

SECOND REGULAR SESSION

# HOUSE BILL NO. 1694

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (63) (Sponsor), NEWMAN, PACE, NICHOLS,  
McCREERY, BLACK, McCANN BEATTY, OXFORD, McGEOGHEGAN, TORPEY, RIDDLE, SOLON,  
ENTLICHER, CRAWFORD, FRANKLIN, LEACH, SOMMER,  
SCHIEFFER AND MEADOWS (Co-sponsors).

5184L.011

D. ADAM CRUMBLISS, Chief Clerk

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### 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 funding.

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Section A. Sections 143.1009 and 301.3084, RSMo, are repealed and two new sections  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

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

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

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.

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

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

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

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

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

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

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

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

301.3084. 1. Any person may receive special license plates as prescribed by this section,  
2 for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor  
3 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross  
4 weight[, after an annual contribution of an emblem-use authorization fee to the Friends of the  
5 Missouri Women's Council. Any contribution to the Friends of the Missouri Women's Council  
6 pursuant to this section, except reasonable administrative costs, shall be designated for the sole  
7 purpose of providing breast cancer services, including but not limited to screening, treatment,  
8 staging, and follow-up services. The Friends of the Missouri Women's Council hereby  
9 authorizes the use of its official emblem to be affixed on multiyear personalized license plates  
10 as provided in this section. Any person may annually apply for the use of the emblem.] **Upon**  
11 **making a twenty-five dollar annual contribution, the vehicle owner may apply for a**  
12 **"Breast Cancer Awareness" license plate. If the contribution is made directly to the state**

13 **treasurer, the treasurer shall issue a receipt verifying the contribution to the individual**  
14 **making the contribution that may be used to apply for the license plate. If the contribution**  
15 **is made directly to the director of revenue, the director shall make a note of the**  
16 **contribution, and the vehicle owner may then apply for the license plate. The treasurer or**  
17 **the director shall deposit the twenty-five dollar fee in the Missouri public health services**  
18 **fund established in section 192.900, and such fees shall be used to support breast cancer**  
19 **awareness activities conducted by the department of health and senior services. The**  
20 **applicant shall also pay a fee of fifteen dollars in addition to the regular registration fees,**  
21 **and shall present any other documentation required by law for each set of license plates**  
22 **issued under this section.**

23         2. [Upon annual application and payment of a twenty-five dollar emblem-use  
24 contribution to the Friends of the Missouri Women's Council, the organization shall issue to the  
25 vehicle owner, without further charge, an emblem-use authorization statement, which shall be  
26 presented by the owner to the department of revenue at the time of registration of a motor  
27 vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition  
28 to the registration fee and documents which may be required by law, the department of revenue  
29 shall issue to the vehicle owner a personalized] **The breast cancer awareness** license plate  
30 [which] shall bear a graphic design depicting the breast cancer awareness pink ribbon symbol  
31 [with the words "Breast Cancer Awareness" forming an oval around the symbol,] and shall bear  
32 the words "[MISSOURI WOMEN'S COUNCIL] **BREAST CANCER AWARENESS**" in place  
33 of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective  
34 material with a common color scheme and design, shall be clearly visible at night, and shall be  
35 aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of  
36 section 301.144, no additional fee shall be charged for the personalization of license plates  
37 pursuant to this section.

38         3. A vehicle owner, who was previously issued a plate with a breast cancer awareness  
39 emblem authorized by this section but who does not provide an emblem-use authorization  
40 statement at a subsequent time of registration, shall be issued a new plate which does not bear  
41 the emblem, as otherwise provided by law. The director of revenue shall make necessary rules  
42 and regulations for the administration of this section, and shall design all necessary forms  
43 required by this section. No rule or portion of a rule promulgated pursuant to the authority of  
44 this section shall become effective unless it has been promulgated pursuant to the provisions of  
45 chapter 536.

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