

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 49

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), FUNDERBURK, GATSCHENBERGER,
McGHEE, RUESTMAN, FISCHER (107) AND BIVINS (Co-sponsors).

3714L.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 Missouri taxpayer protection initiative.

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
2 following the first Monday in November, 2010, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article III of the Constitution of the state of
5 Missouri:

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

**Section 38(e). 1. This section shall be known as the "Missouri Taxpayer Protection
2 Initiative".**

**3 2. It shall be unlawful to expend, pay, or grant any public funds for abortion not
4 medically necessary to save the life of the mother, for abortion services, for human cloning,
5 or for prohibited human research.**

**6 3. As used in this section, the following terms have the following meanings,
7 provided, however, that nothing in this section shall be construed to prevent the state from
8 receiving or using funding under any federal public health acts, regulations, or programs
9 existing as of September 11, 2009:**

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

14 (2) "Abortion services" means performing, inducing, or assisting with abortions,
15 or encouraging patients to have abortions, referring patients for abortions not medically
16 necessary to save the life of the mother, or development of drugs, chemicals, or devices
17 intended to be used to induce an abortion;

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

21 (4) "Human cloning" means the creation of a human being by any means other
22 than by the fertilization of an oocyte of a human female by a sperm of a human male;

23 (5) "Prohibited human research" means research in a research project in which
24 there is the taking or utilization of the organs, tissues, or cellular material of:

25 (a) A deceased child, unless consent is given by the parents in a manner as may be
26 provided by law relating to anatomical gifts, and neither parent caused or contributed to
27 the cause of the death of such child or consented to another person causing or contributing
28 to the causing of the death of such child;

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

32 (6) "Public funds" means:

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

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

42 (7) "Unborn child" means the offspring of human beings from the moment of
43 conception until birth and at every stage of its biological development, including the human
44 conceptus, zygote, morula, blastocyst, embryo, and fetus.

45 **4. The provisions of this section are self-executing. All of the provisions of this**
46 **section are severable. If any provision of this section is found by a court of competent**
47 **jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions**
48 **of this section shall be and remain valid.**

 Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
2 and laws of this state allowing the general assembly to adopt ballot language for the submission
3 of a joint resolution to the voters of this state, the official ballot title of the amendment proposed
4 in section A of this act shall be as follows:

5 "A 'yes' vote will amend the Constitution of the State of Missouri to make it unlawful to
6 expend, pay, or grant any public funds for abortion not medically necessary to save the life of the
7 mother, for abortion services, for human cloning, or for prohibited human research.

8 A 'no' vote would not amend the Constitution of the State of Missouri."

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