

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 203

98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DIXON.

Read 1st time January 7, 2015, and ordered printed.

Read 2nd time January 29, 2015, and referred to the Committee on Governmental Accountability and Fiscal Oversight.

Reported from the Committee March 11, 2015, with recommendation that the bill do pass.

Taken up for Perfection March 17, 2015. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

0908S.01P

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## AN ACT

To repeal section 29.235, RSMo, and to enact in lieu thereof two new sections relating to the authority of the office of state auditor.

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

Section A. Section 29.235, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 29.235 and 29.305 to read as  
3 follows:

29.235. 1. The auditor and the auditor's authorized agents are authorized  
2 to:

3 (1) Examine all books, accounts, records, reports, vouchers of any state  
4 agency or entity subject to audit, insofar as they are necessary to conduct an  
5 audit under this chapter, provided that the auditor complies with state and  
6 federal financial privacy requirements prior to accessing financial records  
7 including provisions presented in chapter 408 and provided that the auditor or  
8 other public entity reimburses the reasonable documentation and production costs  
9 relating to compliance with examination by the auditor or auditor's authorized  
10 agents that pertain to:

11 (a) Amounts received under a grant or contract from the federal  
12 government or the state or its political subdivisions;

13 (b) Amounts received, disbursed, or otherwise handled on behalf of the  
14 federal government or the state;

15 (2) Examine and inspect all property, equipment, and facilities in the

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

16 possession of any state agency, political subdivision, or quasi-governmental entity  
17 that were furnished or otherwise provided through grant, contract, or any other  
18 type of funding by the state of Missouri or the federal government; and

19 (3) Review state tax returns[, except such review shall be limited to  
20 matters of official business, and the auditor's report shall not violate the  
21 confidentiality provisions of tax laws. Notwithstanding confidentiality provisions  
22 of tax laws to the contrary, the auditor may use or disclose information related  
23 to overdue tax debts in support of the auditor's statutory mission] **only to the**  
24 **extent permitted under section 32.057.**

25 2. All [contracts or] **grant** agreements entered into as a result of the  
26 award of a grant **received** by state agencies or political subdivisions shall  
27 include, as a necessary part, a clause describing the auditor's [access as provided  
28 under this section] **authority to examine and inspect property, equipment,**  
29 **and facilities purchased with funds from the grant that are in**  
30 **possession of the recipient state agency or political subdivision.**

31 3. The auditor may obtain the services of certified public accountants,  
32 qualified management consultants, or other professional persons and experts as  
33 the auditor deems necessary or desirable to carry out the duties and functions  
34 assigned under this chapter. Unless otherwise authorized by law, no state agency  
35 shall enter into any contract for auditing services without consultation with, and  
36 the prior written approval of, the auditor.

37 4. (1) Insofar as necessary to conduct an audit under this chapter, the  
38 auditor or the auditor's authorized representatives shall have the power to  
39 subpoena witnesses, to take testimony under oath, to cause the deposition of  
40 witnesses residing within or without the state to be taken in a manner prescribed  
41 by law, and to assemble records and documents, by subpoena or otherwise. The  
42 subpoena power granted by this section shall be exercised only at the specific  
43 written direction of the auditor or the auditor's chief deputy.

44 (2) If any person refuses to comply with a subpoena, the auditor shall seek  
45 to enforce the subpoena before a court of competent jurisdiction to require the  
46 attendance and testimony of witnesses and the production of books, papers,  
47 correspondence, memoranda, contracts, agreements, and other records. Such  
48 court may issue an order requiring such person to appear before the auditor or  
49 officers designated by the auditor to produce records or to give testimony relating  
50 to the matter under investigation or in question. Any failure to comply with such  
51 order of the court may be punished by such court as contempt.

29.305. 1. The state auditor shall make a one-time report on the  
2 costs, both direct and indirect, born by county and state governments  
3 in the prosecution and defense of at least ten cases filed on or after  
4 January 1, 1990, in which a death sentence was sought and was imposed  
5 and compare such costs to the costs of an equal number of first degree  
6 murder cases filed on or after January 1, 1990, in which a death  
7 sentence was not sought and the defendant was sentenced to life  
8 without the possibility for parole and an equal number of first degree  
9 murder cases filed on or after January 1, 1990, in which a death  
10 sentence was sought, but the defendant was sentenced to life without  
11 the possibility for parole at the conclusion of a sentencing phase. The  
12 auditor may make additional comparisons including other sentences  
13 imposed for homicide offenses.

14 2. In selecting the cases in which a death sentence was not  
15 imposed, the auditor shall use a scientific method of random sampling  
16 that includes all cases filed on or after January 1, 1990.

17 3. The comparison shall include the following costs estimated by  
18 the auditor to be related to the cases examined and compared under  
19 subsection 1 of this section:

20 (1) Staff salaries, benefits, and operating expenses for the  
21 attorney general's office, including any contracts for assistance;

22 (2) Staff salaries, benefits, and operating expenses for the  
23 department of corrections, including costs related to housing inmates  
24 sentenced to death, carrying out the death penalty, and any contracts  
25 for assistance;

26 (3) All costs related to providing health care for inmates  
27 sentenced to life without the possibility for parole;

28 (4) Staff salaries, including salaries of prosecuting and circuit  
29 attorneys, benefits, operating expenses charged to counties, including  
30 expenses in preparing for the presentation of aggravating and  
31 mitigating circumstances with respect to sentencing proceedings in  
32 death penalty cases, expert witness fees, additional investigations, and  
33 contracts for assistance;

34 (5) Staff salaries, benefits, and operating expenses for the  
35 Missouri state public defender system; and

36 (6) Staff salaries, benefits, and operating expenses for the  
37 supreme court, courts of appeals, and circuit courts.

38           **4. The auditor shall present the report to the governor, members**  
39 **of the general assembly, and the Missouri supreme court by June 30,**  
40 **2017.**

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Unofficial

Bill

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