

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1883

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FLANIGAN (Sponsor) AND ALLEN (Co-sponsor).

5500L.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 3.142, 21.440, 21.445, 21.450, 21.455, 21.460, 21.465, 44.227, 208.530, 208.533, 208.535, 376.1190, and 376.1192, RSMo, and to enact in lieu thereof four new sections relating to the general assembly.

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

Section A. Sections 3.142, 21.440, 21.445, 21.450, 21.455, 21.460, 21.465, 44.227, 208.530, 208.533, 208.535, 376.1190, and 376.1192, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 3.142, 44.227, 44.238, and 376.1190, to read as follows:

3.142. [1.] There is hereby established in the state treasury a revolving fund known as the "Statutory Revision Fund", and which shall receive funds paid to the revisor of statutes for sales of the revised statutes of Missouri or any supplement thereto, whether in printed, electronic, magnetic, or other form and funds received for any other service for which there is a fee charged by the committee on legislative research. The committee on legislative research shall determine the form and any fees or charges for the statutes or services. The state treasurer shall be custodian of the fund and shall make disbursements from the fund for enhancing or producing the electronic form of the revised statutes in a computer readable form, enhancing the electronic processing of computerized legislative drafting and such other purposes authorized by the joint committee on legislative research upon appropriation by the general assembly. Moneys in the fund may also be used at the direction of the committee on legislative research to provide the

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.

12 revised statutes of Missouri and any supplement thereto to public libraries of this state in a  
13 computer readable format for use by patrons of the libraries.

14 [2. Any unexpended balance in the fund at the end of any biennium not to exceed twice  
15 the cost of providing the annual supplement to the revised statutes of Missouri is exempt from  
16 the provisions of section 33.080 relating to transfer of unexpended balances to the ordinary  
17 revenue fund.]

44.227. 1. There is hereby created a "Seismic Safety Commission", which shall be  
2 domiciled in the department of public safety.

3 2. The commission shall consist of seventeen members, one who shall be a member of  
4 the senate appointed by the president pro tem of the senate, one who shall be a member of the  
5 house of representatives appointed by the speaker of the house of representatives, and fifteen  
6 members appointed by the governor, with the advice and consent of the senate, with no more  
7 than two from any one of the following professional areas: architecture, planning, fire  
8 protection, public utilities, electrical engineering, mechanical engineering, structural engineering,  
9 soils engineering, geology, seismology, local government, insurance, business, the American Red  
10 Cross, public education and emergency management.

11 3. Commission members shall elect annually from its membership a chairman and vice  
12 chairman. A quorum shall consist of a majority of appointed members, but not less than seven  
13 members, and may be met by electronic attendance and nonvoting participation of the staff of  
14 the legislative members of the commission. All commission members shall be residents of the  
15 state of Missouri and shall have reasonable knowledge of issues relating to earthquakes.

16 4. The term of office for each member of the commission appointed by the governor  
17 shall be four years, except that of the initial appointments, seven members shall be appointed for  
18 a term of two years and eight members shall be appointed for a term of four years. Any member  
19 may be removed from office by the governor without cause. Before the expiration of the term  
20 of a member appointed by the governor, the governor shall appoint a successor whose term  
21 begins on July first next following. A member is eligible for reappointment. If there is a  
22 vacancy for any cause, the governor shall make an appointment to become effective immediately  
23 for the unexpired term.

24 5. Each member of the commission shall serve without compensation but shall receive  
25 [fifty dollars for each day devoted to the affairs of the commission, plus] actual and necessary  
26 expenses incurred in the discharge of his official duties.

27 6. The office of emergency management in the department of public safety shall provide  
28 to the commission all technical, clerical and other necessary support services.

**44.238. The provisions of sections 44.227 to 44.238 shall expire on December 31,  
2 2014.**

376.1190. Any health care benefit mandate proposed after August 28, 2011, shall be subject to review by the oversight division of the joint committee on legislative research. The oversight division shall perform an actuarial analysis of the cost impact to private and public payers of any new or revised mandated health care benefit [proposed] **enacted** by the general assembly after August 28, 2011, and a recommendation shall be delivered to the speaker and the president pro tem prior to **July first of the year immediately following the year in which the** mandate [being] **is** enacted.

[21.440. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Corrections" to be comprised of six members of the senate and six members of the house of representatives. The senate members shall be appointed by the president pro tem of the senate and the house members shall be appointed by the speaker of the house. The appointment of each member shall continue during his term of office as a member of the general assembly or until a successor has been duly appointed to fill his place when his term of office as a member of the general assembly has expired.

2. The general assembly by a majority vote of the elected members may discharge any or all of the members of the committee at any time and select their successors.

3. No major party shall be represented on the committee by more than three members from the senate nor by more than three members from the house.]

