

SECOND REGULAR SESSION

# HOUSE BILL NO. 2563

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LICHTENEGGER.

6489H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to the senior services growth and development program.

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

Section A. Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.370, to read as follows:

**192.370. 1. There is hereby established in the department of health and senior services the “Senior Services Growth and Development Program” to provide additional funding for senior services provided through area agencies on aging in this state.**

**2. Beginning January 1, 2017, there shall be imposed and the department of insurance, financial institutions and professional registration shall collect a surcharge of one percent of annual premiums on the following individual and group special funding insurance contracts:**

**(1) Medicare supplement policies;**

**(2) Medicare Part D policies; and**

**(3) Medicare Advantage plans.**

**3. The surcharge authorized under this section shall be based on all premiums for special funding insurance contracts in effect during the calendar year. The department of insurance, financial institutions and professional registration, in consultation with the department of health and senior services, shall determine whether such surcharge shall be collected monthly, quarterly, or annually.**

**4. (1) There is hereby created in the state treasury the “Senior Services Growth and Development Program Fund”, which shall consist of moneys collected under this**

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.

18 **section. The state treasurer shall be custodian of the fund. In accordance with sections**  
19 **30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a**  
20 **declared fund and moneys in the fund shall be used solely by the department of health and**  
21 **senior services for enhancing senior services provided by and through area agencies on**  
22 **aging in this state.**

23 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
24 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
25 **general revenue fund. This fund shall not supplant general revenue provided for senior**  
26 **services.**

27 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**  
28 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
29 **to the fund.**

30 **5. The department of health and senior services shall allocate moneys from the fund**  
31 **according to the state funding formula already in place.**

32 **6. At least fifty percent of all moneys distributed under this section shall be applied**  
33 **by area agencies on aging to the development and extension of senior center programs and**  
34 **services. The balance shall be used for services and support provided through area**  
35 **agencies on aging.**

36 **7. All area agencies on aging shall report annually to the department of health and**  
37 **senior services on the distribution and use of moneys under this section. The board of**  
38 **directors and the advisory board of each area agency on aging shall be responsible for**  
39 **ensuring proper use and distribution of moneys under this section.**

40 **8. The department of health and senior services may promulgate rules to implement**  
41 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**  
42 **section 536.010, that is created under the authority delegated in this section shall become**  
43 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
44 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**  
45 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
46 **the effective date, or to disapprove and annul a rule are subsequently held**  
47 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
48 **after August 28, 2016, shall be invalid and void.**

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