

SECOND REGULAR SESSION

SENATE BILL NO. 735

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3904S.01I

AN ACT

To amend chapter 34, RSMo, by adding thereto three new sections relating to disclosures required by entities entering into contracts with a public agency.

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

Section A. Chapter 34, RSMo, is amended by adding thereto three new sections, to be known as sections 34.400, 34.410, and 34.420, to read as follows:

34.400. 1. Sections 34.400 to 34.420 shall be known as the "Transparency in Government Contracting Act".

2. As used in sections 34.400 to 34.420, the following terms shall mean:

(1) "Contract", any agreement for the purchase of supplies or services, or the sale or lease of any real property, for consideration in excess of five thousand dollars per transaction or per annum;

(2) "Political organization", any not-for-profit organization that qualifies for tax exempt status under Section 501(c)(4) of the United States Internal Revenue Code of 1986, as amended, but shall not include any committee or other organization that is required to file a report of contributions and expenditures with the Missouri ethics commission;

(3) "Public agency", the state of Missouri, its departments, agencies, boards, commissions, and institutions, and any political subdivisions, districts, or entities authorized by law to enter into contracts paid for by public funds; and

(4) "Substantial interest", more than ten percent ownership in a specified entity by a person, the person's spouse, or the person's dependent children.

34.410. 1. Any person, corporation, association, firm, partnership, proprietorship, or business entity of any kind or character

3 entering into a contract with a public agency shall disclose any
4 payments made to a political organization.

5 2. Any person with a substantial interest in a corporation,
6 association, firm, partnership, proprietorship, or business entity of any
7 kind or character entering into a contract with a public agency shall
8 disclose any payments made of five hundred dollars or more annually
9 to a political organization.

34.420. 1. The disclosures required in section 34.410 shall be
2 made on a form prescribed by the commissioner of administration and
3 shall be signed and verified by a written declaration that it is made
4 under penalty of perjury. Such disclosure shall be filed with the office
5 of administration no later than the effective date of the contract and
6 shall include all payments made in the twelve months prior to the
7 effective date of the contract.

8 2. Any person or entity required to file a disclosure under
9 section 34.210 shall annually file a new disclosure for any year in which
10 the contract is in effect.

11 3. The commissioner of administration shall make all documents
12 filed under this section publicly available on the Missouri
13 accountability portal established under section 37.850.

14 4. Failure to timely file a disclosure required under section
15 34.410 shall be considered a material breach of the contract without
16 further evidence, and in addition to all remedies therefor, including
17 vendor suspension and debarment, the contractor shall be subject to
18 liquidated damages equal to five percent of the total contract price, and
19 any payments on the contract due to the contractor shall be held until
20 the contractor makes the required filing. The liquidated damages may,
21 at the discretion of the public agency, be deducted from any payments
22 due the contractor.

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