

FIRST REGULAR SESSION

HOUSE BILL NO. 435

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RECTOR (Sponsor), LEMBKE, PHILLIPS, WILSON (119), CUNNINGHAM (86), DAY, BAKER (123), MYERS, COOPER (158), WOOD, ICET, PARKER, BIVINS, SANDER, BEHNEN, COOPER (155), SUTHERLAND, WHORTON, ROORDA, MEADOWS, HARRIS (110), YAEGER, SWINGER, DEMPSEY, MEINERS, STEVENSON, BEARDEN, MOORE, VIEBROCK AND WRIGHT (159) (Co-sponsors).

Read 1st time February 2, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0896L.01I

AN ACT

To amend chapter 301, RSMo, by adding thereto four new sections relating to the state's policy of protection of human life.

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

Section A. Chapter 301, RSMo, is amended by adding thereto four new sections, to be known as section 301.3030, 1, 2, and 3, to read as follows:

301.3030. 1. Any person may receive special license plates with words and an emblem that denotes the state's respect for human life both before and after birth, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund. Such license plates shall be called "Respect Life License Plates".

2. Respect life license plates shall bear the words "RESPECT LIFE" in place of the words "SHOW-ME STATE" and shall bear the image of a single red rose. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

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.

14 **3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case**
15 **of a biennial registration, to the alternatives to abortion support fund shall be made to the**
16 **director of revenue at the time of registration of the vehicle. The director shall transfer**
17 **such contributions to the state treasurer for deposit in the alternatives to abortion support**
18 **fund. Upon the receipt of such contribution, payment of the regular registration fees and**
19 **presentation of other documents that may be required by law, the director of revenue shall**
20 **issue respect life license plates to the vehicle owner.**

21 **4. There shall be no limit on the number of sets of respect life license plates a person**
22 **may obtain pursuant to this section so long as such license plates are issued for vehicles**
23 **owned solely or jointly by such person, and so long as a contribution of at least twenty-five**
24 **dollars, or at least fifty dollars in the case of a biennial registration, is made for each set of**
25 **respect life license plates.**

26 **5. A vehicle owner who was previously issued respect life license plates but who**
27 **does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the**
28 **case of a biennial registration, to the alternatives to abortion support fund at a subsequent**
29 **time of registration shall be issued new plates that are not respect life license plates, as**
30 **otherwise provided by law.**

31 **6. The director of revenue shall issue samples of respect life license plates to all**
32 **offices in this state where vehicles are registered and license plates are issued. Such sample**
33 **license plates shall be prominently displayed in such offices along with literature prepared**
34 **by the director or by the respect life commission describing the license plates, the**
35 **alternatives to abortion support fund, and the purposes for which the fund is used.**

36 **7. The general assembly may appropriate moneys annually from the alternatives**
37 **to abortion support fund to the department of revenue to offset costs reasonably incurred**
38 **by the director of revenue pursuant to subsections 1 to 6 of this section.**

Section 1. As used in sections 1 to 3 of this act, the following terms mean:

2 **(1) "Alternatives to abortion agency" or "alternatives to abortion agencies", an**
3 **agency or agencies located in this state established and operating primarily to offer**
4 **alternatives to abortion services, including by way of example but not limitation maternity**
5 **homes, pregnancy resource centers, and agencies commonly known and referred to as**
6 **crisis pregnancy centers, and which does not perform, induce, or refer for abortions or**
7 **hold itself out as performing, inducing, or referring for abortions, and which if it is a**
8 **private agency is exempt from income taxation pursuant to the United States Internal**
9 **Revenue Code of 1986, as amended;**

10 **(2) "Alternatives to abortion services", services or counseling offered to a pregnant**
11 **woman to assist her in carrying her unborn child to term instead of having an abortion,**

12 and to assist her in caring for her dependent child or placing her child for adoption;

13 (3) "Commission", the respect life commission.

Section 2. 1. There is hereby established in the state treasury the "Alternatives to
2 Abortion Support Fund". The state treasurer shall credit to and deposit in such fund:

3 (1) Moneys that may be required by law to be credited to or deposited in such fund;

4 (2) Moneys that may be appropriated to it by the general assembly;

5 (3) Other amounts that may be received from general revenue, other state funds,
6 grants, gifts, devises, bequests, settlements, awards, or from federal, state, or local sources;
7 and

8 (4) Any other sources granted or given for this specific purpose.

9 2. The state treasurer shall invest moneys in the alternatives to abortion support
10 fund in the same manner as surplus state funds are invested pursuant to section 30.260,
11 RSMo. All earnings that result from the investment of moneys in the fund shall be credited
12 to such fund.

13 3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys
14 in the alternatives to abortion support fund shall not revert to the credit of general revenue
15 at the end of the biennium.

16 4. Moneys credited to and deposited in the alternatives to abortion support fund
17 shall only be used for the purposes authorized under this section. None of the moneys in
18 the fund shall be granted or given to any person who or entity which performs, induces,
19 or refers for abortions or holds himself, herself, or itself out as performing, inducing, or
20 referring for abortions.

21 5. Until the amount in the alternatives to abortion support fund exceeds one million
22 dollars, not more than one-half of the moneys credited to and deposited in the fund from
23 all sources, plus all earnings from the investment of moneys in the fund during the previous
24 fiscal year, shall be available for disbursement. When the state treasurer certifies that the
25 assets in the fund exceed one million dollars, all credited earnings plus all future credits
26 to the fund from all sources shall be available for disbursement.

