

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 544
95TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, April 14, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0733S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapters 33 and 37, RSMo, by adding thereto two new sections relating to the oversight of public funds.

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

Section A. Chapters 33 and 37, RSMo, are amended by adding thereto two new sections, to be known as section 33.850 and 37.850, to read as follows:

33.850. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Recovery Accountability and Transparency", to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

2. The committee shall consist of the following four members:

(1) Two members of the senate appointed by the president pro tem of the senate, one of which shall be from the majority party and one of which shall be from the minority party; and

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, one of which shall be from the majority party and one of which shall be from the minority party.

3. The appointment of the senate and house members shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired.

4. The committee shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse, including:

(1) Reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the

21 purpose of the contract or grant and measures of performance;

22 (2) Reviewing whether competition requirements applicable to
23 contracts and grants using covered funds have been satisfied;

24 (3) Reviewing covered funds to determine whether wasteful
25 spending, poor contract or grant management, or other abuses are
26 occurring and referring matters it considers appropriate for
27 investigation to the attorney general or the agency that disbursed the
28 covered funds; and

29 (4) Receiving regular reports from the commissioner of the office
30 of administration, or his or her designee, concerning covered funds.

31 5. The committee shall submit annual reports to the governor
32 and general assembly, including the senate appropriations committee
33 and house budget committee, that summarize the findings of the
34 committee with regard to its duties in subsection 4 of this section. All
35 reports submitted under this subsection shall be made publicly
36 available and posted on the governor's web site, the general assembly
37 web site, and each state agency web site. Any portion of a report
38 submitted under this subsection may be redacted when made publicly
39 available, if that portion would disclose information that is not subject
40 to disclosure under chapter 610, RSMo, or any other provision of state
41 law.

42 6. (1) The committee shall make recommendations to agencies
43 on measures to prevent fraud, waste, and abuse relating to covered
44 funds.

45 (2) Not later than thirty days after receipt of a recommendation
46 under subdivision (1) of this subsection, an agency shall submit a
47 report to the governor and general assembly, including the senate
48 appropriations committee and house budget committee, and the
49 committee that states:

50 (a) Whether the agency agrees or disagrees with the
51 recommendations; and

52 (b) Any actions the agency will take to implement the
53 recommendations.

54 7. (1) The committee may:

55 (a) Review audits from the state auditor and conduct reviews
56 relating to covered funds; and

57 (b) Receive regular testimony from the state auditor relating to

58 audits of covered funds.

59 (2) In conducting reviews under this subsection, the committee
60 may issue subpoenas to compel the testimony of persons who are not
61 federal officers or employees and may enforce such subpoenas in the
62 same manner as provided by the supreme court rules.

63 8. (1) Not later than thirty days after the date on which all
64 initial members of the committee have been appointed, the committee
65 shall hold its first meeting. Thereafter, the committee shall meet at the
66 call of the chairperson of the committee.

67 (2) A majority of the members of the committee shall constitute
68 a quorum, but a lesser number of members may hold hearings.

69 9. The committee may hold such hearings, sit and act at such
70 times and places, take such testimony, and receive such evidence as the
71 committee considers advisable to carry out the provisions of this
72 section. Each agency of this state shall cooperate with any request of
73 the committee to provide such information as the committee deems
74 necessary to carry out the provisions of this section. Upon request of
75 the committee, the head of each agency shall furnish such information
76 to the committee. The head of each agency shall make all officers and
77 employees of that agency available to provide testimony to the
78 committee and committee personnel. The committee may issue
79 subpoenas to compel the testimony of persons who are not federal
80 officers or employees at such public hearings. Any such subpoenas may
81 be enforced in the same manner as provided by the supreme court
82 rules.

83 10. The committee may enter into contracts to enable the
84 committee to discharge its duties under the provisions of this section,
85 including contracts and other arrangements for studies, analyses, and
86 other services with public agencies and with private persons.

87 11. As used in this section, the term "covered fund" shall mean
88 any moneys received by the state or any political subdivision under the
89 American Recovery and Reinvestment Act of 2009, as enacted by the
90 111th United States Congress.

91 12. This section shall expire March 1, 2012.

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

4 and responsibility.

5 2. The Missouri accountability portal shall consist of an
6 easy-to-search database of financial transactions related to the
7 purchase of goods and services and the distribution of funds for state
8 programs.

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

12 4. The governor shall submit a daily report stating all amounts
13 withheld from the state's operating budget for the current fiscal year,
14 as authorized by article IV, section 27 of the Missouri Constitution
15 which shall be:

16 (1) Conspicuously posted on the accountability portal web site;

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

19 (3) Searchable by the total amount withheld from the operating
20 budget.

✓