SENATE BILL NO. 1095

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 25, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6415S.01I

AN ACT

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

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

2 section, to be known as section 192.385, to read as follows:

192.385. 1. There is hereby established in the department of

2 **health and senior services the "Senior Services Growth and**

3 **Development Program" to provide additional funding for senior**

4 **services provided through the area agencies on aging in this state.**

5 **2. Beginning January 1, 2017, there shall be imposed, and the**

6 **department of insurance, financial institutions and professional**

7 **registration shall collect, a surcharge of one percent of annual**

8 **premiums on the following individual and group special funding**

9 **insurance contracts:**

10 **(1) Medicare Supplement policies;**

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

12 **(3) Medicare Advantage plans.**

13 **3. The surcharge authorized under this section shall be based on**

14 **all premiums for special funding insurance contracts in effect during**

15 **the calendar year. The department of insurance, financial institutions**

16 **and professional registration, in consultation with the department of**

17 **health and senior services, shall determine whether such surcharge**

18 **may be collected monthly, quarterly, or annually.**

19 **4. (1) There is hereby created in the state treasury the "Senior**

20 **Services Growth and Development Program Fund", which shall consist**

21 **of moneys collected under this section. The state treasurer shall be**

22   custodian of the fund. In accordance with sections 30.170 and 30.180,
23   the state treasurer may approve disbursements. The fund shall be a
24   dedicated fund and moneys in the fund shall be used solely by the
25   department of health and senior services for enhancing senior services
26   provided by area agencies on aging in this state.

27   (2) Notwithstanding the provisions of section 33.080 to the
28   contrary, any moneys remaining in the fund at the end of the biennium
29   shall not revert to the credit of the general revenue fund. This fund is
30   not intended to supplant general revenue provided for senior services.

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

34   5. The department of health and senior services shall disburse
35   the moneys from the fund to the area agencies on aging in accordance
36   with the funding formula used by the department to disburse other
37   federal and state moneys to the area agencies on aging.

38   6. At least fifty percent of all moneys distributed under this
39   section shall be applied by area agencies on aging to the development
40   and expansion of senior center programs, facilities, and services.

41   7. All area agencies on aging shall report annually to the
42   department of health and senior services on the distribution and use
43   of moneys under this section.

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

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