

SECOND REGULAR SESSION

# HOUSE BILL NO. 1601

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MERIDETH (80).

5145H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 143.261, 144.140, 208.159, and 208.903, RSMo, and to enact in lieu thereof five new sections relating to the management of state revenues.

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

Section A. Sections 143.261, 144.140, 208.159, and 208.903, RSMo, are repealed and  
2 five new sections enacted in lieu thereof, to be known as sections 143.261, 144.140, 208.159,  
3 208.855, and 208.903, to read as follows:

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

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

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

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

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

12 **2. The director of revenue shall determine the dollar amount of withheld taxes**  
13 **collected as a result of the reduction of the allowable retention percentage under subsection**  
14 **1 of this section. The director shall report such amount to the state treasurer, and the state**  
15 **treasurer shall deposit such an amount from the revenues collected under this section that**

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.

16 otherwise would be deposited into general revenue into the following funds at the following  
17 proportions:

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

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

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

24 (4) The home and community based services fund established under section  
25 208.855, seven percent of such amount; and

26 (5) The consumer-directed services protection fund established under section  
27 208.903, eighteen percent of such amount.

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

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

7 3. The director of revenue shall determine the dollar amount of remittances  
8 collected as a result of the reduction of the allowable retention percentage under subsection  
9 2 of this section. The director shall report such amount to the state treasurer, and the state  
10 treasurer shall deposit such an amount from the revenues collected under this section that  
11 otherwise would be deposited into general revenue into the following funds at the following  
12 proportions:

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

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

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

19 (4) The home and community based services fund established under section  
20 208.855, seven percent of such amount; and

21 (5) The consumer-directed services protection fund established under section  
22 208.903, eighteen percent of such amount.

208.159. 1. Notwithstanding the provisions of sections 207.010, 208.152, and 208.153,  
2 the department of social services shall administer payments for nursing home services authorized

3 in sections 208.151, et seq., which govern medical assistance under Title XIX, Public Law 89-97,  
4 1965 amendments to the Federal Social Security Act (42 U.S.C. 301 et seq.), as amended, and  
5 shall administer vendor payments for the aged and direct adult services for the aged under Title  
6 XX, Public Law 93-647, 1974 amendments to the Federal Social Security Act (42 U.S.C. 1397  
7 et seq.), as amended. The department shall, pursuant to chapter 536, promulgate rules and  
8 regulations for the purpose of administering such payments, including rules to define the  
9 reasonable costs, manner, extent, quality, charges and fees or payments for nursing home  
10 services.

11 **2. There is hereby created in the state treasury the "Nursing Home Protection**  
12 **Fund", which shall consist of moneys collected under sections 143.261 and 144.140. The**  
13 **state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**  
14 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated**  
15 **fund, and, upon appropriation, moneys in the fund shall be used solely for the purposes**  
16 **of subsection 1 of this section. Notwithstanding the provisions of section 33.080 to the**  
17 **contrary, any moneys remaining in the fund at the end of the biennium shall not revert to**  
18 **the credit of the general revenue fund. The state treasurer shall invest moneys in the fund**  
19 **in the same manner as other funds are invested. Any interest and moneys earned on such**  
20 **investments shall be credited to the fund.**

**208.855. 1. There is hereby created in the state treasury the "Home and**  
2 **Community Based Services Fund", which shall consist of moneys collected under sections**  
3 **143.261 and 144.140. The state treasurer shall be custodian of the fund. In accordance**  
4 **with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund**  
5 **shall be a dedicated fund, and, upon appropriation, moneys in the fund shall be used solely**  
6 **for the purposes of subsection 2 of this section. Notwithstanding the provisions of section**  
7 **33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall**  
8 **not revert to the credit of the general revenue fund. The state treasurer shall invest**  
9 **moneys in the fund in the same manner as other funds are invested. Any interest and**  
10 **moneys earned on such investments shall be credited to the fund.**

11 **2. Moneys in the home and community based services fund shall only be used to**  
12 **provide care and support services through the home and community based services**  
13 **program administered by MO HealthNet.**

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

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

- 6 (2) Is physically disabled;
- 7 (3) Is eighteen years of age or older;
- 8 (4) Is able to direct his or her own care;
- 9 (5) Is able to document proof of Medicaid eligibility under Title XIX of the Social  
10 Security Act under federal and state laws and regulations;
- 11 (6) Requires at least a nursing home level of care under regulations established by the  
12 department;
- 13 (7) Participates in an assessment or evaluation, or both, by the department; and
- 14 (8) Can have their unmet needs safely met at a cost that shall not exceed the average  
15 monthly Medicaid cost of nursing facility care as determined by the department of social  
16 services.

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

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

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