

SECOND REGULAR SESSION  
[P E R F E C T E D]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 1105**  
94TH GENERAL ASSEMBLY

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Reported from the Committee on Ways and Means, March 13, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted April 2, 2008.

Taken up April 2, 2008. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

4958S.02P

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**AN ACT**

To amend chapter 143, RSMo, by adding thereto one new section relating to an income tax check-off for contributions to the Breast Cancer Awareness Trust Fund.

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*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  
2 section, to be known as section 143.1009, to read as follows:

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

17 moneys credited to the trust fund shall be considered nonstate funds  
18 under the provisions of article IV, section 15 of the Missouri  
19 Constitution.

20       2. The director of revenue shall deposit at least monthly all  
21 contributions designated by individuals under this section to the state  
22 treasurer for deposit to the trust fund.

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

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

31       5. All moneys transferred to the trust fund shall be distributed  
32 by the director of revenue at times the director deems appropriate to  
33 the Friends of the Missouri Women's Council. Such funds shall be used  
34 solely for the purpose of providing breast cancer  
35 services. Notwithstanding the provisions of section 33.080, RSMo, to  
36 the contrary, moneys in the trust fund at the end of any biennium shall  
37 not be transferred to the credit of the general revenue fund.

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

43       7. Under section 23.253, RSMo, of the Missouri sunset act:

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

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

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