

SS SB 464 -- HEALTH INSURANCE EXCHANGE

This bill specifies that no state-based health benefit exchange may be established, created, or operated within this state unless the authority is enacted by legislation, initiative petition, or referendum. The authority to do so cannot be based upon an executive order issued by the Governor.

No department, agency, instrumentality, or political subdivision of the state can establish or change any program or promulgate or change any rule, policy, guideline, or plan to establish, create, administer, or otherwise operate a state-based health insurance exchange unless the entity has received specified statutory authority to do so or act as an eligible entity to perform one or more of the responsibilities of a state-based health insurance exchange unless authorized by statute or a regulation.

No department, agency, instrumentality, or political subdivision of this state can apply for, accept, or expend federal moneys related to the creation, implementation, or operation of a state-based health insurance exchange or a federally facilitated health benefit exchange unless the acceptance or expenditure is authorized by statute or an appropriations bill.

No department, agency, instrumentality, political subdivision, public officer, or employee of the state can enter into any agreement or any obligation to establish, administer, or operate a federally facilitated health benefit exchange without receiving statutory authority to enter into the agreement or obligation. No department, agency, instrumentality, political subdivision, public officer, or state employee can provide assistance or resources of any kind to any department, agency, public official, employee, or agent of the federal government related to the creation or operation of a federally facilitated health benefit exchange unless the assistance or resources are authorized by state statute or regulation or are specifically required by federal law.

The bill specifies that any taxpayer of this state or member of the General Assembly must have legal standing to bring suit against the State of Missouri or any official, department, division, agency, or political subdivision of this state that is in violation of these provisions in any court with jurisdiction to enforce these provisions. The court must award attorney fees, court costs, and reasonable expenses to the taxpayer or legislator if the court finds that these provisions have been violated. In no case can the award of attorney fees, court costs, or reasonable expenses be paid from the Legal Defense Fund nor can any department, division, agency, or political subdivision of this state request, or be granted, additional

appropriations in order to satisfy an award.

The bill contains a referendum clause and will be submitted to qualified voters in November 2012.