

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 741

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

3726S.04P

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 50.800, 50.810, 50.815, 50.820, 610.010, 610.021, 610.023, 610.024, and 610.026, RSMo, and to enact in lieu thereof ten new sections relating to involvement of public agencies in the disclosure of information, with penalty provisions.

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

Section A. Sections 50.800, 50.810, 50.815, 50.820, 2 610.010, 610.021, 610.023, 610.024, and 610.026, RSMo, are 3 repealed and ten new sections enacted in lieu thereof, to be 4 known as sections 50.815, 50.820, 105.1500, 161.841, 407.475, 5 610.010, 610.021, 610.023, 610.024, and 610.026, to read as 6 follows:

50.815. 1. On or before [the first Monday in March] 2 **June thirtieth** of each year, the county commission of each 3 county of the first [class not having a charter form of 4 government], **second, third, or fourth classification** shall, 5 with the assistance of the county clerk **or other officer** 6 **responsible for the preparation of the financial statement**, 7 prepare and publish in some newspaper of general circulation 8 published in the county, **as provided under section 493.050**, 9 a financial statement of the county for the year ending the 10 preceding December thirty-first.

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

11           2. The financial statement shall show at least the  
12 following:

13           (1) A summary of the receipts of each fund of the  
14 county for the year;

15           (2) A summary of the disbursements and transfers of  
16 each fund of the county for the year;

17           (3) A statement of the cash balance at the beginning  
18 and at the end of the year for each fund of the county;

19           (4) A summary of delinquent taxes and other due bills  
20 for each fund of the county;

21           (5) A summary of warrants of each fund of the county  
22 outstanding at the end of the year;

23           (6) A statement of bonded indebtedness, if any, at the  
24 beginning and at the end of the year for each fund of the  
25 county; **[and]**

26           (7) A statement of the tax levies of each fund of the  
27 county for the year; **and**

28           **(8) The name, office, and current gross annual salary**  
29 **of each elected or appointed county official.**

30           3. The financial statement need not show specific  
31 disbursements, warrants issued, or the names of specific  
32 payees **except to comply with subdivision (8) of subsection 2**  
33 **of this section**, but every individual warrant, voucher,  
34 receipt, court order and all other items, records, documents  
35 and other information which are not specifically required to  
36 be retained by the officer having initial charge thereof  
37 **[and which would be required to be included in or to**  
38 **construct a financial statement in the form prescribed for**  
39 **other counties by section 50.800]** shall be filed on or  
40 before the date of publication of the financial statement  
41 prescribed by subsection 1 **of this section** in the office of  
42 the county clerk**[, and]**. The county clerk **or other officer**

43 **responsible for the preparation of the financial statement**  
 44 shall preserve the same, **shall provide an electronic copy of**  
 45 **the data used to create the financial statement without**  
 46 **charge to any newspaper requesting a copy of such data,** and  
 47 shall cause the same to be available for inspection during  
 48 normal business hours on the request of any person, for a  
 49 period of five years following the date of filing in his **or**  
 50 **her** office, after which five-year period these records may  
 51 be disposed of according to law unless they are the subject  
 52 of a legal suit pending at the expiration of that period.

53 4. At the end of the financial statement, each  
 54 commissioner of the county commission and the county clerk  
 55 shall sign and append the following certificate:

56 We, \_\_\_\_\_ , \_\_\_\_\_ , and \_\_\_\_\_ , duly  
 57 elected commissioners of the county commission of  
 58 \_\_\_\_\_ County, Missouri, and I, \_\_\_\_\_  
 59 \_\_\_\_\_ , county clerk of that county, certify that the above  
 60 and foregoing is a complete and correct statement of  
 61 every item of information required in section 50.815  
 62 for the year ending December 31, [19] 20 \_\_\_\_\_ , and  
 63 we have checked every receipt from every source and  
 64 every disbursement of every kind and to whom and for  
 65 what each disbursement was made, and each receipt and  
 66 disbursement is accurately included in the above and  
 67 foregoing totals. (If for any reason complete and  
 68 accurate information is not given the following shall  
 69 be added to the certificate.) Exceptions: the above  
 70 report is incomplete because proper information was not  
 71 available in the following records \_\_\_\_\_ which are  
 72 in the keeping of the following officer or officers  
 73 \_\_\_\_\_ .

74 Date \_\_\_\_\_

75 \_\_\_\_\_  
 76 \_\_\_\_\_  
 77 \_\_\_\_\_

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Commissioners, County Commission

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\_\_\_\_\_  
County Clerk

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5. Any person falsely certifying to any fact covered by the certificate is liable on his **or her** bond and is guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than two hundred dollars or more than one thousand dollars, or by confinement in the county jail for a period of not less than thirty days nor more than six months, or by both such fine and confinement. Any person charged with preparing the financial report who willfully or knowingly makes a false report of any record is, in addition to the penalties otherwise provided for in this section, guilty of a felony, and upon conviction thereof shall be sentenced to imprisonment by the division of corrections for a term of not less than two years nor more than five years.

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[6. The provisions of sections 50.800 and 50.810 do not apply to counties of the first class not having a charter form of government, except as provided in subsection 3 of this section.]

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50.820. 1. The statement required by section 50.815 shall be set in the standard column width measure which will take the least space and the publisher shall file two proofs of publication with the county commission and the commission shall forward one proof to the state auditor and shall file the other in the office of the commission. **As required under section 493.025, a newspaper publishing the statement shall charge and receive no more than its regular local classified advertising rate, which shall be the rate on the**

10 newspaper's rate schedule that was offered to the public  
11 thirty days before the publication of the statement. The  
12 county commission shall [not] pay the publisher [until] upon  
13 the filing of proof of publication [is filed] with the  
14 commission [and]. After verification, the state auditor  
15 [notifies] shall notify the commission that proof of  
16 publication has been received and that it complies with the  
17 requirements of this section.

18 2. The statement shall be spread on the record of the  
19 commission and for this purpose the publisher shall be  
20 required to furnish the commission with at least two copies  
21 of the statement which may be [pasted on] placed in the  
22 record.

