

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 775, Page 1, Section A, Line 5, by inserting after all of said section and line the
3 following:
4

5 "143.261. 1. For every remittance to the director of revenue made on or before the date the
6 remittance becomes due, the employer, other than the United States and its agencies, the state of
7 Missouri and political subdivisions thereof, may deduct and retain the following percentages of the
8 total amount of tax withheld and paid in each calendar year:

9 (1) Before October 1, 2018, two percent of amounts collected up to and including five
10 thousand dollars [or less];

11 (2) (a) Before October 1, 2018, one percent of [amount] amounts collected in excess of five
12 thousand dollars and up to and including ten thousand dollars; and

13 (b) On and after October 1, 2018, one percent of amounts collected up to and including ten
14 thousand dollars; and

15 (3) One-half of one percent of amount collected in excess of ten thousand dollars.

16 2. The director of revenue shall determine the dollar amount of withheld taxes collected as a
17 result of the reduction of the allowable retention percentage under subsection 1 of this section. The
18 director shall report such amount to the state treasurer, and the state treasurer shall deposit such an
19 amount from the revenues collected under this section that otherwise would be deposited into
20 general revenue into the following funds at the following proportions:

21 (1) The department of health and senior services - federal and other fund, forty-eight
22 percent of such amount;

23 (2) The nursing home protection fund established under section 208.159, eleven percent of
24 such amount;

25 (3) The Missouri Rx plan fund established under section 208.794, sixteen percent of such
26 amount;

27 (4) The home and community based services fund established under section 208.855, seven
28 percent of such amount; and

29 (5) The consumer-directed services protection fund established under section 208.903,
30 eighteen percent of such amount.

31 144.140. 1. Before January 1, 2019, from every remittance to the director of revenue made
32 on or before the date when the same becomes due, the person required to remit the same shall be
33 entitled to deduct and retain an amount equal to two percent thereof.

34 2. On and after January 1, 2019, from every remittance to the director of revenue made on
35 or before the date when the same becomes due, the person required to remit the same shall be
36 entitled to deduct and retain an amount equal to one percent thereof.

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3. The director of revenue shall determine the dollar amount of remittances collected as a result of the reduction of the allowable retention percentage under subsection 2 of this section. The director shall report such amount to the state treasurer, and the state treasurer shall deposit such an amount from the revenues collected under this section that otherwise would be deposited into general revenue into the following funds at the following proportions:

(1) The department of health and senior services - federal and other fund, forty-eight percent of such amount;

(2) The nursing home protection fund established under section 208.159, eleven percent of such amount;

(3) The Missouri Rx plan fund established under section 208.794, sixteen percent of such amount;

(4) The home and community based services fund established under section 208.855, seven percent of such amount; and

(5) The consumer-directed services protection fund established under section 208.903, eighteen percent of such amount."; and

Further amend said bill, page, Section 198.439, Line 1, by inserting after all of said section and line the following:

"208.159. 1. Notwithstanding the provisions of sections 207.010, 208.152, and 208.153, the department of social services shall administer payments for nursing home services authorized in sections 208.151, et seq., which govern medical assistance under Title XIX, Public Law 89-97, 1965 amendments to the Federal Social Security Act (42 U.S.C. 301 et seq.), as amended, and shall administer vendor payments for the aged and direct adult services for the aged under Title XX, Public Law 93-647, 1974 amendments to the Federal Social Security Act (42 U.S.C. 1397 et seq.), as amended. The department shall, pursuant to chapter 536, promulgate rules and regulations for the purpose of administering such payments, including rules to define the reasonable costs, manner, extent, quality, charges and fees or payments for nursing home services.

2. There is hereby created in the state treasury the "Nursing Home Protection Fund", which shall consist of moneys collected under sections 143.261 and 144.140. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and, upon appropriation, moneys in the fund shall be used solely for the purposes of subsection 1 of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund." and

Further amend said bill, Page 6, Section 208.480, Line 2, by inserting after all of said section and line the following:

"208.855. 1. There is hereby created in the state treasury the "Home and Community Based Services Fund", which shall consist of moneys collected under sections 143.261 and 144.140. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and, upon appropriation, moneys in the fund shall be used solely for the purposes of subsection 2 of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The

1 state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
 2 interest and moneys earned on such investments shall be credited to the fund.

3 2. Moneys in the home and community based services fund shall only be used to provide
 4 care and support services through the home and community based services program administered by
 5 MO HealthNet.

6 208.903. 1. Subject to appropriations, the department shall provide financial assistance for
 7 consumer-directed personal care assistance services through eligible vendors to each person
 8 determined eligible to participate under guidelines established by the Medicaid state plan and who:

9 (1) Is capable of living independently with personal care assistance services;

10 (2) Is physically disabled;

11 (3) Is eighteen years of age or older;

12 (4) Is able to direct his or her own care;

13 (5) Is able to document proof of Medicaid eligibility under Title XIX of the Social Security
 14 Act under federal and state laws and regulations;

15 (6) Requires at least a nursing home level of care under regulations established by the
 16 department;

17 (7) Participates in an assessment or evaluation, or both, by the department; and

18 (8) Can have their unmet needs safely met at a cost that shall not exceed the average
 19 monthly Medicaid cost of nursing facility care as determined by the department of social services.

20 2. Upon certification of the employment of a personal care attendant chosen by the
 21 consumer in accordance with sections 208.900 to 208.927, the vendor shall perform the payroll and
 22 fringe benefit accounting functions for the consumer. The vendor shall be responsible for filing
 23 claims with the Missouri Medicaid program. Statutorily required fringe benefit costs shall be paid
 24 from the personal care assistant appropriation. The department shall establish the statewide rate for
 25 personal care attendant services. For purposes of this section, the personal care attendant is
 26 considered the employee of the consumer only for the period of time subsidized by personal care
 27 assistant funds. Nothing in this section shall be construed to mean that the attendant is the employee
 28 of the vendor, the department, or the state of Missouri.

29 3. There is hereby created in the state treasury the "Consumer-Directed Services Fund",
 30 which shall consist of moneys collected under sections 143.261 and 144.140. The state treasurer
 31 shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
 32 may approve disbursements. The fund shall be a dedicated fund, and, upon appropriation, moneys
 33 in the fund shall be used solely for the purposes of subsection 1 of this section. Notwithstanding the
 34 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
 35 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest
 36 moneys in the fund in the same manner as other funds are invested. Any interest and moneys
 37 earned on such investments shall be credited to the fund."; and

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 39 Further amend said bill by amending the title, enacting clause, and intersectional references
 40 accordingly.