

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1290
92ND GENERAL ASSEMBLY

Reported from the Committee on Tax Policy, March 4, 2004, with recommendation that the House Committee Substitute for House Bill No. 1290 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

3857L.04C

AN ACT

To amend chapter 143, RSMo, by adding thereto one new section relating to contributions to certain nonprofit organizations.

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

Section A. Chapter 143, RSMo, is amended by adding thereto one new section, to be known as section 143.1015, to read as follows:

143.1015. 1. For all tax years beginning on or after January 1, 2004, each individual or corporation entitled to a tax refund in an amount sufficient to make an irrevocable designation under this section may designate that an amount not less than one dollar but not more than two hundred dollars, on a single or a combined return, of the refund due be credited to the American Cancer Society Heartland Division, Inc., fund, the ALS Lou Gehrig's Disease fund, the American Lung Association of Missouri fund, the Arthritis Foundation fund, the Muscular Dystrophy Association fund, the Harp and Shamrock fund, the Gateway Area Diabetes Association fund, or the National Multiple Sclerosis Society fund established in this section. The director of revenue shall establish a method that allows the contribution designations authorized by this section and the contribution designation authorized in section 143.1020 to be combined into one contribution designation box clearly and unambiguously printed on the first page of each income tax return form provided by this state. The method may allow for a separate instruction list for the tax return that lists each authorized contribution designation together with the designation provided in section 143.1020. Any organization to be listed on the income tax return form under this section shall have qualified as a 501(c)(3) organization as defined by the Internal Revenue Code of 1986, as amended, for at least five

18 years, and shall submit to the director of revenue an application fee of one thousand
19 dollars, and the fee shall be deposited in the designated fund. If any individual or
20 corporation which is not entitled to a tax refund in an amount sufficient to make a
21 designation under this section wishes to make an irrevocable contribution to the funds
22 established in this section, such individual or corporation may, by separate check, draft,
23 or other negotiable instrument, send in with the payment of taxes, or may send in
24 separately, that amount, clearly designated for which funds the individual or corporation
25 wishes to contribute, and the department of revenue shall forward such amount to the state
26 treasurer for deposit to the designated funds as provided in this section.

27 2. All moneys collected, transferred, and disbursed under this section, including
28 any interest earned on such funds, shall not be deemed to be state funds and shall not be
29 commingled with any funds of the state.

30 3. The director of revenue shall transfer at least monthly all contributions
31 designated by individuals under this section to the state treasurer for deposit to the
32 designated funds.

33 4. The director of revenue shall transfer at least monthly all contributions
34 designated by corporations under this section, less one percent of the amount in each fund
35 at the time of the transfer for the cost of collection and handling by the department of
36 revenue, to be deposited in the state's general revenue fund, to the state treasurer for
37 deposit to the designated funds. The amount transferred annually to the department of
38 revenue for the cost of collection and handling shall not exceed one hundred thousand
39 dollars.

40 5. A contribution designated under this section shall only be transferred and
41 deposited in the designated funds after all other claims against the refund from which such
42 contribution is to be made have been satisfied.

43 6. (1) There is hereby created in the state treasury the "American Cancer Society,
44 Heartland Division, Inc., Fund", which shall consist of money collected under this section.
45 The state treasurer shall be custodian of the fund and shall approve disbursements from
46 the fund in accordance with this section and sections 30.170 and 30.180, RSMo.

47 (2) There is hereby created in the state treasury the "ALS Lou Gehrig's Disease
48 Fund", which shall consist of money collected under this section. The state treasurer shall
49 be custodian of the fund and shall approve disbursements from the fund in accordance
50 with this section and sections 30.170 and 30.180, RSMo.

51 (3) There is hereby created in the state treasury the "American Lung Association
52 of Missouri Fund", which shall consist of money collected under this section. The state
53 treasurer shall be custodian of the fund and shall approve disbursements from the fund

54 in accordance with this section and sections 30.170 and 30.180, RSMo.

55 (4) There is hereby created in the state treasury the "Arthritis Foundation Fund",
56 which shall consist of money collected under this section. The state treasurer shall be
57 custodian of the fund and shall approve disbursements from the fund in accordance with
58 this section and sections 30.170 and 30.180, RSMo.

59 (5) There is hereby created in the state treasury the "National Multiple Sclerosis
60 Society Fund", which shall consist of money collected under this section. The state
61 treasurer shall be custodian of the fund and shall approve disbursements from the fund
62 in accordance with this section and sections 30.170 and 30.180, RSMo.

63 (6) There is hereby created in the state treasury the "Gateway Area Diabetes
64 Association Fund", which shall consist of money collected under this section. The state
65 treasurer shall be custodian of the fund and shall approve disbursements from the fund
66 in accordance with this section and sections 30.170 and 30.180, RSMo.

67 (7) There is hereby created in the state treasury the "Muscular Dystrophy
68 Association Fund", which shall consist of money collected under this section. The state
69 treasurer shall be custodian of the fund and shall approve disbursements from the fund
70 in accordance with this section and sections 30.170 and 30.180, RSMo.

71 (8) There is hereby created in the state treasury the "Harp and Shamrock Fund",
72 which shall consist of money collected under this section. The state treasurer shall be
73 custodian of the fund and shall approve disbursements from the fund in accordance with
74 this section and sections 30.170 and 30.180, RSMo.

75 7. All moneys collected, transferred, and disbursed under this section shall stand
76 appropriated, and any moneys remaining in the funds established in this section at the end
77 of the biennium shall not revert to the credit of the general revenue fund.

78 8. The state treasurer shall invest moneys in the funds established in this section
79 in the same manner as other funds are invested. Any interest and moneys earned on such
80 investments shall be credited to the funds.

81 9. The director of the department of revenue shall establish a procedure by which
82 the moneys deposited in the funds shall be distributed semiannually to the American
83 Cancer Society Heartland Division, Inc., the Amyotrophic Lateral Sclerosis Association,
84 and the American Lung Association of Missouri, the Arthritis Foundation, the Muscular
85 Dystrophy Association, the Harp and Shamrock fund, the Gateway Area Diabetes
86 Association, and the National Multiple Sclerosis Society.

87 10. Any organization receiving moneys under this section shall expend such moneys
88 solely for the support of residents of this state.

89 11. Any organization receiving funds under this section shall report to the director

90 of revenue annually, on forms prescribed by the director, detailing how the funds were
91 expended. The director shall compile such information and provide a report to the general
92 assembly in each year such expenditures are made.

93 **12. The director of revenue is authorized to promulgate rules and regulations**
94 **necessary to administer and enforce this section. Any rule or portion of a rule, as that term**
95 **is defined in section 536.010, RSMo, that is created under the authority delegated in this**
96 **section shall become effective only if it complies with and is subject to all of the provisions**
97 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
98 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
99 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
100 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
101 **authority and any rule proposed or adopted after August 28, 2004, shall be invalid and**
102 **void.**