

SECOND REGULAR SESSION

# HOUSE BILL NO. 2049

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DEGROOT.

4505H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 109.210, 109.260, 610.010, 610.011, 610.021, 610.023, 610.024, and 610.026, RSMo, and to enact in lieu thereof eight new sections relating to the sunshine law.

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

Section A. Sections 109.210, 109.260, 610.010, 610.011, 610.021, 610.023, 610.024, and 610.026, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 109.210, 109.260, 610.010, 610.011, 610.021, 610.023, 610.024, and 610.026, to read as follows:

109.210. As used in sections 109.200 to 109.310 the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

- (1) "Agency", any department, office, commission, board or other unit of state government or any political or administrative subdivisions created for any purpose under the authorities of or by the state of Missouri;
- (2) "Boards", the local records board;
- (3) "Commission", the state records commission;
- (4) "Local record", any record not a state record;
- (5) "Record", document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience [ef] or reference, **transitory records**, and stocks of

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.

14 publications and of processed documents are not included within the definition of records as  
 15 used in sections 109.200 to 109.310, and are hereinafter designated as "nonrecord" materials;

16 (6) "Secretary", the secretary of state;

17 (7) "State record", any record designated or treated as a state record under state law;

18 (8) **"Transitory record", includes draft versions of final documents, materials**  
 19 **unrelated to decision making, materials that are not required to sustain administrative**  
 20 **or operational function of the agency, materials that are only recorded for the time**  
 21 **required to complete the action, or materials that do not have substantial administrative**  
 22 **or operational value.**

109.260. 1. ~~[No record]~~ **Records** shall be destroyed or otherwise disposed of by any  
 2 agency ~~[unless it is determined by the commission or board that the record has no further~~  
 3 ~~administrative, legal, fiscal, research or historical value]~~ **in accordance with the record**  
 4 **schedules approved by the commission or board.**

5 2. Nonrecord materials or materials not included within the definition of records as  
 6 contained in sections 109.200 to 109.310 may, if not otherwise prohibited by law, be  
 7 destroyed at any time by the agency in possession of such materials ~~[with approval of the~~  
 8 ~~commission or board]~~. The director of the records management and archives service may  
 9 formulate advisory procedures and interpretation to guide in the disposition of nonrecord  
 10 materials.

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

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

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

7 (3) "Public business", ~~[all matters which relate in any way to the performance of the~~  
 8 ~~public governmental body's functions or the conduct of its business]~~ **the deliberations of a**  
 9 **quorum of members of a public governmental body when such deliberations determine**  
 10 **or result in the joint conduct or disposition of public governmental body business;**

11 (4) "Public governmental body", any legislative, administrative, ~~[or]~~ governmental  
 12 entity, **or elected or appointed position** created by the Constitution or statutes of this state,  
 13 by order or ordinance of any political subdivision or district, judicial entities when operating  
 14 in an administrative capacity, or by executive order, including:

15 (a) Any body, agency, board, bureau, council, commission, committee, board of  
 16 regents or board of curators or any other governing body of any institution of higher  
 17 education, including a community college, which is supported in whole or in part from state

18 funds, including but not limited to the administrative entity known as "The Curators of the  
19 University of Missouri" as established by section 172.020;

20 (b) Any advisory committee or commission appointed by the governor by executive  
21 order;

22 (c) Any department or division of the state, of any political subdivision of the state, of  
23 any county or of any municipal government, school district or special purpose district  
24 including but not limited to sewer districts, water districts, and other subdistricts of any  
25 political subdivision;

26 (d) Any other legislative or administrative governmental deliberative body under the  
27 direction of three or more elected or appointed members having rulemaking or quasi-judicial  
28 power;