[21.445. 1. The joint committee on corrections shall meet within ten days after its creation and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. The director of research of the committee on legislative research shall serve as secretary to the committee. He shall keep the records of the committee, and shall perform such other duties as may be directed by the committee.

2. The regular meetings of the committee shall be in Jefferson City, Missouri, and after its inception and organization it shall regularly meet at least once every six months.

3. A majority of the members of the committee shall constitute a quorum.

4. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.]

[21.450. The committee may, within the limits of its appropriation, employ such personnel as it deems necessary; and the committee on legislative research, within the limits of any appropriation made for such purpose, shall supply to the joint committee on corrections such professional, technical, legal, stenographic and clerical help as may be necessary for it to perform its duties.]

[21.455. It shall be the duty of the committee:

(1) To make a continuing study and analysis of penal and correctional problems as they relate to this state;

(2) To devise and arrange for a long-range program for the department and its correctional centers based on a plan of biennial development and making the recommendation of any required correctional centers in the state in accordance with the general assembly's powers of appropriation;

(3) To inspect at least once each year and as necessary all correctional facilities and properties under the jurisdiction of the department of corrections and of the division of youth services;

(4) To make a continuing study and review of the department of corrections and the correctional facilities under its jurisdiction, including the internal organization, management, powers, duties and functions of the department and its correctional centers, particularly, by way of extension but not of limitation, in relation to the

(a) Personnel of the department;

(b) Discipline of the correctional facilities;

(c) Correctional enterprises;

(d) Classification of offenders;

(e) Care and treatment of offenders;

(f) Educational and vocational training facilities of the correctional centers;

(g) Location and establishment of new correctional centers or of new buildings and facilities;

(h) All other matters relating to the administration of the state's correctional centers which the committee deems pertinent; and

(i) Probations and paroles;

(5) To make a continuing study and review of the institutions and programs under the jurisdiction of the division of youth services;

(6) To study and determine the need for changes in the state's criminal laws as they apply to correctional centers and to sentencing, commitment, probation and parole of persons convicted of law violations;

(7) To determine from such study and analyses the need for changes in statutory law or administrative procedures;

(8) To make recommendations to the general assembly for legislative action and to the department of corrections and to the division of youth services for administrative or procedural changes.]

[21.460. 1. The department of corrections, each section and correctional facility within the department and, upon request, any other state agency shall cooperate with and assist the committee in the performance of its duties and shall make available all books, records and information requested.

5           2. The committee shall have the power to subpoena witnesses, take  
6 testimony under oath, compel the attendance of witnesses, the giving of  
7 testimony and the production of records.]  
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2           [21.465. It shall be the duty of the committee to compile a full report of  
3 its activities for submission to the general assembly. The report shall be  
4 submitted not later than the fifteenth of January of each year in which the general  
5 assembly convenes in regular session and shall include any recommendations  
6 which the committee may have for legislative action as well as any  
7 recommendations for administrative or procedural changes in the internal  
8 management or organization of the department or its correctional facilities. The  
9 report shall also include an analysis and statement of the manner in which  
10 statutory provisions relating to the department and its several sections are being  
11 executed. Copies of the report containing such recommendations shall be sent  
12 to the director of the department of corrections and other persons within the  
13 department charged with administrative or managerial duties.]

2           [208.530. As used in sections 208.530 to 208.535, the following terms  
3 shall mean:

4           (1) "Commission", the commission on the special health, psychological  
5 and social needs of minority older individuals established in section 208.533;

6           (2) "Minority older individual", an individual who is sixty years of age  
7 or older and a member of a racial minority group;

8           (3) "Racial minority group":

9           (a) Blacks or African Americans;

10           (b) Native Americans;

11           (c) Hispanics;

12           (d) Asian Americans; and

13           (e) Other similar racial minority groups.]

2           [208.533. 1. There is hereby established a twenty-member "Commission  
3 on the Special Health, Psychological and Social Needs of Minority Older  
4 Individuals" under the division of aging. The commission shall consist of the  
5 following members:

6           (1) The directors of the departments of health and senior services, mental  
7 health and social services or their designees;

8           (2) The directors of the office of minority health and the division of aging  
9 who shall serve as cochair of the commission;

10           (3) Two members of the Missouri house of representatives, one from  
11 each major political party represented in the house of representatives, appointed  
by the speaker of the house who shall serve in a nonvoting, advisory capacity;

(4) Two members of the senate, one from each major political party represented in the senate, appointed by the president pro tem of the senate who shall serve in a nonvoting, advisory capacity;

(5) A representative of the office of the lieutenant governor who shall serve in a nonvoting, advisory capacity; and

(6) Ten individuals appointed by the governor with the advice and consent of the senate who are currently working in the field of minority elderly health, psychological or social problems who have demonstrated expertise in one or more of the following areas: treatment of cardiovascular, cancer and diabetic conditions; nutrition; community-based health services; legal services; elderly consumer advocacy; gerontology or geriatrics; social work and other related services including housing. At least two of the individuals appointed by the governor shall be minority older individuals. The members appointed by the governor shall be residents of Missouri. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. Members appointed by the governor shall serve for three-year terms. Other members, except legislative members, shall serve for as long as they hold the position which made them eligible for appointment. Legislative members shall serve during their current term of office but may be reappointed.

