

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 29

101ST GENERAL ASSEMBLY

0311H.02P

DANA RADEMAN MILLER, Chief Clerk

---

## AN ACT

To repeal section 37.850, RSMo, and to enact in lieu thereof two new sections relating to government accountability, with a penalty provision.

---

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

Section A. Section 37.850, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 29.420 and 37.850, to read as follows:

**29.420. 1. This section shall be known as the "Government Lending Transparency Act".**

**2. As used in this section, the following terms mean:**

**(1) "Administering agency", a department, office, board, commission, bureau, institution, or any other agency of the state charged by statute, regulation, or order with administering a credit support program or lending program;**

**(2) "Credit support program", any state program that guarantees or provides credit enhancements, such as state support for interest or principal payments, to the debt of private parties or municipalities, under which the state would be required to provide moneys if the borrower failed to pay;**

**(3) "Lending program", any state program that offers moneys to private parties or municipalities that come with the expectation of repayment.**

**3. Each administering agency shall report annually to the state auditor by August thirtieth the following information:**

**(1) The name and statutory authority for each lending program and credit support program administered by the agency;**

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.

17           **(2) For the immediately preceding fiscal year, the total dollar amount of all lending**  
18 **for each lending program administered by the agency and the total amount of debt**  
19 **supported by each credit support program administered by the agency; and**

20           **(3) For the immediately preceding fiscal year, the reasonable estimates of the costs**  
21 **of likely defaults for each lending program and credit support program administered by**  
22 **the agency, using private sector accounting standards to evaluate the likelihood and costs**  
23 **of defaults.**

24           **4. The state auditor shall make an annual report compiling the data received from**  
25 **the administering agencies under this section, and shall submit the report to the general**  
26 **assembly annually by December fifteenth.**

27           **5. Intentional or knowing failure to comply with any reporting requirement**  
28 **contained in this section shall be punishable by a fine of up to two thousand dollars.**

37.850. 1. The commissioner of administration shall maintain the Missouri  
2 accountability portal established in executive order 07-24 as a free, internet-based tool allowing  
3 citizens to demand fiscal discipline and responsibility.

4           2. The Missouri accountability portal shall consist of an easy-to-search database of  
5 financial transactions related to the purchase of goods and services and the distribution of funds  
6 for state programs; all bonds issued by any public institution of higher education or political  
7 subdivision of this state or its designated authority after August 28, 2013; all obligations issued  
8 or incurred pursuant to section 99.820 by any political subdivision of this state or its designated  
9 authority; and the revenue stream pledged to repay such bonds or obligations; and all debt  
10 incurred by any public charter school.

11           3. The Missouri accountability portal shall be updated each state business day and  
12 maintained as the primary source of information about the activity of Missouri's government.

13           4. Upon the conducting of a withholding or a release of funds, the governor shall submit  
14 a report stating all amounts withheld from the state's operating budget for the current fiscal year,  
15 as authorized by Article IV, Section 27 of the Missouri Constitution which shall be:

16           (1) Conspicuously posted on the accountability portal website;

17           (2) Searchable by the amounts withheld or released from each individual fund; and

18           (3) Searchable by the total amount withheld or released from the operating budget.

19           5. Every political subdivision of the state, including public institutions of higher  
20 education but excluding school districts, shall supply all information described in subsection 2  
21 of this section to the office of administration within seven days of issuing or incurring such  
22 corresponding bond or obligation. For all such bonds or obligations issued or incurred prior to  
23 August 28, 2013, every such political subdivision and public institution of higher education shall  
24 have ninety days to supply such information to the office of administration.

25           6. Every school district and public charter school shall supply all information described  
26 in subsection 2 of this section to the department of elementary and secondary education within  
27 seven days of issuing such bond, or incurring such debt. The department of elementary and  
28 secondary education shall have forty-eight hours to deliver such information to the office of  
29 administration. For all such bonds issued or debt incurred prior to August 28, 2013, every school  
30 district and public charter school shall have ninety days to supply such information to the  
31 department of elementary and secondary education. The department of elementary and  
32 secondary education shall have forty-eight hours to deliver such information to the office of  
33 administration.

34           **7. The following entities shall report the name, salary data, and incentive pay for**  
35 **all employees of the entity in the same manner as all state departments and agencies under**  
36 **this section:**

37           **(1) The county employees' retirement system established in sections 50.1000 to**  
38 **50.1300;**

39           **(2) The sheriffs' retirement system established in sections 57.949 to 57.997;**

40           **(3) The Missouri local government employees' retirement system established in**  
41 **sections 70.600 to 70.755;**

42           **(4) The Missouri state employees' retirement system established in section 104.320;**

43           **(5) The Missouri department of transportation and highway patrol employees'**  
44 **retirement system established in section 104.020;**

45           **(6) The prosecuting attorneys' and circuit attorneys' retirement system established**  
46 **in sections 56.800 to 56.840;**

47           **(7) The college and university retirement plan established in sections 104.1200 to**  
48 **104.1215;**

49           **(8) The Kansas City public school retirement system established in sections 169.270**  
50 **to 169.400;**

51           **(9) The Kansas City civilian police retirement system established in sections 86.1310**  
52 **to 86.1640;**

53           **(10) The Kansas City police retirement system established in sections 86.900 to**  
54 **86.1280;**

55           **(11) The public education employees' retirement system established in sections**  
56 **169.600 to 169.710;**

57           **(12) The public school retirement system established in sections 169.010 to 169.130;**

58           **(13) The St. Louis public school retirement system established in sections 169.410**  
59 **to 169.540;**

60           **(14) The St. Louis fire men's retirement system established in sections 87.125 to**  
61 **87.370;**

62           **(15) The St. Louis police retirement system established in sections 86.200 to 86.366;**  
63 **and**

64           **(16) The judicial retirement system established in sections 476.450 to 476.690.**

65

66 **The entities identified in this subsection shall not report the retirement annuity, retirement**  
67 **allowance, or retirement benefit amount of any employee or member to the Missouri**  
68 **accountability portal. The commissioner of administration shall prohibit the display of the**  
69 **retirement annuity, retirement allowance, or retirement benefit of any employee or**  
70 **member on the Missouri accountability portal.**

✓