

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1383

96TH GENERAL ASSEMBLY

5279L.04P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 37.850, RSMo, and to enact in lieu thereof three new sections relating to the transparency and accountability of public funds, with an emergency clause.

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

Section A. Section 37.850, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 33.087, 33.089 and 37.850, to read as follows:

**33.087. 1. Every department and division of the state that receives any grant of federal funds of one million dollars or more shall document and make the following information easily available to the public on the Missouri accountability portal established in section 37.850:**

**(1) Any amount of funds it receives from the federal government;**

**(2) The name of the federal agency disbursing the funds;**

**(3) The purpose for which the funds are being received;**

**(4) The name of any state agency to which any portion of the funds are transferred by the initial receiving department or division, the amount transferred, and the purpose for which those funds are transferred; and**

**(5) The information provided to the department or division pursuant to subsection 2 of this section.**

**2. If a department or division receives a grant of federal funds and transfers a portion of such funds to another department or division, the department or division receiving the transferred funds shall report to the department or division from which the funds were transferred, an accounting of how the transferred funds were used and any statistical impact that can be discerned as a result of such usage.**

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.

18           **3. All information referred to in subsection 1 of this section shall be updated within**  
19 **thirty days of any receipt or transferal of funds.**

20           **4. The office of administration shall promulgate rules to implement the provisions**  
21 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that**  
22 **is created under the authority delegated in this section shall become effective only if it**  
23 **complies with and is subject to all of the provisions of chapter 536, and, if applicable,**  
24 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
25 **vested with the general assembly pursuant to chapter 536, to review, to delay the effective**  
26 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
27 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,**  
28 **shall be invalid and void.**

**33.089. 1. Every department and division of this state that receives any grant of**  
2 **federal funds shall determine whether or not any or all of such funds can be used for the**  
3 **alternatives to abortion services program established in section 188.325 or the alternatives**  
4 **to abortion public awareness program established in section 188.335. Federal funds for**  
5 **which such determination shall be made shall include, but not be limited to: maternal and**  
6 **child health block grant; social services block grant; community development block grant;**  
7 **temporary assistance for needy families; community services block grant; head start;**  
8 **pregnancy assistance fund program; maternal, infant, and early childhood home visiting**  
9 **program; community-based child abuse prevention grants; child care and development**  
10 **block grant; promoting safe and stable families; abandoned infants; infant adoption**  
11 **awareness training; healthy start initiative; healthy marriage promotion and responsible**  
12 **fatherhood grants; and any successor funds.**

13           **2. At least annually, and by a date or dates specified by the office of administration**  
14 **so as to assist in budgeting and planning for every fiscal year, each such department and**  
15 **division shall submit its determination to the office of administration on the use of such**  
16 **federal funds for the alternatives to abortion services program or the alternatives to**  
17 **abortion public awareness program. The office of administration shall compile this**  
18 **information and submit it to the chairman of the senate appropriations committee and the**  
19 **chairman of the house budget committee, and shall also make such information easily**  
20 **available to the public on the Missouri accountability portal established in section 37.850.**

**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.

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 government.

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

12           **(1) Conspicuously posted on the accountability portal website;**

13           **(2) Searchable by the amounts withheld from each individual fund; and**

14           **(3) Searchable by the total amount withheld from the operating budget.**

Section B. Because it is necessary to document and track the transference of public  
2 funds, section A of this act is deemed necessary for the immediate preservation of the public  
3 health, welfare, peace and safety, and is hereby declared to be an emergency act within the  
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its  
5 passage and approval.

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