

PENSIONS:
RETIREMENT:
PUBLIC RECORDS:
STATE EMPLOYEES:
STATE EMPLOYEES'
RETIREMENT SYSTEM:

An individual who is not a member of the Missouri State Employees' Retirement System may inspect the records of the proceedings of the board of trustees of the system under the provisions of Section 104.480, RSMo 1969, for the purpose of determining how many members over the age of seventy years are employed by the state.

OPINION NO. 38

March 22, 1972

Mr. Edwin M. Bode
Executive Secretary
Missouri State Employees'
Retirement System
State Capitol Building
Jefferson City, Missouri 65101



Dear Mr. Bode:

This is to acknowledge receipt of your request for an opinion from this office which reads as follows:

"Advice is requested as to whether an individual who is not a member, may inspect the records of the Missouri State Employees' Retirement System for the purpose of determining how many members are employed by the State over the age of seventy years."

Section 109.180, RSMo 1969, reads as follows:

"Except as otherwise provided by law, all state, county or municipal records kept pursuant to statute or ordinance shall at all reasonable times be open for a personal inspection by any citizen of Missouri, and those in charge of the records shall not refuse the privilege to any citizen. Any official who violates the provisions of this section shall be subject to removal or impeachment and in addition shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars, or by confinement in the county jail not exceeding ninety days, or by both the fine and the confinement."

Mr. Edwin M. Bode

The above section declares all records of the state, county and municipalities kept pursuant to statute or ordinance, to be "public records" except where otherwise provided by law.

In connection with the above, it is our understanding that the board of trustees keeps a record of all proceedings of the board affecting the retirement system which is open to inspection by any member, in accordance with the provisions of Section 104.480, RSMo 1969. Subsection 1 of Section 104.480, supra, provides as follows:

"1. The board shall keep a complete record of all its proceedings, which shall be open at all reasonable hours to the inspection of any member."

In addition, Section 104.380, RSMo 1969, provides in part as follows:

"1. Each member shall retire at the end of the month during which such member shall reach normal retirement age with a normal annuity, except that

* * *

(2) Any person in any age category with professional, scientific or technical skills, who is so certified to the board of trustees by his department head, and such certification is approved by the board, shall not be precluded employment or continued employment; . . ."

It is further our understanding that all certifications by the respective departments are passed on in meetings by the board of trustees. In this regard, it is our belief that Section 104.480, supra, which provides that the records of the board shall be open to inspection by any member, does not limit inspection by the general public. There is much authority to support the proposition that in interpreting statutes providing for inspection of records such statutes should be liberally interpreted so as to provide for inspection except where expressly restricted or prohibited. State ex rel. Eggers v. Brown, 134 S.W.2d 28 (Mo. banc 1939). It is our view that there is no prohibition contained in Section 104.480, supra, against public inspection, but that the provisions providing for inspection by a member are simply additional provisions to make certain that there is no question about the right of any member to inspect the record of the proceedings of the board of trustees of the Missouri State Employees' Retirement System.