

SECOND REGULAR SESSION

HOUSE BILL NO. 2347

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PROUDIE.

5688H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 610.026, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

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Section A. Section 610.026, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.026, to read as follows: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

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

29 **(3) Members of the general assembly shall be exempt from paying all fees in**
30 **subdivisions (1) and (2) of this subsection, except that a public governmental body may**
31 **impose a fee for the material cost of paper copies or records if paper copies are**
32 **requested.**

33 2. (1) Payment of fees may be requested prior to fulfilling the request.

34 (2) A request for public records to a public governmental body shall be considered
35 withdrawn if the requester fails to remit all fees within ninety days, or within one hundred
36 fifty days if the requested fees are greater than one thousand dollars, of a request for payment
37 of the fees by the public governmental body, prior to fulfilling the request. The public
38 governmental body shall include notice to the requester that if the requester fails to remit
39 payment of the fees within ninety days, or within one hundred fifty days if the requested fees
40 are greater than one thousand dollars, then the request for public records shall be considered
41 withdrawn. If the public governmental body responds to a request for public records in order
42 to seek a clarification of the request and no response to the request for clarification is received
43 by the public governmental body within ninety days, or within one hundred fifty days if the
44 requested fees are greater than one thousand dollars, of sending the request for clarification,
45 then such request for public records shall be considered withdrawn. The request for
46 clarification by the public governmental body shall include notice to the requester that if the
47 requester fails to respond within ninety days, or within one hundred fifty days if the requested
48 fees are greater than one thousand dollars, then the request shall be considered withdrawn. If
49 the same or a substantially similar request for public records is made within six months after
50 the expiration of the ninety-day period, or within one hundred fifty days if the requested fees
51 are greater than one thousand dollars, and no fee was remitted for such request or no response
52 was received to the request for clarification, then the public governmental body may request
53 payment of the same fees made for the original request that has expired in addition to any
54 allowable fees necessary to fulfill the subsequent request. Any request for records to a public

55 governmental body that is pending on August 28, 2025, shall be considered withdrawn if the
56 requester fails to remit all fees by January 1, 2026. The provisions of this subdivision shall
57 not apply if a lawsuit has been filed against the public governmental body with regard to the
58 records that are the subject of the request under this subdivision.

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

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

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

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