3. Members of the commission shall not be compensated for their services, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The office of administration and the departments of health and senior services, mental health and social services shall provide such support as the commission requires to aid it in the performance of its duties.]

[208.535. The responsibilities of the commission shall include, but not be limited to, the following:

(1) The commission shall annually prepare a report identifying the special needs of the minority older population in Missouri as compared to the older population at-large and make recommendations for meeting those needs. The report shall be completed no later than October first of each year, beginning in 1999, and copies transmitted to the governor, the general assembly and appropriate state agencies. The report shall, at a minimum:

(a) Contain an overview of the special health, psychological and social needs of minority older Missourians with particular attention to low-income minority older individuals;

(b) Identify specific diseases and health conditions for which minority older individuals are at greater risk than the general population;

(c) Identify problems experienced by minority older individuals in obtaining services from governmental agencies;

(d) Identify programs at the state and local level designed to specifically meet the needs of minority older individuals; and

(e) Recommend program improvements and services at the state and local level designed to address the special unmet needs of the minority older population;

(2) In preparing the report required by this section, the commission shall solicit and consider the input of individuals and organizations representing the concerns of the minority older population, with particular attention to the service needs of those with incomes below the federal poverty level, concerning:

- (a) Programs and services needed by minority older individuals;
- (b) The extent to which existing programs do not meet the needs of minority older individuals;
- (c) The accessibility of existing programs to minority older individuals;
- (d) The availability and adequacy of information regarding existing services;

(e) Health problems that minority older individuals experience at a higher rate than the nonminority older population; and

(f) Financial, social and other barriers experienced by minority older individuals in obtaining needed services;

(3) Conduct an outreach program that provides information to minority older Missourians about health, psychological and social problems experienced by minority older individuals and available programs to address those problems, as identified in the report prepared pursuant to this section.]

[376.1192. 1. As used in this section, "health benefit plan" and "health carrier" shall have the same meaning as such terms are defined in section 376.1350.

2. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if state mandates were enacted to provide health benefit plan coverage for the following:

(1) Orally administered anticancer medication that is used to kill or slow the growth of cancerous cells charged at the same co-payment, deductible, or coinsurance amount as intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan;

(2) Diagnosis and treatment of eating disorders that include anorexia nervosa, bulimia, binge eating, eating disorders nonspecified, and any other severe eating disorders contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. The actuarial analysis shall assume the following are included in health benefit plan coverage:

(a) Residential treatment for eating disorders, if such treatment is medically necessary in accordance with the Practice Guidelines for the Treatment

22 of Patients with Eating Disorders, as most recently published by the American  
23 Psychiatric Association; and

24 (b) Access to medical treatment that provides coverage for integrated  
25 care and treatment as recommended by medical and mental health care  
26 professionals, including but not limited to psychological services, nutrition  
27 counseling, physical therapy, dietician services, medical monitoring, and  
28 psychiatric monitoring.

29 3. By December 31, 2013, the director of the oversight division of the  
30 joint committee on legislative research shall submit a report of the actuarial  
31 findings prescribed by this section to the speaker of the house of representatives,  
32 the president pro tempore of the senate, and the chairpersons of the house of  
33 representatives committee on health insurance and the senate small business,  
34 insurance and industry committee, or the committees having jurisdiction over  
35 health insurance issues if the preceding committees no longer exist.

36 4. For the purposes of this section, the actuarial analysis of health benefit  
37 plan coverage shall assume that such coverage:

38 (1) Shall not be subject to any greater deductible or co-payment than  
39 other health care services provided by the health benefit plan; and

40 (2) Shall not apply to a supplemental insurance policy, including a life  
41 care contract, accident-only policy, specified disease policy, hospital policy  
42 providing a fixed daily benefit only, Medicare supplement policy, long-term care  
43 policy, short-term major medical policies of six months' or less duration, or any  
44 other supplemental policy.

45 5. The cost for each actuarial analysis shall not exceed thirty thousand  
46 dollars and the oversight division of the joint committee on legislative research  
47 may utilize any actuary contracted to perform services for the Missouri  
48 consolidated health care plan to perform the analysis required under this section.

49 6. The provisions of this section shall expire on December 31, 2013.]

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