

SECOND REGULAR SESSION

# HOUSE BILL NO. 2072

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MESSENGER (Sponsor), FRAKER, ZERR, HAAHR, RICHARDSON, DIEHL, STREAM, RICHARDSON, HAMPTON, FITZWATER, AUSTIN, REDMON, COX, CRAWFORD, HOSKINS, CORNEJO, HAEFNER, ROWLAND, SCHIEBER, ELMER, SWAN, MUNTZEL, SCHATZ, PHILLIPS, GRISAMORE, LAUER, CONWAY (104), GOSEN, MOON, ANDERSON, HURST, BLACK, HOUGH, JONES (50), MILLER, LANT, MORRIS, CIERPIOT, WILSON, WHITE, HINSON, POGUE, BURLISON, LYNCH, BROWN, GANNON, BARNES, HIGDON, LOVE, REIBOLDT, PFAUTSCH, MCCAHERTY, FITZPATRICK, FRANKLIN, JUSTUS, REMOLE, NEELY, LICHTENEGGER, SOLON, BRATTIN, ROWDEN, JONES (110) AND WIELAND (Co-sponsors).

6269H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 188, RSMo, by adding thereto six new sections relating to regulation of economic incentives.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 188, RSMo, is amended by adding thereto six new sections, to be  
2 known as sections 188.175, 188.178, 188.181, 188.184, 188.187, and 188.190, to read as  
3 follows:

**188.175. As used in sections 188.175 to 188.190, the following terms mean:**

- 2       **(1) “Abortion services”, performing, inducing, or assisting with abortions, as**  
3 **defined in section 188.015, encouraging patients to have abortions, referring patients for**  
4 **abortions not necessary to save the life of the mother and not in a medical emergency as**  
5 **defined in section 188.015, or development or distribution of drugs, chemicals, or devices**  
6 **intended to be used to induce an abortion;**
- 7       **(2) “Child”, a human being recognized as a minor under the laws of this state,**  
8 **including if in vivo, an unborn child as defined in section 188.015, and if in vitro, a human**  
9 **being at any of the stages of biological development of an unborn child from conception or**  
10 **inception onward;**
- 11       **(3) “Conception”, the same meaning as defined in section 188.015;**

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.

12           (4) **“Economic incentive project”**, any activity or set of activities that an applicant  
13 **conducts or continues to conduct in order to receive one or more governmental economic**  
14 **incentives as defined herein;**

15           (5) **“Governmental economic incentives”**, any economic benefits, other than public  
16 **funds as defined herein, that the state or any official, department, division, agency, public**  
17 **entity, political subdivision, public corporation, or quasi-public corporation thereof**  
18 **provides to applicants who apply for such benefits under programs that foster economic**  
19 **development and that are not available to the public generally, or to individuals who seek**  
20 **benefits primarily for personal, family, or household purposes. “Governmental economic**  
21 **incentives” may include, but are not limited to, such things as the foregoing or forgiveness**  
22 **of taxes, reduction of tax rates, tax credits, tax deductions, abatement of official fees and**  
23 **charges, provisions for payments in lieu of taxes, rights to use eminent domain powers,**  
24 **provision of physical space and equipment in incubator facilities or other facilities,**  
25 **inclusion in economic development zones, and provisions of access to and use of expert and**  
26 **consulting services for business and industrial development;**

27           (6) **“Facilities and administrative costs”**, those costs that are incurred for common  
28 **or joint objectives and therefore cannot be identified readily and specifically with a**  
29 **particular research project, economic incentive project, or other institutional activity;**

30           (7) **“Human cloning”**:

31           (a) **The creation of a human being by any means other than by the fertilization of**  
32 **an oocyte of a human female by a sperm of a human male; or**

33           (b) **Any process by which such creation is attempted or accomplished;**

34           (8) **“Prohibited human research”**, activities in a research project or economic  
35 **incentive project in which there is the taking or utilization of the entire body or the organs,**  
36 **tissues, or cellular material of:**

37           (a) **A deceased child, unless consent is given by the parents in a manner provided**  
38 **in sections 194.210 to 194.290 relating to anatomical gifts, and neither parent caused the**  
39 **death of such child or consented to another person causing the death of such child;**

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

43           (9) **“Public funds”**, include the following moneys and shall retain their status as  
44 **public funds until such moneys are expended, wholly or in part, for or in furtherance of**  
45 **the purpose or project for which they were provided:**

46           (a) **Any moneys received or controlled by the state of Missouri or any official,**  
47 **department, division, agency, public entity, political subdivision, public corporation, or**

48 quasi-public corporation thereof including, but not limited to, moneys derived from  
49 federal, state, or local taxes, gifts, or grants from any source, settlements of any claims or  
50 causes of action, public or private, bond proceeds, federal grants or payments, or  
51 intergovernmental transfers; or