27 6. The alternatives to abortion support fund shall be used to promote childbirth
28 and to support alternatives to abortion by grants to or contracts with:

29 (1) Alternatives to abortion agencies; and

30 (2) Other public and private agencies to provide alternatives to abortion services.

Section 3. 1. There is hereby established the "Respect Life Commission" within the
2 office of administration. The commission shall consist of a number of members equal to
3 the number of congressional districts in the state, one from each congressional district,
4 appointed by the governor with the advice and consent of the senate. Not more than half

5 of the members if there is an even number of members and not more than a simple
6 majority of the members if there is an odd number of members shall be from the same
7 political party.

8 2. The members of the respect life commission shall serve four-year terms, except
9 that of the initial appointments, half of the members if there is an even number of members
10 and a simple majority of the members if there is an odd number of members shall be
11 appointed for a term of four years and the remainder shall be appointed for a term of two
12 years. Before the expiration of the term of a member, the governor shall appoint a
13 successor whose term begins on July first next following. Each member shall serve until
14 his or her successor is appointed. A member is eligible for reappointment. If there is a
15 vacancy of a member for any cause, the governor shall make an appointment for the
16 unexpired term with the advice and consent of the senate.

17 3. To be eligible for appointment to the respect life commission, a person shall
18 demonstrate agreement with the principles and goals set forth in this section regarding
19 respect for human life from conception until death, and the need to promote childbirth and
20 to offer alternatives to abortion services for pregnant women so that such women are
21 encouraged to carry their pregnancies to term instead of having abortions. In making
22 appointments to the commission, the governor shall consider nominees recommended to
23 the governor for appointment by pro-life organizations in this state. In giving its advice
24 and consent for nominees to appointment to the commission, the senate shall assess the
25 eligibility and qualifications of each nominee for appointment to the commission as
26 provided by this subsection.

27 4. Any member may be removed by the governor for misconduct, incompetency,
28 or neglect of duty after first being given the opportunity to be heard on his or her own
29 behalf.

30 5. The respect life commission shall elect one of its members to serve as
31 chairperson, and may elect such other officers and establish such committees as deemed
32 necessary.

33 6. The respect life commission may appoint an executive director who shall serve
34 subject to the supervision of and at the pleasure of the commission. The executive director
35 shall be responsible for the administrative operations of the commission and shall perform
36 such other duties as may be delegated or assigned to the executive director by law or by the
37 commission. The office of administration shall provide all necessary office space, facilities,
38 and equipment. The executive director may hire and set the compensation of such staff as
39 is approved by the commission, within the limitations of appropriations for such purpose.

40 7. Each member of the respect life commission shall serve without compensation

41 but shall be reimbursed for actual and necessary expenses incurred in the performance of
42 his or her duties.

43 8. The respect life commission shall exercise its powers and duties independently
44 of the office of administration, and the office of administration shall not participate in or
45 supervise any substantive matters relating to policies, regulative functions, or appeals from
46 decisions of the commission. The commissioner of administration, any employee of the
47 office of administration, or the governor, either directly or indirectly, shall not participate
48 or interfere with the activities of the commission in any manner not specifically provided
49 by law, and shall not in any manner interfere with the budget request of the commission
50 or withhold any moneys appropriated to the commission by the general assembly.

51 9. The respect life commission shall meet at least quarterly.

52 10. The powers and duties of the respect life commission shall include but not be
53 limited to the following:

54 (1) To disburse funds from the alternatives to abortion support fund and any other
55 funds authorized by law to be disbursed by the commission;

56 (2) To consult with appropriate state agencies, commissions, boards, and public and
57 private agencies to determine the effectiveness of and need for alternatives to abortion
58 services and effectiveness of and need for programs that foster respect for human life both
59 before and after birth;

60 (3) To facilitate information exchange and coordination among agencies and groups
61 concerned with offering and promoting alternatives to abortion services, and concerned
62 with offering and promoting programs that foster respect for human life both before and
63 after birth;

64 (4) To develop statewide educational and public informational campaigns,
65 conferences, and workshops for the purpose of developing appropriate public awareness
66 regarding:

67 (a) Respect for human life both before and after birth; and

68 (b) The need to offer and promote alternatives to abortion services;

69 (5) To identify problems and conditions some pregnant women have and encounter
70 that causes them to choose to have abortions instead of choosing to carry their pregnancies
71 to term, and propose solutions to such problems and conditions;

72 (6) To develop and operate an Internet web site;

73 (7) To recommend statutory changes and appropriations to promote alternatives
74 to abortion services and to promote programs that foster respect for human life both
75 before and after birth;

76 (8) To solicit and accept state funds, grants, gifts, devises, bequests, settlements,

77 awards, or other aid from the general assembly, any person or business, organization or
78 foundation, public or private, or from federal, state, or local sources; and

79 (9) To perform any other functions or duties consistent with the provisions of this
80 section or otherwise required or permitted by law.

81 11. The respect life commission shall submit an annual report of its activities to the
82 president pro tem of the senate, the speaker of the house of representatives and the
83 governor before December thirty-first of each year.