

Three GOP Chairs Co-Author Obamacare Bill with Deceptive “Marketplace” Title

On February 16, 2012, Minnesota Rep. Joe Atkins (D-Inver Grove Heights) held a press conference to discuss the “Minnesota Insurance Marketplace Act” – HF 2290. There are 17 co-authors including three GOP House members: Tax Chairman **Greg Davids (R-Preston)**, Health and Human Services Finance Chairman **Jim Abeler (R-Anoka)**, and Commerce and Regulatory Reform Chairman **Joe Hoppe (R-Chaska)**. The Senate bill, SF 1872, is authored by Sen. Tony Lourey and has no GOP co-authors. *Even though the words “exchange,” “health insurance exchange” and “Patient Protection and Affordable Care Act” are not used, the bill proposes to create Obama’s exchange using the language of “marketplace.”* One [study](#) by Herndon Alliance published last year reported that “marketplace” was a good word to use to discuss the exchange, especially with “anti-government/anti-health law” folks.

Within the bill are at least seven clues that this is Obama’s government exchange, and not a “marketplace”:

Government Appoints Members of the “Marketplace” Board

According to the bill, “The marketplace is governed by a board of directors with 19 members.” The members are appointed by the governor, a legislative committee, and the board itself using a list of candidates the board generates. In addition, the three Commissioners of the Departments of Commerce, Health, and Human Services are designated in the bill as members. (pp. 3, 4)

Compensation Follows Laws Regarding Government Boards

The bill states, “Board members may be compensated in accordance with section 15.0575” of MN law, titled “Administrative Boards and Agencies.” For personnel working in the “marketplace” the director and managerial staff will be considered “in unclassified service” to the State (see [Sec. 43A.08](#)) and the Board’s plan for their compensation must be “submitted to the commissioner of management and budget for review and comment...” It must be “approved by the Legislative Coordinating Commission and the legislature.” The bill specifies that the section of MN law limiting salary does not apply. (p. 5, ln. 25 to p. 6, ln. 10)

“Marketplace” Must Comply with Federal Law

Section 5 of the bill states, “The marketplace board shall implement and operate the marketplace in accordance with this chapter and take all actions necessary to ensure that the marketplace is determined under *federal law* to be ready to operate no later than January 1, 2014” [Emphasis added]. NOTE: Obamacare requires the health insurance exchange to be up and running by January 1, 2014. (p. 6, lns. 13–15)

“Marketplace” Must Follow Minnesota’s Government Data Practices Act

Only government entities must follow the MGDP Act, which is in Chapter 13 of Minnesota statutes. The bill states, “Data on individual and employees of employers utilizing the marketplace that are collected or generated by the marketplace are private data on individuals as defined in section 13.02, subdivision 12. Data on employers utilizing the marketplace that are collected or generated by the marketplace are nonpublic data as defined in section 13.02, subdivision 9.” In addition, as required under MGDP, “All meetings of the board shall comply with the open meeting law in chapter 13D...” (page 3, lns. 3–11)

“Marketplace” Exempt from Public Input Requirements

Despite clearly being a government entity imposed on the public, the bill would not allow much public input. The bill exempts the “marketplace” and all provisions in the bill from Chapter 14, the law on administrative procedures. Chapter 14 requires government agencies to get input from the public on proposed regulations, and allows the public to call for public hearings before an administrative law judge to oppose any proposed regulations. (p. 3, ln. 19)

The Bill Mimics Last Year’s Exchange Bill

Rep. Steve Gottwalt (R-St. Cloud) last year introduced an exchange bill, HF 497. It planned to create a new section of law, section 62V. Likewise, this bill would also create a new section of Minnesota law, 62V.

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