

CCS SCS HB 1868 -- STATE GOVERNMENT

This bill changes the laws regarding keys to the Capitol dome, state agencies, and MO HealthNet claims and establishes the Joint Committee on the Reduction and Reorganization of Programs within State Government. In its main provisions, the bill:

(1) Requires the Commissioner of the Office of Administration to provide a key that accesses the State Capitol dome to each member of the General Assembly. The President Pro Tem of the Senate and the Speaker of the House of Representatives must provide a training program for the members and General Assembly staff regarding access to secured areas of the State Capitol Building. They may consult with the Office of Administration and the Department of Public Safety when developing the program (Section 8.016, RSMo);

(2) Establishes the Joint Committee on the Reduction and Reorganization of Programs within State Government. The membership of the committee is specified in the bill. The 13-member committee must submit a report to the General Assembly by December 31, 2010, with recommendations for reducing, eliminating, or combining a state program with another program or programs in the same or a different department. All state departments must provide the committee with requested information (Section 21.910);

(3) Requires each employee of the Oversight Division of the Joint Committee on Legislative Research before entering upon his or her duties to take and file with the Chief Clerk of the House of Representatives and the Secretary of the Senate an oath to support the Missouri Constitution, to faithfully demean himself or herself in office, not to disclose specified information to unauthorized persons, and not to accept any pay for the discharge of his or her duties other than that fixed and accorded to the employee by law. Anyone violating this provision will be guilty of a class A misdemeanor (Section 23.156);

(4) Allows state departments to purchase information technology services not exceeding \$75,000 using the informal procurement standards authorized in Section 34.040 if the contract or agreement is for less than 12 months and the department posts the proper notice on the online bidding/vendor system maintained by the Office of Administration (Section 34.047);

(5) Transfers the jurisdiction over certain employee claims in Chapters 36 and 105 from the Personnel Advisory Board in the Office of Administration to the Administrative Hearing Commission. The commission is also granted power to hear an appeal from a merit employee who has been fired or demoted. The

appeals process and possible remedies provided by the commission are specified in the bill (Sections 36.031, 36.050, 36.060, 36.150, 36.280, 36.370 - 36.400, 105.055, and 621.075);

(6) Replaces the Director of the Forms Management Unit with the Commissioner of the Office of Administration or his or her authorized representative as a voting member on the State Records Commission within the Office of the Secretary of State (Sections 37.320 and 109.250);

(7) Allows a statewide elected official to request a determination of the lowest and best bidder regarding a contract for purchasing, printing, or services for which he or she has the authority to contract from the Office of Administration which must respond to the elected official within 45 days after the submission of the request. The Office of Administration cannot prevent any state agency, political subdivision, or other state entity from purchasing supplies from an authorized General Services Administrator vendor if the contract does not exceed the competitive bid limits in Section 34.040 (Section 37.900 and Section 1);

(8) Allows the Superintendent of the State Highway Patrol to appoint up to one additional major, nine additional captains, eight additional lieutenants, and 99 additional patrolmen and officers by raising the current established limits (Sections 43.040 and 43.050);

(9) Transfers, effective January 1, 2011, the powers and duties of the State Water Patrol to the newly established Division of Water Patrol within the State Highway Patrol in the Department of Public Safety. The Superintendent of the State Highway Patrol will appoint a director of the new division and may transfer employees to the new division. The county sheriff must participate in search warrants served by the division except for the investigation of boating while intoxicated and vessel accidents. The bill allows members of the water patrol joining the new division to choose the Missouri State Employees' Retirement System or the Department of Transportation and Highway Patrol Employees' Retirement System. The procedure for the election, which must be made within 90 days of January 1, 2011, is specified in the bill. A member will be provided with a comprehensive written analysis of the differences between the plans prior to making his or her decision. An employee who becomes a uniformed member of the highway patrol and joins that retirement system will be subject to the mandatory retirement age as provided in Section 104.081 (Sections 43.390, 58.445, 104.810, 301.716, 306.010, 306.165, 306.167, 306.168, 306.185, 542.261, 544.157, 577.090, and 650.005.11);

(10) Changes the laws regarding the authority of the MO HealthNet Division within the Department of Social Services to collect payments from third-party payers. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers are required to process and pay properly submitted medical assistance or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms for a period of three years from the date services were provided by an entity. The entity cannot be required to reimburse for items or services not covered under MO HealthNet; cannot deny a claim based solely on the date of submission, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; cannot be required to reimburse for items or services previously submitted to the third-party payer by the provider or the participant and the claim was properly denied for procedural reasons; and cannot be required to reimburse for items or services which are not covered under the plan offered by the entity against which a claim for subrogation has been filed. An entity must reimburse for items or services to the same extent that the entity would have been liable if it had been properly billed at the point of sale and the amount due is limited to what the entity would have paid if it had been properly billed at the point of sale. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers must also pay a subrogation claim if the state enforces its right to a claim within six years of the submission of the claim. The computerized records of the division, if certified by the division director or his designee, will be prima facie evidence of proof of moneys expended and the amount of the debt due the state (Section 208.215);

(11) Allows the Administrative Hearing Commission to consist of up to five commissioners. Currently, it can only consist of up to three commissioners (Section 621.015);

(12) Requires the Department of Mental Health to cooperate with and allows it to directly contract with all state agencies; local units of government; any of the Governor's advisory councils or commissions, or their successor agencies; and the Missouri Mental Health Foundation, or its successor entity, in the delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse (Section 630.060); and

(13) Assigns the Missouri Veterans Commission to the Department of Public Safety. Currently, the commission is assigned to the Office of Adjutant General (Section 650.005.12).