23 3. The state auditor shall notify the county treasurer  
24 immediately of the receipt of the proof of publication of  
25 the statement. After the first day of [April] July of each  
26 year the county treasurer shall not pay or enter for protest  
27 any warrant for the pay of any of the county commission  
28 until notice is received from the state auditor that the  
29 required proof of publication has been filed. [Any county  
30 treasurer paying or entering for protest any warrant for any  
31 commissioner of the county commission prior to the receipt  
32 of such notice from the state auditor shall be liable  
33 therefor on his official bond.]

34 4. The state auditor shall prepare sample forms for  
35 financial statements required by section 50.815 and shall  
36 [mail] provide the same to the county clerk of each county  
37 of the first [class not having a charter form of  
38 government], second, third, or fourth classification in this  
39 state, but failure of the auditor to supply such forms shall  
40 not in any way excuse any person from the performance of any  
41 duty imposed by this section or by section 50.815. If any

42 county officer fails, neglects, or refuses to comply with  
43 the provisions of this section or section 50.815 [he], the  
44 **county officer** shall, in addition to other penalties  
45 provided by law, be liable on his **or her** official bond for  
46 dereliction of duty.

105.1500. 1. This section shall be known and may be  
2 cited as "The Personal Privacy Protection Act".

3 2. As used in this section, the following terms mean:

4 (1) "Personal information", any list, record,  
5 register, registry, roll, roster, or other compilation of  
6 data of any kind that directly or indirectly identifies a  
7 person as a member, supporter, or volunteer of, or donor of  
8 financial or nonfinancial support to, any entity exempt from  
9 federal income tax under Section 501(c) of the Internal  
10 Revenue Code of 1986, as amended;

11 (2) "Public agency", the state and any political  
12 subdivision thereof including, but not limited to, any  
13 department, agency, office, commission, board, division, or  
14 other entity of state government; any county, city,  
15 township, village, school district, community college  
16 district; or any other local governmental unit, agency,  
17 authority, council, board, commission, state or local court,  
18 tribunal or other judicial or quasi-judicial body.

19 3. (1) Notwithstanding any provision of law to the  
20 contrary, but subject to the exceptions listed under  
21 subsection 4 of this section, a public agency shall not:

22 (a) Require any individual to provide the public  
23 agency with personal information or otherwise compel the  
24 release of personal information;

25 (b) Require any entity exempt from federal income  
26 taxation under Section 501(c) of the Internal Revenue Code

27 to provide the public agency with personal information or  
28 otherwise compel the release of personal information;

29 (c) Release, publicize, or otherwise publicly disclose  
30 personal information in possession of a public agency; or

31 (d) Request or require a current or prospective  
32 contractor or grantee with the public agency to provide the  
33 public agency with a list of entities exempt from federal  
34 income taxation under Section 501(c) of the Internal Revenue  
35 Code of 1986, as amended, to which it has provided financial  
36 or nonfinancial support.

37 (2) All personal information in the possession of a  
38 public agency shall be considered a closed record under  
39 chapter 610 and court operating rules.

40 4. The provisions of this section shall not preclude  
41 any individual or entity from being required to comply with  
42 any of the following:

43 (1) Submitting any report or disclosure required by  
44 this chapter or chapter 130;

45 (2) Responding to any lawful request or subpoena for  
46 personal information from the Missouri ethics commission as  
47 a part of an investigation, or publicly disclosing personal  
48 information as a result of an enforcement action from the  
49 Missouri ethics commission pursuant to its authority in  
50 sections 105.955 to 105.966;

51 (3) Responding to any lawful warrant for personal  
52 information issued by a court of competent jurisdiction;

53 (4) Responding to any lawful request for discovery of  
54 personal information in litigation if:

55 (a) The requestor demonstrates a compelling need for  
56 the personal information by clear and convincing evidence;  
57 and

58           (b) The requestor obtains a protective order barring  
59 disclosure of personal information to any person not named  
60 in the litigation;

61           (5) Applicable court rules or admitting any personal  
62 information as relevant evidence before a court of competent  
63 jurisdiction. However, a submission of personal information  
64 to a court shall be made in a manner that is not publicly  
65 revealed and no court shall publicly reveal personal  
66 information absent a specific finding of good cause; or

67           (6) Any report or disclosure required by state law to  
68 be filed with the secretary of state, provided that personal  
69 information obtained by the secretary of state is otherwise  
70 subject to the requirements of paragraph (c) of subdivision  
71 (1) of subsection 3 of this section, unless expressly  
72 required to be made public by state law.

73           5. (1) A person or entity alleging a violation of  
74 this section may bring a civil action for appropriate  
75 injunctive relief, damages, or both. Damages awarded under  
76 this section may include one of the following, as  
77 appropriate:

78           (a) A sum of moneys not less than two thousand five  
79 hundred dollars to compensate for injury or loss caused by  
80 each violation of this section; or

81           (b) For an intentional violation of this section, a  
82 sum of moneys not to exceed three times the sum described in  
83 paragraph (a) of this subdivision.

84           (2) A court, in rendering a judgment in an action  
85 brought under this section, may award all or a portion of  
86 the costs of litigation, including reasonable attorney's  
87 fees and witness fees, to the complainant in the action if  
88 the court determines that the award is appropriate.



89           (3) A person who knowingly violates this section is  
90 guilty of a class B misdemeanor.

          161.841. 1. This section shall be known and may be  
2 cited as the "Parents' Access to Public School Records Act".

3           2. As used in this section, the term "parent" means a  
4 child's parent, guardian, or other person having control or  
5 custody of the child.

6           3. This section shall be construed to empower parents  
7 to enforce the following rights to access public records  
8 maintained by school districts and public schools in which  
9 their children are enrolled that receive any federal or  
10 state moneys:

11           (1) The right to know what their minor child is being  
12 taught in school including, but not limited to, curricula,  
13 books, and other instructional materials;

14           (2) The right to receive information about who is  
15 teaching their minor child including, but not limited to,  
16 guest lecturers and outside presenters;

17           (3) The right to receive information about individuals  
18 and organizations receiving school contracts and funding;

19           (4) The right to view or receive all school records,  
20 medical or otherwise, concerning their minor child;

21           (5) The right to receive information about the  
22 collection and transmission of their minor child's data;

23           (6) The right to have sufficient accountability and  
24 transparency regarding school board records; and

25           (7) The right to know about records regarding  
26 situations affecting their minor child's safety in school.

