

FIRST REGULAR SESSION

# HOUSE BILL NO. 322

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES OXFORD (Sponsor), ROORDA, PAGE, CHAPPELLE-NADAL,  
YOUNG, DAUS AND HARRIS (110) (Co-sponsors).

Read 1<sup>st</sup> time January 25, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1085L.011

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### AN ACT

To repeal section 537.528, RSMo, and to enact in lieu thereof one new section relating to actions for money damages for conduct or speech at public hearings or meetings.

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

Section A. Section 537.528, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.528, to read as follows:

537.528. 1. Any action seeking **or causing** money damages **including but not limited to attorney fees and other costs** against a person for conduct or speech undertaken or made in connection with a public hearing or public meeting, in a quasi-judicial proceeding before a tribunal or decision-making body of the state or any political subdivision of the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. Upon the filing of any special motion described in this subsection, all discovery shall be suspended pending a decision on the motion by the court and the exhaustion of all appeals regarding the special motion.

2. If the rights afforded by this section are raised as an affirmative defense and if a court grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment filed within ninety days of the filing of the moving party's answer, the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action. If the court finds that a special motion to dismiss or motion for summary judgment is frivolous

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.

16 or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney  
17 fees to the party prevailing on the motion.

18         3. Any party shall have the right to an expedited appeal from a trial court order on the  
19 special motions described in subsection 2 of this section or from a trial court's failure to rule on  
20 the motion on an expedited basis.

21         4. As used in this section, a "public meeting in a quasi-judicial proceeding" means and  
22 includes any meeting established and held by a state or local governmental entity, including  
23 without limitations meetings or presentations before state, county, city, town or village councils,  
24 planning commissions, review boards or commissions.

25         5. Nothing in this section limits or prohibits the exercise of a right or remedy of a party  
26 granted pursuant to another constitutional, statutory, common law or administrative provision,  
27 including civil actions for defamation.

28         6. If any provision of this section or the application of any provision of this section to  
29 a person or circumstance is held invalid, the invalidity shall not affect other provisions or  
30 applications of this section that can be given effect without the invalid provision or application,  
31 and to this end the provisions of this section are severable.

32         7. The provisions of this section shall apply to all causes of actions.