

FIRST REGULAR SESSION

HOUSE BILL NO. 878

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (150).

2034L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 103.059, RSMo, and to enact in lieu thereof one new section relating to rulemaking authority of the board of trustees of the Missouri consolidated health care plan, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 103.059, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 103.059, to read as follows:

103.059. **1.** Subject to the limitations of law, the board shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the plan, and its decisions as to all questions of fact shall be final and conclusive on all persons except for the right of review as provided by law and except for fraud or such gross mistake of fact as to have an effect equivalent to fraud.

2. The board shall not file an emergency rule under section 536.025 later than December first, when such emergency rule is being promulgated to implement plan changes to health care benefits being offered to state employees for a new plan year beginning on January first of the next calendar year. In addition, such emergency rule shall be invalid unless a proposed rule or proposed amendment to implement such plan changes is filed no later than August first prior to the filing of an emergency rule with an intended effective date of January first of any plan year.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
18 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
19 **grant of rulemaking authority and any rule proposed or adopted after the effective date**
20 **of this section shall be invalid and void.**

Section B. Because immediate action is necessary to ensure stability in regulation and
2 implementation of the state health plan, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be
5 in full force and effect on July 1, 2011, or upon its passage and approval, whichever later occurs.

T