

{As Amended by House Committee of the Whole}

As Amended by House Committee

As Amended by Senate Committee

Session of 2012

SENATE BILL No. 250

By Senators Faust-Goudeau, Kelsey and A. Schmidt

12-14

1 AN ACT **{concerning health care;}** pertaining to the continuation of
2 health insurance for firefighters**}; relating to the interstate health**
3 **care compact}**.
4

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

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

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

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

17 (B) upon the remarriage of the deceased firefighter's surviving
18 spouse; or

19 (C) upon the deceased firefighter's surviving spouse reaching the age
20 of 65.

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

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

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

30 (b) For the purposes of this section:

31 (1) "Firefighter" means an actual member of an organized fire
32 department, of a municipality, whether regular or volunteer.

1 (2) "Health benefit plan" shall have the meaning ascribed to it in
2 K.S.A. 40-4602, and amendments thereto.

3 (3) "Municipality" means city, county or township.

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

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

8 THE INTERSTATE HEALTH CARE COMPACT

9 ARTICLE I

10 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

39 (e) "Member State Base Funding Level" means a number equal
40 to the total Federal spending on Health Care in the Member State
41 during Federal fiscal year 2010. On or before the Effective Date, each
42 Member State shall determine the Member State Base Funding Level
43 for its State, and that number shall be binding upon that Member

1 State. The preliminary estimate of Member State Base Funding Level
2 for the State of Kansas is \$6,985,000,000.

3 (f) "Member State Current Year Funding Level" means the
4 Member State Base Funding Level multiplied by the Member State
5 Current Year Population Adjustment Factor}

6 (g) "Member State Current Year Population Adjustment Factor"
7 means the average population of the Member State in the current year
8 less the average population of the Member State in Federal fiscal year
9 2010, divided by the average population of the Member State in
10 Federal fiscal year 2010, plus 1. Average population in a Member State
11 shall be determined by the United States Census Bureau.

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

18 ARTICLE II

19 PLEDGE

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

27 ARTICLE III

28 LEGISLATIVE POWER

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

31 ARTICLE IV

32 STATE CONTROL

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

43 ARTICLE V

FUNDING

1
2 (a) Each Federal fiscal year, each Member State shall have the
3 right to Federal monies up to an amount equal to its Member State
4 Current Year Funding Level for that Federal fiscal year, funded by
5 Congress as mandatory spending and not subject to annual
6 appropriation, to support the exercise of Member State authority
7 under this Compact. This funding shall not be conditional on any
8 action of or regulation, policy, law, or rule being adopted by the
9 Member State.

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

ARTICLE VI**INTERSTATE ADVISORY HEALTH CARE COMMISSION**

18
19 (a) The Interstate Advisory Health Care Commission is
20 established. The Commission consists of members appointed by each
21 Member State through a process to be determined by each Member
22 State. A Member State may not appoint more than two members to
23 the Commission and may withdraw membership from the
24 Commission at any time. Each Commission member is entitled to one
25 vote. The Commission shall not act unless a majority of the members
26 are present, and no action shall be binding unless approved by a
27 majority of the Commission's total membership.

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

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

38 (d) The Commission shall collect information and data to assist
39 the Member States in their regulation of Health Care, including
40 assessing the performance of various State Health Care programs and
41 compiling information on the prices of Health Care. The Commission
42 shall make this information and data available to the legislatures of
43 the Member States. Notwithstanding any other provision in this

1 Compact, no Member State shall disclose to the Commission the
2 health information of any individual, nor shall the Commission
3 disclose the health information of any individual.

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

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

11 ARTICLE VII

12 CONGRESSIONAL CONSENT

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

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

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

25 ARTICLE VIII

26 AMENDMENTS

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

33 ARTICLE IX

34 WITHDRAWAL; DISSOLUTION

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

43 Sec. ~~2~~. {3.} This act shall take effect and be in force from and after its

1 publication in the ~~statute book~~ **Kansas register**.
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