

SECOND REGULAR SESSION

# HOUSE BILL NO. 2741

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LAVENDER.

5574H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 105.910, 109.410, 143.1005, 143.1013, and 143.1026, RSMo, and to enact in lieu thereof eight new sections relating to the abolition of certain funds.

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

Section A. Sections 105.910, 109.410, 143.1005, 143.1013, and 143.1026, RSMo, are  
2 repealed and eight new sections enacted in lieu thereof, to be known as sections 30.515, 105.910,  
3 109.410, 143.1005, 143.1013, 143.1026, 161.228, and 650.010, to read as follows:

**30.515. On October 1, 2020, the state treasurer shall transfer the unexpended  
2 balance in the following funds to general revenue, and the funds shall be abolished:**

**3 (1) The general revenue reimbursements fund, established by administrative  
4 action; and**

**5 (2) The rebuild Missouri schools fund, established by section 160.459.**

105.910. 1. Sections 105.900 to 105.927 shall provide for the establishment of the  
2 "Missouri State Public Employees Deferred Compensation Fund". This fund shall be  
3 administered by the Missouri state public employees deferred compensation commission. The  
4 commission shall approve any deferred compensation agreement entered into by the state under  
5 sections 105.900 to 105.927 and shall oversee the orderly administration of the fund in  
6 compliance with the subsequent provisions of sections 105.900 to 105.927.

7 2. Such commission shall have five commissioners, including one member of the  
8 Missouri state house of representatives to be selected by the speaker of the house, one member  
9 of the Missouri state senate to be selected by the president pro tempore of the senate, and three  
10 other such commissioners to be appointed by the governor of the state of Missouri by and with  
11 the advice and consent of the senate. The legislators appointed as commissioners shall serve

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.

12 during their terms of office in the general assembly. The commissioners appointed by the  
13 governor shall serve a term of three years; except that, of the commissioners first appointed, one  
14 shall be appointed for a term of one year, one shall be appointed for a term of two years, and one  
15 shall be appointed for a term of three years. The commission shall annually elect a chairman and  
16 shall be required to meet not less than quarterly or at any other such time as called by the  
17 chairman or a majority of the commission.

18 3. On August 28, 2007, the commission shall transfer administration of the fund to the  
19 board of trustees of the Missouri state employees' retirement system. Following such transfer:

20 (1) The board shall assume sole control over and shall be authorized to administer the  
21 fund beginning on the first day of the month following the month that the commission transfers  
22 administration to the board;

23 (2) The commission shall provide for the orderly transfer of all records pertaining to the  
24 fund, and shall take any other action necessary for the board to assume its duties under section  
25 105.915; and

26 (3) The commission shall be dissolved upon such transfer.

27 **4. The provisions of section 33.080 relating to the transfer of unexpended balances**  
28 **to the general revenue fund shall not apply to the Missouri state public employees deferred**  
29 **compensation fund until October 1, 2020, on which date the unexpended balance in the**  
30 **Missouri state public employees deferred compensation fund shall be transferred to**  
31 **general revenue, and the Missouri state public employees deferred compensation fund shall**  
32 **be abolished.**

109.410. 1. There is hereby established in the state treasury a special revolving fund to  
2 be known as the "Missouri State Archives-St. Louis Trust Fund". The fund shall consist of all  
3 moneys received from federal, private, or other sources for the planning, acquisition,  
4 construction, development, operation, or maintenance of the facility and programs authorized  
5 by section 109.400. The fund shall further consist of fees generated at the St. Louis facility for  
6 copying public records and for providing public access to public records and images, including  
7 staff time required for making copies and reproducing images.

8 2. The state treasurer shall be custodian of the Missouri state archives-St. Louis trust  
9 fund. Moneys in the fund shall be used exclusively for the planning, acquisition, construction,  
10 development, operation, or maintenance of the facility and programs authorized by section  
11 109.400. No moneys obtained through the provisions of this section shall be made a part of the  
12 general operating budget of the state of Missouri, nor shall they be transferred into the general  
13 revenue fund. No moneys from the state general revenue fund shall be appropriated for the  
14 purposes of funding an archival facility located in any city not within a county as provided in  
15 sections 109.400 to 109.410. ~~Notwithstanding section 33.080 to the contrary, any moneys~~

16 ~~remaining in the fund at the end of any biennium shall not revert to the credit of the general~~  
17 ~~revenue fund.]~~ All yield, interest, income, increment, or gain received from time deposit of  
18 moneys in the state treasury to the credit of the fund shall be credited to the fund.  
19 Notwithstanding any provision of law to the contrary, no amount of moneys in the fund shall be  
20 transferred from the fund or charged for purposes of the administration of central services for the  
21 state of Missouri.

