

SECOND REGULAR SESSION

HOUSE BILL NO. 1853

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BIVINS (Sponsor), SANDER,
HARRIS (110) AND DOUGHERTY (Co-sponsors).

Read 1st time January 24, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3887L.01I

AN ACT

To repeal sections 610.020 and 610.024, RSMo, and to enact in lieu thereof two new sections relating to minutes of public governmental body meetings, with penalty provisions.

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

Section A. Sections 610.020 and 610.024, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 610.020 and 610.024, to read as follows:

610.020. 1. All public governmental bodies shall give notice of the time, date, and place
2 of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public
3 of the matters to be considered, and if the meeting will be conducted by telephone or other
4 electronic means, the notice of the meeting shall identify the mode by which the meeting will be
5 conducted and the designated location where the public may observe and attend the meeting. If
6 a public body plans to meet by Internet chat, Internet message board, or other computer link, it
7 shall post a notice of the meeting on its web site in addition to its principal office and shall notify
8 the public how to access that meeting. Reasonable notice shall include making available copies
9 of the notice to any representative of the news media who requests notice of meetings of a
10 particular public governmental body concurrent with the notice being made available to the
11 members of the particular governmental body and posting the notice on a bulletin board or other
12 prominent place which is easily accessible to the public and clearly designated for that purpose
13 at the principal office of the body holding the meeting, or if no such office exists, at the building
14 in which the meeting is to be held.

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.

15 2. Notice conforming with all of the requirements of subsection 1 of this section shall
16 be given at least twenty-four hours, exclusive of weekends and holidays when the facility is
17 closed, prior to the commencement of any meeting of a governmental body unless for good cause
18 such notice is impossible or impractical, in which case as much notice as is reasonably possible
19 shall be given. Each meeting shall be held at a place reasonably accessible to the public and of
20 sufficient size to accommodate the anticipated attendance by members of the public, and at a
21 time reasonably convenient to the public, unless for good cause such a place or time is
22 impossible or impractical. Every reasonable effort shall be made to grant special access to the
23 meeting to handicapped or disabled individuals.

24 3. A public body shall allow for the recording by audiotape, videotape, or other
25 electronic means of any open meeting. A public body may establish guidelines regarding the
26 manner in which such recording is conducted so as to minimize disruption to the meeting. [No
27 audio recording of any meeting, record, or vote closed pursuant to the provisions of section
28 610.021 shall be permitted without permission of the public body; any person who violates this
29 provision shall be guilty of a class C misdemeanor.]

30 4. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a
31 place that is not reasonably accessible to the public, or at a time that is not reasonably convenient
32 to the public, the nature of the good cause justifying that departure from the normal requirements
33 shall be stated in the minutes.

34 5. A formally constituted subunit of a parent governmental body may conduct a meeting
35 without notice as required by this section during a lawful meeting of the parent governmental
36 body, a recess in that meeting, or immediately following that meeting, if the meeting of the
37 subunit is publicly announced at the parent meeting and the subject of the meeting reasonably
38 coincides with the subjects discussed or acted upon by the parent governmental body.

39 6. If another provision of law requires a manner of giving specific notice of a meeting,
40 hearing or an intent to take action by a governmental body, compliance with that section shall
41 constitute compliance with the notice requirements of this section.

42 7. A journal or minutes of open and closed meetings shall be taken and retained by the
43 public governmental body, including, but not limited to, a record of any votes taken at such
44 meeting. The minutes shall include the date, time, place, members present, members absent and
45 a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea"
46 and "nay" vote or abstinence if not voting to the name of the individual member of the public
47 governmental body. **All closed meetings shall have a verbatim audio recording of the**
48 **meeting taken and retained by the public governmental body.**

610.024. 1. If a public record contains material which is not exempt from disclosure as
2 well as material which is exempt from disclosure, the public governmental body shall separate

3 the exempt and nonexempt material and make the nonexempt material available for examination
4 and copying.

5 2. When designing a public record, a public governmental body shall, to the extent
6 practicable, facilitate a separation of exempt from nonexempt information. If the separation is
7 readily apparent to a person requesting to inspect or receive copies of the form, the public
8 governmental body shall generally describe the material exempted unless that description would
9 reveal the contents of the exempt information and thus defeat the purpose of the exemption.

10 **3. The verbatim audio recording of a meeting properly closed to the public under**
11 **section 610.021 shall not be open for public inspection. In the case of a civil action brought**
12 **to enforce sections 610.010 to 610.035, the court, if the judge believes such an examination**
13 **is necessary, shall conduct an in camera examination of the verbatim audio recording as**
14 **it finds appropriate in order to determine whether there has been a violation of sections**
15 **610.010 to 610.035.**

16 **4. The court may, for the purposes of a discovery request for the minutes of a closed**
17 **meeting, authorize the public governmental body to redact from the minutes of the meeting**
18 **closed to the public any information deemed to qualify under the attorney-client privilege.**

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