27           4. No school district or public school shall require  
28 nondisclosure agreements or similar forms for a parent's  
29 review of curricula. Each public school or school district  
30 shall allow parents to make copies of curriculum documents.

31           5. No school district or public school shall collect  
32 any biometric data or other sensitive personal information  
33 about a minor child without obtaining written parental  
34 consent before collecting such data or information.

35           6. Each school board meeting pertaining to curricula,  
36 safety, or other student issues shall be held in public and  
37 allow for public comments.

38           7. Each school district and public school shall notify  
39 parents in a timely manner of all reported incidents  
40 pertaining to student safety including, but not limited to,  
41 any felony or misdemeanor committed by teachers or other  
42 school employees.

          407.475. 1. Except when specifically required or  
2 authorized by federal law, no state agency or state official  
3 shall impose any additional annual filing or reporting  
4 requirements on an organization regulated or specifically  
5 exempted from regulation under sections 407.450 to 407.478  
6 that are more stringent, restrictive, or expansive than the  
7 requirements authorized under section 407.462.

8           2. This section shall not apply to state grants or  
9 contracts, nor investigations under section 407.472 and  
10 shall not restrict enforcement actions against specific  
11 charitable organizations. This section shall not apply to  
12 labor organizations, as that term is defined in section  
13 105.500.

14           3. This section shall not apply when an organization  
15 regulated or specifically exempted from regulation under  
16 sections 407.450 to 407.475 is providing any report or  
17 disclosure required by state law to be filed with the  
18 secretary of state.

          610.010. As used in this chapter, unless the context  
2 otherwise indicates, the following terms mean:

3           (1) "Closed meeting", "closed record", or "closed  
4 vote", any meeting, record or vote closed to the public;

5           (2) "Copying", if requested by a member of the public,  
6 copies provided as detailed in section 610.026, if  
7 duplication equipment is available;

8           (3) "Public business", [all matters which relate in  
9 any way to the performance of the public governmental body's  
10 functions or the conduct of its business] **the deliberations**  
11 **of at least the number of individual public governmental**  
12 **body members required to take action on behalf of the public**  
13 **governmental body where such deliberations determine or**  
14 **result in the joint conduct or disposition of official**  
15 **public governmental body business;**

16           (4) "Public governmental body", any legislative,  
17 administrative or governmental entity created by the  
18 Constitution or statutes of this state, by order or  
19 ordinance of any political subdivision or district, judicial  
20 entities when operating in an administrative capacity, or by  
21 executive order, including:

22           (a) Any body, agency, board, bureau, council,  
23 commission, committee, board of regents or board of curators  
24 or any other governing body of any institution of higher  
25 education, including a community college, which is supported  
26 in whole or in part from state funds, including but not  
27 limited to the administrative entity known as "The Curators  
28 of the University of Missouri" as established by section  
29 172.020;

30           (b) Any advisory committee or commission appointed by  
31 the governor by executive order;

32           (c) Any department or division of the state, of any  
33 political subdivision of the state, of any county or of any  
34 municipal government, school district or special purpose

35 district including but not limited to sewer districts, water  
36 districts, and other subdistricts of any political  
37 subdivision;

38 (d) Any other legislative or administrative  
39 governmental deliberative body under the direction of three  
40 or more elected or appointed members having rulemaking or  
41 quasi-judicial power;

42 (e) Any committee appointed by or at the direction of  
43 any of the entities and which is authorized to report to any  
44 of the above-named entities, any advisory committee  
45 appointed by or at the direction of any of the named  
46 entities for the specific purpose of recommending, directly  
47 to the public governmental body's governing board or its  
48 chief administrative officer, policy or policy revisions or  
49 expenditures of public funds including, but not limited to,  
50 entities created to advise bi-state taxing districts  
51 regarding the expenditure of public funds, or any policy  
52 advisory body, policy advisory committee or policy advisory  
53 group appointed by a president, chancellor or chief  
54 executive officer of any college or university system or  
55 individual institution at the direction of the governing  
56 body of such institution which is supported in whole or in  
57 part with state funds for the specific purpose of  
58 recommending directly to the public governmental body's  
59 governing board or the president, chancellor or chief  
60 executive officer policy, policy revisions or expenditures  
61 of public funds provided, however, the staff of the college  
62 or university president, chancellor or chief executive  
63 officer shall not constitute such a policy advisory  
64 committee. The custodian of the records of any public  
65 governmental body shall maintain a list of the policy  
66 advisory committees described in this subdivision;

67 (f) Any quasi-public governmental body. The term  
68 "quasi-public governmental body" means any person,  
69 corporation or partnership organized or authorized to do  
70 business in this state pursuant to the provisions of chapter  
71 352, 353, or 355, or unincorporated association which either:

72 a. Has as its primary purpose to enter into contracts  
73 with public governmental bodies, or to engage primarily in  
74 activities carried out pursuant to an agreement or  
75 agreements with public governmental bodies; or

76 b. Performs a public function as evidenced by a  
77 statutorily based capacity to confer or otherwise advance,  
78 through approval, recommendation or other means, the  
79 allocation or issuance of tax credits, tax abatement, public  
80 debt, tax-exempt debt, rights of eminent domain, or the  
81 contracting of leaseback agreements on structures whose  
82 annualized payments commit public tax revenues; or any  
83 association that directly accepts the appropriation of money  
84 from a public governmental body, but only to the extent that  
85 a meeting, record, or vote relates to such appropriation; and

86 (g) Any bi-state development agency established  
87 pursuant to section 70.370;

88 (5) "Public meeting", any meeting of a public  
89 governmental body subject to sections 610.010 to 610.030 at  
90 which any public business is discussed, decided, or public  
91 policy formulated, whether such meeting is conducted in  
92 person or by means of communication equipment, including,  
93 but not limited to, conference call, video conference,  
94 internet chat, or internet message board. The term "public  
95 meeting" shall not include an informal gathering of members  
96 of a public governmental body for ministerial or social  
97 purposes when there is no intent to avoid the purposes of  
98 this chapter **or any meeting of a group of members of a**

