

SECOND REGULAR SESSION

[CORRECTED]

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2555

100TH GENERAL ASSEMBLY

5432H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 37, RSMo, by adding thereto nine new sections relating to cost transparency.

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*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 37.965, 37.1190, 37.1191, 37.1192, 37.1193, 37.1195, 37.1196, 37.1197, and  
3 37.1198, to read as follows:

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

**3 2. When issuing statements, press releases, requests for proposals, bid solicitations,  
4 or any other documents describing projects or programs, other than a communication  
5 containing not more than two hundred eighty characters, funded in whole or in part with  
6 state moneys, all individuals and entities receiving state moneys shall clearly state:**

**7 (1) The percentage of the total costs of the program or project which will be  
8 financed with state moneys;**

**9 (2) The dollar amount of state funds used for the project or program; and**

**10 (3) The percentage and dollar amount of the total costs of the project or program  
11 that will be financed by non-governmental sources.**

**37.1190. As used in sections 37.1190 to 37.1198, the following terms mean:**

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

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.

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 counties, 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:

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

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

          37.1191. The "Missouri Local Government CARES Act Expenditure Database" is  
2 hereby created and shall be maintained on the Missouri accountability portal, established  
3 under section 37.850, by the office of administration. The database shall be available on  
4 the office of administration website and shall include information about expenditures made  
5 with funds appropriated as a result of the Coronavirus Aid, Relief, and Economic Security  
6 (CARES) Act of 2020, Pub. L. 116-136. The database shall be publicly accessible without  
7 charge.

          37.1192. For each expenditure made with funds appropriated as a result of the  
2 Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Pub. L. 116-136,  
3 the Missouri local government CARES Act expenditure database shall include the  
4 following information:

5           (1) The amount of the expenditure;

6           (2) The date the expenditure was paid;

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

10           (4) The purpose of the expenditure; and

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

          37.1193. 1. Every municipality and county shall provide electronically transmitted  
2 information to the office of administration, in a format the office requires, for inclusion in  
3 the Missouri local government CARES Act expenditure database regarding each of the  
4 municipality's or county's expenditures made with funds appropriated as a result of the  
5 Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Pub. L. 116-136  
6 biannually. Information regarding the first half of the calendar year shall be submitted

7 before July thirty-first of such year. Information regarding the second half of the calendar  
8 year shall be submitted before January thirty-first of the year immediately following such  
9 year.

10 2. The office of administration shall provide each municipality and county with a  
11 template in the format described under section 37.1192 for the purpose of uploading the  
12 data. The office of administration shall have the authority to grant the municipality or  
13 county access for the purpose of uploading data.

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

37.1195. No later than one year after the Missouri local government CARES Act  
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.

37.1196. The Missouri local government CARES Act expenditure database shall  
2 not include any confidential information or any information that is not a public record  
3 under the laws of this state. However, the state shall not be liable for the disclosure of a  
4 record in the Missouri local government CARES Act expenditure database that is  
5 confidential information or is not a public record under the laws of this state.

37.1197. Each municipality or county that has a website shall display on its website  
2 a prominent internet link to the Missouri local government CARES Act expenditure  
3 database.

37.1198. The office of administration may adopt rules to implement the provisions  
2 of sections 37.1190 to 37.1198. 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, 2020, shall be invalid and void.

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