

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1444

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor), SCHAAF, NANCE, FUNDERBURK,  
ROORDA, GRISAMORE, SMITH (150), FLANIGAN, FISCHER (107),  
KOENIG AND LAMPE (Co-sponsors).

3457L.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 610.020, RSMo, and to enact in lieu thereof one new section relating to notice for certain public meetings, with penalty provisions.

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

Section A. Section 610.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.020, to read as follows:

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

48           **8. Notwithstanding any other provision of this section to the contrary, for any**  
49 **public meeting addressing issues regarding a fee or tax increase, eminent domain, zoning**  
50 **of a specific property or zoning map amendment, transportation development districts,**

51 capital improvement districts, commercial improvement districts, or tax increment  
52 financing, the governing body of any county, city, town, or village, or any entity created  
53 by such county, city, town, or village, shall give notice conforming with all the  
54 requirements of subsection 1 of this section at least four days before such entity may vote  
55 to address such issues, exclusive of weekends and holidays when the facility is closed. This  
56 subsection shall not apply to any votes or discussion related to proposed ordinances that  
57 require a minimum of two separate readings on different days for their passage, or in case  
58 of emergencies. Each public meeting described in this subsection shall include a period of  
59 time in which the members of the public may offer comments on matters of the public  
60 business of the entity holding the meeting. Public comment shall be taken after the  
61 proponents of the proposal have made their presentation. If the notice required under this  
62 subsection is not properly given, any discussion of such issues shall be postponed, and no  
63 vote on such issues shall be held until proper notice has been provided under this  
64 subsection. For the purpose of this subsection, a tax increase shall not include the setting  
65 of the annual tax rates provided for under sections 67.110 and 137.055. In zoning matters,  
66 the four-day notice of commencement of any meeting addressing a zoning matter as set out  
67 in this subsection shall apply to the first meeting at which the matter is heard, whether at  
68 a meeting of the jurisdiction's governing body, at a board of zoning adjustment meeting,  
69 or at a planning and zoning meeting.

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