

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 3000

103RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE PERKINS.

6765H.01P

JOSEPH ENGLER, Chief Clerk

---

## AN ACT

To repeal section 29.230, RSMo, and to enact in lieu thereof two new sections relating to audits of political subdivisions.

---

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

Section A. Section 29.230, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 29.230 and 321.295, to read as follows:

29.230. 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public moneys.

2. The state auditor shall audit any political subdivision of the state, including counties having a county auditor, if requested to do so by a petition submitted by a person who resides or owns real property within the boundaries or area of service of the political subdivision and such petition is submitted to the state auditor within one year from requesting the petition from the state auditor and is signed by the requisite percent of the qualified voters of the political subdivision. The requisite percent of qualified voters to cause such an audit to be conducted shall be determined as follows:

(1) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the **[filing]** **requesting** of the petition **from the state auditor** is less than one thousand, twenty-five percent of the qualified voters of the political subdivision determined on the basis of the registered voters

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.

16 eligible to vote at the last gubernatorial election held prior to the ~~[filing]~~ **requesting** of the  
17 petition;

18 (2) If the number of qualified voters of the political subdivision determined on the  
19 basis of the votes cast in the last gubernatorial election held prior to the ~~[filing]~~ **requesting** of  
20 the petition **from the state auditor** is one thousand or more but less than five thousand,  
21 fifteen percent of the qualified voters of the political subdivision determined on the basis of  
22 the votes cast in the last gubernatorial election held prior to the ~~[filing]~~ **requesting** of the  
23 petition, provided that the number of qualified voters signing such petition is not less than two  
24 hundred;

25 (3) If the number of qualified voters of the political subdivision determined on the  
26 basis of the votes cast in the last gubernatorial election held prior to the ~~[filing]~~ **requesting** of  
27 the petition **from the state auditor** is five thousand or more but less than fifty thousand, ten  
28 percent of the qualified voters of the political subdivision determined on the basis of the votes  
29 cast in the last gubernatorial election held prior to the ~~[filing]~~ **requesting** of the petition,  
30 provided that the number of qualified voters signing such petition is not less than seven  
31 hundred fifty;

32 (4) If the number of qualified voters of the political subdivision determined on the  
33 basis of the votes cast in the last gubernatorial election held prior to the ~~[filing]~~ **requesting** of  
34 the petition **from the state auditor** is fifty thousand or more, five percent of the qualified  
35 voters of the political subdivision determined on the basis of the votes cast in the last  
36 gubernatorial election held prior to the ~~[filing]~~ **requesting** of the petition, provided that the  
37 number of qualified voters signing such petition is not less than five thousand.

38 3. The political subdivision shall pay the actual cost of audit. The petition that  
39 requests an audit of a political subdivision shall state on its face the estimated cost of the audit  
40 and that it will be paid by the political subdivision being audited. The estimated cost of the  
41 audit shall be provided by the state auditor within sixty days of such request. The costs of the  
42 audit may be billed and paid on an interim basis with individual billing periods to be set at the  
43 state auditor's discretion. Moneys held by the state on behalf of a political subdivision may be  
44 used to offset unpaid billings for audit costs of the political subdivision. All moneys received  
45 by the state in payment of the costs of petition audits shall be deposited in the state treasury  
46 and credited to the "Petition Audit Revolving Trust Fund" which is hereby created with the  
47 state treasurer as custodian. The general assembly may appropriate additional moneys to the  
48 fund as it deems necessary. The state auditor shall administer the fund and approve all  
49 disbursements, upon appropriation, from the fund to apply to the costs of performing petition  
50 audits. The provisions of section 33.080 to the contrary notwithstanding, money in the fund  
51 shall not be transferred and placed to the credit of general revenue until the amount in the  
52 fund at the end of any biennium exceeds one million dollars. The amount in the fund which

53 shall lapse is the amount which exceeds one million dollars. No political subdivision shall be  
54 audited by petition more than once in any three calendar or fiscal years.

55 4. Any person who allegedly signed or has signed the original petition may submit a  
56 sworn statement to the state auditor that the person did not sign such petition or that the  
57 person wishes to rescind such signature. Such statement shall be required to be made within  
58 ten days from submission of the petition to the state auditor. If such statement is timely filed,  
59 such signature shall be withdrawn and shall not count in the determination of the number of  
60 qualified voters necessary to compel an audit under subsection 2 of this section.

**321.295. 1. The board of directors of a fire protection district may distribute  
2 surplus or unneeded supplies or property to:**

3 **(1) volunteer fire protection associations, as defined in section 320.300, fire  
4 protection districts, and fire departments;**

5 **(2) any organization registered as a nonprofit organization under 26 U.S.C.  
6 Section 501(c)3, as amended;**

7 **(3) public service corporations that provide training to fire departments,  
8 emergency medical technicians, or police officers in search and recovery techniques,  
9 water rescue, ice rescue, or watercraft operation; and**

10 **(4) other eligible donees, as such term is defined in connection with the federal  
11 surplus property program;**

12  
13 **in the same manner as provided for the distribution of federal surplus property.**

14 **2. The board of directors of a fire protection district may sell surplus or  
15 unneeded supplies or property that are not transferred to fire protection associations,  
16 districts, or departments or eligible donees to the general public. For items with a value  
17 of five hundred dollars or less, the board shall obtain the name of the purchaser, their  
18 phone number and address, and a description of the property sold, the amount paid,  
19 and the date. All items with a value over five hundred dollars shall be sold on an online  
20 auction platform approved by the office of administration or by sealed bid.**

21 **3. Notwithstanding the provisions of subsections 1 and 2 of this section to the  
22 contrary, the board of directors of a fire protection district shall not donate or sell  
23 surplus emergency vehicles or unneeded supplies or property to board members,  
24 officers, or employees of the fire protection district or their relatives within the fourth  
25 degree by consanguinity or affinity, nor to an entity of which a board member, officer, or  
26 employee is a board member or officer unless such surplus is sold on an online auction  
27 platform approved by the Missouri office of administration.**

28 **4. The board of directors of a fire protection district, or any person designated  
29 by the board, may conduct or authorize an audit of any transfer, donation, or sale made**

30 **under this section. Such audit may include review of records, receipts, and**  
31 **documentation maintained under this section to ensure compliance with applicable**  
32 **laws, regulations, and policies of the district. The results of any audit conducted under**  
33 **this subsection shall be made available to the governing body of the fire protection**  
34 **district and retained in accordance with applicable records retention schedules.**

✓