

SECOND REGULAR SESSION

HOUSE BILL NO. 1440

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), PAGE, BAKER (25),
CHAPPELLE-NADAL, FALLERT, FRAME, LAMPE, OXFORD AND YAEGER (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

3414L.01I

AN ACT

To amend chapter 610, RSMo, by adding thereto three new sections relating to requiring public officials to receive training in the requirements of open meetings and open records and public information laws, with an effective date.

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

Section A. Chapter 610, RSMo, is amended by adding thereto three new sections, to be known as sections 610.040, 610.045, and 610.050, to read as follows:

610.040. 1. Each elected or appointed public official who is a member of a public governmental body subject to this chapter shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the public governmental body and its members concerning open meetings laws not later than the ninetieth day after the date the member:

(1) Takes the oath of office, if the member is required to take an oath of office to assume the person's duties as a member of the public governmental body; or

(2) Otherwise assumes responsibilities as a member of the public governmental body, if the member is not required to take an oath of office to assume the person's duties as a member of the public governmental body.

2. The attorney general shall ensure that the training is made available. The office of the attorney general may provide the training and may also approve any acceptable course of training offered by a public governmental body or other entity. The attorney

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 general shall ensure that at least one course of training approved or provided by the
15 attorney general is available on videotape or a functionally similar and widely available
16 medium at no cost. The training must include:

- 17 (1) The general background of the legal requirements for open meetings;
- 18 (2) The applicability of this chapter to public governmental bodies;
- 19 (3) Procedures and requirements regarding quorums, notice, and record keeping
20 under this chapter;
- 21 (4) Procedures and requirements for holding an open meeting and for holding a
22 closed meeting under this chapter;
- 23 (5) Procedures for retaining e-mails, memos, and other office communications; and
- 24 (6) Penalties and other consequences for failure to comply with this chapter.

25 3. The office of the attorney general or other entity providing the training shall
26 provide a certificate of course completion to persons who complete the training required
27 by this section. A public governmental body shall maintain and make available for public
28 inspection the record of its members' completion of the training.

29 4. Completing the required training as a member of the public governmental body
30 satisfies the requirements of this section with regard to the member's service on a
31 committee or subcommittee of the public governmental body and the member's ex-officio
32 service on any other public governmental body.

33 5. The training required by this section may be used to satisfy any corresponding
34 training requirements concerning this chapter or open meetings required by law for the
35 members of a public governmental body. The attorney general shall attempt to coordinate
36 the training required by this section with training required by other law to the extent
37 practicable.

38 6. The failure of one or more members of a public governmental body to complete
39 the training required by this section does not affect the validity of an action taken by the
40 public governmental body.

41 7. A certificate of course completion is admissible as evidence in a criminal
42 prosecution under this chapter. However, evidence that a defendant completed a course
43 of training offered under this section is not prima facie evidence that the defendant
44 knowingly violated this chapter.

610.045. 1. This section applies to an elected or appointed public official who is:

- 2 (1) A member of a multimember public governmental body;
- 3 (2) The governing officer of a public governmental body that is headed by a single
4 officer rather than by a multimember public governmental body; or

5 (3) The officer for public information of a public governmental body, without
6 regard to whether the officer is elected or appointed to a specific term.

7 2. Each public official shall complete a course of training of not less than one and
8 not more than two hours regarding the responsibilities of the public governmental body
9 with which the official serves and its officers and employees concerning open records and
10 public information laws not later than the ninetieth day after the date the public official:

11 (1) Takes the oath of office, if the person is required to take an oath of office to
12 assume the person's duties as a public official; or

13 (2) Otherwise assumes the person's duties as a public official, if the person is not
14 required to take an oath of office to assume the person's duties.

15 3. A public official may designate a public information coordinator to satisfy the
16 training requirements of this section for the public official if the public information
17 coordinator is primarily responsible for administering the responsibilities of the public
18 official or public governmental body under this chapter. Designation of a public
19 information coordinator under this subsection does not relieve a public official from the
20 duty to comply with any other requirement of this chapter that applies to the public
21 official. The designated public information coordinator shall complete the training course
22 regarding the responsibilities of the public governmental body with which the coordinator
23 serves and of its officers and employees under this chapter not later than the ninetieth day
24 after the date the coordinator assumes the person's duties as coordinator.

25 4. The attorney general shall ensure that the training is made available. The office
26 of the attorney general may provide the training and may also approve any acceptable
27 course of training offered by a public governmental body or other entity. The attorney
28 general shall ensure that at least one course of training approved or provided by the
29 attorney general is available on videotape or a functionally similar and widely available
30 medium at no cost. The training must include instruction in:

31 (1) The general background of the legal requirements for open records and public
32 information;

33 (2) The applicability of this chapter to public governmental bodies;

34 (3) Procedures and requirements regarding complying with a request for
35 information under this chapter;

36 (4) The role of the attorney general under this chapter;

37 (5) Procedures for retaining e-mails, memos, and other office communications; and

38 (6) Penalties and other consequences for failure to comply with this chapter.

39 5. The office of the attorney general or other entity providing the training shall
40 provide a certificate of course completion to persons who complete the training required

41 by this section. A public governmental body shall maintain and make available for public
42 inspection the record of its public officials or, if applicable, the public information
43 coordinator's completion of the training.

44 **6. Completing the required training as a public official of the public governmental**
45 **body satisfies the requirements of this section with regard to the public official's service**
46 **on a committee or a subcommittee of the public governmental body and the public official's**
47 **ex-officio service on any other public governmental body.**

48 **7. The training required by this section may be used to satisfy any corresponding**
49 **training requirements concerning this chapter or open records required by law for a public**
50 **official or public information coordinator. The attorney general shall attempt to**
51 **coordinate the training required by this section with training required by other law to the**
52 **extent practicable.**

53 **8. A certificate of course completion is admissible as evidence in a criminal**
54 **prosecution under this chapter. However, evidence that a defendant completed a course**
55 **of training offered under this section is not prima facie evidence that the defendant**
56 **knowingly violated this chapter.**

610.050. Each elected or appointed public official who is a member of a public
2 **governmental body subject to sections 610.040 and 610.045 and who has taken the oath of**
3 **office or otherwise assumed the person's responsibilities before January 1, 2009, must**
4 **complete the course of training required by sections 610.040 and 610.045 before January**
5 **1, 2010.**

Section B. The enactment of sections 610.040, 610.045, and 610.050, RSMo, of section
2 A of this act shall become effective on January 1, 2009.

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