

SECOND REGULAR SESSION

# HOUSE BILL NO. 1993

98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE CORNEJO.

5100H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 610.020, 610.021, 610.022, 610.023, 610.024, 610.026, 610.027, and 610.029, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri sunshine law, with a penalty provision.

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

Section A. Sections 610.020, 610.021, 610.022, 610.023, 610.024, 610.026, 610.027, 2 and 610.029, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known 3 as sections 610.020, 610.021, 610.022, 610.023, 610.024, 610.026, 610.027, and 610.029, to 4 read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 website 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 **member of the public or** representative of the news media who requests 10 notice of meetings of a particular public governmental body concurrent with the notice being 11 made available to the members of the particular governmental body and posting the notice on 12 a bulletin board or other prominent place which is easily accessible to the public and clearly 13 designated for that purpose at the principal office of the body holding the meeting, or if no such 14 office exists, at the building in which the meeting is to be held. **No action or discussion shall**

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 **be undertaken on any item not appearing on the posted agenda, except that members of**  
16 **a public governmental body or its staff may briefly respond to statements made or**  
17 **questions posed by members of the public attending a public meeting.**

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

28 3. A public body shall allow for the recording by audiotape, videotape, or other  
29 electronic means of any open meeting. A public body may establish guidelines regarding the  
30 manner in which such recording is conducted so as to minimize disruption to the meeting. No  
31 audio recording of any meeting, record, or vote closed pursuant to the provisions of section  
32 610.021 shall be permitted without permission of the public body; any person who violates this  
33 provision shall be guilty of a class C misdemeanor.

34 4. When it is necessary **for such public governmental bodies** to hold a meeting on less  
35 than [twenty-four] **forty-eight** hours' notice, **or twenty-four hours' notice for the general**  
36 **assembly of Missouri and any committee thereof**, or at a place that is not reasonably  
37 accessible to the public, or at a time that is not reasonably convenient to the public, the nature  
38 of the good cause justifying that departure from the normal requirements shall be stated in the  
39 minutes.

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

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

48 7. A journal or minutes of open and closed meetings shall be taken and retained by the  
49 public governmental body, including, but not limited to, a record of any votes taken at such  
50 meeting. The minutes shall include, **but not be limited to**, the date, time, place, members

51 present, members absent and a record of any votes taken. When a roll call vote is taken, the  
52 minutes shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the  
53 individual member of the public governmental body. **Minutes shall reflect a summary of the**  
54 **discussions occurring during any closed meeting, but nothing in this subsection shall**  
55 **require the disclosure of records or votes that are properly closed under section 610.021.**  
56 **No action may be taken by a public body without a vote, either by roll call or by voice vote,**  
57 **under the provisions of this subsection.**

610.021. Except to the extent disclosure is otherwise required by law, a public  
2 governmental body is authorized to close meetings, records and votes, to the extent they relate  
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body  
5 and any confidential or privileged communications between a public governmental body or its  
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating  
7 to legal actions, causes of action or litigation involving a public governmental body or any agent  
8 or entity representing its interests or acting on its behalf or with its authority, including any  
9 insurance company acting on behalf of a public government body as its insured, shall be [made  
10 public] **publicly disclosed in an open meeting** upon final disposition of the matter voted upon  
11 or upon the signing by the parties of the settlement agreement, unless, prior to final disposition,  
12 the settlement agreement is ordered closed by a court after a written finding that the adverse  
13 impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations  
14 of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public  
15 governmental body shall be disclosed; provided, however, in matters involving the exercise of  
16 the power of eminent domain, the vote shall be [announced or become public] **publicly**  
17 **disclosed in an open meeting** immediately following the action on the motion to authorize  
18 institution of such a legal action. Legal work product shall be considered a closed record. **When**  
19 **public disclosure in an open meeting is prescribed, such disclosure shall be done orally or**  
20 **in writing, or both, and shall occur at the next scheduled open meeting of the public body**  
21 **or at the resumption of a recessed or subsequent open meeting, whichever is closest to the**  
22 **timelines for disclosure provided in this section;**

23 (2) Leasing, purchase or sale of real estate by a public governmental body where public  
24 knowledge of the transaction might adversely affect the legal consideration therefor. However,  
25 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale  
26 of real estate by a public governmental body shall be made public upon execution of the lease,  
27 purchase or sale of the real estate;

28 (3) Hiring, firing, disciplining or promoting of particular employees by a public  
29 governmental body when personal information about the employee is discussed or recorded.

