

SECOND REGULAR SESSION

# SENATE BILL NO. 782

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CURLS.

Read 1st time February 13, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5471S.011

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## AN ACT

To amend chapter 143, RSMo, by adding thereto one new section relating to designation of tax refunds to the lupus revolving research 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 143.1022, to read as follows:

**143.1022. 1. For all taxable years beginning on or after January  
2 1, 2012, 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 lupus  
7 revolving research trust fund. If any individual or corporation that is  
8 not entitled to a tax refund in an amount sufficient to make a  
9 designation under this section wishes to make a contribution to the  
10 fund, such individual or corporation may, by separate check, draft, or  
11 other negotiable instrument, send in with the payment of taxes, or may  
12 send in separately, that amount the individual or corporation wishes  
13 to contribute. Such amounts shall be clearly designated for the fund.**

**14 2. There is hereby created in the state treasury the "Lupus  
15 Revolving Research Trust Fund", which shall consist of money collected  
16 under this section. The state treasurer shall be custodian of the fund.  
17 In accordance with sections 30.170 and 30.180, the state treasurer may  
18 approve disbursements. The fund shall be a dedicated fund and, upon  
19 appropriation, money in the fund shall be used solely as provided in  
20 this section. Notwithstanding the provisions of section 33.080 to the  
21 contrary, any moneys remaining in the fund at the end of the biennium**

22 shall not revert to the credit of the general revenue fund. The state  
23 treasurer shall invest moneys in the fund in the same manner as other  
24 funds are invested. Any interest and moneys earned on such  
25 investments shall be credited to the fund. All moneys credited to the  
26 trust fund shall be considered nonstate funds under section 15, article  
27 IV, Constitution of Missouri. The treasurer shall distribute all moneys  
28 deposited in the fund at times the treasurer deems appropriate to the  
29 department of health and senior services.

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

39       4. (1) There is hereby established in the department of health  
40 and senior services a lupus research enhancement program, through  
41 which the department shall make grants to state academic medical  
42 institutions in this state that currently conduct or have an interest in  
43 conducting basic and clinical, social, translational, technological,  
44 epidemiological, and behavioral research on lupus.

45       (2) All research funds shall be awarded on the basis of research  
46 priorities established for the program and the scientific merit of the  
47 proposed research, as determined by an open, competitive peer review  
48 process that ensures objectivity, consistency, and high quality. All  
49 investigators, regardless of affiliation, shall have equal access and  
50 opportunity to compete for program funds.

51       (3) The peer review process for the selection of research grants  
52 awarded under this program shall be modeled generally on the process  
53 used by the National Institutes of Health in its grant-making  
54 process. Any institution awarded grants shall be awarded such grants  
55 for the full cost, both direct and indirect, of conducting the sponsored  
56 research consistent with federal guidelines governing all federal  
57 research grants and contracts.

58       (4) All intellectual property assets developed under the program

59 shall be treated in accordance with state and federal law.

60 (5) In establishing its research priorities, the department of  
61 health and senior services shall consult with the lupus research  
62 advisory council created under subsection 5 of this section and  
63 consider a broad range of cross-disciplinary lupus research, including  
64 but not limited to the following:

65 (a) Research into the cause, cure and diagnosis of lupus;

66 (b) Translational and technological research, including research  
67 to develop improved diagnostic tests;

68 (c) Research regarding the cultural, economic, and legal barriers  
69 to accessing the health care system for early detection and treatment  
70 of lupus; and

71 (d) Research examining the health disparities seen in the  
72 incidence and prevalence of lupus.

73 5. There is hereby established within the department of health  
74 and senior services the "Lupus Research Advisory Council". The  
75 members shall be appointed by the director of the department of health  
76 and senior services from a list of recommendations by employees of the  
77 department and shall consist of the following eight members:

78 (1) Four members shall be individuals representing a broad  
79 range of expertise and experience in issues relating to lupus;

80 (2) One member shall be from the leading lupus advocacy  
81 organization dedicated to finding the cause and promoting treatment  
82 and awareness;

83 (3) Two members shall be scientists or clinicians with experience  
84 with lupus and who participate in various fields of scientific endeavor,  
85 including but not limited to the fields of biomedical research, social,  
86 translational, behavioral and epidemiological research, and public  
87 health; and

88 (4) One ex officio member from the department.

89 Any individual or organization may also submit nominations to the  
90 director for appointment to the council. The director shall appoint a  
91 chair from among the members of the council. Of the members first  
92 appointed to the council, four shall serve a term of two years and three  
93 a term of one year. Thereafter, terms shall be two years. No member  
94 shall serve more than two terms. Members shall serve without  
95 compensation, but may be reimbursed for actual and necessary

96 expenses incurred in the performance of their duties. The council shall  
97 meet at the call of the chair.

98 6. The council shall have the following duties:

99 (1) Review submitted applications for grants from the lupus  
100 revolving research trust fund created under subsection 2 of this section  
101 and make recommendations to the director, who shall at the director's  
102 discretion grant approval of applications for grants from the  
103 applications recommended by the council. No council member  
104 submitting an application for a grant shall review or make any  
105 recommendation on such application;

106 (2) Consult with the National Institutes of Health, Centers for  
107 Disease Control and Prevention, the Agency for Healthcare Research  
108 and Quality, the Institute of Medicine of the National Academies, lupus  
109 advocacy groups such as the Lupus Foundation of America, Inc., and  
110 other organizations or entities that may be involved in lupus  
111 research. Such consultation shall be to solicit both information  
112 regarding current lupus research projects being conducted and  
113 recommendations for future research projects;

114 (3) Submit on or before December thirty-first of each year a  
115 report to the general assembly on grants made, grants in progress,  
116 program accomplishments, and future program directions. The first  
117 report submitted shall include an evaluation and recommendations  
118 concerning the desirability and feasibility of requiring for-profit  
119 grantees to compensate the state in the event that a grant results in the  
120 development of a profit-making product. Such evaluation shall include  
121 at least the costs and benefits of requiring a for-profit grantee to repay  
122 the grant, to provide the product at cost to state programs serving low-  
123 income lupus patients, and to pay the state a percentage of the  
124 royalties derived from the product. Each report shall include at least  
125 the following information:

126 (a) The number and dollar amounts of research grants, including  
127 the amount allocated to indirect costs;

128 (b) The subject of research grants;

129 (c) A summary of research findings, including discussion of  
130 promising new areas; and

131 (d) The institutions and campuses receiving grant awards.

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

133           **(1) The provisions of the new program and council authorized**  
134 **under this section shall automatically sunset on December thirty-first**  
135 **six years after the effective date of this section unless reauthorized by**  
136 **an act of the general assembly; and**

137           **(2) If such program is reauthorized, the program authorized**  
138 **under this section shall automatically sunset on December thirty-first**  
139 **twelve years after the effective date of the reauthorization of this**  
140 **section; and**

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

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Bill

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