorable precedents.
(f) For purposes of this section, "health care reform" means the Patient Protection and Affordable Care Act, P.L. 111-148, the Health Care Education and Reconciliation Act of 2010, P.L. 111-152, the Children's Health Insurance Program Reauthorization Act of 2009, P.L. 111-3, the health provisions of the American Recovery and Reinvestment Act of 2009, P.L. 111-5, the federal Medicare program, 42 U.S.C. 1395 et seq., the federal Medicaid program, 42 U.S.C. 1396 et seq., and federal statutes now enacted or that may be enacted related to any of these acts or programs.

Section 2. There is appropriated five hundred thousand dollars ($500,000.00) from the general fund to the national health care reform litigation account. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any purpose other than as provided in W.S. 9-1-641 and any unexpended, unobligated funds remaining in the account from this appropriation shall revert as provided by law on June 30, 2012. This appropriation shall not be included in the
Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.