

HCS SS#2 SB 761 -- TRANSPARENCY IN PUBLIC INSTITUTIONS

SPONSOR: Brown (Taylor)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Government Oversight by a vote of 7 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 10 to 3.

The following is a summary of the House Committee Substitute for SB 761.

FEES FOR RECORDS REQUESTS OF THE MISSOURI HIGHWAY PATROL (Section 43.253, RSMo)

This bill provides that a minimum fee of \$5 may be charged by the State Highway Patrol for any request where there are allowable fees of less than \$5. Such \$5 fee shall be in place of any allowable fee of less than \$5.

The Superintendent of the State Highway Patrol may increase the minimum fee by not more than \$1 every other year following August 28, 2022. The minimum fee shall not exceed \$10.

PERSONAL PRIVACY PROTECTION ACT (Section 105.1500)

This bill establishes the "Personal Privacy Protection Act", prohibiting public agencies from disclosing or requiring the disclosure of personal information, as defined in the bill.

The act prohibits public agencies from:

- (1) Requiring any individual to provide the public agency with personal information or otherwise compel the release of such personal information;
- (2) Requiring any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to provide a public agency with personal information or otherwise compel the release of personal information;
- (3) Releasing, publicizing, or otherwise publicly disclosing personal information in possession of the public agency; or
- (4) Requiring any current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

Any person or entity may bring a civil action for appropriate injunctive relief, damages, or both. Damages may be not less than \$2,500 to compensate for injury or loss caused by each violation of this bill and, for an intentional violation, a sum of money not to exceed three times the sum of damages assessed. A court may additionally award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate. Furthermore, a person who knowingly violates this bill is guilty of a class B misdemeanor.

PARENTS ACCESS TO PUBLIC SCHOOL RECORDS (Section 161.841)

This bill creates the "Parents' Access to Public School Records Act", which requires school districts that receive any federal or state money to provide to parents specific rights and information relating their child.

Additionally, no school district or public school shall collect any biometric data or other sensitive personal information about a minor child without obtaining written parental consent.

SCHOOL INSTRUCTION (Section 170.355)

This bill provides that no school or school employee shall compel teachers or students to discuss public policy issues without consent. The bill outlines additional ideas related to Title IV and VI of the Civil Rights Act of 1964 that teachers and students cannot be compelled to adopt, affirm, or profess including but not limited to: that individuals of any race, ethnicity, color, or national origin are inherently superior or inferior and that individuals, by virtue of their race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, or national origin. Students, parents, or teachers may file a complaint with the Department of Elementary and Secondary Education or the state Attorney General for violations.

REDACTION OF PERSONAL IDENTIFYING INFORMATION (Section 476.055)

This bill provides that any personal information of minors and, if applicable, any next friends shall be redacted from any court automation system that provides public access to electronic records on the Internet.

OFFENSE OF TAMPERING WITH JUDICIAL, PUBLIC, AND ELECTION OFFICIALS (Sections 575.095, 1 and 2)

Adds that a person commits the offense of tampering with a judicial officer if such person disseminates through any means, including by posting on the Internet, the judicial officer or the judicial officer's family's personal information. For purposes of this section, "personal information" includes a home address, Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of a child under 18 years of age.

The bill also creates the offense of tampering with an election official when someone does similar actions as described in section 575.095. It also creates the offense of tampering with a public official when someone with the purpose to harass, intimidate, or influence a public official in the performance of such official's official duties, such person disseminates through any means, including by posting on the Internet, the public official's family's personal information.

RECORDS OF MUNICIPALLY OWNED UTILITIES (Section 610.021)

This bill adds individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, to the list of records that may be closed under the Sunshine Law. A municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill will speed up the manner citizens get crash reports and makes the process more efficient and timely.

Testifying for the bill were Senator Brown; Special School District of St. Louis County; and Lt. Collin M. Stosberg, Missouri State Highway Patrol.

OPPONENTS: Those who oppose the bill submitted written testimony

Testifying against the bill was Susan Gibson.

OTHERS: Others testifying on the bill say the bill could be more clear in regards to deadlines on misdemeanor reports. Also the bill should clarify whether it means to restrict schools' ability to create and issue school identification cards. Biometric IDs are

useful.

Testifying on the bill were Missouri National Education Association; Missouri Association of School Administrators; Missouri State Teacher's Association; and Missouri School Boards' Association.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.