SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

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HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 271

AN ACT

To repeal sections 50.166, 59.021, 59.100, and 451.040, RSMo, and to enact in lieu thereof thirteen new sections relating to local government, with an existing penalty provision.

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

Section A. Sections 50.166, 59.021, 59.100, and 451.040, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, 37.1098, 50.166, 59.021, 59.100, and 451.040, 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.

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

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

(1) The amount of the expenditure;

(2) The date the expenditure was paid;

(3) The vendor to whom the expenditure was paid, unless the disclosure of the vendor's name would violate a confidentiality requirement, in which case the vendor may be listed as confidential;

(4) The purpose of the expenditure; and

(5) The municipality or county that made the expenditure or requested the expenditure be made.

37.1093. The Missouri local government expenditure database shall provide:

(1) A record of all expenditures; and

(2) The ability to download information.

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

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

shall be submitted before January thirty-first of the year immediately following such year.

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

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

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

37.1095. No later than one year after the Missouri local government expenditure database is implemented, the office of administration shall provide, on the office of 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 confidential information or any information that is not a public record under the laws of this state. However, the state shall not be liable for the disclosure of a record in the Missouri local government expenditure database that is confidential information or is not a public record under the laws of this state.

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

37.1098. The office of administration may adopt rules to implement the provisions of sections 37.1090 to 37.1098.

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

50.166. 1. In all cases of claims allowed against the county, and in all cases of grants, salaries, pay and expenses allowed by law, the county clerk may fill in on a form of warrant the amount due as approved by the county commission and other necessary information. The form of the warrant thus filled in by the county clerk may be transmitted to the county treasurer. The warrant may be in such form that a single instrument may serve as the warrant and the county treasurer's draft or check, and may be so designed that it is a nonnegotiable warrant when signed by the county clerk and becomes a negotiable check or draft after it has been signed by the county treasurer.

2. Upon request, the county treasurer shall have access to any financially relevant document in the possession of any county official for the purposes of processing a warrant, unless such warrant is received in the absence of a check then the county treasurer shall have access to the information necessary to process the warrant.

3. No official of any county shall refuse a request from the county treasurer for access to or a copy of any document in the possession of a county official that is financially relevant to his or her duties under section

50.330, except that any county official may redact, remove, or delete any personal identifying information, including a Social Security number, financial account numbers, medical information, or any other personal identifying information, before submission to the county treasurer.

4. No county treasurer shall refuse to release funds for the payment of any properly approved expenditure.

59.021. A candidate for county recorder where the offices of the clerk of the court and recorder of deeds are separate, except in any city not within a county or any county having a charter form of government, shall be at least twenty-one years of age, a registered voter, and a resident of the state of Missouri as well as the county in which he or she is a candidate for at least one year prior to the date of the general election. Upon election to office, the person shall continue to reside in that county during his or her tenure in office. Each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is able to satisfy the bond requirements under section 59.100.

59.100. 1. Every recorder elected as provided in section 59.020, before entering upon the duties of the office as recorder, shall enter into bond to the state, in a sum set by the county commission [of not less than one thousand dollars], with sufficient sureties, not less than two, to be approved by the commission, conditioned for the faithful performance of the duties enjoined on such person by law as recorder, and for the delivering up of the records, books, papers, writings, seals, furniture and apparatus belonging to the office, whole, safe and undefaced, to such officer's successor.

2. For a recorder elected after December 31, 2021, the bond shall be no less than five thousand dollars. For a recorder elected before January 1, 2022, the bond shall be no less than one thousand dollars.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy or electronically through an online process. If an applicant is unable to sign the application in the presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, the recorder of deeds may issue a license if:

(1) An affidavit or sworn statement is submitted by the incarcerated or military applicant on a form furnished by the recorder of deeds which includes the necessary information for the recorder of deeds to issue a marriage license under this section. The form shall include, but not be limited to, the following:

(a) The names of both applicants for the marriage license;

(b) The date of birth of the incarcerated or military applicant;

(c) An attestation by the incarcerated or military applicant that both applicants are not related;

(d) The date the marriage ended if the incarcerated or military applicant was previously married;

(e) An attestation signed by the incarcerated or military applicant stating in substantial part that the applicant is unable to appear in the presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, which will be verified by the professional or official who directs the operation of the jail or prison or the military applicant's military officer, or such professional's or official's designee, and acknowledged by a notary public commissioned by the state of Missouri at the time of verification. However, in the case of an applicant who is called or ordered to active military duty outside Missouri, **[**acknowledgement**]** acknowledgment may be obtained by a notary public who is duly commissioned by a state other than Missouri or by notarial services of a military officer in accordance with the Uniform Code of Military Justice at the time of verification;

(2) The completed marriage license application of the incarcerated or military applicant is submitted which includes the applicant's Social Security number; except that, in the event the applicant does not have a Social Security number, a sworn statement by the applicant to that effect; and

(3) A copy of a government-issued identification for the incarcerated or military applicant which contains the applicant's photograph. However, in such case the incarcerated applicant does not have such an identification because the jail or prison to which he or she is confined does not issue an identification with a photo his or her notarized application shall satisfy this requirement.

3. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024. After the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common-law marriages shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

7. In the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder of deeds shall have a two-step identity verification process or a process that independently verifies the identity of such applicants. Such process shall be adopted as part of any electronic system for marriage licenses if the applicants do not present themselves to the recorder of deeds or his or her designee in person. It shall be the responsibility of the recorder of deeds to ensure any process adopted to allow

electronic application or issuance of a marriage license verifies the identities of both applicants. The recorder of deeds shall not accept applications for or issue marriage licenses through the process provided in this subsection unless both applicants are at least eighteen years of age and at least one of the applicants is a resident of the county or city not within a county in which the application was submitted.