

SECOND REGULAR SESSION

# HOUSE BILL NO. 1154

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES EMERY (Sponsor), MOORE AND FAITH (Co-sponsors).

Pre-filed December 19, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3802L.01I

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### AN ACT

To repeal section 610.026, RSMo, and to enact in lieu thereof one new section relating to fees for public records.

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

Section A. Section 610.026, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.026, to read as follows:

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

(1) Fees for copying public records, except those records restricted under section 32.091, RSMo, shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           (2) Fees for providing access to public records maintained on computer facilities,  
17 recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or  
18 similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches  
19 shall include only the cost of copies, staff time, which shall not exceed the average hourly rate  
20 of pay for staff of the public governmental body required for making copies and programming,  
21 if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for  
22 maps, blueprints, or plats that require special expertise to duplicate may include the actual rate  
23 of compensation for the trained personnel required to duplicate such maps, blueprints, or plats.  
24 If programming is required beyond the customary and usual level to comply with a request for  
25 records or information, the fees for compliance may include the actual costs of such  
26 programming;

27           **(3) Fees for providing access to or copying of public records shall be waived if**  
28 **another law requires that the records requested shall be published in a newspaper and the**  
29 **public body has failed to publish such records as required by law.**

30           2. Payment of such copying fees may be requested prior to the making of copies.

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

34           4. Except as otherwise provided by law, each public governmental body of a political  
35 subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant  
36 to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for  
37 deposit to the governmental body's accounts.

38           5. The term "tax, license or fees" as used in section 22 of article X of the Constitution  
39 of the state of Missouri does not include copying charges and related fees that do not exceed the  
40 level necessary to pay or to continue to pay the costs for providing a service, program, or activity  
41 which was in existence on November 4, 1980, or which was approved by a vote of the people  
42 subsequent to November 4, 1980.

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