

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 271

AN ACT

To repeal sections 50.166, 59.021, 59.100, and 451.040, RSMo, and to enact in lieu thereof thirteen new sections relating to local government, with an existing penalty provision.

---

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

Section A. Sections 50.166, 59.021, 59.100, and 451.040, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, 37.1098, 50.166, 59.021, 59.100, and 451.040, to read as follows:

37.1090. As used in sections 37.1090 to 37.1098, the following terms mean:

(1) "Expenditure", any monetary payment from a municipality or county to any vendor including, but not limited to, a payment, distribution, loan, advance, reimbursement, deposit, or gift;

(2) "Municipality", a city, town, or village that is incorporated in accordance with the laws of this state;

(3) "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, counties, institutions

14 of higher education, and any public employee retirement  
15 system;

16 (4) "Vendor", any person, partnership, corporation,  
17 association, organization, state entity, or other party that:

18 (a) Sells, leases, or otherwise provides equipment,  
19 materials, goods, supplies, or services to a municipality or  
20 county; or

21 (b) Receives reimbursement from a municipality or  
22 county for any expense.

37.1091. The "Missouri Local Government Expenditure  
2 Database" is hereby created and shall be maintained on the  
3 Missouri accountability portal, established under section  
4 37.850, by the office of administration. The database shall  
5 be available on the office of administration website and  
6 shall include information about expenditures made during  
7 each fiscal year that begins after December 31, 2022. The  
8 database shall be publicly accessible without charge.

37.1092. For each expenditure, the Missouri local  
2 government expenditure database shall include the following  
3 information:

4 (1) The amount of the expenditure;

5 (2) The date the expenditure was paid;

6 (3) The vendor to whom the expenditure was paid,  
7 unless the disclosure of the vendor's name would violate a  
8 confidentiality requirement, in which case the vendor may be  
9 listed as confidential;

10 (4) The purpose of the expenditure; and

11 (5) The municipality or county that made the  
12 expenditure or requested the expenditure be made.

37.1093. The Missouri local government expenditure  
2 database shall provide:

3 (1) A record of all expenditures; and

4 (2) The ability to download information.

37.1094. 1. A municipality or county may choose to voluntarily participate in the Missouri local government expenditure database, or, if a requisite number of residents of a municipality or county request the municipality or county to participate, such jurisdiction shall participate in the Missouri local government expenditure database. The requisite number of residents requesting participation shall be five percent of the registered voters of such jurisdiction voting in the last general municipal election, as described under section 115.121, but in no case shall the requisite number be fewer than fifty residents. Residents may request participation by submitting a written letter by certified mail to the governing body of the municipality or county and the office of administration. Multiple residents may sign one letter, but the number of requests from residents shall include all requests from all letters received. Upon receiving such a letter, the municipality or county shall acknowledge receipt thereof to the resident and the office of administration within thirty days. After receiving the requisite number of requests, the municipality or county shall begin participating in the database but shall not be required to report expenditures incurred before one complete six-month reporting period described under subsection 2 of this section has elapsed.

2. Each municipality or county participating in the database shall provide electronically transmitted information to the office of administration, in a format the office requires, for inclusion in the Missouri local government expenditure database regarding each of the municipality's or county's expenditures biannually. Information regarding the first half of the calendar year shall be submitted before July thirty-first of such year. Information regarding the second half of the calendar year

34 shall be submitted before January thirty-first of the year  
35 immediately following such year.

36 3. Notwithstanding subsection 1 of this section, no  
37 submission shall be required for any expenditures incurred  
38 before January 1, 2023.

39 4. The office of administration shall provide each  
40 municipality and county participating in the database with a  
41 template, in the format described under section 37.1092, for  
42 the purpose of uploading the data. The office of  
43 administration shall have the authority to grant the  
44 municipality or county access for the purpose of uploading  
45 data.

46 5. Upon appropriation, the office of administration  
47 shall provide financial reimbursement to any participating  
48 municipality or county for actual expenditures incurred for  
49 participating in the database.

37.1095. No later than one year after the Missouri  
2 local government expenditure database is implemented, the  
3 office of administration shall provide, on the office of  
4 administration website, an opportunity for public comment on  
5 the utility of the database.

