

FIRST REGULAR SESSION

SENATE BILL NO. 306

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Read 1st time January 26, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1416S.01I

AN ACT

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

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 known as sections 188.175, 188.178, 188.181, 188.184, 188.187, and 188.190, to read as follows:

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

(1) "Abortion services", performing, inducing, or assisting with abortion, as defined in section 188.015, encouraging patients to have an abortion, referring patients for an abortion not necessary to save the life of the mother and not in a medical emergency as defined in section 188.015, or development or distribution of drugs, chemicals, or devices intended to be used to induce an abortion;

(2) "Child", a human being recognized as a minor under the laws of this state, including if in vivo, an unborn child as defined in section 188.015, and if in vitro, a human being at any of the stages of biological development of an unborn child from conception or inception onward;

(3) "Conception", the same meaning as defined in section 188.015;

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

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

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

36 **(7) "Human cloning":**

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

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

42 **(8) "Prohibited human research", activities in a research project**
43 **or economic incentive project in which there is the taking or utilization**
44 **of the entire body or the organs, tissues, or cellular material of:**

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

49 **(b) A living child, if the intended or likely result of such taking**
50 **or utilization is to kill or cause harm to the health, safety, or welfare**
51 **of such child, or if the purpose is to target such child for possible**
52 **destruction in the future;**

53 **(9) "Public funds", include the following moneys and shall retain**
54 **their status as public funds until such moneys are expended, wholly or**
55 **in part, for or in furtherance of the purpose or project for which they**
56 **were provided:**

57 **(a) Any moneys received or controlled by the state of Missouri**

58 or any official, department, division, agency, public entity, political
59 subdivision, public corporation, or quasi-public corporation thereof
60 including, but not limited to, moneys derived from federal, state, or
61 local taxes, gifts, or grants from any source, settlements of any claims
62 or causes of action, public or private, bond proceeds, federal grants or
63 payments, or intergovernmental transfers; or

64 (b) Any moneys received or controlled by any person or entity
65 pursuant to appropriation by the general assembly or appropriation by
66 the governing body of any public entity, political subdivision, public
67 corporation, or quasi-public corporation of this state;

68 (10) "Research project", research proposed to be funded by an
69 award of public funds or to be supported by governmental economic
70 incentives, conducted under the auspices of the entity or entities that
71 applied for and received such award or economic incentives, regardless
72 of whether the research is funded or supported in whole or in part by
73 such award or economic incentives. The types of such research may
74 include basic research, including the discovery of new knowledge;
75 translational research, including translational knowledge in a usable
76 form; and clinical research including, but not limited to, health
77 research in human development and aging; cancer; and endocrine,
78 cardiovascular, neurological, pulmonary, and infectious disease.

188.178. Neither public funds nor governmental economic
2 incentives shall be expended, paid, provided, granted, or authorized to
3 or for the benefit of an existing or proposed research project or an
4 existing or proposed economic incentive project that involves abortion
5 services, human cloning, or prohibited human research. A research
6 project or economic incentive project that receives public funds or
7 governmental economic incentives shall not share costs with another
8 project, person, or entity that is not eligible to receive public funds or
9 governmental economic incentives under this section; provided that a
10 research project or economic incentive project that receives an award
11 of public funds or governmental economic incentives may pay a pro
12 rata share of facilities and administrative costs determined in the
13 award of public funds or governmental economic incentives according
14 to standards that ensure that public funds and governmental economic
15 incentives do not in any way subsidize facilities and administrative
16 costs of other research projects, economic incentive projects, persons,

17 or entities that are not eligible to receive public funds or governmental
18 economic incentives under this section. The application for an award
19 of public funds or for governmental economic incentives shall set forth
20 the proposed rates of pro rata cost reimbursement and shall provide
21 supporting data and rationale for such rates. All applicants for and
22 recipients of awards of public funds and governmental economic
23 incentives shall comply with the cost accounting principles set forth in
24 48 CFR 9905, or successor regulations, in connection with the
25 application for and administration of the research project. All moneys
26 derived from an award of public funds shall be expended only by
27 checks, drafts, or electronic transfers using a separate account
28 maintained for such public funds. No moneys derived from an award
29 of public funds and no portion of governmental economic incentives
30 shall be used to cover costs for, or shall be shared with, any other
31 research project, economic incentive project, person, or entity that is
32 not eligible to receive public funds or governmental economic
33 incentives under this section. No moneys derived from an award of
34 public funds and no benefits of governmental economic incentives shall
35 be passed through to any other research project, person, or entity
36 unless such pass-through was described in the original application for
37 the award of public funds or in subsequent amendments or requests to
38 use separate contractors, and such pass-through was approved. A
39 research project that receives an award of public funds and
40 governmental economic incentives shall maintain financial records that
41 demonstrate strict compliance with this section. Any audit conducted
42 pursuant to any grant or contract awarding public funds shall also
43 certify whether there is compliance with this section and shall note any
44 noncompliance as a material audit finding.

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

188.184. Sections 188.175 to 188.190 shall not be construed to

2 permit or make lawful any conduct that is otherwise unlawful under
3 the laws of this state.

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

188.190. Any and all records of all public funds or governmental
2 economic incentives awarded under sections 188.175 to 188.190
3 including, but not limited to, any and all actions, meetings,
4 communications, correspondence, votes, and deliberations to determine
5 or decide to grant or award the same, the administration and
6 distribution of the award and the actual use of the award by the
7 recipient shall be open and available to the public subject to the
8 provisions of sections 610.011 to 610.200, and the awards are
9 specifically not excepted from disclosure under subdivision 15 of
10 section 610.021 relating to scientific and technological innovations, nor
11 under subdivision 23 of section 610.021 relating to licensing of
12 intellectual property or performing sponsored research.

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