

ANDRÉ JACQUE

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TO: Members of the Assembly Committee on Health
FROM: Rep. André Jacque
DATE: April 19, 2017
RE: Assembly Bill 128

Chairman Sanfelippo and colleagues on the Assembly Health Committee:

Thank you for the opportunity to testify before you today as the Assembly author of AB 128. This legislation extends Wisconsin's longstanding prohibition on the use of public funds to pay for abortion to public health insurance plans, respecting the conscience of state residents by prohibiting the Group Insurance Board from contracting or paying for abortions unless a pregnancy falls within certain rare exceptions including rape, incest and life of the mother as provided in existing state statutes (Wis. Stats. 20.927). In so doing, Wisconsin will be consistent with its own longstanding prohibition on payments for abortion through Medicaid and its more recent prohibition that any state exchanges set up through Obamacare could not include abortion coverage. In addition, the federal government does not pay for abortions by federal employees. Assembly Bill 128 provides equity so that taxpayers are not funding abortions for any group of people in Wisconsin. As defined in Wis. Stats. 20.927, "abortion" means the intentional destruction of the life of an unborn child, and "unborn child" means a human being from the time of conception until it is born alive. As further clarified under the bill by reference of the definition of abortion in Wis. Stats. 253.10(2)(a) it is not considered an abortion if the intent of a procedure is to increase the probability of a live birth, to preserve the life or health of the infant after live birth or to remove an already deceased child.

AB 128 is a partial redraft of 2013 Assembly Bill 216, retaining the components relating to prohibiting the Group Insurance Board from contracting for or providing abortion services, and omitting the components relating to exempting religious entities from the contraceptive coverage mandate (the intent of which has already largely been accomplished by the U.S. Supreme Court's *Little Sisters of the Poor* and *Hobby Lobby* decisions). 2013 AB 216 passed the full Assembly and the Senate Health committee but was not taken up by the full Senate prior to the end of that session. Twenty-one states currently have laws banning elective abortions under public employees' insurance plans.

I'd like to close by noting that I was contacted by a chiropractor in my district last week regarding a bill affecting his profession unrelated to this one. He mentioned in his email, as a side note at the end, that he was very appreciative of my efforts in bringing forth this legislation. Specifically, he shared that "if HIPPA allowed [him] to, there are so many patient stories [he] could describe about how they had past abortions and how it's affected them through the rest of their life, struggling with anxiety, guilt and depression- which amplifies the pain they are presenting with."

Abortion is not health care.

Thank you for your consideration of AB 128.



DAVID CRAIG

STATE SENATOR

Assembly Committee on Health
Public Hearing, 19 April 2017
Assembly Bill 128
Senator David Craig, 28th Senate District

Chairman Sanfelippo and Committee Members,

Thank you for hearing testimony on Assembly Bill 128 which prohibits the Group Insurance Board from contracting to cover abortion services using public tax dollars.

Under current law, the Group Insurance Board (GIB) offers health insurance coverage to eligible employees under the Wisconsin Retirement System, which include all state employees and state annuitants and may include local government employees if they participate in a GIB health insurance plan. This state insurance coverage currently pays for elective abortion services for public employees for any reason, at any stage of pregnancy.

AB 128 would withdraw public funding for abortions and align our state with the federal government, which does not cover abortions for federal employees. By prohibiting the GIB from covering abortion services, we align the state not only with the federal law, but also with other state government programs. The legislature has already acted to remove the public funding of abortion in the state Medicaid program and insurance exchange via Obamacare.

Recent polling conducted by *Politico* and the Harvard School of Public Health showed a majority of Americans are opposed to using tax dollars to fund abortion services. Only 36% percent of Americans support the public funding of abortions with a vast majority siding with tenets of this bill.

In closing, this bill protects the lives of the unborn, respects the conscience of state residents, and protects taxpayers from future obligations to pay for abortions.

Thank you and I would be happy to answer any questions you may have on the bill.



Wisconsin Medical Society

Your Doctor. Your Health.

TO: Assembly Committee on Health
Representative Joe Sanfelippo, Chair

FROM: Mark Grapentine, JD – Senior Vice President of Government and Legal Affairs

DATE: April 19, 2017

RE: Opposition to Assembly Bill 128

On behalf of more than 12,000 members statewide, the Wisconsin Medical Society thanks you for this opportunity to share our testimony opposing Assembly Bill 128, which would bar the state of Wisconsin's Group Insurance Board (GIB) from entering into a health insurance contract that includes coverage or services for an abortion.