30 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,  
31 promote or discipline an employee of a public governmental body shall be made available with  
32 a record of how each member voted to the public within seventy-two hours of the close of the  
33 meeting where such action occurs; provided, however, that any employee so affected shall be  
34 entitled to prompt notice of such decision during the seventy-two-hour period before such  
35 decision is made available to the public. As used in this subdivision, the term "personal  
36 information" means information relating to the performance or merit of individual employees;

37 (4) The state militia or national guard or any part thereof;

38 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,  
39 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or  
40 treatment;

41 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including  
42 records of individual test or examination scores; however, personally identifiable student records  
43 maintained by public educational institutions shall be open for inspection by the parents,  
44 guardian or other custodian of students under the age of eighteen years and by the parents,  
45 guardian or other custodian and the student if the student is over the age of eighteen years;

46 (7) Testing and examination materials, before the test or examination is given or, if it  
47 is to be given again, before so given again;

48 (8) Welfare cases of identifiable individuals;

49 (9) Preparation, including any discussions or work product, on behalf of a public  
50 governmental body or its representatives for negotiations with employee groups;

51 (10) Software codes for electronic data processing and documentation thereof;

52 (11) Specifications for competitive bidding, until either the specifications are officially  
53 approved by the public governmental body or the specifications are published for bid;

54 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals  
55 and related documents or any documents related to a negotiated contract until a contract is  
56 executed, or all proposals are rejected;

57 (13) Individually identifiable personnel records, performance ratings or records  
58 pertaining to employees or applicants for employment, except that this exemption shall not apply  
59 to the names, positions, salaries and lengths of service of officers and employees of public  
60 agencies once they are employed as such, and the names of private sources donating or  
61 contributing money to the salary of a chancellor or president at all public colleges and  
62 universities in the state of Missouri and the amount of money contributed by the source;

63 (14) Records which are protected from disclosure by law;

64 (15) Meetings and public records relating to scientific and technological innovations in  
65 which the owner has a proprietary interest;

66 (16) Records relating to municipal hotlines established for the reporting of abuse and  
67 wrongdoing;

68 (17) Confidential or privileged communications between a public governmental body  
69 and its auditor, including all auditor work product; however, all final audit reports issued by the  
70 auditor are to be considered open records pursuant to this chapter;

71 (18) Operational guidelines, policies and specific response plans developed, adopted, or  
72 maintained by any public agency responsible for law enforcement, public safety, first response,  
73 or public health for use in responding to or preventing any critical incident which is or appears  
74 to be terrorist in nature and which has the potential to endanger individual or public safety or  
75 health. Financial records related to the procurement of or expenditures relating to operational  
76 guidelines, policies or plans purchased with public funds shall be open. When seeking to close  
77 information pursuant to this exception, the public governmental body shall affirmatively state  
78 in writing that disclosure would impair the public governmental body's ability to protect the  
79 security or safety of persons or real property, and shall in the same writing state that the public  
80 interest in nondisclosure outweighs the public interest in disclosure of the records;

81 (19) Existing or proposed security systems and structural plans of real property owned  
82 or leased by a public governmental body, and information that is voluntarily submitted by a  
83 nonpublic entity owning or operating an infrastructure to any public governmental body for use  
84 by that body to devise plans for protection of that infrastructure, the public disclosure of which  
85 would threaten public safety:

86 (a) Records related to the procurement of or expenditures relating to security systems  
87 purchased with public funds shall be open;

88 (b) When seeking to close information pursuant to this exception, the public  
89 governmental body shall affirmatively state in writing that disclosure would impair the public  
90 governmental body's ability to protect the security or safety of persons or real property, and shall  
91 in the same writing state that the public interest in nondisclosure outweighs the public interest  
92 in disclosure of the records;

93 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the  
94 receiving agency within ninety days of submission to determine if retention of the document is  
95 necessary in furtherance of a state security interest. If retention is not necessary, the documents  
96 shall be returned to the nonpublic governmental body or destroyed;

97 (20) The portion of a record that identifies security systems or access codes or  
98 authorization codes for security systems of real property;

99 (21) Records that identify the configuration of components or the operation of a  
100 computer, computer system, computer network, or telecommunications network, and would  
101 allow unauthorized access to or unlawful disruption of a computer, computer system, computer