22 **3. The provisions of section 33.080 relating to the transfer of unexpended balances**  
23 **to the general revenue fund shall not apply to the Missouri state archives-St. Louis trust**  
24 **fund until October 1, 2020, on which date the unexpended balance in the Missouri state**  
25 **archives-St. Louis trust fund shall be transferred to general revenue, and the Missouri**  
26 **state archives-St. Louis trust fund shall be abolished.**

143.1005. 1. For all tax years beginning on or after January 1, 2004, **and ending before**  
2 **January 1, 2020**, each individual or corporation entitled to a tax refund in an amount sufficient  
3 to make an irrevocable designation under this section may designate that an amount not less than  
4 one dollar but not more than two hundred dollars, on a single or a combined return, of the refund  
5 due be credited to the American Cancer Society, Heartland Division, Inc., fund, the ALS Lou  
6 Gehrig's Disease fund, the American Lung Association of Missouri fund, the Muscular  
7 Dystrophy Association fund, the Arthritis Foundation fund, the American Diabetes Association  
8 Gateway Area fund, the American Heart Association fund, **or the March of Dimes fund**~~[; or]~~ .  
9 **For all tax years beginning on or after January 1, 2004, each individual or corporation**  
10 **entitled to a tax refund in an amount sufficient to make an irrevocable designation under**  
11 **this section may designate that an amount no less than one dollar but no more than two**  
12 **hundred dollars, on a single or a combined return, of the refund due be credited to the**  
13 National Multiple Sclerosis Society fund established in this section. The director of revenue  
14 shall establish a method that allows the contribution designations authorized by this section to  
15 be combined into two contribution designation boxes clearly and unambiguously printed on the  
16 first page of each income tax return form provided by this state. The method may allow for a  
17 separate instruction list for the tax return that lists each authorized contribution designation  
18 together with the designation provided in section 143.1020. Any organization to be listed on the  
19 income tax return form under this section shall have qualified as a 501(c)(3) organization as  
20 defined by the Internal Revenue Code of 1986, as amended, for at least five years, shall be a  
21 statewide organization, shall have the cure of a chronic illness as its primary purpose, and shall  
22 submit to the director of revenue an application fee of one thousand dollars, and the fee shall be  
23 deposited in the designated fund. If any individual or corporation which is not entitled to a tax  
24 refund in an amount sufficient to make a designation under this section wishes to make an  
25 irrevocable contribution to the funds established in this section, such individual or corporation

26 may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes,  
27 or may send in separately, that amount, clearly designated for which funds the individual or  
28 corporation wishes to contribute, and the department of revenue shall forward such amount to  
29 the state treasurer for deposit to the designated funds as provided in this section.

30 2. Moneys accruing to and deposited in the designated funds shall not be part of total  
31 state revenues as defined in Sections 17 and 18, Article X, Constitution of Missouri, and the  
32 expenditure of such revenues shall not be an expense of state government under Section 20,  
33 Article X, Constitution of Missouri.

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

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

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

45 6. (1) There is hereby created in the state treasury the "American Cancer Society,  
46 Heartland Division, Inc., Fund", which shall consist of money collected under this section. The  
47 state treasurer shall be custodian of the fund and shall approve disbursements from the fund in  
48 accordance with this section and sections 30.170 and 30.180. **The provisions of section 33.080**  
49 **relating to the transfer of unexpended balances to the general revenue fund shall not apply**  
50 **to the American Cancer Society, Heartland Division, Inc., fund until October 1, 2020, on**  
51 **which date the unexpended balance in the American Cancer Society, Heartland Division,**  
52 **Inc., fund shall be transferred to general revenue, and the American Cancer Society,**  
53 **Heartland Division, Inc., fund shall be abolished.**

