

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/HCS/House Bill No. 2587, Page 7, Section 89.500, Line 28,

2 by inserting after all of said line the following:

3 "105.145. 1. The following definitions shall be  
4 applied to the terms used in this section:

5 (1) "Governing body", the board, body, or persons in  
6 which the powers of a political subdivision as a body  
7 corporate, or otherwise, are vested;

8 (2) "Political subdivision", any agency or unit of  
9 this state, except counties and school districts, which now  
10 is, or hereafter shall be, authorized to levy taxes or  
11 empowered to cause taxes to be levied.

12 2. The governing body of each political subdivision in  
13 the state shall cause to be prepared an annual report of the  
14 financial transactions of the political subdivision in such  
15 summary form as the state auditor shall prescribe by rule,  
16 except that the annual report of political subdivisions  
17 whose cash receipts for the reporting period are ten  
18 thousand dollars or less shall only be required to contain  
19 the cash balance at the beginning of the reporting period, a  
20 summary of cash receipts, a summary of cash disbursements  
21 and the cash balance at the end of the reporting period.

22 3. Within such time following the end of the fiscal  
23 year as the state auditor shall prescribe by rule, the  
24 governing body of each political subdivision shall cause a  
25 copy of the annual financial report to be remitted to the  
26 state auditor.

27           4. The state auditor shall immediately on receipt of  
28 each financial report acknowledge the receipt of the report.

29           5. In any fiscal year no member of the governing body  
30 of any political subdivision of the state shall receive any  
31 compensation or payment of expenses after the end of the  
32 time within which the financial statement of the political  
33 subdivision is required to be filed with the state auditor  
34 and until such time as the notice from the state auditor of  
35 the filing of the annual financial report for the fiscal  
36 year has been received.

37           6. The state auditor shall prepare sample forms for  
38 financial reports and shall mail the same to the political  
39 subdivisions of the state. Failure of the auditor to supply  
40 such forms shall not in any way excuse any person from the  
41 performance of any duty imposed by this section.

42           7. All reports or financial statements hereinabove  
43 mentioned shall be considered to be public records.

44           8. The provisions of this section apply to the board  
45 of directors of every transportation development district  
46 organized under sections 238.200 to 238.275.

47           9. Any political subdivision that fails to timely  
48 submit a copy of the annual financial statement to the state  
49 auditor shall be subject to a fine of five hundred dollars  
50 per day.

51           10. The state auditor shall report any violation of  
52 subsection 9 of this section to the department of revenue.  
53 Upon notification from the state auditor's office that a  
54 political subdivision failed to timely submit a copy of the  
55 annual financial statement, the department of revenue shall  
56 notify such political subdivision by certified mail that the  
57 statement has not been received. Such notice shall clearly  
58 set forth the following:

59           (1) The name of the political subdivision;

60           (2) That the political subdivision shall be subject to  
61 a fine of five hundred dollars per day if the political  
62 subdivision does not submit a copy of the annual financial  
63 statement to the state auditor's office within thirty days  
64 from the postmarked date stamped on the certified mail  
65 envelope;

66           (3) That the fine will be enforced and collected as  
67 provided under subsection 11 of this section; and

68           (4) That the fine will begin accruing on the thirty-  
69 first day from the postmarked date stamped on the certified  
70 mail envelope and will continue to accrue until the state  
71 auditor's office receives a copy of the financial statement.

72 In the event a copy of the annual financial statement is  
73 received within such thirty-day period, no fine shall accrue  
74 or be imposed. The state auditor shall report receipt of  
75 the financial statement to the department of revenue within  
76 ten business days. Failure of the political subdivision to  
77 submit the required annual financial statement within such  
78 thirty-day period shall cause the fine to be collected as  
79 provided under subsection 11 of this section.

80           11. The department of revenue may collect the fine  
81 authorized under the provisions of subsection 9 of this  
82 section by offsetting any sales or use tax distributions due  
83 to the political subdivision. The director of revenue shall  
84 retain two percent for the cost of such collection. The  
85 remaining revenues collected from such violations shall be  
86 distributed annually to the schools of the county in the  
87 same manner that proceeds for all penalties, forfeitures,  
88 and fines collected for any breach of the penal laws of the  
89 state are distributed.

90           12. Any [transportation development district organized  
91 under sections 238.200 to 238.275 having] political  
92 subdivision that has gross revenues of less than five

93 thousand dollars or that has not levied or collected sales  
94 or use taxes in the fiscal year for which the annual  
95 financial statement was not timely filed shall not be  
96 subject to the fine authorized in this section.

97 13. If a failure to timely submit the annual financial  
98 statement is the result of fraud or other illegal conduct by  
99 an employee or officer of the political subdivision, the  
100 political subdivision shall not be subject to a fine  
101 authorized under this section if the statement is filed  
102 within thirty days of the discovery of the fraud or illegal  
103 conduct. If a fine is assessed and paid prior to the filing  
104 of the statement, the department of revenue shall refund the  
105 fine upon notification from the political subdivision.

106 14. If a political subdivision has an outstanding  
107 balance for fines or penalties at the time it files its  
108 first annual financial statement after January 1, 2022, the  
109 director of revenue shall make a one-time downward  
110 adjustment to such outstanding balance in an amount that  
111 reduces the outstanding balance by no less than ninety  
112 percent.

113 15. The director of revenue shall have the authority  
114 to make a one-time downward adjustment to any outstanding  
115 penalty imposed under this section on a political  
116 subdivision if the director determines the fine is  
117 uncollectable. The director of revenue may prescribe rules  
118 and regulations necessary to carry out the provisions of  
119 this subsection. Any rule or portion of a rule, as that  
120 term is defined in section 536.010, that is created under  
121 the authority delegated in this section shall become  
122 effective only if it complies with and is subject to all of  
123 the provisions of chapter 536 and, if applicable, section  
124 536.028. This section and chapter 536 are nonseverable, and  
125 if any of the powers vested with the general assembly

126 pursuant to chapter 536 to review, to delay the effective  
127 date, or to disapprove and annul a rule are subsequently  
128 held unconstitutional, then the grant of rulemaking  
129 authority and any rule proposed or adopted after August 28,  
130 2021, shall be invalid and void."; and

131 Further amend the title and enacting clause accordingly.