29 (e) Any committee appointed by or at the direction of any of the entities and which is  
30 authorized to report to any of the above-named entities, any advisory committee appointed by  
31 or at the direction of any of the named entities for the specific purpose of recommending,  
32 directly to the public governmental body's governing board or its chief administrative officer,  
33 policy or policy revisions or expenditures of public funds including, but not limited to,  
34 entities created to advise bi-state taxing districts regarding the expenditure of public funds, or  
35 any policy advisory body, policy advisory committee or policy advisory group appointed by a  
36 president, chancellor or chief executive officer of any college or university system or  
37 individual institution at the direction of the governing body of such institution which is  
38 supported in whole or in part with state funds for the specific purpose of recommending  
39 directly to the public governmental body's governing board or the president, chancellor or  
40 chief executive officer policy, policy revisions or expenditures of public funds provided,  
41 however, the staff of the college or university president, chancellor or chief executive officer  
42 shall not constitute such a policy advisory committee. The custodian of the records of any  
43 public governmental body shall maintain a list of the policy advisory committees described in  
44 this subdivision;

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

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

52 b. Performs a public function as evidenced by a statutorily based capacity to confer or  
53 otherwise advance, through approval, recommendation or other means, the allocation or  
54 issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain,

55 or the contracting of leaseback agreements on structures whose annualized payments commit  
56 public tax revenues; or any association that directly accepts the appropriation of money from  
57 a public governmental body, but only to the extent that a meeting, record, or vote relates to  
58 such appropriation; and

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

60 (5) "Public meeting", any meeting of a public governmental body subject to sections  
61 610.010 to 610.030 at which any public business is discussed, decided, or public policy  
62 formulated, whether such meeting is conducted in person or by means of communication  
63 equipment, including, but not limited to, conference call, video conference, internet chat, or  
64 internet message board. The term "public meeting" shall not include an informal gathering of  
65 members of a public governmental body for ministerial or social purposes when there is no  
66 intent to avoid the purposes of this chapter, **any meeting of a group of members of a public**  
67 **governmental body who are not acting on behalf of the entire public governmental body,**  
68 **or when a public governmental body is an elected or appointed official meeting with his**  
69 **or her staff in the ordinary course of business,** but the term shall include a public vote of all  
70 or a majority of the members of a public governmental body **or a group of members of a**  
71 **public governmental body voting to advance an item to a vote of another group of**  
72 **members of a public governmental body or the entire public governmental body,** by  
73 electronic communication or any other means, conducted in lieu of holding a public meeting  
74 with the members of the public governmental body gathered at one location in order to  
75 conduct public business;

76 (6) "Public record", any record, whether written or electronically stored, retained by  
77 or of any public governmental body ~~including~~ **made or received under the law or in**  
78 **connection with the transaction of official business and subject to a record retention**  
79 **schedule of the public governmental body under chapter 109. This may include** any  
80 report, survey, memorandum, or other document or study prepared for the public  
81 governmental body by a consultant or other professional service paid for in whole or in  
82 part by public funds, including records created or maintained by private contractors under an  
83 agreement with a public governmental body or on behalf of a public governmental body;  
84 provided, however, that personally identifiable student records maintained by public  
85 educational institutions shall be open for inspection by the parents, guardian or other  
86 custodian of students under the age of eighteen years and by the parents, guardian or other  
87 custodian and the student if the student is over the age of eighteen years. ~~[The term "public~~  
88 ~~record" shall not include any internal memorandum or letter received or prepared by or on~~  
89 ~~behalf of a member of a public governmental body consisting of advice, opinions and~~  
90 ~~recommendations in connection with the deliberative decision-making process of said body,~~  
91 ~~unless such records are retained by the public governmental body or presented at a public~~

92 ~~meeting.]~~ Any document or study prepared for a public governmental body by a consultant or  
93 other professional service as described in this subdivision shall be retained by the public  
94 governmental body in the same manner as any other public record. **The term "public**  
95 **record" shall not include transitory records as defined in section 109.210;**

96 (7) "Public vote", any vote, whether conducted in person, by telephone, or by any  
97 other electronic means, cast at any public meeting of any public governmental body.

610.011. 1. It is the public policy of this state that meetings, records, votes, actions,  
2 and deliberations of public governmental bodies be open to the public unless otherwise  
3 provided by law. Sections 610.010 to 610.200 shall be liberally construed and their  
4 exceptions strictly construed to promote this public policy.

