

HB 1445 -- Open Meetings and Records Law

Sponsor: Jones (89)

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

- (1) Requires all records of the Missouri Ethics Commission to be open records except for any investigative reports prepared by commission employees regarding complaints until a decision is rendered and any reports of complaints that the commission dismisses. On the motion of any party, the commission, upon good cause shown, will close any record to be introduced at a hearing;
- (2) Requires the minutes to reflect a summary of the discussions that occurred at a closed meeting but not the disclosure of records or votes that are properly closed under Section 610.021, RSMo;
- (3) 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;
- (4) Specifies the criteria for the litigation exception to the open record disclosure. An actual lawsuit, a threat of a lawsuit, or a substantial likelihood of litigation must exist in order to close information regarding a cause of action;
- (5) Requires information to be made available in an electronic format if a public body keeps records in an electronic format. Data must be available for copying in a format easily accessible to the public if it is stored in a data-processing program. Certain hospitals will not be compelled to violate their licensing agreements involving proprietary data-processing systems for financial or patient medical record information;
- (6) Increases the maximum penalty for a purposeful violation of Sections 610.010 - 610.026 from up to \$5,000 to up to \$8,000 and the penalty for a knowingly violation from up to \$1,000 to \$1,000;
- (7) Allows courts to use the penalty of voiding a public body's actions when evaluating actions in violation of Sections 610.010 - 610.026 that occur at any meeting not only at closed meetings;
- (8) Requires the governing body of any city, county, town, or village or any entity created by these political subdivisions to hold a public meeting and to allow public comment five business

days prior to voting on an issue involving fee or tax increases, eminent domain, zoning, transportation development districts, capital improvement districts, commercial improvement districts, or tax increment financing;

(9) Specifies that in any legal proceeding, there will be a presumption that a meeting, record, or vote is open to the public. The burden to prove that it should be closed is on the public governmental body; and

(10) Requires any elected or appointed official, or their designated public information coordinator, who is a member of a public governmental body subject to the Sunshine Law to complete a course of training regarding the responsibilities of the body and its members on the Open Meetings Law by the Office of the Attorney General at no cost. The requirements of the course are specified, and it must be from one to two hours in length. The course must be taken by the individual within 90 days of taking the oath of office or assuming his or her responsibilities. Individuals holding office prior to January 1, 2010, must complete the training by January 1, 2011.