

HCS HB 2210 -- OPEN MEETINGS AND RECORDS LAW

SPONSOR: Jones (89)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 6 to 0.

This substitute changes the laws regarding the Open Meetings and Records Law, commonly known as the Sunshine Law. In its main provisions, the substitute:

- (1) Requires all records of the Missouri Ethics Commission to be open records except for any investigative reports prepared by commission employees regarding complaints that the commission dismisses;
- (2) Requires all meetings of the commission to be open except those in which the commission discusses a pending complaint;
- (3) Specifies that a "quasi-public governmental body" will include any association that receives public funding through dues paid by a public governmental body or its members;
- (4) Revises the definition of "public record" to include any lease, sublease, or rental agreement entered into by a public governmental body;
- (5) Specifies that only members of a public governmental body, their attorneys and staff assistants, and any necessary witnesses will be permitted in any closed meeting of the governmental body;
- (6) Requires a court to order the reimbursement of reasonable costs and attorney fees to the party successfully seeking disclosure of information contained in an investigative report compiled by a law enforcement agency that would otherwise be closed to inspection; and
- (7) Extends the expiration date on the provisions regarding the public safety exceptions to the Sunshine Law from December 31, 2008, to December 31, 2012.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill requires all records of the Missouri Ethics Commission, except any investigative reports concerning complaints, to be open records. In cases where newly elected members of a governmental body gather and discuss public business, the records and discussions of those meetings should be open to the public even though they haven't been sworn into

office. When meetings are closed, clarification is needed on who is entitled to attend those closed meetings of public governmental bodies.

Testifying for the bill were Representative Jones (89); Jean Maneke, Missouri Press Association; Richard Gard, Missouri Lawyer Publishing; and Patrick Lynn, Retail Sales Trade Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say the provisions regarding open meetings and notice requirements for newly elected members of governmental bodies could cause trouble for political subdivisions. These are newly elected officials who have not had Sunshine Law training, nor have the officials taken the oaths of their respective offices. The bill will subject them to civil penalties and liabilities without providing the necessary training prior to being sworn into office.

Testifying on the bill was Missouri Municipal League.