99 **public governmental body who are not acting on behalf of the**  
100 **entire public governmental body or when a public**  
101 **governmental body is an individually elected or appointed**  
102 **official who is meeting with members of his or her staff in**  
103 **the ordinary course of business,** but the term shall include  
104 a public vote of all or a majority of the members of a  
105 public governmental body **or a group of members of a public**  
106 **governmental body voting to advance an item to a vote of**  
107 **another group of members or the entire public governmental**  
108 **body,** by electronic communication or any other means,  
109 conducted in lieu of holding a public meeting with the  
110 members of the public governmental body gathered at one  
111 location in order to conduct public business;

112 (6) "Public record", any record, whether written or  
113 electronically stored, retained by or of any public  
114 governmental body including any report, survey, memorandum,  
115 or other document or study prepared for the public  
116 governmental body by a consultant or other professional  
117 service paid for in whole or in part by public funds,  
118 including records created or maintained by private  
119 contractors under an agreement with a public governmental  
120 body or on behalf of a public governmental body; provided,  
121 however, that personally identifiable student records  
122 maintained by a public [educational institutions]  
123 **governmental body** shall be open for inspection **only** by the  
124 parents, guardian or other custodian of students under the  
125 age of eighteen years and by the parents, guardian or other  
126 custodian and the student if the student is over the age of  
127 eighteen years. The term "public record" shall not include  
128 any internal memorandum or letter received or prepared by or  
129 on behalf of a member of a public governmental body  
130 consisting of advice, opinions and recommendations in

131 connection with the deliberative decision-making process of  
132 said body, unless such records are [retained by the public  
133 governmental body or] presented at a public meeting. Any  
134 document or study prepared for a public governmental body by  
135 a consultant or other professional service as described in  
136 this subdivision shall be retained by the public  
137 governmental body in the same manner as any other public  
138 record. **The term "public record" shall not include**  
139 **transitory records;**

140 (7) "Public vote", any vote, whether conducted in  
141 person, by telephone, or by any other electronic means, cast  
142 at any public meeting of any public governmental body;

143 (8) "Transitory record", includes draft versions of  
144 final documents, non-decision making materials, materials  
145 that are not required to sustain administrative or  
146 operational function of the agency, materials that are only  
147 recorded for the time required for completion of the action,  
148 or materials that do not have substantial administrative or  
149 operational value.

610.021. Except to the extent disclosure is otherwise  
2 required by law, a public governmental body is authorized to  
3 close meetings, records and votes, to the extent they relate  
4 to the following:

5 (1) Legal actions, causes of action or litigation  
6 involving a public governmental body and any confidential or  
7 privileged communications between a public governmental body  
8 or its representatives and its attorneys. However, any  
9 minutes, vote or settlement agreement relating to legal  
10 actions, causes of action or litigation involving a public  
11 governmental body or any agent or entity representing its  
12 interests or acting on its behalf or with its authority,  
13 including any insurance company acting on behalf of a public

14 government body as its insured, shall be made public upon  
15 final disposition of the matter voted upon or upon the  
16 signing by the parties of the settlement agreement, unless,  
17 prior to final disposition, the settlement agreement is  
18 ordered closed by a court after a written finding that the  
19 adverse impact to a plaintiff or plaintiffs to the action  
20 clearly outweighs the public policy considerations of  
21 section 610.011, however, the amount of any moneys paid by,  
22 or on behalf of, the public governmental body shall be  
23 disclosed; provided, however, in matters involving the  
24 exercise of the power of eminent domain, the vote shall be  
25 announced or become public immediately following the action  
26 on the motion to authorize institution of such a legal  
27 action. Legal work product shall be considered a closed  
28 record;

29 (2) Leasing, purchase or sale of real estate by a  
30 public governmental body where public knowledge of the  
31 transaction might adversely affect the legal consideration  
32 therefor. However, any minutes, vote or public record  
33 approving a contract relating to the leasing, purchase or  
34 sale of real estate by a public governmental body shall be  
35 made public upon execution of the lease, purchase or sale of  
36 the real estate;

37 (3) Hiring, firing, disciplining or promoting of  
38 particular employees by a public governmental body when  
39 personal information about the employee is discussed or  
40 recorded. However, any vote on a final decision, when taken  
41 by a public governmental body, to hire, fire, promote or  
42 discipline an employee of a public governmental body shall  
43 be made available with a record of how each member voted to  
44 the public within seventy-two hours of the close of the  
45 meeting where such action occurs; provided, however, that



46 any employee so affected shall be entitled to prompt notice  
47 of such decision during the seventy-two-hour period before  
48 such decision is made available to the public. As used in  
49 this subdivision, the term "personal information" means  
50 information relating to the performance or merit of  
51 individual employees;

52 (4) The state militia or national guard or any part  
53 thereof;

54 (5) Nonjudicial mental or physical health proceedings  
55 involving identifiable persons, including **all records or**  
56 **portions of records relating to** medical, psychiatric,  
57 psychological, or alcoholism or drug dependency diagnosis or  
58 treatment;

59 (6) Scholastic probation, expulsion, or graduation of  
60 identifiable individuals, including records of individual  
61 test or examination scores; however, personally identifiable  
62 student records maintained by public educational  
63 institutions shall be open for inspection by the parents,  
64 guardian or other custodian of students under the age of  
65 eighteen years and by the parents, guardian or other  
66 custodian and the student if the student is over the age of  
67 eighteen years;

68 (7) Testing and examination materials, before the test  
69 or examination is given or, if it is to be given again,  
70 before so given again;

71 (8) Welfare cases of identifiable individuals;

72 (9) Preparation, including any discussions or work  
73 product, on behalf of a public governmental body or its  
74 representatives for negotiations with employee groups;

75 (10) Software codes for electronic data processing and  
76 documentation thereof;

77           (11) Specifications for competitive bidding, until  
78 either the specifications are officially approved by the  
79 public governmental body or the specifications are published  
80 for bid;

81           (12) Sealed bids and related documents, until the bids  
82 are opened; and sealed proposals and related documents or  
83 any documents related to a negotiated contract until a  
84 contract is executed, or all proposals are rejected;

85           (13) Individually identifiable personnel records,  
86 performance ratings or records pertaining to employees or  
87 applicants for employment, except that this exemption shall  
88 not apply to the names, positions, salaries and lengths of  
89 service of officers and employees of public agencies once  
90 they are employed as such, and the names of private sources  
91 donating or contributing money to the salary of a chancellor  
92 or president at all public colleges and universities in the  
93 state of Missouri and the amount of money contributed by the  
94 source;