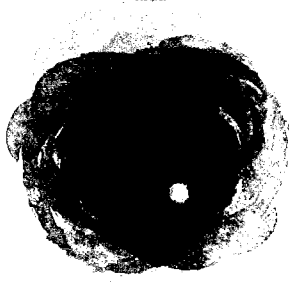
Among its other responsibilities, the GIB oversees group health insurance policies for state employees, covered local employees and retirees. This coverage is paid for by a "public employee trust fund" as established in Wis Stats sec. 40.01(1):

(1) Creation. A "public employee trust fund" is created to aid public employees in protecting themselves and their beneficiaries against the financial hardships of old age, disability, death, illness and accident, thereby promoting economy and efficiency in public service by facilitating the attraction and retention of competent employees, by enhancing employee morale, by providing for the orderly and humane departure from service of employees no longer able to perform their duties effectively, by establishing equitable benefit standards throughout public employment, by achieving administrative expense savings and by facilitating transfer of personnel between public employers.

The GIB's 11-member Board of Trustees considers the scope of coverage offered and the cost for those services when seeking health insurance benefits for its participants. This Board includes representatives from all three classes of covered entities who are charged with determining various coverage options, and ultimately what is the best array of coverage for its participants.

Although it is a contentious issue, abortion is a legal medical procedure. Legislative action to bar the GIB from offering a health insurance coverage agreement that includes access to a legal procedure may not be in the best interests of plan participants who may need access to those legal procedures. The GIB should be allowed to make its own decisions about health care coverage rather than have coverage options artificially restricted.

Thank you again for this opportunity to provide the Society's testimony on Assembly Bill 128. Please feel free to contact the Society on this and other health-related issues.



Pro Life
LOVE. FOR LIFE. WI.

Testimony in Support of Assembly Bill 128: prohibiting the group insurance board from contracting for or providing abortion services

Assembly Committee on Health

By Matt Sande, Director of Legislation

April 19, 2017

Good afternoon Chairman Sanfelippo and Committee members. My name is Matt Sande and I serve as director of legislation for Pro-Life Wisconsin. Thank you for this opportunity to express our support for Assembly Bill (AB) 128, legislation that would prohibit elective abortion coverage in Wisconsin's public health insurance plans.

Current Wisconsin law already prohibits abortion coverage in Wisconsin's health insurance exchange. The federal Patient Protection and Affordable Care Act (a.k.a. Obamacare) allows health insurance plans offering abortion coverage to participate in a state's insurance "exchange" and to receive federal subsidies unless the state legislature proactively opts-out of offering such plans. Several states have enacted laws opting-out of abortion coverage in their exchanges, including Wisconsin, Arizona, Tennessee, Mississippi, Missouri, Louisiana, and Nebraska to name a few.

As a matter of equity, public health insurance plans and private exchange plans should both exclude abortion coverage. As a matter of conscience, government should not force taxpayers to fund the killing of preborn children. Abortion - the direct, intentional killing of a preborn child - is not health care. And in poll after poll, Americans overwhelmingly say they oppose taxpayer-funded abortion. Politico and the Harvard T.H. Chan School of Public Health conducted a poll in September 2016 showing that a majority of likely voters, 58 percent, opposed the use of Medicaid funds to pay for abortion. Similarly, a July 2016 Marist poll found that 62 percent of Americans oppose taxpayer funding of abortion.

Assembly Bill 128 mirrors the exceptions for rape, incest, and the life-of-the mother found in Wisconsin's abortion funding prohibition (Wis. Stat. 20.927), as does the current law ban on abortion coverage in our state health insurance exchange. Pro-Life Wisconsin opposes these exceptions, but when it comes to public funding of abortion, *any* proactive step to stanch the flow of tax dollars for abortion coverage is welcomed. Accordingly, we strongly urge you to recommend AB 128 to the full Assembly for prompt debate and passage.

Thank you for your consideration.

Members, Assembly Committee on Health

Support for Assembly Bill 128

April 19, 2017

Good afternoon Chairman Sanfelippo and Committee Members

My name is Ken Pientka, I am resident of the Middleton area and strongly support AB 128, which prohibits abortion coverage in Wisconsin's public health insurance plans. Out of respect for the Committee Members time I will be brief. I support this bill for the following reasons:

1. I believe that God is the author of life and thus oppose abortion in all cases.
2. I strongly oppose the use of any of my tax dollars to fund any services in any way connected to abortion.
3. I support AB 128 because it is consistent with both enacted State law prohibiting the use of State funding of abortion and my personal views of using tax dollars to fund abortion.

Thank you for this opportunity to share my views on this important legislation.

Sincerely,



Ken Pientka

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Middleton, WI 53562

Ken.pientka@gmail.com

608 220 8022

Gwen Finnegan
1711 Valley View Drive
Baraboo, WI 53913

Members, Assembly Committee on Health
Support for Assembly Bill 128
April 19, 2017

Good Afternoon, Chairman Sanfelippo and Committee Members.
Thank you for allowing me to speak in favor of Assembly Bill
128.

