

Why I refuse to advance AB 210

By [Frank Lasee](#) 11:05 AM 11/01/2011

Over the past few weeks, Wisconsin's state legislators have been strongly pressured to pass AB 210. The bill quickly cleared the State Assembly on October 18, after which it was assigned to the Senate Committee on Insurance and Housing, which I chair.

After a public hearing and full evaluation of the bill, I have decided to let AB 210 die in my committee. A great deal of noise will almost certainly be made about this decision. I want to provide Wisconsinites and everyone else watching this issue with the facts so that they can understand my reasons for killing this dangerous bill.

What would AB 210 achieve?

AB 210 would bring Wisconsin into compliance with the Patient Protection and Affordable Care Act (PPACA), commonly called Obamacare, and start the process of formally embedding federal law into our state statutes. Once that door is open, it cannot be closed.

As such, AB 210 would thoroughly undermine Wisconsin's sovereign rights under the 10th Amendment, leaving the state no authority to safeguard the health care choices and rights of our citizens. We would be subject to federal control, plain and simple. Furthermore, Wisconsin's voluntary compliance with Obamacare would compromise our credibility in the federal court case we joined in January to contest the federal law's constitutionality.

Over the past week, my staff and I have been in close contact with a number of nationally respected public policy institutes and health care freedom advocacy groups, including:

- The Goldwater Institute
- The Heartland Institute
- The Cato Institute
- The Pacific Research Institute
- The Mackinac Center for Public Policy
- The Citizens' Council for Health Freedom

These experts unanimously assert that AB 210, as currently amended, poses a serious threat to Wisconsin citizens, business and industry. They firmly advise that we refuse to assist in any way with implementation of Obamacare.

They additionally agree that no amendment can fix AB 210.

My own analysis leads me to concur with their assessment.

Precisely because I am determined to protect and maintain health care freedoms for the people of Wisconsin, I stand opposed to AB 210 because of the ways in which it would entrench Obamacare in our state statutes.

Who would gain and who wouldn't with AB 210?

A quick look into [who supports AB 210](#) reveals that big insurance companies have united behind the bill, most notably American Health Insurance Plans, or AHIP.

In part, insurance companies support AB 210 because the bill does attempt to maximize their control over proprietary information. But they are fooling themselves. With federal law entrenched in our state statutes, Wisconsin's insurance companies will lose any means of staving off the demand for such information. The Obama administration is interested in more control, not less. Moreover, PPACA gives the Department of Health and Human Services (HHS) broad powers to change rules and regulations. That HHS wants proprietary information from all private insurance companies goes without saying.

However, AB 210 *would* sound a death knell for Wisconsin's small and specialized insurers, almost certainly an attractive prospect to big insurance. As a gateway for the entrenchment of Obamacare, the bill would guarantee that only large companies — those with the resources to withstand the mountains of federal mandates Obamacare will unleash — could survive. That is not even to say that all large insurance companies would emerge unscathed.

Moreover, insurance is a key Wisconsin industry. This bill would ultimately cost many jobs that we can't afford to lose in a difficult economy.

To take a quick tally, then, if AB 210 were to pass:

Winners:

- Big insurance
- Big government

Losers:

- Wisconsin health care consumers
- Wisconsin taxpayers
- Wisconsin's insurance industry
- Wisconsin's job market

Not exactly a good deal for Wisconsin.

Why all the pressure to advance AB 210 quickly?

AHIP's support of AB 210 provides some clues regarding the speed at which this bill has traveled through the Wisconsin State Legislature. As with the federal mandate, better to pass this mess quickly so you don't know what's in it, what it does, who wins and who loses — until it's too late.

At a public hearing on October 25, representatives of the State Office of the Commissioner of Insurance (OCI) indicated that if Wisconsin does not pass AB 210 by December 31, 2011, state residents will lose the ability to have insurance claims independently reviewed in-state. They say such reviews will subsequently be assumed by a federal office in Chicago. In fact, this threat has been used very effectively so far to press Republican legislators into voting for AB 210.

But in reality this trade-off — major losses in exchange for a small advantage — does not justify quickly passing AB 210 into law. PPACA is written to establish total control over the states.

Oddly, the December 31, 2011 deadline does not appear in an Obamacare timeline prepared in mid-September by legislative counsel for AB 210's author. Nor does it appear in any of the documentation provided by OCI to the Senate Committee on Insurance and Housing during AB 210's public hearing on October 25. If December 31, 2011 is as crucial a date as OCI claims, one would think it would have been noted in key documentation concerning the bill intended to protect us from the consequences of missing that deadline.

What role does Wisconsin's federal Early Innovator Grant play?

My office is currently investigating whether the mysterious December 31, 2011 deadline lies buried in agreements surrounding \$49 million in Early Innovator Grant funds. The federal government awarded these funds to Wisconsin in February for the specific purpose of establishing a state or regional health care exchange. To be clear, such exchanges are yet another way HHS is working to entrench Obamacare within the states.

I have [previously asserted](#) that Wisconsin should neither hurry nor innovate to facilitate Obamacare. Yet, where other states with Republican leadership have wisely returned Early Innovator funds, [Wisconsin still holds these monies](#). This circumstance only weakens our state's position in relationship to the 10th Amendment and health care freedoms. To put it candidly: Accepting federal monies does not generally amount to strong states' rights. Keeping these monies also undermines the power of [SJR 21, the Health Care Freedom Amendment](#) that is currently advancing through our state legislature.

I therefore strongly urge Governor Walker to swiftly return Wisconsin's Early Innovator Grant funds. There is even stronger incentive to do so if the December 31 deadline that

has been so heavily leveraged in pressing for the passage of AB 210 lies somewhere in those grant agreements.

What is the bottom line?

There is simply no threat or pressure strong enough to induce me to sell out the people of Wisconsin by advancing dangerous policy. AB 210 must die. The sovereignty of the State of Wisconsin must be upheld, the health care freedoms of its citizen preserved and true free-market competition in the health care insurance industry fostered.