

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 594, Page 5, Section 37.965, Lines 1 - 11, by removing all of said section from the
3 bill and inserting in lieu thereof the following:
4

5 "37.965. 1. This section shall be known and may be cited as the "Cost Openness and
6 Spending Transparency Act", or the "COST Act".

7 2. For purposes of this section, the term "state moneys" shall mean a direct appropriation
8 from the general assembly and approved by the governor to a state department or agency or any
9 moneys received by a political subdivision from the general revenue fund.

10 3. (1) When issuing statements, press releases, or any other documents describing projects
11 or programs exceeding fifty thousand dollars which are funded in whole or in part with state
12 moneys, a state department, state agency, or political subdivision receiving state moneys shall
13 clearly state in such statement, press release, or document the following:

14 (a) The percentage of the total costs of the project or program that will be financed with
15 state moneys; and

16 (b) The dollar amount of state moneys used for the project or program.

17 (2) The provisions of this section shall not apply to electronic communications containing
18 not more than two hundred eighty characters."; and
19

20 Further amend said bill, Page 7, Section 37.1098, Line 9, by inserting after all of said section and
21 line the following:
22

23 "37.1190. 1 As used in this section, the following terms mean:

24 (1) "CARES Act", the Coronavirus Aid, Relief, and Economic Security Act of 2020, Pub. L.
25 116-136;

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

28 (3) "Municipality", a city, town, or village that is incorporated in accordance with the laws
29 of this state;

30 (4) "State entity", the general assembly; the supreme court of Missouri; the office of a
31 statewide elected official; or an agency, board, commission, department, institution, instrumentality,
32 office, or other governmental entity of this state, excluding municipalities, counties, institutions of
33 higher education, and any public employee retirement system;

34 (5) "Vendor", any person, partnership, corporation, association, organization, state entity, or
35 other party that:

36 (a) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to

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1 a municipality or county; or

2 (b) Receives reimbursement from a municipality or county for any expense.

3 2. The "Missouri Local Government CARES Act Expenditure Database" is hereby created
 4 and shall be maintained on the Missouri accountability portal, established under section 37.850, by
 5 the office of administration. The database shall be available on the office of administration website
 6 and shall include information about expenditures made with funds appropriated as a result of the
 7 CARES Act. The database shall be publicly accessible without charge.

8 3. For each expenditure made with funds received under the CARES Act, the Missouri local
 9 government CARES Act expenditure database shall include the following information:

10 (1) The amount of the expenditure;

11 (2) The date the expenditure was paid;

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

15 (4) The purpose of the expenditure; and

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

18 4. (1) Every municipality and county shall provide electronically transmitted information to
 19 the office of administration, in a format the office requires, for inclusion in the Missouri local
 20 government CARES Act expenditure database regarding each of the municipality's or county's
 21 expenditures made with funds appropriated as a result of the CARES Act biannually. All
 22 information regarding expenditures made between January first and June thirtieth shall be submitted
 23 before July thirty-first of such year. Information regarding expenditures made between July first
 24 and December thirty-first shall be submitted before January thirty-first of the year immediately
 25 following such year.

26 (2) The office of administration shall provide each municipality and county with a template
 27 of the form to be used for the purpose of uploading the information required to be reported pursuant
 28 to this section. The office of administration shall have the authority to grant the municipality or
 29 county access to the database for the purpose of uploading data.

30 (3) Subject to appropriation, the office of administration shall provide financial
 31 reimbursement to any participating municipality or county for actual expenditures incurred for
 32 participating in the database.

33 5. Not later than one year after the Missouri local government CARES Act expenditure
 34 database is implemented, the office of administration shall provide, on the office of administration
 35 website, an opportunity for public comment on the utility of the database.

36 6. The Missouri local government CARES Act expenditure database shall not include any
 37 confidential information or any information that is not a public record under chapter 610. However,
 38 the state shall not be liable for the disclosure of a record in the Missouri local government CARES
 39 Act expenditure database that is confidential information or is not a public record under chapter 610.

40 7. Each municipality or county that has a website shall display on its website a prominent
 41 internet link to the Missouri local government CARES Act expenditure database.

42 8. The office of administration may adopt rules to implement the provisions of this section.
 43 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
 44 authority delegated in this section shall become effective only if it complies with and is subject to all
 45 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
 46 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536
 47 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
 48 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 49 August 28, 2020, shall be invalid and void."; and

1 Further amend said bill, Page 93, Section E, Line 6, by inserting after all of said section and line the
2 following:
3

4 "Section F. Because of the need to ensure transparency in the expenditure of funds from
5 CARES Act, the enactment of section 37.1190 of this act is deemed necessary for the immediate
6 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
7 emergency act within the meaning of the constitution, and the enactment of section 37.1190 of this
8 act shall be in full force and effect upon its passage and approval."; and
9

10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.