My name is Gwen Finnegan. I am a resident of Baraboo. I strongly support Assembly Bill 128 because, as understood, if passed and made into law it will prohibit abortion coverage in Wisconsin's public health insurance plans. As a taxpayer living in the state of Wisconsin, I do not want my tax dollars going to pay for the state of Wisconsin employees' abortions.

It is scientifically proven that life begins at conception (1 & 2). As a matter of fact, at conception the physical and biological make up of a person is decided. For example, the person's hair color, skin tone, eye color, how tall the person will be in adulthood and whether the person will be a male or a female is all decided at the moment of conception. Therefore, all elective abortions are the intentional destruction of human life. This human life is also known as a baby. It is scientifically proven that abortion kills a baby in its mother's womb. (3) This is not healthcare. In fact, it is the opposite of healthcare.

This is why I am speaking in favor of Assembly Bill 128. I do not want my tax dollars going to pay for the state of Wisconsin employees' abortions.

Thank you, again, for allowing me to speak in favor of Assembly Bill 128.

1. <http://www.liveaction.org/news/science-confirms-that-human-life-begins-at-fertilization/>
2. Keith L. Moore, *The Developing Human: Clinically Oriented Embryology*, 7th edition. Philadelphia, PA: Saunders, 2003. pp. 16, 2003.
3. <http://www.abortionfacts.com/facts/1>



WISCONSIN CATHOLIC CONFERENCE

**TESTIMONY IN SUPPORT OF ASSEMBLY BILL 128:
NO TAXPAYER FUNDING FOR ABORTION
Presented to the Assembly Committee on Health
By Barbara Sella, Associate Director
April 19, 2017**

On behalf of the Wisconsin Catholic Conference, the public policy voice of Wisconsin's Catholic bishops, I thank you for this opportunity to present testimony in support of Assembly Bill 128.

This legislation accomplishes a very simple and straightforward objective. It affirms that funds held by public authorities are prohibited from being used to subsidize the performance of abortions.

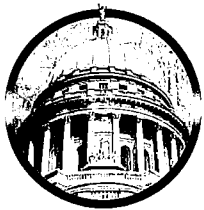
Much like the Federal Employee Health Benefits Program, AB 128 prohibits the state's Group Insurance Board from providing health insurance that includes coverage for abortion services, with exceptions. By aligning state and federal law, AB 128 will ensure that our public policies champion the life and dignity of every human person.

Assembly Bill 128 is sensible. Indeed, twenty-one states restrict abortion coverage in public employee insurance plans, including our neighbors Illinois, Indiana, Michigan, and Ohio (see Henry J. Kaiser Family Foundation – April 1, 2017 data report).

Some argue that women will be denied comprehensive health care if AB 128 passes. It bears repeating that taking a human life is not health care, for it is neither healthy nor caring. As Pope Francis has written, "It is not 'progressive' to try to resolve problems by eliminating a human life..." (*Evangelii Gaudium*, 214)

Others argue that AB 128 will have a disproportionate effect on women who have low incomes, have disabilities, and are members of minority groups. The Catholic Church understands the challenges that these women face and insists that the private and public sectors do more to help women and children in need. So, while every unborn child deserves protection, every woman deserves support to carry her child to term and, if she so chooses, to raise her child. All pregnant women deserve the best pre-natal care, maternity leave, child care, and additional assistance if they have a child with special needs.

We urge you to ensure that public funds in Wisconsin are not used to procure abortions. Please support AB 128.



WISCONSIN FAMILY ACTION
Marriage|Family|Life|Liberty

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Testimony in Support of Assembly Bill 128
Assembly Committee on Health
Public Hearing, April 19, 2017
Julaine Appling
President, Wisconsin Family Action

Thank you, Chairman Sanfelippo and committee members, for the opportunity to testify in support of Assembly Bill 128.

Wisconsin Family Action (WFA) believes this bill is necessary to bring the state fully in compliance with existing state prohibitions on funding abortion, as cited in Section 20.927 of our state statutes.

Providing a benefit in the form of a health insurance policy to state employees, state annuitants or local government employees whose local government unit participates in a Group Insurance Board health insurance plan certainly constitutes state funding. Since the law clearly prohibits state funds from subsidizing abortion, with the exceptions as noted in 20.927, making health insurance policies that include abortion available to state employees and the others as noted obviously is funding abortion and should therefore not be permitted.

It is time to bring this outlier into conformity to state law.

Wisconsin Family Action urges the committee to support this bill and move it to the full Assembly for a vote.

Again, thank you for this opportunity; and I am happy to answer questions.



