

HOUSE BILL NO. 2242

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WIEMANN.

5562H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 30, RSMo, by adding thereto ten new sections relating to the Missouri municipal government expenditure database, with penalty provisions.

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

Section A. Chapter 30, RSMo, is amended by adding thereto ten new sections, to be known as sections 30.490, 30.491, 30.492, 30.493, 30.494, 30.495, 30.496, 30.497, 30.498, and 30.499, to read as follows:

30.490. As used in sections 30.490 to 30.499, the following terms mean:

(1) "Expenditure", a payment, distribution, loan, advance, reimbursement, deposit, or gift from a municipality to any vendor;

(2) "State entity", the general assembly; the supreme court of Missouri; the office of an elected state official; or an agency, board, commission, department, institution, instrumentality, office, or other governmental entity of this state, excluding municipalities, institutions of higher education, and any public employee retirement system;

(3) "Vendor", any person, partnership, corporation, association, organization, state entity, or other party that either:

(a) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to a municipality pursuant to a contract between the vendor and a municipality; or

(b) Receives reimbursement from a municipality for any expense.

30.491. The "Missouri Municipal Government Expenditure Database" is hereby created and shall be maintained by the state treasurer in conjunction with the office of administration. The database shall be available on the state treasurer website and shall

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.

4 include information about expenditures made in each fiscal year beginning on or after
5 June 1, 2019. The database shall be accessible by members of the public without charge.
6 State entities shall assist the state treasurer in the development, establishment, operation,
7 storage, hosting, and support of the database at no cost to the state treasurer. State entities
8 shall comply with sections 30.490 to 30.499 using existing resources. No state entity shall
9 charge the state treasurer for any costs arising from compliance with such sections.

30.492. For each expenditure, the Missouri municipal government expenditure
2 database shall include the following information:

- 3 (1) The amount of the expenditure;
- 4 (2) The date the expenditure was paid;
- 5 (3) The vendor to which the expenditure was paid and such vendor's Employer
6 Identification Number; and
- 7 (4) The municipality that made the expenditure or requested that the expenditure
8 be made.

30.493. The Missouri municipal government expenditure database shall include:

- 2 (1) A searchable database of all expenditures;
- 3 (2) The ability to filter expenditures by the following categories:
 - 4 (a) Expense amount; and
 - 5 (b) The accounting code for a specific good or service;
- 6 (3) The ability to search and filter by any of the factors listed under section 30.492;
- 7 (4) The ability to aggregate data contained in the database;
- 8 (5) The ability to determine the total amount of expenditures awarded to a vendor
9 by a municipality; and
- 10 (6) The ability to download information obtained through the database.

30.494. 1. During each calendar quarter, each municipality shall provide
2 information to the state treasurer for inclusion in the Missouri municipal government
3 expenditure database regarding each of the municipality's expenditures paid to a vendor
4 for the preceding calendar quarter.

5 2. Any municipality that fails to timely submit the expenditure information
6 required in this section to the state treasurer shall be subject to a fine of one hundred
7 dollars per day.

8 3. The state treasurer shall report any violation of this section to the department
9 of revenue. Upon notification from the state treasurer that a municipality failed to timely
10 submit the expenditure information required under this section, the department of revenue
11 shall notify the municipality by certified mail that the expenditure information has not
12 been received. Such notice shall clearly state:

13 **(1) The name of the municipality;**

14 **(2) That the municipality shall be subject to a fine of one hundred dollars per day**
15 **if the municipality does not submit the expenditure information to the state treasurer**
16 **within fourteen days from the postmarked date stamped on the certified mail envelope;**

17 **(3) That the fine will be enforced and collected as provided under subsection 4 of**
18 **this section; and**

19 **(4) That the fine will begin accruing on the fifteenth day from the postmarked date**
20 **stamped on the certified mail envelope and will continue to accrue until the state treasurer**
21 **receives the information.**

22

23 **In the event the expenditure information is received within the fourteen-day period, no fine**
24 **shall accrue or be imposed. The state treasurer shall report receipt of the expenditure**
25 **information to the department of revenue within ten business days. Failure of the**
26 **municipality to submit the required expenditure information within such fourteen-day**
27 **period shall cause the fine to be collected as provided under subsection 4 of this section.**

28 **4. The department of revenue may collect the fine authorized under the provisions**
29 **of subsection 2 of this section by offsetting any sales or use tax distributions due to the**
30 **municipality. The director of revenue shall retain two percent for the cost of such**
31 **collection. The remaining revenues collected from such violations shall be distributed**
32 **annually to the schools of the county in the same manner that proceeds for all penalties,**
33 **forfeitures, and fines collected for any breach of the penal laws of the state are distributed.**

2 **30.495. No later than one year after the Missouri municipal government**
3 **expenditure database is implemented, the state treasurer shall provide, on the state**
4 **treasurer website, an opportunity for public comment on the utility of the database.**

2 **30.496. The Missouri municipal government expenditure database shall not include**
3 **any confidential information or any information that is not a public record under the laws**
4 **of this state. However, the state treasurer shall not be liable for the disclosure of a record**
5 **in the Missouri municipal government expenditure database that is confidential**
6 **information or is not a public record under the laws of this state.**

2 **30.497. 1. The state treasurer shall develop and publish on the state treasurer**
3 **website graphical representations of data contained in the Missouri municipal government**
4 **expenditure database, including charts and graphs, to enhance and organize the data. The**
5 **subjects and frequency of such representations shall be determined by the state treasurer.**

6 **2. The state treasurer shall include in the annual report of the state treasurer**
7 **required under section 30.370 of the revised code data regarding the usage of the Missouri**
8 **municipal government expenditure database.**

2 **30.498. Each municipality that has a website shall display on its website a**
3 **prominent internet link to the Missouri municipal government expenditure database.**

4 **30.499. The state treasurer may adopt rules to implement the provisions of sections**
5 **30.490 to 30.498. Any rule or portion of a rule, as that term is defined in section 536.010,**
6 **that is created under the authority delegated in this section shall become effective only if**
7 **it complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
8 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
9 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
10 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
11 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,**
12 **shall be invalid and void.**

✓