

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Section A. Sections 50.166, 59.021, 59.100, and 451.040, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 37.1090, 37.1091, 37.1092, 37.1093, 37.1094, 37.1095, 37.1096, 37.1097, 37.1098,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