

Senate Bill 201

By: Senators Balfour of the 9th, Buckner of the 44th, Williams of the 19th, Golden of the 8th, Mullis of the 53rd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to
2 control of hazardous conditions, preventable diseases, and metabolic disorders, so as to
3 provide for voluntary contributions through individual income tax returns and other
4 mechanisms for cancer research; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of
9 hazardous conditions, preventable diseases, and metabolic disorders, is amended by revising
10 Code Section 31-12-14, relating to breast cancer, prostate cancer, and ovarian cancer
11 research program fund, as follows:

12 "31-12-14.

13 (a) The General Assembly finds that it is in the best interest of the state to provide for
14 ~~breast cancer, prostate cancer, and ovarian~~ cancer research programs. In addition to and as
15 a supplement to traditional financing mechanisms for such programs, it is the policy of this
16 state to enable and encourage citizens voluntarily to support such programs.

17 (b) To support programs for ~~breast cancer, prostate cancer, and ovarian~~ cancer research,
18 the department may, without limitation, promote and solicit voluntary contributions
19 through the individual income tax return contribution mechanism established in subsection
20 (e) of this Code section or through any fund raising or other promotional techniques
21 deemed appropriate by the department.

22 (c) There is established a special fund to be known as the '~~Breast Cancer, Prostate Cancer,~~
23 ~~and Ovarian~~ Cancer Research Program Fund.' This fund shall consist of all moneys
24 contributed under subsection (b) of this Code section, all moneys transferred to the
25 department under subsection (e) of this Code section, and any other moneys contributed
26 to this fund. All balances in the fund shall be deposited in an interest-bearing account
27 identifying the fund and shall be carried forward each year so that no part thereof may be

28 deposited in the general treasury. The fund shall be administered and the moneys held in
29 the fund shall be expended by the department through contracts for cancer research of
30 ~~breast cancer, prostate cancer, and ovarian cancer.~~

31 (d) Contributions to the fund shall be deemed supplemental to and shall in no way supplant
32 funding that would otherwise be appropriated for these purposes. Contributions shall only
33 be used for research and for administrative costs authorized in paragraph (2) of subsection
34 (e) of this Code section and shall not be used for personnel or administrative positions. The
35 department shall prepare, by February 1 of each year, an accounting of the moneys
36 received and expended from the fund and a review and evaluation of all expended moneys
37 of the fund. The report shall be made available to the Governor, the Lieutenant Governor,
38 the Speaker of the House of Representatives, the members of the Board of Human
39 Resources, and, upon request, to members of the public.

40 (e)(1) Unless an earlier date is deemed feasible and is established by the Governor, each
41 Georgia individual income tax return form for taxable years beginning on or after January
42 1, 2000, shall contain appropriate language, to be determined by the state revenue
43 commissioner, offering the taxpayer the opportunity to contribute to the ~~Breast Cancer,~~
44 ~~Prostate Cancer, and Ovarian~~ Cancer Research Program Fund established in subsection
45 (c) of this Code section by either donating all or any part of any tax refund due, by
46 authorizing a reduction in the refund check otherwise payable, or by contributing any
47 amount over and above any amount of tax owed by adding that amount to the taxpayer's
48 payment. The instructions accompanying the individual income tax return form shall
49 contain a description of the purposes for which this fund was established and the intended
50 use of moneys received from the contributions. Each taxpayer required to file a state
51 individual income tax return who desires to contribute to such fund may designate such
52 contribution as provided in this Code section on the appropriate individual income tax
53 return form.

54 (2) The Department of Revenue shall determine annually the total amount so contributed,
55 shall withhold therefrom a reasonable amount for administering this voluntary
56 contribution program, and shall transmit the balance to the department for deposit in the
57 fund established in subsection (c) of this Code section; provided, however, that the
58 amount retained for administrative costs, including implementation costs, shall not
59 exceed \$50,000.00 per year. If, in any tax year, the administrative costs of the
60 Department of Revenue for collecting contributions pursuant to this Code section exceed
61 the sum of such contributions, the administrative costs which the Department of Revenue
62 is authorized to withhold from such contributions shall not exceed the sum of such
63 contributions."

64

SECTION 2.

65 All laws and parts of laws in conflict with this Act are repealed.