54 (2) There is hereby created in the state treasury the "ALS Lou Gehrig's Disease Fund",  
55 which shall consist of money collected under this section. The state treasurer shall be custodian  
56 of the fund and shall approve disbursements from the fund in accordance with this section and  
57 sections 30.170 and 30.180. **The provisions of section 33.080 relating to the transfer of**  
58 **unexpended balances to the general revenue fund shall not apply to the ALS Lou Gehrig's**  
59 **Disease fund until October 1, 2020, on which date the unexpended balance in the ALS Lou**  
60 **Gehrig's Disease fund shall be transferred to general revenue, and the ALS Lou Gehrig's**  
61 **Disease fund shall be abolished.**

62 (3) There is hereby created in the state treasury the "American Lung Association of  
63 Missouri Fund", which shall consist of money collected under this section. The state treasurer  
64 shall be custodian of the fund and shall approve disbursements from the fund in accordance with  
65 this section and sections 30.170 and 30.180. **The provisions of section 33.080 relating to the**  
66 **transfer of unexpended balances to the general revenue fund shall not apply to the**  
67 **American Lung Association of Missouri fund until October 1, 2020, on which date the**  
68 **unexpended balance in the American Lung Association of Missouri fund shall be**  
69 **transferred to general revenue, and the American Lung Association of Missouri fund shall**  
70 **be abolished.**

71 (4) There is hereby created in the state treasury the "Muscular Dystrophy Association  
72 Fund", 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 this  
74 section and sections 30.170 and 30.180. **The provisions of section 33.080 relating to the**  
75 **transfer of unexpended balances to the general revenue fund shall not apply to the**  
76 **Muscular Dystrophy Association fund until October 1, 2020, on which date the**  
77 **unexpended balance in the Muscular Dystrophy Association fund shall be transferred to**  
78 **general revenue, and the Muscular Dystrophy Association fund shall be abolished.**

79 (5) There is hereby created in the state treasury the "Arthritis Foundation Fund", which  
80 shall consist of money collected under this section. The state treasurer shall be custodian of the  
81 fund and shall approve disbursements from the fund in accordance with this section and sections  
82 30.170 and 30.180. **The provisions of section 33.080 relating to the transfer of unexpended**  
83 **balances to the general revenue fund shall not apply to the Arthritis Foundation fund until**  
84 **October 1, 2020, on which date the unexpended balance in the Arthritis Foundation fund**  
85 **shall be transferred to general revenue, and the Arthritis Foundation fund shall be**  
86 **abolished.**

87 (6) There is hereby created in the state treasury the "National Multiple Sclerosis Society  
88 Fund", which shall consist of money collected under this section. The state treasurer shall be  
89 custodian of the fund and shall approve disbursements from the fund in accordance with this  
90 section and sections 30.170 and 30.180.

91 (7) There is hereby created in the state treasury the "American Diabetes Association  
92 Gateway Area Fund", which shall consist of money collected under this section. The state  
93 treasurer shall be custodian of the fund and shall approve disbursements from the fund in  
94 accordance with this section and sections 30.170 and 30.180. **The provisions of section 33.080**  
95 **relating to the transfer of unexpended balances to the general revenue fund shall not apply**  
96 **to the American Diabetes Association Gateway Area fund until October 1, 2020, on which**  
97 **date the unexpended balance in the American Diabetes Association Gateway Area fund**

98 **shall be transferred to general revenue, and the American Diabetes Association Gateway**  
99 **Area fund shall be abolished.**

100 (8) There is hereby created in the state treasury the "American Heart Association Fund",  
101 which shall consist of money collected under this section. The state treasurer shall be custodian  
102 of the fund and shall approve disbursements from the fund in accordance with this section and  
103 sections 30.170 and 30.180. **The provisions of section 33.080 relating to the transfer of**  
104 **unexpended balances to the general revenue fund shall not apply to the American Heart**  
105 **Association fund until October 1, 2020, on which date the unexpended balance in the**  
106 **American Heart Association fund shall be transferred to general revenue, and the**  
107 **American Heart Association fund shall be abolished.**

108 (9) There is hereby created in the state treasury the "March of Dimes Fund", which shall  
109 consist of money collected under this section. The state treasurer shall be custodian of the fund  
110 and shall approve disbursements from the fund in accordance with this section and sections  
111 30.170 and 30.180. **The provisions of section 33.080 relating to the transfer of unexpended**  
112 **balances to the general revenue fund shall not apply to the March of Dimes fund until**  
113 **October 1, 2020, on which date the unexpended balance in the March of Dimes fund shall**  
114 **be transferred to general revenue, and the March of Dimes fund shall be abolished.**

