

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 762
100TH GENERAL ASSEMBLY

0846H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 37, RSMo, by adding thereto nine new sections relating to the Missouri municipal government expenditure database.

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

Section A. Chapter 37, RSMo, is amended by adding thereto nine new sections, to be
2 known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097,
3 and 37.1098, to read as follows:

37.1090. As used in sections 37.1090 to 37.1098, the following terms mean:

2 (1) "Expenditure", any monetary payment from a municipality to any vendor
3 including, but not limited to, a payment, distribution, loan, advance, reimbursement,
4 deposit, or gift;

5 (2) "Municipality", a city, town, or village that is incorporated in accordance with
6 the laws of this state;

7 (3) "State entity", the general assembly; the supreme court of Missouri; the office
8 of an elected state official; or an agency, board, commission, department, institution,
9 instrumentality, office, or other governmental entity of this state, excluding municipalities,
10 institutions of higher education, and any public employee retirement system;

11 (4) "Vendor", any person, partnership, corporation, association, organization, state
12 entity, or other party that either:

13 (a) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or
14 services to a municipality; or

15 (b) Receives reimbursement from a municipality for any expense.

**37.1091. The "Missouri Municipal Government Expenditure Database" is hereby
2 created and shall be maintained on the Missouri accountability portal, established under**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 section 37.850, by the office of administration. The database shall be available on the office
4 of administration website and shall include information about expenditures made during
5 each fiscal year that begins after December 31, 2021. The database shall be accessible by
6 members of the public without charge.

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

- 3 (1) The amount of the expenditure;
- 4 (2) The date the expenditure was paid;
- 5 (3) The vendor to whom the expenditure was paid, unless the disclosure of the
6 vendor's name would violate a confidentiality requirement, in which case the vendor may
7 be listed as confidential;
- 8 (4) The purpose of the expenditure; and
- 9 (5) The municipality that made the expenditure or requested the expenditure be
10 made.

37.1093. The Missouri municipal government expenditure database shall provide:

- 2 (1) A database of all expenditures; and
- 3 (2) The ability to download information.

37.1094. 1. A municipality may choose to voluntarily participate in the Missouri
2 municipal government expenditure database or, if a requisite number of residents of a
3 municipality request the municipality to participate, shall participate in the Missouri
4 municipal government expenditure database. The requisite number of residents signing
5 the petition shall be five percent of the registered voters of such jurisdiction voting in the
6 last gubernatorial election. Residents may request participation by submitting a written
7 letter by certified mail to the governing body of the municipality and the office of
8 administration. Multiple residents may sign one letter, but the number of requests from
9 residents shall include all requests from all letters received. Upon receiving such a letter,
10 a municipality shall acknowledge receipt thereof to the resident and the office of
11 administration within thirty days. After receiving the requisite number of requests, a
12 municipality shall begin participating in the database but shall not be required to report
13 expenditures incurred before one complete six-month reporting period described under
14 subsection 2 of this section has elapsed.

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

20 regarding the second half of the calendar year shall be submitted before January thirtieth
21 of the year immediately following such year.

22 3. Notwithstanding subsection 1 of this section, no submission shall be required for
23 any expenditures incurred before January 1, 2022.

24 4. The office of administration shall provide each municipality participating in the
25 database with a template in the format described under section 37.1092 for the purpose of
26 uploading the data. The office of administration shall have the authority to grant the
27 municipality access for the purpose of uploading data.

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

37.1095. No later than one year after the Missouri municipal government
2 expenditure database is implemented, the office of administration shall provide, on the
3 office of administration website, an opportunity for public comment on the utility of the
4 database.

37.1096. The Missouri municipal government expenditure database shall not
2 include any confidential information or any information that is not a public record under
3 the laws of this state. However, the state shall not be liable for the disclosure of a record
4 in the Missouri municipal government expenditure database that is confidential
5 information or is not a public record under the laws of this state.

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

37.1098. The office of administration may adopt rules to implement the provisions
2 of sections 37.1090 to 37.1098. Any rule or portion of a rule, as that term is defined in
3 section 536.010, that is created under the authority delegated in this section shall become
4 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
5 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
6 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
7 the effective date, or to disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
9 after August 28, 2019, shall be invalid and void.

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