

Senate Concurrent Resolution No. 1606

By Senators Pilcher-Cook, Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith, Tyson, Wagle and Wilborn

5-27

1 A CONCURRENT RESOLUTION urging Congress to protect patients
2 and families by enacting reforms to the patient protection and
3 affordable care act.

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5 WHEREAS, Citizens of Kansas need access to quality, affordable
6 healthcare coverage, but the federal Patient Protection and Affordable
7 Care Act (PPACA) has not delivered on those promises; and

8 WHEREAS, PPACA has caused rising health insurance premiums,
9 canceled health plans and narrowing networks of quality doctors and
10 hospitals, and will still leave 30 million Americans uninsured even when
11 fully implemented; and

12 WHEREAS, Most individuals purchasing coverage on a PPACA
13 health insurance exchange are paying much higher premiums than before
14 PPACA was enacted; and

15 WHEREAS, The PPACA has increased the costs to the state to
16 provide Medicaid for its most vulnerable citizens; and

17 WHEREAS, The U.S. Supreme Court will soon rule on King v.
18 Burwell, challenging the Internal Revenue Service (IRS) rule allowing
19 PPACA premium subsidies for individuals enrolled in federal exchanges;
20 and

21 WHEREAS, Section 1401 of PPACA authorizes premium subsidies
22 only to individuals who enroll in coverage "through an Exchange
23 established by the State"; and

24 WHEREAS, In May 2012, the IRS issued a final rule authorizing
25 PPACA premium subsidies to individuals enrolled in federal exchanges,
26 ignoring statutory authority and the plain text of PPACA; and

27 WHEREAS, PPACA gives states the choice to establish a state-based
28 exchange and receive PPACA subsidies, or opt-out and protect
29 hardworking citizens from PPACA's mandates and penalties, which are
30 triggered when those premium subsidies are made available to, or are
31 claimed by, individuals enrolled in federal exchanges; and

32 WHEREAS, Thirty-four states, including Kansas, declined to set up a
33 state-based exchange because of the high costs to state taxpayers and

1 expanded bureaucracy required to administer it; and

2 WHEREAS, A ruling in favor of the plaintiffs in King v. Burwell
3 would effectively block the PPACA's employer mandate in Kansas, as
4 mandate penalties only apply when employers with more than 50 workers
5 fail to offer PPACA-compliant coverage and an employee becomes
6 eligible for a PPACA premium subsidy; and

7 WHEREAS, Because Kansas has declined to create a state-based
8 exchange, Kansas employers and employees will be shielded from
9 mandate penalties totaling \$2,000 per worker per year, and blocking these
10 mandate penalties will allow small businesses and entrepreneurs to create
11 more jobs, hire more workers and increase hours for part-time employees,
12 spurring economic growth; and

13 WHEREAS, The plaintiffs in King v. Burwell represent the millions
14 of Americans harmed by PPACA, including those who lost their health
15 plans, doctors or jobs, and those whom the law forces to pay higher
16 insurance premiums and taxes; and

17 WHEREAS, Lawmakers on both sides of the aisle must remedy the
18 law's shortcomings and unintended consequences; and

19 WHEREAS, Access to quality, affordable health coverage is a top
20 priority for Kansas as reflected in the Health Care Freedom Act, K.S.A.
21 2014 Supp. 65-6231: Now, therefore,

22 *Be it resolved by the Senate of the State of Kansas, the House of*
23 *Representatives concurring therein:* That, if the U.S. Supreme Court rules
24 in favor of the plaintiffs in King v. Burwell, the Kansas Legislature
25 encourages Congress to protect patients and families affected by the
26 decision and to enact reforms that help everyone by providing freedom,
27 flexibility and peace of mind so that Kansas residents can access quality,
28 affordable healthcare coverage when they need it; and

29 *Be it further resolved:* That, the Kansas Legislature supports efforts by
30 Congress that allow families a greater choice in the purchase of health
31 plans—including those health plans available prior to the PPACA's
32 enactment, in addition to the ones currently sold; and

33 *Be it further resolved:* That, the Kansas Legislature supports efforts by
34 Congress that allow families to purchase any health plan year round, not
35 just during the limited and sometimes arbitrary open enrollment periods
36 set by the U.S. Department of Health and Human Services; and

37 *Be it further resolved:* That, contingent on congressional action and
38 new flexibility provided by Congress to the states, the Kansas Legislature
39 will implement policies that lower costs and increase access to quality
40 health care while protecting the most vulnerable; and

41 *Be it further resolved:* That the Secretary of the Senate shall send an
42 enrolled copy of this resolution to the President of the United States, the
43 Speaker of the United States House of Representatives, the Majority

- 1 Leader of the United States Senate and to each member of the Kansas
- 2 congressional delegation.