

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 271

AN ACT

To repeal section 50.166, RSMo, and to enact in lieu thereof ten new sections relating to expenditures of local governments.

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

Section A. Section 50.166, RSMo, is repealed and ten new sections enacted in lieu thereof, to be known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, 37.1098, and 50.166, 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.