95           (14) Records which are protected from disclosure by  
96 law;

97           (15) Meetings and public records relating to  
98 scientific and technological innovations in which the owner  
99 has a proprietary interest;

100           (16) Records relating to municipal hotlines  
101 established for the reporting of abuse and wrongdoing;

102           (17) Confidential or privileged communications between  
103 a public governmental body and its auditor, including all  
104 auditor work product; however, all final audit reports  
105 issued by the auditor are to be considered open records  
106 pursuant to this chapter;

107           (18) **(a) Security measures, global positioning system**  
108 **(GPS) data, and investigative or surveillance techniques of**

109 **any public agency responsible for law enforcement or public**  
110 **safety which, if disclosed, has the potential to endanger**  
111 **individual or public safety or health.**

112 (b) Operational guidelines, policies and specific  
113 response plans developed, adopted, or maintained by any  
114 public agency responsible for law enforcement, public  
115 safety, first response, or public health for use in  
116 responding to or preventing any critical incident which is  
117 or appears to [be terrorist in nature and which has the  
118 potential to] endanger individual or public safety or  
119 health. Financial records related to the procurement of or  
120 expenditures relating to operational guidelines, policies or  
121 plans purchased with public funds shall be open. When  
122 seeking to close information pursuant to this exception, the  
123 public governmental body shall affirmatively state in  
124 writing that disclosure would impair the public governmental  
125 body's ability to protect the security or safety of persons  
126 or real property, and shall in the same writing state that  
127 the public interest in nondisclosure outweighs the public  
128 interest in disclosure of the records;

129 (19) Existing or proposed security systems, **security**  
130 **protocols**, and structural plans of real property owned or  
131 leased by a public governmental body, and information that  
132 is voluntarily submitted by a nonpublic entity owning or  
133 operating an infrastructure to any public governmental body  
134 for use by that body to devise plans for protection of that  
135 infrastructure, the public disclosure of which would  
136 threaten public safety:

137 (a) Records related to the procurement of or  
138 expenditures relating to security systems purchased with  
139 public funds shall be open;

140           (b) When seeking to close information pursuant to this  
141 exception, the public governmental body shall affirmatively  
142 state in writing that disclosure would impair the public  
143 governmental body's ability to protect the security or  
144 safety of persons or real property, and shall in the same  
145 writing state that the public interest in nondisclosure  
146 outweighs the public interest in disclosure of the records;

147           (c) Records that are voluntarily submitted by a  
148 nonpublic entity shall be reviewed by the receiving agency  
149 within ninety days of submission to determine if retention  
150 of the document is necessary in furtherance of a state  
151 security interest. If retention is not necessary, the  
152 documents shall be returned to the nonpublic governmental  
153 body or destroyed;

154           (20) The portion of a record that identifies security  
155 systems or access codes or authorization codes for security  
156 systems of real property;

157           (21) Records that identify the configuration of  
158 components or the operation of a computer, computer system,  
159 computer network, or telecommunications network, and would  
160 allow unauthorized access to or unlawful disruption of a  
161 computer, computer system, computer network, or  
162 telecommunications network of a public governmental body.  
163 This exception shall not be used to limit or deny access to  
164 otherwise public records in a file, document, data file or  
165 database containing public records. Records related to the  
166 procurement of or expenditures relating to such computer,  
167 computer system, computer network, or telecommunications  
168 network, including the amount of moneys paid by, or on  
169 behalf of, a public governmental body for such computer,  
170 computer system, computer network, or telecommunications  
171 network shall be open;

172           (22) Credit card numbers, personal identification  
173 numbers, digital certificates, physical and virtual keys,  
174 access codes or authorization codes that are used to protect  
175 the security of electronic transactions between a public  
176 governmental body and a person or entity doing business with  
177 a public governmental body. Nothing in this section shall  
178 be deemed to close the record of a person or entity using a  
179 credit card held in the name of a public governmental body  
180 or any record of a transaction made by a person using a  
181 credit card or other method of payment for which  
182 reimbursement is made by a public governmental body;

183           (23) Records submitted by an individual, corporation,  
184 or other business entity to a public institution of higher  
185 education in connection with a proposal to license  
186 intellectual property or perform sponsored research and  
187 which contains sales projections or other business plan  
188 information the disclosure of which may endanger the  
189 competitiveness of a business; [and]

190           (24) Records relating to foster home or kinship  
191 placements of children in foster care under section 210.498;

192           **(25) Email addresses and telephone numbers submitted**  
193 **to a public governmental body by individuals or entities for**  
194 **the sole purpose of receiving electronic or other**  
195 **communications limited to newsletters, notifications,**  
196 **advisories, alerts, and periodic reports;**

197           **(26) Individually identifiable customer usage and**  
198 **billing records for customers of a municipally owned utility**  
199 **unless the records are requested by the customer or**  
200 **authorized for release by the customer, except that a**  
201 **municipally owned utility shall make available to the public**  
202 **the customer's name, billing address, location of service,**

203 and dates of service provided for any commercial service  
204 account;

205 (27) Any record retained by a public governmental body  
206 that is related to a constituent of the public governmental  
207 body, a dignitary, or a foreign leader. The provisions of  
208 this subdivision shall authorize the closure of any health  
209 or mental health record of a constituent in its entirety and  
210 shall authorize the redaction of any portion of a record  
211 that may be used to individually identify a constituent of  
212 the public governmental body. As used in this subdivision,  
213 "constituent" shall mean any person who is a resident within  
214 the boundaries of the public governmental body, any person  
215 who owns real property within the boundaries of the public  
216 governmental body, or any person who owns an interest in a  
217 business entity operating within the boundaries of the  
218 public governmental body. The term "constituent" shall not  
219 include a person who is registered as a lobbyist or a  
220 lobbyist principal, as such terms are defined in section  
221 105.470, or a public official, regardless of whether such  
222 person otherwise meets the definition of "constituent". As  
223 used in this subdivision, the term "public official" shall  
224 mean any statewide elected official or any person holding  
225 elective office of any political subdivision as well as an  
226 employee of such elected official when such employee is  
227 acting in an official capacity. Nothing in this subdivision  
228 shall authorize the closure of a record that has been  
229 offered in a public meeting of the public governmental body,  
230 or any committee thereof;

