

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
**SENATE BILL NO. 333**  
**101ST GENERAL ASSEMBLY**

1579H.04C

DANA RADEMAN MILLER, Chief Clerk

---

---

**AN ACT**

To repeal section 394.120, RSMo, and to enact in lieu thereof three new sections relating to nonprofit organizations, with penalty provisions.

---

---

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

Section A. Section 394.120, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 105.1500, 394.120, and 407.475, to read as follows:

**105.1500. 1. This section shall be known and may be cited as "The Personal Privacy Protection Act".**

**2. As used in this section, the following terms mean:**

**(1) "Personal information", any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;**

**(2) "Public agency", the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal, or other judicial or quasi-judicial body.**

**3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed in subsection 4 of this section, a public agency shall not:**

**(a) Require any individual to provide the public agency with personal information or otherwise compel the release of personal information;**

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           **(b) Require any entity exempt from federal income taxation under Section 501(c)**  
19 **of the Internal Revenue Code to provide the public agency with personal information or**  
20 **otherwise compel the release of personal information;**

21           **(c) Release, publicize, or otherwise publicly disclose personal information in**  
22 **possession of a public agency; or**

23           **(d) Request or require a current or prospective contractor or grantee with the**  
24 **public agency to provide the public agency with a list of entities exempt from federal**  
25 **income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended,**  
26 **to which it has provided financial or nonfinancial support.**

27           **(2) All personal information in the possession of a public agency shall be considered**  
28 **a closed record under chapter 610.**

29           **4. The provisions of this section shall not preclude any individual or entity from**  
30 **being required to comply with any of the following:**

31           **(1) Submitting any report or disclosure required by this chapter or chapter 130;**

32           **(2) Responding to any lawful request or subpoena for personal information from**  
33 **the Missouri Ethics Commission as a part of an investigation or publicly disclosing**  
34 **personal information as a result of an enforcement action from the Missouri Ethics**  
35 **Commission pursuant to its authority in sections 105.955 to 105.966;**

36           **(3) Responding to any lawful warrant for personal information issued by a court**  
37 **of competent jurisdiction;**

38           **(4) Responding to any lawful request for discovery of personal information in**  
39 **litigation if:**

40           **(a) The requestor demonstrates a compelling need for the personal information by**  
41 **clear and convincing evidence; and**

42           **(b) The requestor obtains a protective order barring disclosure of personal**  
43 **information to any person not named in the litigation; or**

44           **(5) Admitting any personal information as relevant evidence before a court of**  
45 **competent jurisdiction. However, no court shall publicly reveal personal information**  
46 **absent a specific finding of good cause.**

47           **5. (1) A person or entity alleging a violation of this section may bring a civil action**  
48 **for appropriate injunctive relief, damages, or both. Damages awarded under this section**  
49 **may include one of the following, as appropriate:**

50           **(a) A sum of moneys not less than two thousand five hundred dollars to compensate**  
51 **for injury or loss caused by each violation of this section; or**

52           **(b) For an intentional violation of this section, a sum of moneys not to exceed three**  
53 **times the sum described in paragraph (a) of this subdivision.**

54           **(2) A court, in rendering a judgment in an action brought under this section, may**  
55 **award all or a portion of the costs of litigation, including reasonable attorney's fees and**  
56 **witness fees, to the complainant in the action if the court determines that the award is**  
57 **appropriate.**

58           **(3) A person who knowingly violates this section is guilty of a class B misdemeanor.**

394.120. 1. No person shall become a member of a cooperative unless such person shall  
2 agree to use electric energy furnished by the cooperative when such electric energy shall be  
3 available through its facilities. The bylaws of a cooperative may provide that any person,  
4 including an incorporator, shall cease to be a member thereof if he or she shall fail or refuse to  
5 use electric energy made available by the cooperative or if electric energy shall not be made  
6 available to such person by the cooperative within a specified time after such person shall have  
7 become a member thereof. Membership in the cooperative shall not be transferable, except as  
8 provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in  
9 respect of membership.

10           2. An annual meeting of the members shall be held at such time as shall be provided in  
11 the bylaws.

12           3. Special meetings of the members may be called by the board of directors, by any three  
13 directors, by not less than ten percent of the members, or by the president.

14           4. Meetings of members shall be held at such place as may be provided in the bylaws.  
15 In the absence of any such provisions, all meetings shall be held in the city or town in which the  
16 principal office of the cooperative is located.

17           5. Except as herein otherwise provided, written or printed notice stating the time and  
18 place of each meeting of members and, in the case of a special meeting, the purpose or purposes  
19 for which the meeting is called, shall be given to each member, either personally or by mail, not  
20 less than ten nor more than twenty-five days before the date of the meeting.

21           6. Two percent of the first two thousand members and one percent of the remaining  
22 members, present in person, or if the bylaws so provide, participating electronically or by mail,  
23 shall constitute a quorum for the transaction of business at all meetings of the members, unless  
24 the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less  
25 than a quorum is present at any meeting, a majority of those present in person may adjourn the  
26 meeting from time to time without further notice.

27           7. Each member shall be entitled to one vote on each matter submitted to a vote at a  
28 meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy, by  
29 electronic means, by mail, or any combination thereof. If the bylaws provide for voting by  
30 proxy, by electronic means, or by mail, they shall also prescribe the conditions under which

31 proxy, electronic, or mail voting shall be exercised. In any event, no person shall vote as proxy  
32 for more than two members at any meeting of the members.

33 **8. Notwithstanding the provisions of subsections 2 and 7 of this section, the board**  
34 **of directors shall have the power to set the time and place of the annual meeting and also**  
35 **to provide for voting by proxy, electronic means, by mail, or any combination thereof, and**  
36 **to prescribe the conditions under which such voting shall be exercised. The meeting**  
37 **requirement provided in this section may be satisfied through virtual means. The**  
38 **provisions of this subsection shall expire on August 28, 2022.**

2 **407.475. 1. Except when specifically required or authorized by federal law, no state**  
3 **agency or state official shall impose any annual filing or reporting requirements on an**  
4 **organization regulated or specifically exempted from regulation under sections 407.450 to**  
5 **407.478 that are more stringent, restrictive, or expansive than the requirements authorized**  
6 **under section 407.462.**

7 **2. This section shall not apply to state grants or contracts nor investigations under**  
8 **section 407.472 and shall not restrict enforcement actions against specific charitable**  
9 **organizations.**

10 **3. This section shall not prohibit the department of labor and industrial relations**  
11 **or the state board of mediation from enforcing the provisions of sections 105.500 to**  
12 **105.598.**

✓