

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1440
93RD GENERAL ASSEMBLY

Reported from the Committee on Way and Means March 9, 2006 with recommendation that House Committee Substitute for House Bill No. 1440 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3878L.02C

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
2 known as section 143.1007, to read as follows:

143.1007. 1. For all tax years beginning on or after January 1, 2006, each
2 **individual or corporation entitled to a tax refund in an amount sufficient to make an**
3 **irrevocable designation under this section may designate that any amount, on a single or**
4 **a combined return, of the refund due be credited to the Missouri public services health**
5 **fund established in section 192.900, RSMo. The director of revenue shall establish a**
6 **method that allows the contribution designations authorized by this section to be indicated**
7 **on the first page of each income tax return form provided by this state. The method may**
8 **allow for a separate instruction list for the tax return that lists each authorized**
9 **contribution designation. If any individual or corporation which is not entitled to a tax**
10 **refund in an amount sufficient to make a designation under this section wishes to make a**
11 **contribution to the fund, such individual or corporation may, by separate check, draft, or**
12 **other negotiable instrument, send in with the payment of taxes, or may send in separately,**
13 **that amount, clearly designated for the fund, and the department of revenue shall forward**

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 such amount to the state treasurer for deposit to the designated fund as provided in this
15 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. The moneys transferred and deposited under this section shall be administered
28 by the department of health and senior services, and shall be used solely for the following
29 purposes:

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

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

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

36 6. Not more than twenty percent of the moneys collected under this section shall be
37 used for the costs of administering this section. Not more than thirty percent of the moneys
38 collected under this section shall be used for the purposes listed in subdivision (1) of
39 subsection 5 of this section. Not more than fifty percent of the moneys collected under this
40 section shall be used for the purposes listed in subdivision (3) of subsection 5 of this section.

41 7. The directors of revenue and the department of health and senior services are
42 authorized to promulgate rules and regulations necessary to administer and enforce this
43 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
44 that is created under the authority delegated in this section shall become effective only if
45 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
46 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
47 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
48 to review, to delay the effective date, or to disapprove and annul a rule are subsequently

49 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
50 adopted after August 28, 2006, shall be invalid and void.

51 8. The director of the department of health and senior services shall determine no
52 later than January 31, 2010, whether moneys sufficient to carry out the provisions of this
53 section have been transferred and deposited under this section. Upon a determination that
54 insufficient moneys have been transferred and deposited under this section, this section
55 shall expire on February 1, 2010, and any moneys remaining in the fund established in this
56 section shall be used solely for existing cancer programs administered by the department
57 of health and senior services. The director shall notify the revisor of statutes upon such
58 determination that this section has expired.

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