

SECOND REGULAR SESSION

# HOUSE BILL NO. 1769

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BIVINS.

3755L.011

D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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Section A. Sections 610.020 and 610.024, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 610.020 and 610.024, to read as follows: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

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause

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.

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. **The public governmental body shall take a verbatim audio recording  
48 of all closed meetings, and shall retain such recording at least eighteen months.**

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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