102 network, or telecommunications network of a public governmental body. This exception shall  
103 not be used to limit or deny access to otherwise public records in a file, document, data file or  
104 database containing public records. Records related to the procurement of or expenditures  
105 relating to such computer, computer system, computer network, or telecommunications network,  
106 including the amount of moneys paid by, or on behalf of, a public governmental body for such  
107 computer, computer system, computer network, or telecommunications network shall be open;

108 (22) Credit card numbers, personal identification numbers, digital certificates, physical  
109 and virtual keys, access codes or authorization codes that are used to protect the security of  
110 electronic transactions between a public governmental body and a person or entity doing business  
111 with a public governmental body. Nothing in this section shall be deemed to close the record  
112 of a person or entity using a credit card held in the name of a public governmental body or any  
113 record of a transaction made by a person using a credit card or other method of payment for  
114 which reimbursement is made by a public governmental body; and

115 (23) Records submitted by an individual, corporation, or other business entity to a public  
116 institution of higher education in connection with a proposal to license intellectual property or  
117 perform sponsored research and which contains sales projections or other business plan  
118 information the disclosure of which may endanger the competitiveness of a business, **except the**  
119 **name of the individual, corporation, or other business entity and the amount of any public**  
120 **funding provided to such individual, corporation, or other business entity by the public**  
121 **institution of higher education shall be deemed as records open for public inspection.**

610.022. 1. Except as set forth in subsection 2 of this section, no meeting or vote may  
2 be closed without an affirmative public vote of the majority of a quorum of the public  
3 governmental body. The vote of each member of the public governmental body on the question  
4 of closing a public meeting or vote and the specific reason for closing that public meeting or vote  
5 by reference to a specific section of this chapter shall be announced publicly at an open meeting  
6 of the governmental body and entered into the minutes.

7 2. A public governmental body proposing to hold a closed meeting or vote shall give  
8 notice of the time, date and place of such closed meeting or vote and the reason for holding it by  
9 reference to the specific exception allowed pursuant to the provisions of section 610.021. Such  
10 notice shall comply with the procedures set forth in section 610.020 for notice of a public  
11 meeting.

12 3. Any meeting or vote closed pursuant to section 610.021 shall be closed only to the  
13 extent necessary for the specific reason announced to justify the closed meeting or vote. **Only**  
14 **members of a public governmental body, their attorney and staff assistants, and any other**  
15 **person necessary to provide information needed by or requested by the public**  
16 **governmental body in regard to the matter being discussed shall be permitted in a closed**

17 **meeting.** Public governmental bodies shall not discuss any business in a closed meeting, record  
18 or vote which does not directly relate to the specific reason announced to justify the closed  
19 meeting or vote. Public governmental bodies holding a closed meeting shall close only an  
20 existing portion of the meeting facility necessary to house the members of the public  
21 governmental body in the closed session, allowing members of the public to remain to attend any  
22 subsequent open session held by the public governmental body following the closed session.

23 4. Nothing in sections 610.010 to 610.028 shall be construed as to require a public  
24 governmental body to hold a closed meeting, record or vote to discuss or act upon any matter.

25 5. Public records shall be presumed to be open unless otherwise exempt pursuant to the  
26 provisions of this chapter.

27 6. In the event any member of a public governmental body makes a motion to close a  
28 meeting, or a record, or a vote from the public and any other member believes that such motion,  
29 if passed, would cause a meeting, record or vote to be closed from the public in violation of any  
30 provision in this chapter, such latter member shall state his or her objection to the motion at or  
31 before the time the vote is taken on the motion. The public governmental body shall enter in the  
32 minutes of the public governmental body any objection made pursuant to this subsection. Any  
33 member making such an objection shall be allowed to fully participate in any meeting, record  
34 or vote that is closed from the public over the member's objection. In the event the objecting  
35 member also voted in opposition to the motion to close the meeting, record or vote at issue, the  
36 objection and vote of the member as entered in the minutes shall be an absolute defense to any  
37 claim filed against the objecting member pursuant to section 610.027.

