

SECOND REGULAR SESSION

HOUSE BILL NO. 1241

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SATER.

3202L.011

D. ADAM CRUMBLISS, Chief Clerk

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 section, to be known as section 192.380, to read as follows:

192.380. 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 in this state.

2. Beginning January 1, 2011, 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;**
- (3) Medicare Advantage plans; and**
- (4) Long-term care policies.**

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 may be collected monthly, quarterly, or annually.

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.

17 **4. (1) There is hereby created in the state treasury the "Senior Services Enhanced**
18 **Fund", which shall consist of money collected under this section. The state treasurer shall**
19 **be custodian of the fund. In accordance with sections 30.170 and 30.180, the state**
20 **treasurer may approve disbursements. The fund shall be a dedicated fund and money in**
21 **the fund shall be used solely by the department of health and senior services for enhancing**
22 **senior services in this state and assisting senior centers in their need for growing operations**
23 **and capital expenditures.**

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

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 establish and collaborate with**
31 **a distribution group consisting of one member from each area agency on aging to establish**
32 **guidelines for equitable distribution of moneys under this section to the area agencies on**
33 **aging. Such guidelines shall include, but not be limited to, a proportional method of**
34 **distribution based on the number of senior centers and senior service activities eligible for**
35 **increased distribution of moneys in each area served by an area agency on aging.**

36 **6. Fifty percent of all moneys distributed under this section shall be used solely for**
37 **funding of senior centers in Missouri. Such funding shall be used for their operating and**
38 **capital needs, and for the establishment of new centers.**

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

43 **8. The department of health and senior services may promulgate rules to implement**
44 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**
45 **section 536.010, that is created under the authority delegated in this section shall become**
46 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
47 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
48 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
49 **the effective date, or to disapprove and annul a rule are subsequently held**
50 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
51 **after August 28, 2010, shall be invalid and void.**

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