52 (b) Any moneys received or controlled by any person or entity pursuant to  
53 appropriation by the general assembly or appropriation by the governing body of any  
54 public entity, political subdivision, public corporation, or quasi-public corporation of this  
55 state;

56 (10) “Research project”, research proposed to be funded by an award of public  
57 funds or to be supported by governmental economic incentives, conducted under the  
58 auspices of the entity or entities that applied for and received such award or economic  
59 incentives, regardless of whether the research is funded or supported in whole or in part  
60 by such award or economic incentives. The types of such research may include basic  
61 research, including the discovery of new knowledge; translational research, including  
62 translational knowledge in a usable form; and clinical research including, but not limited  
63 to, health research in human development and aging, cancer, endocrine, cardiovascular,  
64 neurological, pulmonary, and infectious disease.

188.178. Neither public funds nor governmental economic incentives shall be  
2 expended, paid, provided, granted, or authorized to or for the benefit of an existing or  
3 proposed research project or an existing or proposed economic incentive project that  
4 involves abortion services, human cloning, or prohibited human research. A research  
5 project or economic incentive project that receives public funds or governmental economic  
6 incentives shall not share costs with another project, person, or entity that is not eligible  
7 to receive public funds or governmental economic incentives under this section; provided  
8 that a research project or economic incentive project that receives an award of public  
9 funds or governmental economic incentives may pay a pro rata share of facilities and  
10 administrative costs determined in the award of public funds or governmental economic  
11 incentives according to standards that ensure that public funds and governmental  
12 economic incentives do not in any way subsidize facilities and administrative costs of other  
13 research projects, economic incentive projects, persons, or entities that are not eligible to  
14 receive public funds or governmental economic incentives under this section. The  
15 application for an award of public funds or for governmental economic incentives shall set  
16 forth the proposed rates of pro rata cost reimbursement and shall provide supporting data  
17 and rationale for such rates. All applicants for and recipients of awards of public funds  
18 and governmental economic incentives shall comply with the cost accounting principles set  
19 forth in 48 CFR 9905, or successor regulations, in connection with the application for and

20 administration of the research project. All moneys derived from an award of public funds  
21 shall be expended only by checks, drafts, or electronic transfers using a separate account  
22 maintained for such public funds. No moneys derived from an award of public funds and  
23 no portion of governmental economic incentives shall be used to cover costs for, or shall  
24 be shared with, any other research project, economic incentive project, person, or entity  
25 that is not eligible to receive public funds or governmental economic incentives under this  
26 section. No moneys derived from an award of public funds and no benefits of  
27 governmental economic incentives shall be passed through to any other research project,  
28 person, or entity unless such pass-through was described in the original application for the  
29 award of public funds or in subsequent amendments or requests to use separate  
30 contractors, and such pass-through was approved. A research project that receives an  
31 award of public funds and governmental economic incentives shall maintain financial  
32 records that demonstrate strict compliance with this section. Any audit conducted  
33 pursuant to any grant or contract awarding public funds shall also certify whether there  
34 is compliance with this section and shall note any noncompliance as a material audit  
35 finding.

188.181. The provisions of sections 188.175 to 188.190 shall inure to the benefit of  
2 all residents of this state. Any taxpayer of this state or any political subdivision of this state  
3 shall have standing to bring suit against the state or any official, department, division,  
4 agency, public entity, political subdivision, public corporation, or quasi-public corporation  
5 of this state, and any recipient of public funds who or which is in violation of this section,  
6 in any circuit court with jurisdiction to enforce the provisions of this section.

188.184. Sections 188.175 to 188.190 shall not be construed to permit or make  
2 lawful any conduct that is otherwise unlawful under the laws of this state.

188.187. Any provision of sections 188.175 to 188.190 is not severable from any  
2 appropriation subject to sections 188.175 to 188.190. If any provision of sections 188.175  
3 to 188.190 is found to be invalid or unconstitutional, any appropriation subject to sections  
4 188.175 to 188.190 or any appropriation declared by any court to be subject to sections  
5 188.175 to 188.190 shall be void, invalid, and unenforceable.

188.190. Any and all records of all public funds or governmental economic  
2 incentives awarded under sections 188.175 to 188.190 including, but not limited to, any and  
3 all actions, meetings, communications, correspondence, votes, and deliberations to  
4 determine or decide to grant or award the same, the administration and distribution of said  
5 award and the actual use of said award by the recipient shall be open and available to the  
6 public subject to the provisions of sections 610.011 to 610.200, and said awards are  
7 specifically not excepted from disclosure under subdivision 15 of section 610.021 relating

**8 to scientific and technological innovations, nor under subdivision 23 of section 610.021**  
**9 relating to licensing of intellectual property or performing sponsored research.**

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