

SECOND REGULAR SESSION

SENATE BILL NO. 705

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Read 1st time January 25, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5486S.011

AN ACT

To repeal sections 143.1009 and 301.3084, RSMo, and to enact in lieu thereof two new sections relating to breast cancer awareness.

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

Section A. Sections 143.1009 and 301.3084, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 143.1009 and
3 301.3084, to read as follows:

143.1009. 1. In each taxable year beginning on or after January 1, 2008,
2 each individual or corporation entitled to a tax refund in an amount sufficient to
3 make a designation under this section may designate that one dollar or any
4 amount in excess of one dollar on a single return, and two dollars or any amount
5 in excess of two dollars on a combined return, of the refund due be credited to the
6 breast cancer awareness trust fund, hereinafter referred to as the trust fund. If
7 any individual or corporation that is not entitled to a tax refund in an amount
8 sufficient to make a designation under this section wishes to make a contribution
9 to the trust fund, such individual or corporation may, by separate check, draft,
10 or other negotiable instrument, send in with the payment of taxes, or may send
11 in separately, that amount, clearly designated for the breast cancer awareness
12 trust fund, the individual or corporation wishes to contribute. The department
13 of revenue shall deposit such amount to the trust fund as provided in subsections
14 2 and 3 of this section. All moneys credited to the trust fund shall be considered
15 nonstate funds under the provisions of article IV, section 15 of the Missouri
16 Constitution.

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 the trust fund.

20 3. The director of revenue shall deposit at least monthly all contributions
21 designated by the corporations under this section, less an amount sufficient to
22 cover the costs of collection and handling by the department of revenue, to the
23 state treasury for deposit to the trust fund.

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

27 5. All moneys transferred to the trust fund shall be distributed by the
28 director of revenue at times the director deems appropriate to the [Friends of the
29 Missouri Women's Council] **department of health and senior services**. Such
30 funds shall be used solely for the purpose of providing breast cancer
31 services. Notwithstanding the provisions of section 33.080 to the contrary,
32 moneys in the trust fund at the end of any biennium shall not be transferred to
33 the credit of the general revenue fund.

34 6. There is hereby created in the state treasury the "Breast Cancer
35 Awareness Trust Fund", which shall consist of money collected under this
36 section. The state treasurer shall be custodian of the fund. In accordance with
37 sections 30.170 and 30.180, the state treasurer may approve disbursements.

38 7. Under section 23.253 of the Missouri sunset act:

39 (1) The provisions of the new program authorized under this section shall
40 automatically sunset six years after August 28, 2008, unless reauthorized by an
41 act of the general assembly; and

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

45 (3) This section shall terminate on December thirty-first of the calendar
46 year immediately following the calendar year in which the program authorized
47 under this section is sunset.

301.3084. 1. Any person may receive special license plates as prescribed
2 by this section, for any motor vehicle such person owns, either solely or jointly,
3 other than an apportioned motor vehicle or a commercial motor vehicle licensed
4 in excess of eighteen thousand pounds gross weight[, after an annual contribution
5 of an emblem-use authorization fee to the Friends of the Missouri Women's
6 Council. Any contribution to the Friends of the Missouri Women's Council
7 pursuant to this section, except reasonable administrative costs, shall be

8 designated for the sole purpose of providing breast cancer services, including but
9 not limited to screening, treatment, staging, and follow-up services. The Friends
10 of the Missouri Women's Council hereby authorizes the use of its official emblem
11 to be affixed on multiyear personalized license plates as provided in this
12 section. Any person may annually apply for the use of the emblem]. **Upon**
13 **making a twenty-five dollar annual contribution, the vehicle owner may**
14 **apply for a "Breast Cancer Awareness" license plate. If the contribution**
15 **is made directly to the state treasurer, the state treasurer shall issue**
16 **the individual making the contribution a receipt verifying the**
17 **contribution that may be used to apply for the breast cancer awareness**
18 **license plate. If the contribution is made directly to the director of**
19 **revenue, the director shall note the contribution and the owner may**
20 **then apply for the breast cancer awareness plate. The applicant for**
21 **such plate must pay a fifteen dollar fee in addition to the regular**
22 **registration fees and present any other documentation required by law**
23 **for each set of breast cancer awareness plates issued pursuant to this**
24 **section. Notwithstanding the provisions of section 301.144, no**
25 **additional fee shall be charged for the personalization of license plates**
26 **issued pursuant to this section.**

27 2. [Upon annual application and payment of a twenty-five dollar
28 emblem-use contribution to the Friends of the Missouri Women's Council, the
29 organization shall issue to the vehicle owner, without further charge, an
30 emblem-use authorization statement, which shall be presented by the owner to
31 the department of revenue at the time of registration of a motor vehicle. Upon
32 presentation of the annual statement, payment of a fifteen dollar fee in addition
33 to the registration fee and documents which may be required by law, the
34 department of revenue shall issue to the vehicle owner a personalized] **The**
35 **state treasurer or the director of revenue shall deposit the twenty-five**
36 **dollar annual contribution in the Missouri public health services**
37 **fund. Funds in such account shall be used to support breast cancer**
38 **awareness activities conducted by the department of health and senior**
39 **services.**

40 3. **The "Breast Cancer Awareness" license plate [which] shall bear a**
41 **graphic design depicting the breast cancer awareness pink ribbon symbol [with**
42 **the words "Breast Cancer Awareness" forming an oval around the symbol,] and**
43 **shall bear the words ["MISSOURI WOMEN'S COUNCIL"] "BREAST CANCER**

44 **AWARENESS**" in place of the words "SHOW-ME STATE". Such license plates
45 shall be made with fully reflective material with a common color scheme and
46 design, shall be clearly visible at night, and shall be aesthetically attractive, as
47 prescribed by section 301.130. Notwithstanding the provisions of section 301.144,
48 no additional fee shall be charged for the personalization of license plates
49 pursuant to this section.

50 [3.] 4. A vehicle owner, who was previously issued a plate with a breast
51 cancer awareness emblem authorized by this section but who does not provide an
52 emblem-use authorization statement at a subsequent time of registration, shall
53 be issued a new plate which does not bear the emblem, as otherwise provided by
54 law. The director of revenue shall make necessary rules and regulations for the
55 administration of this section, and shall design all necessary forms required by
56 this section. No rule or portion of a rule promulgated pursuant to the authority
57 of this section shall become effective unless it has been promulgated pursuant to
58 the provisions of chapter 536.

✓
Bill

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