HOUSE DOCKET, NO. 1371 FILED ON: 2/18/2011

HOUSE . . . . . No. 3353

The Commonwealth of Massachusetts

PRESENTED BY:

James J. Lyons, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to health insurance mandates in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James J. Lyons, Jr.	*18th Essex*
Geoff Diehl	*7th Plymouth*
Steven L. Levy	*4th Middlesex*
Marc T. Lombardo	*22nd Middlesex*
Elizabeth A. Poirier	*14th Bristol*

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HOUSE . . . . . No. 3353

By Mr. Lyons of Andover, a petition (accompanied by bill, House, No. 3353) of James J. Lyons, Jr. and others relative to mandated health insurance. Financial Services.

The Commonwealth of Massachusetts

An Act relative to health insurance mandates in the Commonwealth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for health insurance benefits, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The third paragraph of section 76F of chapter 111 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the first sentence.

SECTION 2. Chapter 111M of the General Laws is hereby repealed.

SECTION 3. Section 47AA of chapter 175 of the General Laws is hereby repealed.

SECTION 4. Sections 47B to 47I, inclusive, of said chapter 175 are hereby repealed.

SECTION 5. Sections 47K and 47L of said chapter 175 of the General Laws are hereby repealed.

SECTION 6. Sections 47N to 47Z, inclusive, of said chapter 175 of the General Laws are hereby repealed.

SECTION 7. Provision (3) of paragraph (A) of subdivision (2) of section 108 of said chapter 175 of the General Laws is hereby repealed.

SECTION 8. Paragraph (D) of subdivision (8) of section 108 of said chapter 175 of the General Laws is hereby repealed.

SECTION 9. Section 108B of said chapter 175 of the General Laws is hereby repealed.

SECTION 10. Section 108D of said chapter 175 of the General Laws is hereby repealed.