37.1096. The Missouri local government expenditure  
2 database shall not include any confidential information or  
3 any information that is not a public record under the laws  
4 of this state. However, the state shall not be liable for  
5 the disclosure of a record in the Missouri local government  
6 expenditure database that is confidential information or is  
7 not a public record under the laws of this state.

37.1097. Each municipality or county that has a  
2 website shall display on its website a prominent internet  
3 link to the Missouri local government expenditure database.

37.1098. The office of administration may adopt rules  
2 to implement the provisions of sections 37.1090 to 37.1098.

3 Any rule or portion of a rule, as that term is defined in  
4 section 536.010, that is created under the authority  
5 delegated in this section shall become effective only if it  
6 complies with and is subject to all of the provisions of  
7 chapter 536 and, if applicable, section 536.028. This  
8 section and chapter 536 are nonseverable, and if any of the  
9 powers vested with the general assembly pursuant to chapter  
10 536 to review, to delay the effective date, or to disapprove  
11 and annul a rule are subsequently held unconstitutional,  
12 then the grant of rulemaking authority and any rule proposed  
13 or adopted after August 28, 2021, shall be invalid and void.

50.166. 1. In all cases of claims allowed against the  
2 county, and in all cases of grants, salaries, pay and  
3 expenses allowed by law, the county clerk may fill in on a  
4 form of warrant the amount due as approved by the county  
5 commission and other necessary information. The form of the  
6 warrant thus filled in by the county clerk may be  
7 transmitted to the county treasurer. The warrant may be in  
8 such form that a single instrument may serve as the warrant  
9 and the county treasurer's draft or check, and may be so  
10 designed that it is a nonnegotiable warrant when signed by  
11 the county clerk and becomes a negotiable check or draft  
12 after it has been signed by the county treasurer.

2. Upon request, the county treasurer shall have  
14 access to any financially relevant document in the  
15 possession of any county official for the purposes of  
16 processing a warrant, unless such warrant is received in the  
17 absence of a check then the county treasurer shall have  
18 access to the information necessary to process the warrant.

3. No official of any county shall refuse a request  
20 from the county treasurer for access to or a copy of any  
21 document in the possession of a county official that is  
22 financially relevant to his or her duties under section

23 50.330, except that any county official may redact, remove,  
24 or delete any personal identifying information, including a  
25 Social Security number, financial account numbers, medical  
26 information, or any other personal identifying information,  
27 before submission to the county treasurer.

28 4. No county treasurer shall refuse to release funds  
29 for the payment of any properly approved expenditure.

59.021. A candidate for county recorder where the  
2 offices of the clerk of the court and recorder of deeds are  
3 separate, except in any city not within a county or any  
4 county having a charter form of government, shall be at  
5 least twenty-one years of age, a registered voter, and a  
6 resident of the state of Missouri as well as the county in  
7 which he or she is a candidate for at least one year prior  
8 to the date of the general election. Upon election to  
9 office, the person shall continue to reside in that county  
10 during his or her tenure in office. Each candidate for  
11 county recorder shall provide to the election authority a  
12 copy of an affidavit from a surety company authorized to do  
13 business in this state that indicates the candidate is able  
14 to satisfy the bond requirements under section 59.100.

59.100. 1. Every recorder elected as provided in  
2 section 59.020, before entering upon the duties of the  
3 office as recorder, shall enter into bond to the state, in a  
4 sum set by the county commission [of not less than one  
5 thousand dollars], with sufficient sureties, not less than  
6 two, to be approved by the commission, conditioned for the  
7 faithful performance of the duties enjoined on such person  
8 by law as recorder, and for the delivering up of the  
9 records, books, papers, writings, seals, furniture and  
10 apparatus belonging to the office, whole, safe and  
11 undefaced, to such officer's successor.

12           2. For a recorder elected after December 31, 2021, the  
13 bond shall be no less than five thousand dollars. For a  
14 recorder elected before January 1, 2022, the bond shall be  
15 no less than one thousand dollars.

          451.040. 1. Previous to any marriage in this state, a  
2 license for that purpose shall be obtained from the officer  
3 authorized to issue the same, and no marriage contracted  
4 shall be recognized as valid unless the license has been  
5 previously obtained, and unless the marriage is solemnized  
6 by a person authorized by law to solemnize marriages.

