

SECOND REGULAR SESSION

HOUSE BILL NO. 1440

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SUTHERLAND (Sponsor), BROWN (30), DUSENBERG, ERVIN, SCHAAF, THRELKELD, DEMPSEY, BEARDEN, SMITH (118), DIXON, DEEKEN, SCHNEIDER, PEARCE, COOPER (120), SMITH (14), BEAN, RUPP, NIEVES, PHILLIPS, LOWE (44), GUEST, PARKER, PAGE, YOUNG AND SHOEMYER (Co-sponsors).

Read 1st time January 18, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3878L.01I

AN ACT

To amend chapter 143, RSMo, by adding thereto one new section relating to contributions to the cervical cancer awareness and treatment program.

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 143.1007, to read as follows:

143.1007. 1. For all tax years beginning on or after January 1, 2006, each individual or corporation entitled to a tax refund in an amount sufficient to make an irrevocable designation under this section may designate that any amount, on a single or a combined return, of the refund due be credited to the Missouri cervical cancer awareness and treatment program fund established in this section. The director of revenue shall establish a method that allows the contribution designations authorized by this section to be 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. If any individual or corporation which is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund established in this section, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount, clearly

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 designated for the fund, and the department of revenue shall forward such amount to the
15 state treasurer for deposit to the designated fund as provided in this section.

16 2. The director of revenue shall transfer at least monthly all contributions
17 designated by individuals under this section to the state treasurer for deposit to the
18 designated fund.

19 3. The director of revenue shall transfer at least monthly all contributions
20 designated by corporations under this section, less one percent of the amount in the fund
21 at the time of the transfer for the cost of collection and handling by the department of
22 revenue, to be deposited in the state's general revenue fund, to the state treasurer for
23 deposit to the designated fund.

24 4. A contribution designated under this section shall only be transferred and
25 deposited in the designated fund after all other claims against the refund from which such
26 contribution is to be made have been satisfied.

27 5. There is hereby created in the state treasury the "Missouri Cervical Cancer
28 Awareness and Treatment Program Fund", which shall consist of money collected under
29 this section. The state treasurer shall be custodian of the fund and shall approve
30 disbursements from the fund in accordance with this section and sections 30.170 and
31 30.180, RSMo. All moneys collected, transferred, and disbursed under this section shall
32 stand appropriated, and any moneys remaining in the fund established in this section at
33 the end of the biennium shall not revert to the credit of the general revenue fund. Moneys
34 accruing to and deposited in the designated fund shall not be part of total state revenues
35 as defined in sections 17 and 18, article X, Constitution of Missouri, and the expenditure
36 of such revenues shall not be an expense of state government under section 20, article X,
37 Constitution of Missouri. The state treasurer shall invest moneys in the fund established
38 in this section in the same manner as other funds are invested. Any interest and moneys
39 earned on such investments shall be credited to the fund.

40 6. The moneys transferred and deposited under this section shall be administered
41 by the department of health and senior services, and shall be used solely for the following
42 purposes:

43 (1) To provide information on cervical cancer, early detection, testing, and
44 prevention to the public and healthcare providers in this state;

45 (2) To collect statistical information on cervical cancer, including but not limited
46 to age, ethnicity, region, and socioeconomic status of women in this state; and

47 (3) To provide services and funding for early detection, testing, and prevention of
48 cervical cancer.

49 **7. Not more than twenty percent of the moneys collected under this section shall be**
50 **used for the costs of administering this section. Not more than thirty percent of the moneys**
51 **collected under this section shall be used for the purposes listed in subdivision (1) of**
52 **subsection 9 of this section. Not more than fifty percent of the moneys collected under this**
53 **section shall be used for the purposes listed in subdivision (3) of subsection 9 of this section.**

54 **8. The directors of revenue and the department of health and senior services are**
55 **authorized to promulgate rules and regulations necessary to administer and enforce this**
56 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
57 **that is created under the authority delegated in this section shall become effective only if**
58 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
59 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
60 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
61 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
62 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
63 **adopted after August 28, 2006, shall be invalid and void.**

64 **9. The director of the department of health and senior services shall determine no**
65 **later than January 31, 2010, whether moneys sufficient to carry out the provisions of this**
66 **section have been transferred and deposited under this section. Upon a determination that**
67 **insufficient moneys have been transferred and deposited under this section, this section**
68 **shall expire on February 1, 2010, and any moneys remaining in the fund established in this**
69 **section shall be used solely for existing cancer programs administered by the department**
70 **of health and senior services. The director shall notify the revisor of statutes upon such**
71 **determination that this section has expired.**

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