

FIRST REGULAR SESSION

[RE-CORRECTED]

[TRULY AGREED TO AND FINALLY PASSED]

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 544

95TH GENERAL ASSEMBLY

0733S.02T

2009

AN ACT

To amend chapters 8, 33 and 37, RSMo, by adding thereto three 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 8, 33 and 37, RSMo, are amended by adding thereto three new sections, to be known as sections 8.016, 33.850 and 37.850, to read as follows:

8.016. The commissioner of the office of administration shall provide each member of the senate and each member of the house with a key that accesses the dome of the state capitol.

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.

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.

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

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

18 **(1) Reviewing whether the reporting of contracts and grants using covered funds**
19 **meets applicable standards and specifies the purpose of the contract or grant and measures**
20 **of performance;**

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

23 **(3) Determining whether the funds received from the American Recovery and**
24 **Reinvestment Act, as passed by the 111th United States Congress, should be utilized to buy**
25 **back a portion of the state's unredeemed tax credits at a discounted rate;**

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

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

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

40 **6. (1) The committee shall make recommendations to agencies on measures to**
41 **prevent fraud, waste, and abuse relating to covered funds.**

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

46 **(a) Whether the agency agrees or disagrees with the recommendations; and**

47 **(b) Any actions the agency will take to implement the recommendations.**

48 **7. (1) The committee may:**

49 **(a) Review audits from the state auditor and conduct reviews relating to covered**
50 **funds; and**

51 **(b) Receive regular testimony from the state auditor relating to audits of covered**
52 **funds.**

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

56 **8. (1) Not later than thirty days after the date on which all initial members of the**
57 **committee have been appointed, the committee shall hold its first meeting. Thereafter, the**
58 **committee shall meet at the call of the chairperson of the committee.**

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

61 **9. The committee may hold such hearings, sit and act at such times and places, take**
62 **such testimony, and receive such evidence as the committee considers advisable to carry**
63 **out the provisions of this section. Each agency of this state shall cooperate with any**
64 **request of the committee to provide such information as the committee deems necessary**
65 **to carry out the provisions of this section. Upon request of the committee, the head of each**
66 **agency shall furnish such information to the committee. The head of each agency shall**
67 **make all officers and employees of that agency available to provide testimony to the**
68 **committee and committee personnel. The committee may issue subpoenas to compel the**
69 **testimony of persons who are not federal officers or employees at such public hearings.**
70 **Any such subpoenas may be enforced in the same manner as provided by the supreme**
71 **court rules.**

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

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

78 **12. This section shall expire March 1, 2012.**

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**
3 **allowing citizens to demand fiscal discipline and responsibility.**

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

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

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

- 13 **(1) Conspicuously posted on the accountability portal web site;**
14 **(2) Searchable by the amounts withheld from each individual fund; and**
15 **(3) Searchable by the total amount withheld from the operating budget.**

✓

Speaker of the House

President Pro Tem of the Senate

Governor