5 2. Except as otherwise provided by law, all public meetings of public governmental  
6 bodies shall be open to the public as set forth in section 610.020, all public records of public  
7 governmental bodies shall be open to the public for inspection and copying as set forth in  
8 sections 610.023 to 610.026, and all public votes of public governmental bodies shall be  
9 recorded as set forth in section 610.015.

10 **3. Notwithstanding the provisions of subsections 1 and 2 of this section, the**  
11 **courts of this state shall liberally construe this chapter only to resolve an ambiguity**  
12 **when the plain and ordinary meaning of the words cannot be imputed by the court.**

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

4 (1) Legal actions, causes of action or litigation involving a public governmental body  
5 and any confidential or privileged communications between a public governmental body or  
6 its representatives and its attorneys. However, any minutes, vote or settlement agreement  
7 relating to legal actions, causes of action or litigation involving a public governmental body  
8 or any agent or entity representing its interests or acting on its behalf or with its authority,  
9 including any insurance company acting on behalf of a public government body as its insured,  
10 shall be made public upon final disposition of the matter voted upon or upon the signing by  
11 the parties of the settlement agreement, unless, prior to final disposition, the settlement  
12 agreement is ordered closed by a court after a written finding that the adverse impact to a  
13 plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of  
14 section 610.011, however, the amount of any moneys paid by, or on behalf of, the public  
15 governmental body shall be disclosed; provided, however, in matters involving the exercise of  
16 the power of eminent domain, the vote shall be announced or become public immediately  
17 following the action on the motion to authorize institution of such a legal action. Legal work  
18 product shall be considered a closed record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where  
20 public knowledge of the transaction might adversely affect the legal consideration therefor.  
21 However, any minutes, vote or public record approving a contract relating to the leasing,  
22 purchase or sale of real estate by a public governmental body shall be made public upon  
23 execution of the lease, purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public  
25 governmental body when personal information about the employee is discussed or recorded.  
26 However, any vote on a final decision, when taken by a public governmental body, to hire,  
27 fire, promote or discipline an employee of a public governmental body shall be made  
28 available with a record of how each member voted to the public within seventy-two hours of  
29 the close of the meeting where such action occurs; provided, however, that any employee so  
30 affected shall be entitled to prompt notice of such decision during the seventy-two-hour  
31 period before such decision is made available to the public. As used in this subdivision, the  
32 term "personal information" means information relating to the performance or merit of  
33 individual employees;

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

35 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,  
36 including **all records or portions of records relating to** medical, psychiatric, psychological,  
37 or alcoholism or drug dependency diagnosis or treatment;

38 (6) Scholastic probation, expulsion, or graduation of identifiable individuals,  
39 including records of individual test or examination scores; however, personally identifiable  
40 student records maintained by public educational institutions shall be open for inspection by  
41 the parents, guardian or other custodian of students under the age of eighteen years and by the  
42 parents, guardian or other custodian and the student if the student is over the age of eighteen  
43 years;

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

46 (8) Welfare cases of identifiable individuals;

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

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

50 (11) Specifications for competitive bidding, until either the specifications are  
51 officially approved by the public governmental body or the specifications are published for  
52 bid;

53 (12) Sealed bids and related documents, until the bids are opened; and sealed  
54 proposals and related documents or any documents related to a negotiated contract until a  
55 contract is executed, or all proposals are rejected;

56 (13) Individually identifiable personnel records, performance ratings or records  
57 pertaining to employees or applicants for employment, except that this exemption shall not  
58 apply to the names, positions, salaries and lengths of service of officers and employees of  
59 public agencies once they are employed as such, and the names of private sources donating or  
60 contributing money to the salary of a chancellor or president at all public colleges and  
61 universities in the state of Missouri and the amount of money contributed by the source;