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

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

121 9. The director of the department of revenue shall establish a procedure by which the  
122 moneys deposited in the funds shall be distributed semiannually to the American Cancer Society,  
123 Heartland Division, Inc., the Amyotrophic Lateral Sclerosis Association, and the American Lung  
124 Association of Missouri, the Muscular Dystrophy Association, the Arthritis Foundation, the  
125 American Diabetes Association Gateway Area, the National Multiple Sclerosis Society, the  
126 American Heart Association, and the March of Dimes.

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

129 11. Any organization receiving funds under this section shall report to the director of  
130 revenue annually, on forms prescribed by the director, detailing how the funds were expended.  
131 The director shall compile such information and provide a report to the general assembly in each  
132 year such expenditures are made.

133           12. The director of revenue is authorized to promulgate rules and regulations necessary  
134 to administer and enforce this section. Any rule or portion of a rule, as that term is defined in  
135 section 536.010, that is created under the authority delegated in this section shall become  
136 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
137 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
138 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
139 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
140 rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid  
141 and void.

142           13. If an organization that has the cure of sickle cell anemia as its primary purpose is  
143 formed that meets the requirements of this section, such organization shall be included on the  
144 income tax form in accordance with the provisions of this section and there shall be created in  
145 the state treasury a fund with the name of the organization. The fund shall consist of money  
146 collected under this section. The state treasurer shall be custodian of the fund and shall approve  
147 disbursements from the fund in accordance with this section and sections 30.170 and 30.180.

143.1013. 1. For all taxable years beginning on or after January 1, 2011, each individual  
2 or corporation entitled to a tax refund in an amount sufficient to make a designation under this  
3 section may designate that one dollar or any amount in excess of one dollar on a single return,  
4 and two dollars or any amount in excess of two dollars on a combined return, of the refund due  
5 be credited to the American Red Cross trust fund. If any individual or corporation that is not  
6 entitled to a tax refund in an amount sufficient to make a designation under this section wishes  
7 to make a contribution to the fund, such individual or corporation may, by separate check, draft,  
8 or other negotiable instrument, send in with the payment of taxes, or may send in separately, that  
9 amount the individual or corporation wishes to contribute. Such amounts shall be clearly  
10 designated for the fund.

11           2. There is hereby created in the state treasury the "American Red Cross Trust Fund",  
12 which shall consist of money collected under this section. The state treasurer shall be custodian  
13 of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve  
14 disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund  
15 shall be used solely for the administration of this section. ~~[Notwithstanding the provisions of~~  
16 ~~section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall~~  
17 ~~not revert to the credit of the general revenue fund.]~~ The state treasurer shall invest moneys in  
18 the fund in the same manner as other funds are invested. Any interest and moneys earned on  
19 such investments shall be credited to the fund. All moneys credited to the trust fund shall be  
20 considered nonstate funds under Section 15, Article IV, Constitution of Missouri. The treasurer  
21 shall distribute all moneys deposited in the fund at times the treasurer deems appropriate to the

22 American Red Cross. **The provisions of section 33.080 relating to the transfer of**  
23 **unexpended balances to the general revenue fund shall not apply to the American Red**  
24 **Cross trust fund until October 1, 2020, on which date the unexpended balance in the**  
25 **American Red Cross trust fund shall be transferred to general revenue, and the American**  
26 **Red Cross trust fund shall be abolished.**

27 3. The director of revenue shall deposit at least monthly all contributions designated by  
28 individuals under this section to the state treasurer for deposit to the fund. The director of  
29 revenue shall deposit at least monthly all contributions designated by the corporations under this  
30 section, less an amount sufficient to cover the costs of collection and handling by the department  
31 of revenue, to the state treasury for deposit to the fund. A contribution designated under this  
32 section shall only be deposited in the fund after all other claims against the refund from which  
33 such contribution is to be made have been satisfied.