          2. Before applicants for a marriage license shall  
8 receive a license, and before the recorder of deeds shall be  
9 authorized to issue a license, the parties to the marriage  
10 shall present an application for the license, duly executed  
11 and signed in the presence of the recorder of deeds or their  
12 deputy or electronically through an online process. If an  
13 applicant is unable to sign the application in the presence  
14 of the recorder of deeds as a result of the applicant's  
15 incarceration or because the applicant has been called or  
16 ordered to active military duty out of the state or country,  
17 the recorder of deeds may issue a license if:

          (1) An affidavit or sworn statement is submitted by  
19 the incarcerated or military applicant on a form furnished  
20 by the recorder of deeds which includes the necessary  
21 information for the recorder of deeds to issue a marriage  
22 license under this section. The form shall include, but not  
23 be limited to, the following:

          (a) The names of both applicants for the marriage  
25 license;

          (b) The date of birth of the incarcerated or military  
27 applicant;

          (c) An attestation by the incarcerated or military  
29 applicant that both applicants are not related;

30 (d) The date the marriage ended if the incarcerated or  
31 military applicant was previously married;

32 (e) An attestation signed by the incarcerated or  
33 military applicant stating in substantial part that the  
34 applicant is unable to appear in the presence of the  
35 recorder of deeds as a result of the applicant's  
36 incarceration or because the applicant has been called or  
37 ordered to active military duty out of the state or country,  
38 which will be verified by the professional or official who  
39 directs the operation of the jail or prison or the military  
40 applicant's military officer, or such professional's or  
41 official's designee, and acknowledged by a notary public  
42 commissioned by the state of Missouri at the time of  
43 verification. However, in the case of an applicant who is  
44 called or ordered to active military duty outside Missouri,  
45 [acknowledgement] acknowledgment may be obtained by a notary  
46 public who is duly commissioned by a state other than  
47 Missouri or by notarial services of a military officer in  
48 accordance with the Uniform Code of Military Justice at the  
49 time of verification;

50 (2) The completed marriage license application of the  
51 incarcerated or military applicant is submitted which  
52 includes the applicant's Social Security number; except  
53 that, in the event the applicant does not have a Social  
54 Security number, a sworn statement by the applicant to that  
55 effect; and

56 (3) A copy of a government-issued identification for  
57 the incarcerated or military applicant which contains the  
58 applicant's photograph. However, in such case the  
59 incarcerated applicant does not have such an identification  
60 because the jail or prison to which he or she is confined  
61 does not issue an identification with a photo his or her  
62 notarized application shall satisfy this requirement.

63           3. Each application for a license shall contain the  
64 Social Security number of the applicant, provided that the  
65 applicant in fact has a Social Security number, or the  
66 applicant shall sign a statement provided by the recorder  
67 that the applicant does not have a Social Security number.  
68 The Social Security number contained in an application for a  
69 marriage license shall be exempt from examination and  
70 copying pursuant to section 610.024. After the receipt of  
71 the application the recorder of deeds shall issue the  
72 license, unless one of the parties withdraws the  
73 application. The license shall be void after thirty days  
74 from the date of issuance.

75           4. Any person violating the provisions of this section  
76 shall be deemed guilty of a misdemeanor.

77           5. Common-law marriages shall be null and void.

78           6. Provided, however, that no marriage shall be deemed  
79 or adjudged invalid, nor shall the validity be in any way  
80 affected for want of authority in any person so solemnizing  
81 the marriage pursuant to section 451.100, if consummated  
82 with the full belief on the part of the persons, so married,  
83 or either of them, that they were lawfully joined in  
84 marriage.

85           7. In the event a recorder of deeds utilizes an online  
86 process to accept applications for a marriage license or to  
87 issue a marriage license and the applicants' identity has  
88 not been verified in person, the recorder of deeds shall  
89 have a two-step identity verification process or a process  
90 that independently verifies the identity of such  
91 applicants. Such process shall be adopted as part of any  
92 electronic system for marriage licenses if the applicants do  
93 not present themselves to the recorder of deeds or his or  
94 her designee in person. It shall be the responsibility of  
95 the recorder of deeds to ensure any process adopted to allow

96 electronic application or issuance of a marriage license  
97 verifies the identities of both applicants. The recorder of  
98 deeds shall not accept applications for or issue marriage  
99 licenses through the process provided in this subsection  
100 unless both applicants are at least eighteen years of age  
101 and at least one of the applicants is a resident of the  
102 county or city not within a county in which the application  
103 was submitted.