610.023. 1. Each public governmental body is to appoint a custodian who is to be  
2 responsible for the maintenance of that body's records. The identity and location of a public  
3 governmental body's custodian is to be made available upon request. **Each custodian of a**  
4 **public governmental body shall create and maintain an index of all public records**  
5 **maintained by its public governmental body.**

6 2. Each public governmental body shall make available for inspection and copying by  
7 the public of that body's public records. No person shall remove original public records from the  
8 office of a public governmental body or its custodian without written permission of the  
9 designated custodian. No public governmental body shall, after August 28, 1998, grant to any  
10 person or entity, whether by contract, license or otherwise, the exclusive right to access and  
11 disseminate any public record unless the granting of such right is necessary to facilitate  
12 coordination with, or uniformity among, industry regulators having similar authority.

13 3. Each request for access to a public record shall be acted upon as soon as possible, but  
14 in no event later than the end of the third business day following the date the request is received  
15 by the custodian of records of a public governmental body. If records are requested in a certain

16 format, the public body shall provide the records in the requested format, if such format is  
17 [available] **readily reproducible. Data-processing programs used by public governmental**  
18 **bodies shall allow for copying of data in a format that is easily accessed and manipulated**  
19 **by programs commonly available to the public, provided that such requirement shall not**  
20 **be construed to compel a hospital operated by the board of curators of the University of**  
21 **Missouri or under chapter 96, 205, or 206 to violate its licensing agreement for the use of**  
22 **propriety data processing systems for financial or patient medical record information.** If  
23 access to the public record is not granted immediately, the custodian shall give a detailed  
24 explanation of the cause for further delay and the place and earliest time and date that the record  
25 will be available for inspection. This period for document production may exceed three days for  
26 reasonable cause.

27 4. If a request for access is denied, the custodian shall provide, upon request, a written  
28 statement of the grounds for such denial. Such statement shall cite the specific provision of law  
29 under which access is denied and shall be furnished to the requester no later than the end of the  
30 third business day following the date that the request for the statement is received.

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, **at its**  
3 **expense**, separate the exempt and nonexempt material and make the nonexempt material  
4 available for examination 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.

610.026. 1. Except as otherwise provided by law, each public governmental body shall  
2 provide access to and, upon request, furnish copies of public records subject to the following:

3 (1) Fees for copying public records, except those records restricted under section 32.091,  
4 shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with  
5 the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff  
6 of the public governmental body. Research time required for fulfilling records requests may be  
7 charged at the actual cost of research time. Based on the scope of the request, the public  
8 governmental body shall produce the copies using employees of the body that result in the lowest  
9 amount of charges for search, research, and duplication time. **Research time shall include only**  
10 **the time reasonably spent in locating the subject records for purposes of responding to the**  
11 **request, and in no event shall it include time spent in reviewing the records to determine**  
12 **whether such records are closed or open or whether portions of such records are exempt**

13 **from disclosure and subject to separation as set forth in section 610.024.** Prior to producing  
14 copies of the requested records, the person requesting the records may request the public  
15 governmental body to provide an estimate of the cost to the person requesting the records.  
16 Documents may be furnished without charge or at a reduced charge when the public  
17 governmental body determines that waiver or reduction of the fee is in the public interest because  
18 it is likely to contribute significantly to public understanding of the operations or activities of the  
19 public governmental body and is not primarily in the commercial interest of the requester;

20 (2) Fees for providing access to public records maintained on computer facilities,  
21 recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or  
22 similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches  
23 shall include only the cost of copies, staff time, which shall not exceed the average hourly rate  
24 of pay for staff of the public governmental body required for making copies and programming,  
25 if necessary, and the cost of the disk, tape, or other medium used for the duplication. **In no**  
26 **event shall such fees include charges for time spent in reviewing the records to determine**  
27 **whether such records are closed or open or whether portions of such records are exempt**  
28 **from disclosure and subject to separation as set forth in section 610.024.** Fees for maps,  
29 blueprints, or plats that require special expertise to duplicate may include the actual rate of  
30 compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If  
31 programming is required beyond the customary and usual level to comply with a request for  
32 records or information, the fees for compliance may include the actual costs of such  
33 programming.

34 2. Payment of such copying fees may be requested prior to the making of copies.

35 3. Except as otherwise provided by law, each public governmental body of the state shall  
36 remit all moneys received by or for it from fees charged pursuant to this section to the director  
37 of revenue for deposit to the general revenue fund of the state.

38 4. Except as otherwise provided by law, each public governmental body of a political  
39 subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant  
40 to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for  
41 deposit to the governmental body's accounts.