231 (28) Inter-agency or intra-agency memoranda or letters  
232 that would not be available by state or federal law to a  
233 party other than an agency in litigation with the agency,  
234 provided that the deliberative process privilege shall not

235 apply to records created twenty-five years or more before  
236 the date on which the records were requested and shall not  
237 apply to any record to or from a person who is registered as  
238 a lobbyist or a lobbyist principal, as such terms are  
239 defined in section 105.470; and

240 (29) Any record retained in the office of a member of  
241 the general assembly, an employee of either house of the  
242 general assembly, or an employee of a caucus of either the  
243 majority or minority party of either house that contains  
244 information regarding proposed legislation or the  
245 legislative process; however, nothing in this subdivision  
246 shall allow the closure of a record that has been offered in  
247 a public meeting of a house of the general assembly, or any  
248 committee thereof, nor any record addressed to, or from, in  
249 whole or in part, a lobbyist or a lobbyist principal, as  
250 such terms are defined in section 105.470.

610.023. 1. Each public governmental body is to  
2 appoint a custodian who is to be responsible for the  
3 maintenance of that body's records. The identity and  
4 location of a public governmental body's custodian is to be  
5 made available upon request.

6 2. Each public governmental body shall make available  
7 for inspection and copying by the public of that body's  
8 public records. No person shall remove original public  
9 records from the office of a public governmental body or its  
10 custodian without written permission of the designated  
11 custodian. No public governmental body shall, after August  
12 28, 1998, grant to any person or entity, whether by  
13 contract, license or otherwise, the exclusive right to  
14 access and disseminate any public record unless the granting  
15 of such right is necessary to facilitate coordination with,

16 or uniformity among, industry regulators having similar  
17 authority.

18 3. Each request for access to a public record shall be  
19 acted upon as soon as possible, but in no event later than  
20 the end of the [third] **fifth** business day following the date  
21 the request is received by the custodian of records of a  
22 public governmental body. If records are requested in a  
23 certain format, the public body shall provide the records in  
24 the requested format, if such format is available. If  
25 access to the public record is not granted immediately, the  
26 custodian shall give a detailed explanation of the cause for  
27 further delay and the place and earliest time and date that  
28 the record will be available for inspection. **Access to and**  
29 **the production of the records may be conditioned upon**  
30 **receipt of payment pursuant to section 610.026.** This period  
31 for document production may exceed [three] **five** days for  
32 reasonable cause.

33 4. If a request for access is denied, the custodian  
34 shall provide, upon request, a written statement of the  
35 grounds for such denial. Such statement shall cite the  
36 specific provision of law under which access is denied and  
37 shall be furnished to the requester no later than the end of  
38 the [third] **fifth** business day following the date that the  
39 request for the statement is received.

610.024. 1. If a public record contains material  
2 which is not exempt from disclosure as well as material  
3 which is exempt from disclosure, the public governmental  
4 body shall separate the exempt and nonexempt material and  
5 make the nonexempt material available for examination and  
6 copying. **Where a single record or document contains both**  
7 **open and closed records, the public governmental body shall**  
8 **make a redacted version of such record or document available**



9     **in order to protect the information that would otherwise**  
10    **make the record or document a closed record.**

11           2. When designing a public record, a public  
12 governmental body shall, to the extent practicable,  
13 facilitate a separation of exempt from nonexempt  
14 information. If the separation is readily apparent to a  
15 person requesting to inspect or receive copies of the form,  
16 the public governmental body shall generally describe the  
17 material exempted unless that description would reveal the  
18 contents of the exempt information and thus defeat the  
19 purpose of the exemption.

          610.026. 1. Except as otherwise provided by law, each  
2 public governmental body shall provide access to and, upon  
3 request, furnish copies of public records subject to the  
4 following:

5           (1) Fees for copying public records, except those  
6 records restricted under section 32.091, shall not exceed  
7 ten cents per page for a paper copy not larger than nine by  
8 fourteen inches, with the hourly fee for duplicating time  
9 not to exceed the average hourly rate of pay for clerical  
10 staff of the public governmental body. Research time  
11 required for fulfilling records requests may be charged at  
12 the actual cost of research time. Based on the scope of the  
13 request, the public governmental body shall produce the  
14 copies using employees of the body that result in the lowest  
15 amount of charges for search, research, **redaction**, and  
16 duplication time. Prior to producing copies of the  
17 requested records, the person requesting the records may  
18 request the public governmental body to provide an estimate  
19 of the cost to the person requesting the records. Documents  
20 may be furnished without charge or at a reduced charge when  
21 the public governmental body determines that waiver or

22 reduction of the fee is in the public interest because it is  
23 likely to contribute significantly to public understanding  
24 of the operations or activities of the public governmental  
25 body and is not primarily in the commercial interest of the  
26 requester;

27 (2) Fees for providing access to public records  
28 maintained on computer facilities, recording tapes or disks,  
29 videotapes or films, pictures, maps, slides, graphics,  
30 illustrations or similar audio or visual items or devices,  
31 and for paper copies larger than nine by fourteen inches  
32 shall include only the cost of copies, staff time, which  
33 shall not exceed the average hourly rate of pay for staff of  
34 the public governmental body required for making copies and  
35 programming, if necessary, and the cost of the disk, tape,  
36 or other medium used for the duplication. Fees for maps,  
37 blueprints, or plats that require special expertise to  
38 duplicate may include the actual rate of compensation for  
39 the trained personnel required to duplicate such maps,  
40 blueprints, or plats. If programming is required beyond the  
41 customary and usual level to comply with a request for  
42 records or information, the fees for compliance may include  
43 the actual costs of such programming.

