SENATE BILL No. 250

By Senators Faust-Goudeau, Kelsey and A. Schmidt

AN ACT {concerning health care;} pertaining to the continuation of health insurance for firefighters; {relating to the interstate health care compact}.

Be it enacted by the Legislature of the State of Kansas:

New—Section 1. (a) (1) Except as provided in paragraphs (2) and (3), whenever a municipality provides for the payment of premiums for any health benefit plan for its firefighters, it shall continue to pay such premiums pay premiums for the continuation of coverage under COBRA for the surviving spouse and dependent children of a firefighter who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) A municipality may not be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the fifth calendar year commencing end of the 18th calendar month after the date of death of the deceased firefighter;

(B) upon the remarriage of the deceased firefighter’s surviving spouse; or

(C) upon the deceased firefighter’s surviving spouse reaching the age of 65.

(3) An individual is not a dependent child of a deceased firefighter for the purposes of paragraph (1) after such individual reaches the age of 18 years unless such individual is a:

(A) Full-time student in an accredited high school; or

(B) full-time student in a postsecondary educational institution, except that this subparagraph shall not apply to such an individual after the close of the calendar year in which the individual reaches the age of 24 as long as such individual continues to maintain such status as a full-time student.

(b) For the purposes of this section:

(1) "Firefighter" means an actual member of an organized fire department, of a municipality, whether regular or volunteer.
(2) “Health benefit plan” shall have the meaning ascribed to it in K.S.A. 40-4602, and amendments thereto.

(3) “Municipality” means city, county or township.

(4) “Postsecondary educational institution” shall have the meaning ascribed to it in K.S.A. 74-3201b, and amendments thereto.

{Sec. 2. This section may be known and cited as the interstate health care compact.

THE INTERSTATE HEALTH CARE COMPACT

ARTICLE I

DEFINITIONS

As used in this Compact, unless the context clearly indicates otherwise:

(a) "Commission" means the Interstate Advisory Health Care Commission.

(b) "Effective Date" means the date upon which this Compact shall become effective for purposes of the operation of State and Federal law in a Member State, which shall be the later of:

(1) the date upon which this Compact shall be adopted under the laws of the Member State, and

(2) the date upon which this Compact receives the consent of Congress pursuant to Article I, Section 10, of the United States Constitution, after at least two Member States adopt this Compact.

(c) "Health Care" means care, services, supplies, or plans related to the health of an individual and includes but is not limited to:

(1) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of an individual or that affects the structure or function of the body, and

(2) sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription, and

(3) an individual or group plan that provides, or pays the cost of, care, services, or supplies related to the health of an individual, except any care, services, supplies, or plans provided by the United States Department of Defense and United States Department of Veterans Affairs, or provided to Native Americans.

(d) "Member State" means a State that is signatory to this Compact and has adopted it under the laws of that State.

(e) "Member State Base Funding Level" means a number equal to the total Federal spending on Health Care in the Member State during Federal fiscal year 2010. On or before the Effective Date, each Member State shall determine the Member State Base Funding Level for its State, and that number shall be binding upon that Member
State. The preliminary estimate of Member State Base Funding Level for the State of Kansas is $6,985,000,000.

(f) "Member State Current Year Funding Level" means the Member State Base Funding Level multiplied by the Member State Current Year Population Adjustment Factor.

(g) "Member State Current Year Population Adjustment Factor" means the average population of the Member State in the current year less the average population of the Member State in Federal fiscal year 2010, divided by the average population of the Member State in Federal fiscal year 2010, plus 1. Average population in a Member State shall be determined by the United States Census Bureau.

(h) "Current Year Inflation Adjustment Factor" means the Total Gross Domestic Product Deflator in the current year divided by the Total Gross Domestic Product Deflator in Federal fiscal year 2010. Total Gross Domestic Product Deflator shall be determined by the Bureau of Economic Analysis of the United States Department of Commerce.

ARTICLE II
PLEDGE

The Member States shall take joint and separate action to secure the consent of the United States Congress to this Compact in order to return the authority to regulate Health Care to the Member States consistent with the goals and principles articulated in this Compact. The Member States shall improve Health Care policy within their respective jurisdictions and according to the judgment and discretion of each Member State.

ARTICLE III
LEGISLATIVE POWER

The legislatures of the Member States have the primary responsibility to regulate Health Care in their respective States.