Heather Weininger, Executive Director, Wisconsin Right to Life

Assembly Health Committee

AB 128, relating to: prohibiting the group insurance board from contracting for or providing abortion services.

Wednesday, April 19, 2017

Thank you to Chairman Sanfelippo and members of the Assembly Health Committee for your time today.

My name is Heather Weininger, and I am the Executive Director of Wisconsin Right to Life, testifying in favor of AB 128, which would stop taxpayer funding for abortion through state employee's health insurance plans.

Thanks to the leadership of Senator Craig and Representatives Jacque, Tusler, and Brandtjen, Wisconsin has the opportunity to reverse a deadly error.

In 1995, then-Attorney General James Doyle was asked to issue an opinion on the applicability of s. 20.927 to health insurance plans provided for state and local government employees by the Group Insurance Board (GIB). On February 14, 1995, Doyle issued an opinion in which he asserted that, "*monies used to fund state employee insurance plans are not subject to the limitation of section 20.927 when establishing and contracting for state and local employee health insurance plans.*"

Doyle's 1995 opinion blatantly disregarded the clear intent of the Legislature when it passed s. 20.927 into law in 1977. The legislative findings clearly say, "*It is therefore declared to be the public policy of this state that nontherapeutic abortions shall not be subsidized. The following statutory provisions shall be **broadly construed** [my emphasis] to effect the objectives set forth in this section.*" Rather than a broad interpretation, Doyle **narrowly** construed this law in order to provide publicly funded abortion coverage to state and local employees using public dollars.

It should be noted that Doyle was endorsed by Planned Parenthood of Wisconsin when he ran for both Attorney General and Governor of Wisconsin, and thousands

upon thousands of dollars were spent by the abortion provider to support his election to office. Today, Planned Parenthood of Wisconsin is registered against AB 128.

Fortunately, AB 128 will reverse Doyle's deadly error that allowed for taxpayer funding of abortion in Wisconsin.

A 2016 Marist poll showed that more than 6 in 10 Americans, both pro-life and pro-choice, Republicans and Democrats, oppose taxpayer funding for abortion. AB 128 recognizes this consensus and ensures that the Group Insurance Board does not provide nor enter into any contract with a group health insurance plan that covers abortion. While abortion coverage for state employee's health insurance is an indirect means of taxpayer-subsidized abortions, at the end of the day, the funds supporting state employee's insurance are public – and therefore, paid by taxpayers. No taxpayer should ever be forced to have his or her money support an activity that takes a human life, whether by direct or indirect means.

We have no idea how many abortions covered by state employee insurance plans have been paid for with taxpayer dollars since 1994. Thankfully, AB 128 will stop taxpayer funding for abortion through this means, so that no human life is taken on the taxpayer's dime.

Thank you very much for your time,

Heather Weininger



Chelsea Shields, Legislative Director, Wisconsin Right to Life

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AB 128, relating to: prohibiting the group insurance board from contracting for or providing abortion services.

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Thank you to Chairman Sanfelippo and members of the Assembly Health Committee for your time today.

My name is Chelsea Shields, and I am the Legislative Director of Wisconsin Right to Life, testifying in favor of AB 128, which would stop taxpayer funding for abortion through state employee's health insurance plans.

Directly or indirectly, no taxpayer dollars should ever fund a single abortion.

Right now, taxpayer dollars are placed into a Public Employee Trust Fund that is used in part to cover the costs of state employees' health insurance plans, which do cover elective abortions. While these taxpayer dollars do not directly go into the abortionist's pocket, these dollars do originate from the pocketbooks of everyday Wisconsinites – the most of whom would object to their money ever propping up the abortion industry.

Nationwide, polls show that Americans, both pro-life and pro-choice, both Republican and Democrat, object to taxpayer funding for abortion. In fact, a 2016 Marist poll found that 6 out of every 10 Americans don't want their taxpayer dollars paying for abortion. This is consensus.

Taxpayers who object to the tragedy of abortion do not want to contribute, in any way, to the abortion industry's bottom line. Even among those who support abortion, there is an understanding that we should respect the conscience rights of those who object to abortion. If you fundamentally believe abortion takes a human life, you should not be obliged to support abortion in any way.

On this day after Tax Day, I would like to thank Senator Craig and Representatives Jacque, Tusler, and Brandtjen for their leadership in protecting the conscience rights of taxpayers in our state. AB 128 is an important and necessary step to ensure that no Wisconsin taxpayer's money subsidizes the taking of innocent human life through abortion.

Thank you very much for your time,

Chelsea Shields

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WISCONSIN RIGHT TO LIFE

Heather Weinger, Executive Director, Wisconsin Right to Life

Assembly Health Committee

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