

SECOND REGULAR SESSION

HOUSE BILL NO. 1499

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RANSALL (Sponsor), HENKE, KUESSNER, WITTE,
SWINGER AND SAGER (Co-sponsors).

Read 1st time February 17, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4441L.011

AN ACT

To amend chapter 104, RSMo, by adding thereto two new sections relating to medical benefits for certain department of transportation and highway patrol retirees, with an emergency clause.

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

Section A. Chapter 104, RSMo, is amended by adding thereto two new sections, to be
2 known as sections 104.275 and 104.276, to read as follows:

**104.275. 1. An employee of the Missouri department of transportation who has not
2 been a retiree of the transportation department employees' and highway patrol retirement
3 system in which such employee is currently receiving creditable or credit service, who is
4 eligible to receive a normal annuity pursuant to section 104.080, 104.090, or 104.100, or a
5 life and any temporary annuity pursuant to section 104.1024, and whose annuity
6 commences no later than January 1, 2005, shall be eligible to receive the medical benefit
7 described in section 104.276.**

**8 2. Nothing in this section shall prohibit any employee described in subsection 1 of
9 this section who is eligible to receive benefits under the provisions of sections 104.625 and
10 104.1024, from electing to receive benefits pursuant to sections 104.625 and 104.1024.**

**11 3. A retiree whose retirement annuity commenced on or after February 1, 2004, but
12 no later than January 1, 2005, shall be eligible to receive the medical benefits described in
13 section 104.276.**

**14 4. The department of transportation may hire employees to replace those employees
15 retiring pursuant to this section and section 104.276; except that the department shall not
16 fill more than twenty-five percent of those positions vacated. Exceptions to the twenty-five
17 percent restriction may be made for critical or seasonal positions, as determined by rule
18 of the department.**

19 **5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
20 **that is created under the authority delegated in this section shall become effective only if**
21 **it complies with and is subject to all the provisions of chapter 536, RSMo, and, if**
22 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
23 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
24 **to review, to delay the effective, or to disapprove and annul a rule are subsequently held**
25 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
26 **after August 29, 2004, shall be invalid and void.**

27 **6. The department of transportation and the transportation department employees'**
28 **and highway patrol retirement system shall make a written report to the governor,**
29 **commissioner of administration, and general assembly by April 1, 2005, and shall provide**
30 **monthly tracking of the effect of employee retirements pursuant to this section and section**
31 **104.276. The report shall cover the time period of February 1, 2004, to January 31, 2005.**
32 **The report shall include the number of such retirements, the amount of payroll affected**
33 **as a result of retirements, and the financial effect of such retirements as expressed in a**
34 **report by the system's actuary.**

35 **7. The retirement benefits authorized under this section and section 104.276 shall**
36 **not be provided until the issue is voted on and approved by a majority vote of the state**
37 **highways and transportation commission. The state highways and transportation**
38 **commission shall vote on the issue within thirty days after the effective date of this section**
39 **and section 104.276, and shall notify all department employees and retirees since February**
40 **1, 2004, of the commission's decision.**

104.276. 1. Any member who retires pursuant to section 104.275, and who is also
2 **eligible for medical coverage under the department of transportation's health care plan,**
3 **shall be eligible to apply for the following coverage:**

4 **(1) Such retiree may elect to continue coverage for himself or herself and any**
5 **eligible dependents at the same cost as if such retiree was an active employee;**

6 **(2) Such retiree may continue to pay the applicable rate as if the retiree were an**
7 **active employee for a maximum period of five years or upon becoming eligible for**
8 **Medicare, whichever occurs first; and**

9 **(3) After five years or upon becoming eligible for Medicare, the cost for medical**
10 **coverage for such retiree and any dependents shall revert to the applicable rate in place at**
11 **that time.**

12 **Section B. In order to provide department of transportation and highway patrol retirees**
13 **with adequate notice of available retirement benefits, the enactment of sections 104.275 and**
14 **104.276 of section A of this act is deemed necessary for the immediate preservation of the public**

15 health, welfare, peace, and safety, and the enactment of sections 104.275 and 104.276 is hereby
16 declared to be an emergency act within the meaning of the constitution, and the enactment of
17 sections 104.275 and 104.276 of section A of this act shall be in full force and effect upon its
18 passage and approval.