

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 271

101ST GENERAL ASSEMBLY

0195H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 37, RSMo, by adding thereto nine new sections relating to the Missouri local government expenditure database.

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

Section A. Chapter 37, RSMo, is amended by adding thereto nine new sections, to be known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, and 37.1098, to read as follows:

37.1090. As used in sections 37.1090 to 37.1098, the following terms mean:

(1) "Expenditure", any monetary payment from a municipality or county to any vendor including, but not limited to, a payment, distribution, loan, advance, reimbursement, deposit, or gift;

(2) "Municipality", a city, town, or village that is incorporated in accordance with the laws of this state;

(3) "State entity", the general assembly; the supreme court of Missouri; the office of an elected state official; or an agency, board, commission, department, institution, instrumentality, office, or other governmental entity of this state, excluding municipalities, counties, institutions of higher education, and any public employee retirement system;

(4) "Vendor", any person, partnership, corporation, association, organization, state entity, or other party that:

(a) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to a municipality or county; or

(b) Receives reimbursement from a municipality or county for any expense.

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.

2 **37.1091.** The "Missouri Local Government Expenditure Database" is hereby
3 created and shall be maintained on the Missouri accountability portal, established under
4 section 37.850, by the office of administration. The database shall be available on the office
5 of administration website and shall include information about expenditures made during
6 each fiscal year that begins after December 31, 2022. The database shall be publicly
7 accessible without charge.

2 **37.1092.** For each expenditure, the Missouri local government expenditure database
3 shall include the following information:

- 3 (1) The amount of the expenditure;
- 4 (2) The date the expenditure was paid;
- 5 (3) The vendor to whom the expenditure was paid, unless the disclosure of the
6 vendor's name would violate a confidentiality requirement, in which case the vendor may
7 be listed as confidential;
- 8 (4) The purpose of the expenditure; and
- 9 (5) The municipality or county that made the expenditure or requested the
10 expenditure be made.

2 **37.1093.** The Missouri local government expenditure database shall provide:

- 2 (1) A record of all expenditures; and
- 3 (2) The ability to download information.

2 **37.1094. 1.** A municipality or county may choose to voluntarily participate in the
3 Missouri local government expenditure database, or, if a requisite number of residents of
4 a municipality or county request the municipality or county to participate, such
5 jurisdiction shall participate in the Missouri local government expenditure database. The
6 requisite number of residents requesting participation shall be five percent of the
7 registered voters of such jurisdiction voting in the last general municipal election, as
8 described under section 115.121, but in no case shall the requisite number be fewer than
9 thirty residents. Residents may request participation by submitting a written letter by
10 certified mail to the governing body of the municipality or county and the office of
11 administration. Multiple residents may sign one letter, but the number of requests from
12 residents shall include all requests from all letters received. Upon receiving such a letter,
13 the municipality or county shall acknowledge receipt thereof to the resident and the office
14 of administration within thirty days. After receiving the requisite number of requests, the
15 municipality or county shall begin participating in the database but shall not be required
16 to report expenditures incurred before one complete six-month reporting period described
under subsection 2 of this section has elapsed.

17 **2. Each municipality or county participating in the database shall provide**
18 **electronically transmitted information to the office of administration, in a format the office**
19 **requires, for inclusion in the Missouri local government expenditure database regarding**
20 **each of the municipality's or county's expenditures biannually. Information regarding the**
21 **first half of the calendar year shall be submitted before July thirty-first of such year.**
22 **Information regarding the second half of the calendar year shall be submitted before**
23 **January thirty-first of the year immediately following such year.**

24 **3. Notwithstanding subsection 1 of this section, no submission shall be required for**
25 **any expenditures incurred before January 1, 2023.**

26 **4. The office of administration shall provide each municipality and county**
27 **participating in the database with a template, in the format described under section**
28 **37.1092, for the purpose of uploading the data. The office of administration shall have the**
29 **authority to grant the municipality or county access for the purpose of uploading data.**

30 **5. Upon appropriation, the office of administration shall provide financial**
31 **reimbursement to any participating municipality or county for actual expenditures**
32 **incurred for participating in the database.**

37.1095. No later than one year after the Missouri local government expenditure
2 **database is implemented, the office of administration shall provide, on the office of**
3 **administration website, an opportunity for public comment on the utility of the database.**

37.1096. The Missouri local government expenditure database shall not include any
2 **confidential information or any information that is not a public record under the laws of**
3 **this state. However, the state shall not be liable for the disclosure of a record in the**
4 **Missouri local government expenditure database that is confidential information or is not**
5 **a public record under the laws of this state.**

37.1097. Each municipality or county that has a website shall display on its website
2 **a prominent internet link to the Missouri local government expenditure database.**

37.1098. The office of administration may adopt rules to implement the provisions
2 **of sections 37.1090 to 37.1098. Any rule or portion of a rule, as that term is defined in**
3 **section 536.010, that is created under the authority delegated in this section shall become**
4 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
5 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
6 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
7 **the effective date, or to disapprove and annul a rule are subsequently held**
8 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
9 **after August 28, 2021, shall be invalid and void.**

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