



16-056

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

**JASON KANDER**  
SECRETARY OF STATE  
STATE OF MISSOURI

ELECTIONS DIVISION  
(573) 751-2301

May 12, 2015

The Honorable Nicole Galloway  
State Auditor  
State Capitol Building  
Jefferson City, MO 65101

RE: Petition approval request from Jeffrey Mazur regarding a proposed statutory amendment to Chapter 208, version 1 (2016-056)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Revised Statutes of Missouri filed by Jeffrey Mazur on May 11, 2015.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

Jason Kander

cc: Hon. Chris Koster  
Sheri Hoffman  
Barbara Wood

**RECEIVED**  
MAY 12 2015  
STATE AUDITOR'S OFFICE

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County \_\_\_\_\_  
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It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

**INITIATIVE PETITION**

To the Honorable Jason Kander, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and \_\_\_\_\_ County (or city of St. Louis), respectfully order that the following proposed law shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8<sup>th</sup> day of November, 2016, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and \_\_\_\_\_ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

[Official Ballot title]

**CIRCULATOR'S AFFIDAVIT**

STATE OF MISSOURI, COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)

RECEIVED  
2015 MAY 11 PM 2:20  
MISSOURI SECRETARY OF STATE

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Number) (Street), (City, Town, or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and \_\_\_\_\_ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do \_\_\_ do not \_\_\_ (check one) expect to be paid for circulating this petition.

If paid, list the payer:

\_\_\_\_\_  
(Name of payer)

\_\_\_\_\_  
Signature of Affiant (Person obtaining signatures)

\_\_\_\_\_  
Printed Name of Affiant

\_\_\_\_\_  
Address of Affiant (Street, City, State & Zip Code)

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, A.D. 201\_\_\_\_.  
Notary Public (Seal)

\_\_\_\_\_  
Signature of Notary

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Address of Notary (Street, City, State & Zip Code)

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## Statutory Amendment to Chapter 208, R.S.Mo., Version 1

*Be it enacted by the people of the State of Missouri:*

A new section to be known as section 208.162, R.S.Mo. is enacted to read as follows:

### § 208.162, R.S.Mo. Minimum wages and benefits to in-home service employees and personal care attendants

1. Effective January 1, 2017, in-home service providers which receive payment made on behalf of an eligible needy person pursuant to section 208.152, or other state statute providing for payments on behalf of such persons as an act of reimbursement, are required to expend no less than 85% of the revenue generated by any payment for in-home services performed by an employee on that employee's wages and benefits.
2. Effective January 1, 2017, vendors which receive payment made on behalf of a consumer pursuant to the consumer-directed services program, as set forth in section 208.900 through 208.930, are required to ensure that no less than 85% of the revenue generated by any payment for consumer-directed personal care services performed by a personal care attendant is used to pay that attendant's wages and benefits. Vendors shall transmit individual payments, in compliance with this percentage, to the attendant on behalf of the consumer. This subsection does not apply to personal care services through the Independent Living Waiver.
3. For purposes of this section, "wages and benefits" means wages, salaries and time paid on behalf of the worker (i.e., vacation, sick leave, holiday, and personal leave), the employer's share of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers' compensation, mileage reimbursement, health and dental insurance, life insurance, disability insurance, long-term care insurance, uniform allowance, and contributions to employee retirement accounts. Wages may be paid in lieu of benefits.
4. Nothing in this section shall be deemed to interfere with, impede, or in any way diminish the right of employees or personal care attendants to bargain collectively through a representative of their own choosing in order to establish wages and benefits and other conditions in excess of, but not less than, the applicable percentages established by this section. In addition, nothing in this section permits an employee or attendant to be paid less than required by any applicable federal, state, or local minimum wage.
5. In-home service providers and vendors shall document that they are complying with the percentage required by this section by sending an annual statement to the Department of Social Services, Missouri Medicaid Audit and Compliance Unit by April 15 of each year, beginning April 15, 2018 and continuing each April 15 thereafter, setting forth: (a) the amount of revenue generated by payments for the services performed by each employee or attendant in the previous calendar year, and (b) the

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amount in wages and benefits provided to or for each employee or attendant in the previous calendar year. The accuracy of the report must be attested to by an authorized representative of the provider or vendor. For purposes of this documentation, the provider and vendor shall identify each employee and attendant by a unique identification number. The provider and vendor shall keep records on the name of each employee and attendant.

6. In-home service providers and vendors shall cooperate in any request for information or audit by the State and its departments and divisions relating to this section. If a provider or vendor fails to comply with the percentage required by this section, to cooperate with the State and its departments and divisions, or to furnish the documentation required by this section, the State, including the Department of Health and Senior Services, the Department of Social Services, MO HealthNet Division, and the Department of Social Services, Missouri Medicaid Audit and Compliance Unit, may take appropriate action, including but not limited to imposition of a corrective action plan, suspension or termination of contracts, removal of the provider or vendor from any list of providers or vendors, and disqualification of the provider or vendor from entering into any new contract for any length of time. Persons who are receiving in-home services or consumer-directed services through the provider or vendor will be allowed to choose a different provider or vendor from the list maintained by the State which will then be immediately authorized to provide services to them.

7. The Department of Health and Senior Services, the Department of Social Services, MO HealthNet Division, and the Department of Social Services, Missouri Medicaid Audit and Compliance Unit may issue rules under the Missouri Administrative Procedures Act as necessary for the purposes and policies of this section, including but not limited to any form for providers or vendors to use in documenting compliance with this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

8. All the provisions of this section are severable. If any provision, including any subsection, subdivision, paragraph, sentence, or clause, or the application thereof to any person or circumstance, is found by a court of competent jurisdiction to be invalid, unconstitutional, or unconstitutionally enacted, such decision shall not affect other provisions or applications of the section that can be given effect without the invalid, unconstitutional, or unconstitutionally enacted provision or application.