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*Michael L. Parson*

GOVERNOR  
STATE OF MISSOURI

July 9, 2021

TO THE SECRETARY OF STATE  
OF THE STATE OF MISSOURI  
101st GENERAL ASSEMBLY  
FIRST REGULAR SESSION

Herewith I return to you Senate Committee Substitute for House Committee Substitute for House Bill 362, entitled:

AN ACT

To repeal sections 210.152, 610.021, RSMo, and to enact in lieu thereof six new sections relating to government transparency in public access to records, with a penalty provisions.

I disapprove of Senate Committee Substitute for House Committee Substitute for House Bill 362. My reasons for disapproval are as follows:

While I recognize and applaud the General Assembly in their effort to improve the laws governing government transparency in public access to records, I cannot approve this bill as presented to me.

Section 29.420 creates a new program administered by the Missouri State Auditor (Auditor) that would require agencies that oversee credit and lending programs on behalf of the state to compile information and supply such information to the Auditor. The Auditor would then be required to compile the data and submit a report to the General Assembly. The Auditor has sufficient authority under the Constitution of the State of Missouri and existing statute to ensure state funds are properly accounted for, and to make reports to the General Assembly. *See* Mo. Const. Article IV, Section 13, Section 29.130, RSMo, Section 29.185, RSMo. Specifically, this provision seeks to create accountability for the lending or expenditure of funds and the performance of programs that undertake those obligations, yet Section 29.185, RSMo currently tasks the Auditor with that specific responsibility. Moreover, the provision would require the relevant state agencies to supply a report to the Auditor by August 30; however, the effective date of the bill is August 28. *See* Constitution of the State of Missouri Article III, Section 29. This provision places an impractical timeline on the relevant agencies and is unnecessary and duplicative.

Sections 37.717 and 210.152 create a new program under the Office of Child Advocate (OCA) that would empower the OCA to receive and investigate reports of safety concerns of employees, and of children served by, the Children's Division (CD) of the Department of Social Services. This provision further authorizes the OCA to disclose findings regarding the professional performance of any member of a multi-disciplinary team, which includes prosecutors, physicians, representatives from mental health care services agencies, representatives from police agencies, and investigators from CD. The OCA has limited statutory authority to ensure children receive adequate protection and care from services offered by CD and to review the performance of the state's child welfare system. *See* Section 37.705, RSMo, Section 37.710, RSMo, Section 37.719, RSMo. This provision would expand the authority of the OCA to include further oversight of CD, including its employees. This expansion of government authority fails to account for the role local participants, such as juvenile court judges, guardian ad litem, and juvenile officers play in providing accountability within the child welfare system, and unnecessarily undermines the existing administrative structure within CD. This provision is unnecessary, duplicates the efforts of existing local multi-disciplinary teams, and fails to strengthen protections for the children served by CD.

Section 610.026 allows a public governmental body to close a request for open records where the requestor fails to remit fees for provision of the records. This proposal was written prior to the Missouri Supreme Court decision in *Gross v. Parson*, SC98619. In *Gross*, the Supreme Court of Missouri held public governmental bodies were not authorized to condition provision of a date and time for inspection of open records on payment of a fee. *See Id.* at 16. However, the General Assembly could not have known that the provision would not accomplish its stated objective due to the timing of the opinion.

I am supportive of the need to amend Section 610.026 as well as the remaining provisions of the bill. I hope to work with the General Assembly next session to continue to improve the laws governing government transparency in public access to records without creating unnecessary and duplicative programs.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for House Committee Substitute for House Bill Number 362 without my approval.

Respectfully Submitted,



Michael L. Parson  
Governor