

FIRST REGULAR SESSION

# SENATE BILL NO. 18

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MUNZLINGER.

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

TERRY L. SPIELER, Secretary.

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## AN ACT

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

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

Section A. Sections 33.300 and 37.850, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 33.087, 33.300, and  
3 37.850, 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.**

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**

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

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.**

          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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