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

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

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

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

70 (18) Operational guidelines, policies and specific response plans developed, adopted,  
71 or maintained by any public agency responsible for law enforcement, public safety, first  
72 response, or public health for use in responding to or preventing any critical incident which is  
73 or appears to be terrorist in nature and which has the potential to endanger individual or  
74 public safety or health. Financial records related to the procurement of or expenditures  
75 relating to operational guidelines, policies or plans purchased with public funds shall be open.  
76 When seeking to close information pursuant to this exception, the public governmental body  
77 shall affirmatively state in writing that disclosure would impair the public governmental  
78 body's ability to protect the security or safety of persons or real property, and shall in the same  
79 writing state that the public interest in nondisclosure outweighs the public interest in  
80 disclosure of the records;

81 (19) Existing or proposed security systems, **security protocols**, and structural plans  
82 of real property owned or leased by a public governmental body **including, but not limited**  
83 **to, evacuation and lockdown procedures for the buildings on such real property**, and  
84 information that is voluntarily submitted by a nonpublic entity owning or operating an  
85 infrastructure to any public governmental body for use by that body to devise plans for  
86 protection of that infrastructure **including, but not limited to, software or surveillance**  
87 **companies that secure access to such buildings**, the public disclosure of which would  
88 threaten public safety:

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

91 (b) When seeking to close information pursuant to this exception, the public  
92 governmental body shall affirmatively state in writing that disclosure would impair the public

93 governmental body's ability to protect the security or safety of persons or real property, and  
94 shall in the same writing state that the public interest in nondisclosure outweighs the public  
95 interest in disclosure of the records;

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

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

102 (21) Records that identify the configuration of components or the operation of a  
103 computer, computer system, computer network, or telecommunications network, and would  
104 allow unauthorized access to or unlawful disruption of a computer, computer system,  
105 computer network, or telecommunications network of a public governmental body. This  
106 exception shall not be used to limit or deny access to otherwise public records in a file,  
107 document, data file or database containing public records. Records related to the procurement  
108 of or expenditures relating to such computer, computer system, computer network, or  
109 telecommunications network, including the amount of moneys paid by, or on behalf of, a  
110 public governmental body for such computer, computer system, computer network, or  
111 telecommunications network shall be open;

112 (22) Credit card numbers, personal identification numbers, digital certificates,  
113 physical and virtual keys, access codes or authorization codes that are used to protect the  
114 security of electronic transactions between a public governmental body and a person or entity  
115 doing business with a public governmental body. Nothing in this section shall be deemed to  
116 close the record of a person or entity using a credit card held in the name of a public  
117 governmental body or any record of a transaction made by a person using a credit card or  
118 other method of payment for which reimbursement is made by a public governmental body;

119 (23) Records submitted by an individual, corporation, or other business entity to a  
120 public institution of higher education in connection with a proposal to license intellectual  
121 property or perform sponsored research and which contains sales projections or other  
122 business plan information the disclosure of which may endanger the competitiveness of a  
123 business; ~~and~~

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

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



130           **(26) Individually identifiable customer usage and billing records for customers**  
131 **of a municipally owned utility unless the records are requested by the customer or**  
132 **authorized for release by the customer, except that a municipally owned utility shall**  
133 **make available to the public the customer's name, billing address, location of service,**  
134 **and dates of service provided for any commercial service account;**

135           **(27) Records containing any residential address, personal phone number, or**  
136 **personal email address of any employee, customer, or constituent of the public**  
137 **governmental body, or applicant for employment or appointment made to the public**  
138 **governmental body. Public governmental bodies may close records containing business**  
139 **or personal addresses, telephone numbers, or email addresses of elected or appointed**  
140 **officials, dignitaries, foreign leaders, or other individuals if the public governmental**  
141 **body determines that disclosure would impair the public governmental body's ability to**  
142 **protect the security or safety of persons or real property and shall affirmatively state in**  
143 **writing that nondisclosure outweighs the public interest in disclosure of the records; and**

144           **(28) Inter-agency or intra-agency memorandums or letters that would not be**  
145 **available by state or federal law to a party other than an agency in litigation with the**  
146 **agency, provided that the deliberative process privilege shall not apply to records**  
147 **created twenty-five years or more before the date on which the records were requested.**