ARTICLE IV
STATE CONTROL

Each Member State, within its State, may suspend by legislation the operation of all federal laws, rules, regulations, and orders regarding Health Care that are inconsistent with the laws and regulations adopted by the Member State pursuant to this Compact. Federal and State laws, rules, regulations, and orders regarding Health Care will remain in effect unless a Member State expressly suspends them pursuant to its authority under this Compact. For any federal law, rule, regulation, or order that remains in effect in a Member State after the Effective Date, that Member State shall be responsible for the associated funding obligations in its State.

ARTICLE V
FUNDING

(a) Each Federal fiscal year, each Member State shall have the
right to Federal monies up to an amount equal to its Member State
Current Year Funding Level for that Federal fiscal year, funded by
Congress as mandatory spending and not subject to annual
appropriation, to support the exercise of Member State authority
under this Compact. This funding shall not be conditional on any
action of or regulation, policy, law, or rule being adopted by the
Member State.

(b) By the start of each Federal fiscal year, Congress shall
establish an initial Member State Current Year Funding Level for
each Member State, based upon reasonable estimates. The final
Member State Current Year Funding Level shall be calculated, and
funding shall be reconciled by the United States Congress based upon
information provided by each Member State and audited by the
United States Government Accountability Office.

ARTICLE VI

INTERSTATE ADVISORY HEALTH CARE COMMISSION

(a) The Interstate Advisory Health Care Commission is
established. The Commission consists of members appointed by each
Member State through a process to be determined by each Member
State. A Member State may not appoint more than two members to
the Commission and may withdraw membership from the
Commission at any time. Each Commission member is entitled to one
vote. The Commission shall not act unless a majority of the members
are present, and no action shall be binding unless approved by a
majority of the Commission’s total membership.

(b) The Commission may elect from among its membership a
Chairperson. The Commission may adopt and publish bylaws and
policies that are not inconsistent with this Compact. The Commission
shall meet at least once a year, and may meet more frequently.

(c) The Commission may study issues of Health Care regulation
that are of particular concern to the Member States. The Commission
may make non-binding recommendations to the Member States. The
legislatures of the Member States may consider these
recommendations in determining the appropriate Health Care policies
in their respective States.

(d) The Commission shall collect information and data to assist
the Member States in their regulation of Health Care, including
assessing the performance of various State Health Care programs and
compiling information on the prices of Health Care. The Commission
shall make this information and data available to the legislatures of
the Member States. Notwithstanding any other provision in this
Compact, no Member State shall disclose to the Commission the health information of any individual, nor shall the Commission disclose the health information of any individual.

(e) The Commission shall be funded by the Member States as agreed to by the Member States. The Commission shall have the responsibilities and duties as may be conferred upon it by subsequent action of the respective legislatures of the Member States in accordance with the terms of this Compact.

(f) The Commission shall not take any action within a Member State that contravenes any State law of that Member State.

ARTICLE VII

CONGRESSIONAL CONSENT

This Compact shall be effective on its adoption by at least two Member States and consent of the United States Congress. This Compact shall be effective unless the United States Congress, in consenting to this Compact, alters the fundamental purposes of this Compact, which are:

(a) To secure the right of the Member States to regulate Health Care in their respective States pursuant to this Compact and to suspend the operation of any conflicting federal laws, rules, regulations, and orders within their States; and

(b) To secure Federal funding for Member States that choose to invoke their authority under this Compact, as prescribed by Article 5 above.

ARTICLE VIII

AMENDMENTS

The Member States, by unanimous agreement, may amend this Compact from time to time without the prior consent or approval of Congress and any amendment shall be effective unless, within one year, the Congress disapproves that amendment. Any State may join this Compact after the date on which Congress consents to the Compact by adoption into law under its State Constitution.

ARTICLE IX

WITHDRAWAL; DISSOLUTION

Any Member State may withdraw from this Compact by adopting a law to that effect, but no such withdrawal shall take effect until six months after the Governor of the withdrawing Member State has given notice of the withdrawal to the other Member States. A withdrawing State shall be liable for any obligations that it may have incurred prior to the date on which its withdrawal becomes effective. This Compact shall be dissolved upon the withdrawal of all but one of the Member States.

Sec. 2. This act shall take effect and be in force from and after its
publication in the statute book Kansas register.