

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2555
100TH GENERAL ASSEMBLY

Reported from the Committee on Rules, Joint Rules, Resolutions and Ethics, May 11, 2020, with recommendation that the Senate Committee Substitute do pass.

5432S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 37, RSMo, by adding thereto two new sections relating to transparency in public expenditures, with an emergency clause for a certain section.

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

Section A. Chapter 37, RSMo, is amended by adding thereto two new sections, to be known as sections 37.965 and 37.1190, to read as follows:

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

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

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

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

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

(2) The provisions of this section shall not apply to electronic communications containing not more than two hundred eighty

19 characters.

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

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

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

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

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

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

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

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

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

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

31 (1) The amount of the expenditure;

32 (2) The date the expenditure was paid;

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

36 (4) The purpose of the expenditure; and

37 **(5) The municipality or county that made the expenditure or**
38 **requested the expenditure be made.**

39 **4. (1) Every municipality and county shall provide electronically**
40 **transmitted information to the office of administration, in a format the**
41 **office requires, for inclusion in the Missouri local government CARES**
42 **Act expenditure database regarding each of the municipality's or**
43 **county's expenditures made with funds appropriated as a result of the**
44 **CARES Act biannually. All information regarding expenditures made**
45 **between January first and June thirtieth shall be submitted before July**
46 **thirty-first of such year. Information regarding expenditures made**
47 **between July first and December thirty-first shall be submitted before**
48 **January thirty-first of the year immediately following such year.**

49 **(2) The office of administration shall provide each municipality**
50 **and county with a template of the form to be used for the purpose of**
51 **uploading the information required to be reported pursuant to this**
52 **section. The office of administration shall have the authority to grant**
53 **the municipality or county access to the database for the purpose of**
54 **uploading data.**

55 **(3) Subject to appropriation, the office of administration shall**
56 **provide financial reimbursement to any participating municipality or**
57 **county for actual expenditures incurred for participating in the**
58 **database.**

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

63 **6. The Missouri local government CARES Act expenditure**
64 **database shall not include any confidential information or any**
65 **information that is not a public record under chapter 610. However,**
66 **the state shall not be liable for the disclosure of a record in the**
67 **Missouri local government CARES Act expenditure database that is**
68 **confidential information or is not a public record under chapter 610.**

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

72 **8. The office of administration may adopt rules to implement the**
73 **provisions of this section. Any rule or portion of a rule, as that term is**

74 **defined in section 536.010, that is created under the authority delegated**
75 **in this section shall become effective only if it complies with and is**
76 **subject to all of the provisions of chapter 536 and, if applicable, section**
77 **536.028. This section and chapter 536 are nonseverable, and if any of**
78 **the powers vested with the general assembly pursuant to chapter 536**
79 **to review, to delay the effective date, or to disapprove and annul a rule**
80 **are subsequently held unconstitutional, then the grant of rulemaking**
81 **authority and any rule proposed or adopted after August 28, 2020, shall**
82 **be invalid and void.**

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

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