16 SECTION 11. Subdivision (F) of section 110 of said chapter 175 of the General Laws is
17 hereby repealed.

18 SECTION 12. Subdivision (I) of section 110 of said chapter 175 of the General Laws is
19 hereby repealed.

20 SECTION 13. Subdivisions (K) and (L) of section 110 of said chapter 175 of the
21 General Laws are hereby repealed.

22 SECTION 14. Subdivision (P) of section 110 of said chapter 175 of the General Laws is
23 hereby repealed.

24 SECTION 15. Section 110K of said chapter 175 of the General Laws is hereby repealed.

25 SECTION 16. Section 110L of said chapter 175 of the General Laws is hereby repealed.

26 SECTION 17. Subsection (d) of section 8 of chapter 176A of the General Laws is hereby
27 repealed.

28 SECTION 18. Sections 8A and 8B of said chapter 176A of the General Laws are hereby
29 repealed.

30 SECTION 19. Sections 8G to 8L, inclusive, of said chapter 176A of the General Laws
31 are hereby repealed.

32 SECTION 20. Sections 8N to 8Y, inclusive, of said chapter 176A of the General Laws
33 are hereby repealed.

34 SECTION 21. Section 8AA to 8DD, inclusive, of said chapter 176A of the General Laws
35 are hereby repealed.

36 SECTION 22. Section 4 of chapter 176B of the General Laws is hereby repealed.

37 SECTION 23. Sections 4AA to 4DD, inclusive, of chapter 176B of the General Laws are
38 hereby repealed.

39 SECTION 24. Section 4A of said chapter 176B of the General Laws is hereby repealed.

40 SECTION 25. Section 4C of said chapter 176B of the General Laws is hereby repealed.

41 SECTION 26. Section 4F of said chapter 176B of the General Laws is hereby repealed.

42 SECTION 27. Section 4G of said chapter 176B of the General Laws is hereby repealed.

43 SECTION 28. Section 4H of said chapter 176B of the General Laws is hereby repealed.

44 SECTION 29. Section 4K of said chapter 176B of the General Laws is hereby repealed.

45 SECTION 30. Section 4L of said chapter 176B of the General Laws is hereby repealed.

46 SECTION 31. Sections 4N to 4Y, inclusive, of said chapter 176B of the General Laws
47 are hereby repealed.

48 SECTION 32. Subsection (c) of section 6 of said chapter 176B of the General Laws is
49 hereby repealed.

50 SECTION 33. Section 4 of chapter 176G of the General Laws is hereby repealed.

51 SECTION 34. Sections 4C to 4Q, inclusive, of said chapter 176G of the General Laws is
52 hereby repealed.

53 SECTION 35. Sections 4S to 4V, inclusive, of said chapter 176G of the General Laws is
54 hereby repealed.

55 SECTION 36. Section 5 of said chapter 176G of the General Laws is hereby repealed.

56 SECTION 37. Section 11A of said chapter 176G of the General Laws is hereby repealed.

57 SECTION 38. There shall be a special commission to make recommendations to the
58 legislature on mandated health insurance benefits in the commonwealth. The commission shall
59 consist of the secretary of administration and finance or his designee; 3 members of the house of
60 representatives, 1 of whom shall be the chair of the joint committee on health care financing, 1 of
61 whom shall be appointed by the house minority leader; 3 members of the senate, 1 of whom shall
62 be the chair of the joint committee on health care financing, 1 of whom shall be appointed by the
63 senate minority leader; and 4 members to be appointed by the governor, 1 of whom shall have
64 professional experience in employee health benefits or in actuarial science. The commission
65 shall convene its first official meeting not later than September 1, 2011.

66 The commission, in consultation with the division of insurance, shall make a
67 comprehensive study of mandated health insurance benefits. The study shall include, but not be
68 limited to: contribution rates paid by employers and employees and the terms of health insurance
69 policies available to all citizens of the commonwealth.

70 The commission shall recommend acceptable mandated health insurance benefits and
71 policy terms for such mandated coverage. The commission shall request an actuarial analysis to
72 determine the costs of any recommendations made by the commission. The report of
73 commission shall be filed with the governor, the clerks of the senate and house of representatives
74 and the chairs of the joint committee on health care financing not later than January 31, 2012.

75 On or before the third Wednesday of February 2012, the commission shall file a joint
76 petition with the clerks of the senate and house of representatives the title of which is as follows:
77 "An Act approving the recommendations of the Commission on Mandated Health Insurance
78 Benefits in the Commonwealth.".

79 The petition described herein, introduced in the general court shall be referred to the joint
80 committee on health care finance. The petition shall, at all times, include an emergency
81 preamble. If the committee to which a petition described herein is referred has not reported such
82 petition, or an identical petition, before May 18, 2012, such committee shall be, as of May 18,
83 2012, discharged from further consideration of such petition, and such petition shall be placed on
84 the appropriate calendar of the day.

85 On or after the third day after the date on which the committee to which such a petition is
86 referred has reported, or has been discharged from further consideration of, such a petition, it is
87 in order (even though a previous motion to the same effect has been disagreed to) for any
88 member of the house or senate to call for the previous question on the main question of the
89 petition (but only on the day after the calendar day on which such member announces to the
90 house or senate respectively concerned the member's intention to do so). All points of order
91 against the petition (and against consideration of the petition) are waived. The motion is not
92 subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration
93 of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed
94 to shall not be in order. If a motion to proceed to the consideration of the petition is agreed to, the
95 respective house of the General Court shall immediately proceed to consideration of the joint
96 petition without intervening motion, order, or other business, and the petition shall remain the
97 unfinished business of the house or senate until disposed of.

98 Debate on the petition, and on all debatable motions and appeals in connection therewith,
99 shall be limited to not more than 5 hours, which shall be divided equally between those favoring
100 and those opposing the petition. An amendment to the petition is not in order. A motion further
101 to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the
102 consideration of other business, or a motion to recommit the petition is not in order. A motion to
103 reconsider the vote by which the petition is agreed to or disagreed to is not in order.

104 Immediately following the conclusion of the debate on a petition described herein and a
105 single quorum call at the conclusion of the debate if requested in accordance with the rules of the
106 house or senate, the vote on final passage of the petition shall occur.

107 Appeals from the decisions of the chair relating to the application of the rules of the
108 senate or the house of representatives, as the case may be, to the procedure relating to a petition
109 described herein shall be decided without debate.

110 If, before the passage by either the house or senate of a petition of the house or senate
111 described herein, that house receives from the other house a petition described herein then the
112 following procedures shall apply: (1) the petition of the other House shall not be referred to a
113 committee and may not be considered in the house receiving it except in the case of final passage
114 as provided herein and the procedures described herein shall govern.

115 This legislation is enacted by the General Court (1) as an exercise of the rulemaking
116 power of the senate and house of representatives, respectively, and as such it is deemed a part of
117 the rules of each house, respectively, but applicable only with respect to the procedure to be
118 followed in that house in the case of a petition described in this section, and it supersedes other
119 rules only to the extent that it is inconsistent with such rules; and (2) with full recognition of the
120 constitutional right of either house to change the rules (so far as relating to the procedure of that
121 house) at any time, in the same manner, and to the same extent as in the case of any other rule of
122 that house.

123 SECTION 39. The division of health care financing shall annually review and report on
124 mandatory health insurance benefits and the cost of such benefits in the commonwealth. The
125 report shall be filed annually with the clerks of the house and the senate on or before June 30th.

126 SECTION 40. Sections 1 to 37, inclusive, shall take effect June 1, 2012.