

SUSPENSION OF THE RULES

File No. 19-340

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3 A resolution by Supervisors Lipscomb, Sr., Nicholson, Moore Omokunde, Martin,
4 Taylor, Johnson, Jr., Haas, Ortiz-Velez, and Shea authorizing Corporation Counsel to
5 sign onto an amicus brief in support of the Affordable Care Act in the case of *Texas v.*
6 *United States*, by recommending adoption of the following:

A RESOLUTION

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10 WHEREAS, the Patient Protection and Affordable Care Act, or referred to as the
11 Affordable Care Act (ACA), is a United States (U.S.) Federal statute enacted by
12 Congress and signed into law by President Obama in March 2010; and

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14 WHEREAS, the ACA represented a major overhaul of U.S. health care
15 regulations and the largest expansion in health care coverage since the adoption of
16 Medicare and Medicaid in 1965; and

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18 WHEREAS, in December 2018, a Federal district court judge in Texas issued a
19 widely anticipated opinion that struck down the entire ACA as unconstitutional; and

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21 WHEREAS, *Texas v. United States*, is a lawsuit to enjoin the enforcement of the
22 ACA, that was filed in February 2018, by Republican state attorneys general and
23 governors from 20 states, including Wisconsin; and

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25 WHEREAS, although the Trump Administration declined to defend the case,
26 attorneys general from 16 states and the District of Columbia stepped in to defend the
27 ACA; and

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29 WHEREAS, counsel for the County of Santa Clara in California reached out to
30 see if Milwaukee County (the County) would be interested in signing onto an amicus
31 curiae “friend of the court” (amicus) brief in support of the ACA in the case of *Texas v.*
32 *United States* that is under appeal to the Court of Appeals for the Fifth Circuit; and

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34 WHEREAS, the amicus brief is due to the Court of Appeals for the Fifth Circuit by
35 April 1, 2019, so Corporation Counsel must respond to the authors of the brief prior to
36 that date to be included; and

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38 WHEREAS, according to an article published October 23, 2018, in the *Milwaukee*
39 *Journal Sentinel*, Wisconsin is the only state in the country that partially expanded
40 eligibility for Medicaid, while not accepting the additional Federal dollars available
41 through the law to fully expand the program; and

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43 WHEREAS, according to an analysis performed by the Wisconsin Legislative
44 Fiscal Bureau, that has resulted in the loss of approximately \$1.1 billion in Federal funds
45 to Wisconsin through June 2018; and

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47 WHEREAS, the failure of Wisconsin to fully expand its Medicaid programs has
48 adversely affected many individuals and families living in the County; now, therefore,
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50 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby
51 authorizes and directs Corporation Counsel to sign an amicus curiae brief in support of
52 the Patient Protection and Affordable Care Act (PPACA) in the case of *Texas v. United*
53 *States* that is currently under appeal to the Court of Appeals for the Fifth Circuit; and
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55 BE IT FURTHER RESOLVED, this authority is granted with the understanding
56 that the amicus brief will highlight the benefits of the PPACA and the adverse impact
57 that local governments and those needing health care may face if the legislation is
58 repealed.
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jmj
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