44 2. (1) Payment of [such copying] fees may be  
45 requested prior to [the making of copies] **fulfilling the**  
46 **request.**

47 (2) **A request for public records to a public**  
48 **governmental body shall be considered withdrawn if the**  
49 **requester fails to remit all fees within thirty days of a**  
50 **request for payment of the fees by the public governmental**  
51 **body, prior to fulfilling the request. The public**  
52 **governmental body shall include notice to the requester that**  
53 **if the requester fails to remit payment of the fees within**

54 thirty days, then the request for public records shall be  
55 considered withdrawn. If the public governmental body  
56 responds to a request for public records in order to seek a  
57 clarification of the request and no response to the request  
58 for clarification is received by the public governmental  
59 body within thirty days of sending the request for  
60 clarification, then such request for public records shall be  
61 considered withdrawn. The request for clarification by the  
62 public governmental body shall include notice to the  
63 requester that if the requester fails to respond within  
64 thirty days, then the request shall be considered  
65 withdrawn. If the same or a substantially similar request  
66 for public records is made within six months after the  
67 expiration of the thirty day period and no fee was remitted  
68 for such request or no response was received to the request  
69 for clarification, then the public governmental body may  
70 request payment of the same fees made for the original  
71 request that has expired in addition to any allowable fees  
72 necessary to fulfill the subsequent request. The provisions  
73 of this subdivision shall not apply if a lawsuit has been  
74 filed against the public governmental body with regard to  
75 the records that are the subject of the request under this  
76 subdivision.

77 3. Except as otherwise provided by law, each public  
78 governmental body of the state shall remit all moneys  
79 received by or for it from fees charged pursuant to this  
80 section to the director of revenue for deposit to the  
81 general revenue fund of the state.

82 4. Except as otherwise provided by law, each public  
83 governmental body of a political subdivision of the state  
84 shall remit all moneys received by it or for it from fees  
85 charged pursuant to sections 610.010 to 610.028 to the

86 appropriate fiscal officer of such political subdivision for  
87 deposit to the governmental body's accounts.

88 5. The term "tax, license or fees" as used in Section  
89 22 of Article X of the Constitution of the State of Missouri  
90 does not include copying charges and related fees that do  
91 not exceed the level necessary to pay or to continue to pay  
92 the costs for providing a service, program, or activity  
93 which was in existence on November 4, 1980, or which was  
94 approved by a vote of the people subsequent to November 4,  
95 1980.

2 [50.800. 1. On or before the first Monday  
3 in March of each year, the county commission of  
4 each county of the second, third, or fourth  
5 class shall prepare and publish in some  
6 newspaper as provided for in section 493.050, if  
7 there is one, and if not by notices posted in at  
8 least ten places in the county, a detailed  
9 financial statement of the county for the year  
10 ending December thirty-first, preceding.

11 2. The statement shall show the bonded  
12 debt of the county, if any, kind of bonds, date  
13 of maturity, interest rate, rate of taxation  
14 levied for interest and sinking fund and  
15 authority for the levy, the total amount of  
16 interest and sinking fund that has been  
17 collected and interest and sinking fund on hand  
18 in cash.

19 3. The statement shall also show  
20 separately the total amount of the county and  
21 township school funds on hand and loaned out,  
22 the amount of penalties, fines, levies,  
23 utilities, forfeitures, and any other taxes  
24 collected and disbursed or expended during the  
25 year and turned into the permanent school fund,  
26 the name of each person who has a loan from the  
27 permanent school fund, whether county or  
28 township, the amount of the loan, date loan was  
29 made and date of maturity, description of the  
30 security for the loan, amount, if any, of  
31 delinquent interest on each loan.

32 4. The statement shall show the total  
33 valuation of the county for purposes of  
34 taxation, the highest rate of taxation the  
35 constitution permits the county commission to  
36 levy for purposes of county revenue, the rate  
37 levied by the county commission for the year  
38 covered by the statement, division of the rate  
levied among the several funds and total amount

39 of delinquent taxes for all years as of December  
40 thirty-first.

41 5. The statement shall show receipts or  
42 revenues into each and every fund separately.  
43 Each fund shall show the beginning balance of  
44 each fund; each source of revenue; the total  
45 amount received from each source of revenue; the  
46 total amount available in each fund; the total  
47 amount of disbursements or expenditures from  
48 each fund and the ending balance of each fund as  
49 of December thirty-first. The total receipts or  
50 revenues for the year into all funds shall be  
51 shown in the recapitulation. In counties with  
52 the township form of government, each township  
53 shall be considered a fund pursuant to this  
54 subsection.

55 6. Total disbursements or expenditures  
56 shall be shown for warrants issued in each  
57 category contained in the forms developed or  
58 approved by the state auditor pursuant to  
59 section 50.745. Total amount of warrants,  
60 person or vendor to whom issued and purpose for  
61 which issued shall be shown except as herein  
62 provided. Under a separate heading in each fund  
63 the statements shall show what warrants are  
64 outstanding and unpaid for the lack of funds on  
65 that date with appropriate balance or overdraft  
66 in each fund as the case may be.

67 7. Warrants issued to pay for the service  
68 of election judges and clerks of elections shall  
69 be in the following form:

70 Names of judges and clerks of  
71 elections at \$ per day  
72 (listing the names run in and not  
73 listing each name by lines, and  
74 at the end of the list of names  
75 giving the total of the amount of  
76 all the warrants issued for such  
77 election services).

78 8. Warrants issued to pay for the service  
79 of jurors shall be in the following form:

80 Names of jurors at \$ per  
81 day (listing the names run in and  
82 not listing each name by lines,  
83 and at the end of the list of  
84 names giving the total of the  
85 amount of all the warrants issued  
86 for such election service).

87 9. Warrants to Internal Revenue Service  
88 for Social Security and withholding taxes shall  
89 be brought into one call.

90 10. Warrants to the director of revenue of  
91 Missouri for withholding taxes shall be brought  
92 into one call.

93 11. Warrants to the division of employment  
94 security shall be brought into one call.

95 12. Warrants to Missouri local government  
96 employees' retirement system or other retirement  
97 funds for each office shall be brought into one  
98 call.

99 13. Warrants for utilities such as gas,  
100 water, lights and power shall be brought into  
101 one call except that the total shall be shown  
102 for each vendor.

103 14. Warrants issued to each telephone  
104 company shall be brought into one call for each  
105 office in the following form:

106 (Name of Telephone Company for  
107 office and total amount of  
108 warrants issued).

109 15. Warrants issued to the postmaster for  
110 postage shall be brought into one call for each  
111 office in the following form:

112 (Postmaster for office and  
113 total amount of warrants issued).

