

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 18

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2012, and ordered printed.

Read 2nd time January 10, 2013, and referred to the Committee on Governmental Accountability and Fiscal Oversight.

Reported from the Committee February 28, 2013, with recommendation that the bill do pass.

Taken up for Perfection March 5, 2013. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0072S.01P

AN ACT

To repeal sections 33.300, 37.850, and 164.151, RSMo, and to enact in lieu thereof five new sections relating to the transparency and accountability of public funds, with an emergency clause.

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

Section A. Sections 33.300, 37.850, and 164.151, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 33.087, 33.300,
3 37.850, 164.146, and 164.151, to read as follows:

33.087. 1. Every department and division of the state that
2 **receives any grant of federal funds of one million dollars or more shall**
3 **document and make the following information easily available to the**
4 **public on the Missouri accountability portal established in section**
5 **37.850:**

6 **(1) Any amount of funds it receives from the federal government;**

7 **(2) The name of the federal agency disbursing the funds;**

8 **(3) The purpose for which the funds are being received;**

9 **(4) The name of any state agency to which any portion of the**
10 **funds are transferred by the initial receiving department or division,**
11 **the amount transferred, and the purpose for which those funds are**
12 **transferred; and**

13 **(5) The information provided to the department or division**
14 **pursuant to subsection 2 of this section.**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 **2. If a department or division receives a grant of federal funds**
16 **and transfers a portion of such funds to another department or**
17 **division, the department or division receiving the transferred funds**
18 **shall report to the department or division from which the funds were**
19 **transferred, an accounting of how the transferred funds were used and**
20 **any statistical impact that can be discerned as a result of such usage.**

21 **3. All information referred to in subsection 1 of this section shall**
22 **be updated within thirty days of any receipt or transferal of funds.**

23 **4. The office of administration shall promulgate rules to**
24 **implement the provisions of this section. Any rule or portion of a rule,**
25 **as that term is defined in section 536.010 that is created under the**
26 **authority delegated in this section shall become effective only if it**
27 **complies with and is subject to all of the provisions of chapter 536, and,**
28 **if applicable, section 536.028. This section and chapter 536 are**
29 **nonseverable and if any of the powers vested with the general assembly**
30 **pursuant to chapter 536, to review, to delay the effective date, or to**
31 **disapprove and annul a rule are subsequently held unconstitutional,**
32 **then the grant of rulemaking authority and any rule proposed or**
33 **adopted after the effective date of this act, shall be invalid and void.**

33.300. The governor, lieutenant governor, attorney general, [state
2 auditor,] state treasurer, and commissioner of administration constitute the board
3 of fund commissioners, of which the governor is president and the state treasurer,
4 secretary. The board shall direct the payment of interest on the state debt, the
5 redemption, issue and cancellation of bonds of the state, and perform all acts
6 required of it by law.

37.850. 1. The commissioner of administration shall maintain the
2 Missouri accountability portal established in executive order 07-24 as a free,
3 Internet-based tool allowing citizens to demand fiscal discipline and
4 responsibility.

5 **2. The Missouri accountability portal shall consist of an easy-to-search**
6 **database of financial transactions related to the purchase of goods and services**
7 **and the distribution of funds for state programs; all bonds issued by any**
8 **public institution of higher education or political subdivision of this**
9 **state or its designated authority, all obligations issued or incurred**
10 **pursuant to section 99.820 by any political subdivision of this state or**
11 **its designated authority, and the revenue stream pledged to repay such**

12 **bonds or obligations; and all debt incurred by any public charter**
13 **school.**

14 3. The Missouri accountability portal shall be updated each state business
15 day and maintained as the primary source of information about the activity of
16 Missouri's government.

17 4. **Upon the conducting of a withholding or a release of funds,**
18 **the governor shall submit a report stating all amounts withheld from**
19 **the state's operating budget for the current fiscal year, as authorized**
20 **by article IV, section 27 of the Missouri Constitution which shall be:**

21 (1) **Conspicuously posted on the accountability portal website;**

22 (2) **Searchable by the amounts withheld or released from each**
23 **individual fund; and**

24 (3) **Searchable by the total amount withheld or released from the**
25 **operating budget.**

26 5. Every political subdivision of the state, including public
27 institutions of higher education but excluding school districts, shall
28 supply all information described in subsection 2 of this section to the
29 office of administration within seven days of issuing or incurring such
30 corresponding bond or obligation. For all such bonds or obligations
31 issued or incurred prior to the effective date of this act, every such
32 political subdivision and public institution of higher education shall
33 have ninety days to supply such information to the office of
34 administration.

35 6. Every school district and public charter school shall supply all
36 information described in subsection 2 of this section to the department
37 of elementary and secondary education within seven days of issuing
38 such bond, or incurring such debt. The department of elementary and
39 secondary education shall have forty-eight hours to deliver such
40 information to the office of administration. For all such bonds issued
41 or debt incurred prior to the effective date of this act, every school
42 district and public charter school shall have ninety days to supply such
43 information to the department of elementary and secondary
44 education. The department of elementary and secondary education
45 shall have forty-eight hours to deliver such information to the office of
46 administration.

164.146. When any school district issues bonds under sections
2 164.121, 164.131, or 164.141, the bond filing shall contain the following

3 **information:**

4 (1) **The current amount of debt held by the school district,**
5 **including any bonded indebtedness;**

6 (2) **The district's current tax levy;**

7 (3) **The district's current bond credit rating, as prepared by an**
8 **independent credit rating service; and**

9 (4) **The annual cost of maintaining any vacant or unused**
10 **buildings owned by the district.**

164.151. 1. The questions on bond issues in all districts shall be
2 submitted in substantially the following form:

3 Shall the board of education borrow money in the
4 amount of dollars for the purpose of and issue bonds for
5 the payment thereof resulting in an estimated increase to the debt service
6 property tax levy of (amount of estimated increase) per one hundred dollars
7 of assessed valuation? If this proposition is approved, the adjusted debt service
8 levy of the school district is estimated to increase from (amount of current
9 school district levy) to (estimated adjusted debt service levy) per one
10 hundred dollars assessed valuation of real and personal property.

11 2. **Any ballot containing a question on a bond issue shall contain,**
12 **in an area of the ballot following the question, the following**
13 **information:**

14 (1) **The current amount of debt held by the school district,**
15 **including any bonded indebtedness;**

16 (2) **The district's current tax levy;**

17 (3) **The district's current bond credit rating, as prepared by an**
18 **independent credit rating service; and**

19 (4) **The annual cost of maintaining any vacant or unused**
20 **buildings owned by the district.**

21 3. If the constitutionally required number of the votes cast are for the
22 loan, the board may, subject to the restrictions of section 164.161, borrow money
23 in the name of the district, to the amount and for the purpose specified in the
24 notices aforesaid, and issue bonds of the district for the payment thereof.

Section B. Because it is necessary to document and track the transference
2 of public funds, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and

5 section A of this act shall be in full force and effect upon its passage and
6 approval.

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Unofficial

Bill

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