

Idaho Statesman, Wednesday, Jan. 20, 2010 – by Brian Murphy

Idaho legislators seek to scuttle health care reform

Three Idaho House Republicans introduce the Idaho Health Freedom Act.

Step by step, Idaho is positioning itself to fight the federal government over proposed health care reform. Gov. Butch Otter has announced his intention to sue if Congress passes a bill that increases the state's Medicare commitments and requires people to buy health insurance.

Attorney General Lawrence Wasden has consulted with peers in other states to question the constitutionality of the so-called "cornhusker kickback," a paragraph in the U.S. Senate health bill that would give Nebraska a different Medicare reimbursement rate than the other 49 states.

Now state legislators are joining the attack. On Tuesday, an Idaho House committee approved a bill designed to give Idaho standing in federal court.

The bill, introduced by Rep. Jim Clark, R-Hayden Lake and co-sponsored by Reps. Lynn Luker, R-Boise, and Raul Labrador, R-Eagle, says Idaho citizens will "be free from government compulsion in the selection of health insurance options." The bill would prohibit a state official or employee from enforcing any penalty for violations of the policy.

The bill also directs the attorney general to seek a court-ordered injunction against the federal plan if it becomes law. "It is time all legislators who believe in states' rights to move from talking about it to making policy to make it happen," Clark told the House State Affairs Committee.

Three Democrats - Phylis King and Anne Pasley-Stuart, of Boise, and Elaine Smith of Pocatello - voted against the measure. It received minimal debate in committee.

Clark said he modeled the bill on legislation promoted by the American Legislative Exchange Council, a national network of state legislators dedicated to limited government, free markets and federalism.

On its Web site, ALEC says lawmakers in more than 30 states have either filed or announced intentions to seek legislation similar to the Idaho Health Freedom Act.

Labrador, a candidate for the Republican nomination in the 1st Congressional District and a lawyer, said the move is more than a symbolic gesture. He said the U.S. Supreme Court will ultimately decide. "It's a legal battle," Labrador said. "This gives the attorney general something to work with."