114 16. Disbursements or expenditures by road  
115 districts shall show the warrants, if warrants  
116 have been issued in the same manner as provided  
117 for in subsection 5 of this section. If money  
118 has been disbursed or expended by overseers the  
119 financial statement shall show the total paid by  
120 the overseer to each person for the year, and  
121 the purpose of each payment. Receipts or  
122 revenues into the county distributive school  
123 fund shall be listed in detail, disbursements or  
124 expenditures shall be listed and the amount of  
125 each disbursement or expenditure. If any taxes  
126 have been levied by virtue of Section 12(a) of  
127 Article X of the Constitution of Missouri the  
128 financial statement shall contain the following:

129 By virtue and authority of the  
130 discretionary power conferred  
131 upon the county commissions of  
132 the several counties of this  
133 state to levy a tax of not to  
134 exceed 35 cents on the \$100  
135 assessed valuation the county  
136 commission of County did  
137 for the year covered by this  
138 report levy a tax rate of  
139 cents on the \$100 assessed  
140 valuation which said tax amounted  
141 to \$ and was disbursed or  
142 expended as follows:

143 The statement shall show how the money was  
144 disbursed or expended and if any part of the sum  
145 has not been accounted for in detail under some  
146 previous appropriate heading the portion not  
147 previously accounted for shall be shown in  
148 detail.

149 17. At the end of the statement the person  
150 designated by the county commission to prepare

151 the financial statement herein required shall  
152 append the following certificate:

153 I, \_\_\_\_\_, the duly authorized agent  
154 appointed by the county commission of \_\_\_\_\_  
155 County, state of Missouri, to  
156 prepare for publication the financial  
157 statement as required by section 50.800,  
158 RSMo, hereby certify that I have diligently  
159 checked the records of the county and that  
160 the above and foregoing is a complete and  
161 correct statement of every item of \_\_\_\_\_  
162 information required in section 50.800,  
163 RSMo, for the year ending December 31, \_\_\_\_\_  
164 \_\_\_\_\_, and especially have I checked every  
165 receipt from every source whatsoever and  
166 every disbursement or expenditure of every  
167 kind and to whom and for what each such  
168 disbursement or expenditure was made and  
169 that each receipt or revenue and \_\_\_\_\_  
170 disbursement or expenditure is accurately  
171 shown. (If for any reason complete and  
172 accurate information is not given the  
173 following shall be added to the \_\_\_\_\_  
174 certificate.) Exceptions: The above report  
175 is incomplete because proper information  
176 was not available in the following records  
177 \_\_\_\_\_ which are in the keeping of the \_\_\_\_\_  
178 following officer or officers. The person  
179 designated to prepare the financial  
180 statement shall give in detail any  
181 incomplete data called for by this section.  
182 \_\_\_\_\_ Date \_\_\_\_\_

183 Officer designated by county commission to  
184 prepare financial statement required by  
185 section 50.800, RSMo.

186 Or if no one has been designated said statement  
187 having been prepared by the county clerk,  
188 signature shall be in the following form:

189 \_\_\_\_\_ Clerk of the county commission  
190 \_\_\_\_\_ and ex officio officer designated  
191 \_\_\_\_\_ to prepare financial statement  
192 \_\_\_\_\_ required by section 50.800, RSMo.

193 18. Any person falsely certifying to any  
194 fact covered by the certificate is liable on his  
195 bond and upon conviction of falsely certifying  
196 to any fact covered by the certificate is guilty  
197 of a misdemeanor and punishable by a fine of not  
198 less than two hundred dollars or more than one  
199 thousand dollars or by imprisonment in the  
200 county jail for not less than thirty days nor  
201 more than six months or by both fine and  
202 imprisonment. Any person charged with the  
203 responsibility of preparing the financial report  
204 who willfully or knowingly makes a false report  
205 of any record, is, in addition to the penalty  
206 otherwise provided for in this law, deemed

207           quilty of a felony and upon conviction shall be  
208           sentenced to the penitentiary for not less than  
209           two years nor more than five years.]

2           [50.810. 1. The statement shall be  
3           printed in not less than 8-point type, but not  
4           more than the smallest point type over 8-point  
5           type available and in the standard column width  
6           measure that will take the least space. The  
7           publisher shall file two proofs of publication  
8           with the county commission and the commission  
9           shall forward one proof to the state auditor and  
10           shall file the other in the office of the  
11           commission. The county commission shall not pay  
12           the publisher until proof of publication is  
13           filed with the commission and shall not pay the  
14           person designated to prepare the statement for  
15           the preparation of the copy for the statement  
16           until the state auditor notifies the commission  
17           that proof of publication has been received and  
18           that it complies with the requirements of this  
19           section.

20           2. The statement shall be spread on the  
21           record of the commission and for this purpose  
22           the publisher shall be required to furnish the  
23           commission with at least two copies of the  
24           statement that may be pasted on the record. The  
25           publisher shall itemize the cost of publishing  
26           said statement by column inch as properly  
27           chargeable to the several funds and shall submit  
28           such costs for payment to the county  
29           commission. The county commission shall pay out  
30           of each fund in the proportion that each item  
31           bears to the total cost of publishing said  
32           statement and shall issue warrants therefor;  
33           provided any part not properly chargeable to any  
34           specific fund shall be paid from the county  
35           general revenue fund.

36           3. The state auditor shall notify the  
37           county treasurer immediately of the receipt of  
38           the proof of publication of the statement.  
39           After the first of April of each year the county  
40           treasurer shall not pay or enter for protest any  
41           warrant for the pay of any commissioner of any  
42           county commission until notice is received from  
43           the state auditor that the required proof of  
44           publication has been filed. Any county  
45           treasurer paying or entering for protest any  
46           warrant for any commissioner of the county  
47           commission prior to the receipt of such notice  
48           from the state auditor shall be liable on his  
49           official bond therefor.

50           4. The state auditor shall prepare sample  
51           forms for financial statements and shall mail  
52           the same to the county clerks of the several  
53           counties in this state. If the county  
          commission employs any person other than a



54 bonded county officer to prepare the financial  
55 statement the county commission shall require  
56 such person to give bond with good and  
57 sufficient sureties in the penal sum of one  
58 thousand dollars for the faithful performance of  
59 his duty. If any county officer or other person  
60 employed to prepare the financial statement  
61 herein provided for shall fail, neglect, or  
62 refuse to, in any manner, comply with the  
63 provisions of this law he shall, in addition to  
64 other penalties herein provided, be liable on  
65 his official bond for dereliction of duty.]

✓