

SECOND REGULAR SESSION

[CORRECTED]

HOUSE JOINT RESOLUTION NO. 54

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HINSON (Sponsor), WALLINGFORD, CAUTHORN, WELLS, WIELAND, ASBURY, LASATER, KOENIG, SCHAD, KORMAN, MEADOWS, LEACH, KELLEY (126), JOHNSON, McCAHERTY AND SHUMAKE (Co-sponsors).

4234L.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the life sciences research board.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Article III, Constitution of Missouri, is amended by adding one new section, to be known as section 38(e), to read as follows:

Section 38(e). 1. The moneys appropriated to the life sciences research board pursuant to law shall be subject to the provisions of this section.

2. As used in this section, the following terms shall mean:

(1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) "Abortion services" include performing, inducing, or assisting with abortions, or encouraging patients to have abortions, referring patients for abortions not necessary

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.

10 to save the life of the mother, or development of drugs, chemicals, or devices intended to
11 be used to induce an abortion;

12 (3) "Child", a human being recognized as a minor pursuant to the laws of this state,
13 including if in vivo, an unborn child and if in vitro, a human being at any of the stages of
14 biological development of an unborn child from conception or inception onward;

15 (4) "Conception", the fertilization of the ovum of a female by a sperm of the male;

16 (5) "Facilities and administrative costs", those costs that are incurred for common
17 or joint objectives and therefore cannot be identified readily and specifically with a
18 particular research project or any other institutional activity;

19 (6) "Human cloning", the creation of a human being by any means other than by
20 the fertilization of an oocyte of a human female by a sperm of a human male;

21 (7) "Prohibited human research", research in a research project in which there is
22 the taking or utilization of the organs, tissues, or cellular material of:

23 (a) A deceased child, unless consent is given by the parents in a manner provided
24 by law relating to anatomical gifts, and neither parent caused the death of such child or
25 consented to another person causing the death of such child;

26 (b) A living child, when the intended or likely result of such taking or utilization
27 is to kill or cause harm to the health, safety, or welfare of such child, or when the purpose
28 is to target such child for possible destruction in the future;

29 (8) "Public funds", include:

30 (a) Any moneys received or controlled by the state of Missouri or any official,
31 department, division, agency, or political subdivision thereof, including but not limited to
32 moneys derived from federal, state, or local taxes, gifts, or grants from any source,
33 settlements of any claims or causes of action, public or private, bond proceeds, federal
34 grants or payments, or intergovernmental transfers;

35 (b) Any moneys received or controlled by an official, department, division, or
36 agency of state government or any political subdivision thereof, or to any person or entity
37 pursuant to appropriation by the general assembly or governing body of any political
38 subdivision of this state;

39 (9) "Research project", research proposed to be funded by an award of public
40 funds conducted under the auspices of the entity or entities that applied for and received
41 such award, regardless of whether the research is funded in whole or in part by such
42 award. Such research shall include basic research, including the discovery of new
43 knowledge; translational research, including translational knowledge in a usable form; and
44 clinical research, including but not limited to health research in human development and
45 aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease;

46 **(10) "Unborn child", the offspring of human beings from the moment of conception**
47 **until birth and at every stage of its biological development, including the human conceptus,**
48 **zygote, morula, blastocyst, embryo, and fetus.**

49 **3. Public funds shall not be expended, paid, or granted to or on behalf of an existing**
50 **or proposed research project that involves abortion services, human cloning, or prohibited**
51 **human research. A research project that receives an award of public funds shall not share**
52 **costs with another research project, person, or entity not eligible to receive public funds**
53 **pursuant to this subsection; provided that a research project that receives an award of**
54 **public funds may pay a pro rata share of facilities and administrative costs determined in**
55 **the award of public funds according to standards that ensure that public funds do not in**
56 **any way subsidize facilities and administrative costs of other research projects, persons,**
57 **or entities not eligible to receive public funds pursuant to this subsection. The application**
58 **for an award of public funds shall set forth the proposed rates of pro rata cost**
59 **reimbursement and shall provide supporting data and rationale for such rates. All**
60 **applicants for and recipients of awards of public funds shall comply with the cost**
61 **accounting principles set forth in Part 9905 of Title 48 of the Code of Federal Regulations,**
62 **or successor regulations, in connection with the application for and administration of the**
63 **research project. All moneys derived from an award of public funds shall be expended**
64 **only by checks, drafts, or electronic transfers using a separate accounting process**
65 **maintained for each research project. No moneys derived from an award of public funds**
66 **shall be used to cover costs for any other research project or to any other person or entity.**
67 **No moneys derived from an award of public funds shall be passed through to any other**
68 **research project, person, or entity unless included in the original application for the award**
69 **of public funds or in subsequent amendments or requests to use separate contractors. A**
70 **research project that receives an award of public funds shall maintain financial records**
71 **that demonstrate strict compliance with this subsection. Any audit conducted pursuant**
72 **to any grant or contract awarding public funds shall also certify whether there is**
73 **compliance with this subsection and shall note any noncompliance as a material audit**
74 **finding.**

75 **4. The provisions of this section shall inure to the benefit of all residents of this**
76 **state. Any taxpayer of this state or any political subdivision of this state shall have**
77 **standing to bring suit against the state of Missouri or any official, department, division,**
78 **agency, or political subdivision of this state, and any recipient of public funds who or**
79 **which is in violation of this subsection in any circuit court with jurisdiction to enforce the**
80 **provisions of this section.**

81 **5. This section shall not be construed to permit or make lawful any conduct that**
82 **is otherwise unlawful pursuant to the laws of this state.**

83 **6. Any provision of this section is not severable from any appropriation subject to**
84 **this section or any application declared by any court to be subject to this section. If any**
85 **provision of this section is found to be invalid or unconstitutional, any appropriation**
86 **subject to this section or any appropriation declared by any court to be subject to this**
87 **section shall be void, invalid, and unenforceable.**

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