34 4. Under section 23.253 of the Missouri sunset act:

35 (1) The provisions of the new program authorized under this section shall automatically  
36 sunset on December thirty-first six years after August 28, 2011, unless reauthorized by an act of  
37 the general assembly; and

38 (2) If such program is reauthorized, the program authorized under this section shall  
39 automatically sunset on December thirty-first twelve years after the effective date of the  
40 reauthorization of this section; and

41 (3) This section shall terminate on September first of the calendar year immediately  
42 following the calendar year in which the program authorized under this section is sunset.

143.1026. 1. This section shall be known and may be cited as "Sahara's Law".

2 2. For all taxable years beginning on or after January 1, 2013, each individual or  
3 corporation entitled to a tax refund in an amount sufficient to make a designation under this  
4 section may designate that one dollar or any amount in excess of one dollar on a single return,  
5 and two dollars or any amount in excess of two dollars on a combined return, of the refund due  
6 be credited to the pediatric cancer research trust fund. If any individual or corporation that is not  
7 entitled to a tax refund in an amount sufficient to make a designation under this section wishes  
8 to make a contribution to the fund, such individual or corporation may, by separate check, draft,  
9 or other negotiable instrument, send in with the payment of taxes, or may send in separately, that  
10 amount the individual or corporation wishes to contribute. Such amounts shall be clearly  
11 designated for the fund.

12 3. There is hereby created in the state treasury the "Pediatric Cancer Research Trust  
13 Fund", which shall consist of money collected under this section. The state treasurer shall be  
14 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may  
15 approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in

16 the fund shall be used solely for the administration of this section. ~~[Notwithstanding the~~  
17 ~~provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the~~  
18 ~~biennium shall not revert to the credit of the general revenue fund.]~~ The state treasurer shall  
19 invest moneys in the fund in the same manner as other funds are invested. Any interest and  
20 moneys earned on such investments shall be credited to the fund. All moneys credited to the  
21 trust fund shall be considered state funds under Section 15, Article IV, Constitution of Missouri,  
22 but shall not be included in the calculation of total state revenue under Section 18, Article X of  
23 the Missouri Constitution. The treasurer shall distribute all moneys deposited in the fund at  
24 times the treasurer deems appropriate to CureSearch for Children's Cancer. **The provisions of**  
25 **section 33.080 relating to the transfer of unexpended balances to the general revenue fund**  
26 **shall not apply to the pediatric cancer research trust fund until October 1, 2020, on which**  
27 **date the unexpended balance in the pediatric cancer research trust fund shall be**  
28 **transferred to general revenue, and the pediatric cancer research trust fund shall be**  
29 **abolished.**

30 4. The director of revenue shall deposit at least monthly all contributions designated by  
31 individuals under this section to the state treasurer for deposit to the fund. The director of  
32 revenue shall deposit at least monthly all contributions designated by the corporations under this  
33 section, less an amount sufficient to cover the costs of collection and handling by the department  
34 of revenue, to the state treasury for deposit to the fund. A contribution designated under this  
35 section shall only be deposited in the fund after all other claims against the refund from which  
36 such contribution is to be made have been satisfied.

37 5. Under section 23.253 of the Missouri sunset act:

38 (1) The provisions of the new program authorized under this section shall automatically  
39 sunset on December thirty-first five years after August 28, 2019, unless reauthorized by an act  
40 of the general assembly; and

41 (2) If such program is reauthorized, the program authorized under this section shall  
42 automatically sunset on December thirty-first twelve years after the effective date of the  
43 reauthorization of this section; and

44 (3) This section shall terminate on September first of the calendar year immediately  
45 following the calendar year in which the program authorized under this section is sunset. The  
46 termination of the program as described in this subsection shall not be construed to preclude any  
47 taxpayer who claims any benefit under any program that is sunset under this subsection from  
48 claiming such benefit for all allowable activities related to such claim that were completed before  
49 the program was sunset, or to eliminate any responsibility of the administering agency to verify  
50 the continued eligibility of projects receiving tax credits and to enforce other requirements of law  
51 that applied before the program was sunset.

**161.228. On October 1, 2020, the commissioner of education shall transfer, or cause  
2 the transfer of, the unexpended balance in the DESE - Medicaid fund, which was  
3 established by administrative action, to general revenue, and the fund shall be abolished.**

**650.010. On October 1, 2020, the state treasurer shall transfer the unexpended  
2 balance in the homeland security fund, which was established by administrative action, to  
3 general revenue, and the fund shall be abolished.**

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