



Representative Elfreda Higgins
Assistant House Minority Leader
(208) 284-3111
ehiggins@house.idaho.gov

Idaho House of Representatives

Democratic Leadership

State Capitol
P.O. Box 83720
Boise, Idaho 83720-0081

Idaho Republicans push forward on incendiary “nullification” bill

For immediate release - Thursday, February 10, 2011

BOISE- Idaho’s Republicans continued to push forward on Thursday with a bill that attempts to claim that the State of Idaho has the right to refuse to carry out federal laws. Using smoke and mirrors, synonyms and clever phrasing they are attempting to hide the original intent of “nullification”.

The bill flies in the face of legal advice by Idaho’s own Attorney General, who said Idaho may not pick and choose which laws it will enforce. H 117 would reduce the Union to a collection of 50 separate entities, each with the power to say what the law is. That is nothing more than “nullifying” the union of the United States. The AG also points out that Idaho’s refusal to comply with federal law may result in “losing the existent federal matching funds for Medicaid” leaving many Idahoans without healthcare.

“Republicans can remove the word ‘nullification’ from the bill, but you cannot change the contents of a book by simply changing its cover,” Rep. Elfreda Higgins (D-Boise), the Assistant Minority Leader, noted. “This is just nullification without the word. It is disingenuous to claim otherwise.”

H 117 includes incendiary language, calling for the state to “resist” the federal law. While states have the authority to oppose federal law—through a memorial to Congress, a proposed constitutional amendment, or litigation—calling for “resistance” sets a dangerous precedent.

“This legislation puts Idaho families and the state agencies that work for them in a precarious position with their federal government,” Rep. Phylis King said. “Our job as legislators is to work for our constituents, not pit them against their government.”

The latest Attorney General opinion of Feb. 8 also warns that the nullification legislation could “potentially result in Idaho exiting the [Medicaid] program and losing the existing federal matching funds.” In other words, Idaho could stand to lose over \$1 billion in funds that we receive to provide healthcare to our most vulnerable populations.

For more information, contact: Representative Elfreda Higgins, 208-284-3111, ehiggins@house.idaho.gov or Representative Phylis King 208-332-1080, pking@house.idaho.gov.

###