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

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

11           3. Each request for access to a public record shall be acted upon as soon as possible,  
12 but in no event later than the end of the ~~third~~ **fifth** business day following the date the  
13 request is received by the custodian of records of a public governmental body, **unless**  
14 **published notice is provided at least seventy-two hours prior to the request for records**  
15 **that the public governmental body will be closed for an extended period outside of**  
16 **normal hours of operation.** If records are requested in a certain format, the public body  
17 shall provide the records in the requested format, if such format is available. If access to the  
18 public record is not granted immediately, the custodian shall give a detailed explanation of the  
19 cause for further delay and the place and earliest time and date that the record will be

20 available for inspection **and may condition both the earliest possible date the records will**  
21 **be available and production of the records upon receipt of payment under section**  
22 **610.026.** This period for document production may exceed three days for reasonable cause.

23 4. If a request for access is denied, the custodian shall provide, upon request, a written  
24 statement of the grounds for such denial. Such statement shall cite the specific provision of  
25 law under which access is denied and shall be furnished to the requester no later than the end  
26 of the third business day following the date that the request for the statement is received.

27 5. **If the custodian requests payment of a fee under section 610.026 prior to**  
28 **providing the earliest possible date the records will be available or prior to making the**  
29 **records available for inspection, the public governmental body may consider the request**  
30 **fulfilled if:**

31 (1) **Payment is not received on or before the date requested by the public**  
32 **governmental body; or**

33 (2) **The requester fails to respond within thirty days to the public governmental**  
34 **body's request for payment or request for additional information to fulfill the records**  
35 **request.**

36

37 **The public governmental body shall notify the requester in writing that failure to pay**  
38 **the fee or respond within thirty days will result in closure of the request under this**  
39 **section.**

610.024. 1. If a public record contains material which is not exempt from disclosure  
2 as well as material which is exempt from disclosure, the public governmental body shall  
3 separate the exempt and nonexempt material and make the nonexempt material available for  
4 examination and copying. **When a single record or document contains both open and**  
5 **closed records, the public governmental body shall make a redacted version of such**  
6 **record or document available in order to protect the information that would otherwise**  
7 **make the record or document a closed record. Time required to separate exempt and**  
8 **nonexempt material from a public record or make any redaction may constitute**  
9 **research time and staff time for which a fee can be collected under section 610.026.**

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

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];~~

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming~~], if necessary,~~ and the cost of the disk, tape, or other medium used for the duplication. **If an attorney was used to research or review the records, the fee may include the hourly rate of the lowest paid staff attorney of the public governmental body able to fulfill the request or the hourly rate of the attorney hired by the public governmental body to research or review the records.** Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

**(3) Research time required for fulfilling records requests may be charged at the actual cost of research time and the fee may include the hourly rate of pay of the lowest paid staff attorney of the public governmental body able to fulfill the request or attorney hired by the public governmental body to perform research or review records to fulfill record requests made under this chapter. The fee charged for research time shall include all costs incurred by the public governmental body to respond to a request made**

38 **under this chapter including, but not limited to, all activities taken by the public**  
39 **governmental body to process, produce, or provide access to requested records and the**  
40 **time required to separate exempt and nonexempt information from a public record and**  
41 **make any redactions. The public governmental body shall produce the copies or**  
42 **provide access to records using employees of the body or individuals hired by the body**  
43 **that result in the lowest amount of charges for search, research, and duplication time.**

44 **2. Prior to producing copies of the requested records, the public governmental**  
45 **body shall provide an estimate of the cost to the person requesting the records.**  
46 **Documents may be furnished without charge or at a reduced charge when the public**  
47 **governmental body determines that waiver or reduction of the fee is in the public**  
48 **interest because it is likely to contribute significantly to public understanding of the**  
49 **operations or activities of the public governmental body and is not primarily in the**  
50 **commercial interest of the requester. Payment of such [copying] fees [may] shall be**  
51 **requested and received prior to the public governmental body providing the earliest**  
52 **possible date the records will be available and prior to the making of copies or providing**  
53 **access to the public records.**

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

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

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

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