42 5. The term "tax, license or fees" as used in Section 22 of Article X of the Constitution  
43 of the State of Missouri does not include copying charges and related fees that do not exceed the  
44 level necessary to pay or to continue to pay the costs for providing a service, program, or activity  
45 which was in existence on November 4, 1980, or which was approved by a vote of the people  
46 subsequent to November 4, 1980.

610.027. 1. The remedies provided by this section against public governmental bodies  
2 shall be in addition to those provided by any other provision of law. Any aggrieved person,

3 taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek  
4 judicial enforcement of the requirements of sections 610.010 to 610.026. Suits to enforce  
5 sections 610.010 to 610.026 shall be brought in the circuit court for the county in which the  
6 public governmental body has its principal place of business. Upon service of a summons,  
7 petition, complaint, counterclaim, or cross-claim in a civil action brought to enforce the  
8 provisions of sections 610.010 to 610.026, the custodian of the public record that is the subject  
9 matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the  
10 public record sought to be inspected and examined, notwithstanding the applicability of an  
11 exemption pursuant to section 610.021 or the assertion that the requested record is not a public  
12 record until the court directs otherwise.

13         2. [Once a party seeking judicial enforcement of sections 610.010 to 610.026  
14 demonstrates to the court that the body in question is subject to the requirements of sections  
15 610.010 to 610.026 and has held a closed meeting, record or vote, the burden of persuasion shall  
16 be on the body and its members to demonstrate compliance with the requirements of sections  
17 610.010 to 610.026.] **In any legal proceeding, there shall be a presumption that a meeting,  
18 record, or vote is open to the public. The burden shall be on a public governmental body  
19 or a member of a public governmental body to prove that such meeting, record, or vote  
20 may be closed to the public.**

21         3. Upon a finding by a preponderance of the evidence that a public governmental body  
22 or a member of a public governmental body has knowingly violated sections 610.010 to 610.026,  
23 the public governmental body or the member shall be subject to a civil penalty in an amount up  
24 to one thousand dollars. If the court finds that there is a knowing violation of sections 610.010  
25 to 610.026, the court may order the payment by such body or member of all costs and reasonable  
26 attorney fees to any party successfully establishing a violation. The court shall determine the  
27 amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the  
28 offense, and whether the public governmental body or member of a public governmental body  
29 has violated sections 610.010 to 610.026 previously.

30         4. Upon a finding by a preponderance of the evidence that a public governmental body  
31 or a member of a public governmental body has purposely violated sections 610.010 to 610.026,  
32 the public governmental body or the member shall be subject to a civil penalty in an amount up  
33 to five thousand dollars. If the court finds that there was a purposeful violation of sections  
34 610.010 to 610.026, then the court shall order the payment by such body or member of all costs  
35 and reasonable attorney fees to any party successfully establishing such a violation. The court  
36 shall determine the amount of the penalty by taking into account the size of the jurisdiction, the  
37 seriousness of the offense, and whether the public governmental body or member of a public  
38 governmental body has violated sections 610.010 to 610.026 previously.

39           5. Upon a finding by a preponderance of the evidence that a public governmental body  
40 has violated any provision of sections 610.010 to 610.026, a court shall void any action taken in  
41 violation of sections 610.010 to 610.026, if the court finds under the facts of the particular case  
42 that the public interest in the enforcement of the policy of sections 610.010 to 610.026 outweighs  
43 the public interest in sustaining the validity of the action taken in the [closed] meeting, record  
44 or vote. Suit for enforcement shall be brought within one year from which the violation is  
45 ascertainable and in no event shall it be brought later than two years after the violation. This  
46 subsection shall not apply to an action taken regarding the issuance of bonds or other evidence  
47 of indebtedness of a public governmental body if a public hearing, election or public sale has  
48 been held regarding the bonds or evidence of indebtedness.

49           6. A public governmental body which is in doubt about the legality of closing a particular  
50 meeting, record or vote may bring suit at the expense of that public governmental body in the  
51 circuit court of the county of the public governmental body's principal place of business to  
52 ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an  
53 attorney for the governmental body.

610.029. 1. A public governmental body keeping its records in an electronic format is  
2 strongly encouraged to provide access to its public records to members of the public in an  
3 electronic format. A public governmental body [is strongly encouraged to make information  
4 available in usable electronic formats to the greatest extent feasible] **that maintains its records**  
5 **in an electronic format shall make information available in a format easily accessed and**  
6 **managed by programs commonly available to the public.** A public governmental body shall  
7 not enter into a contract for the creation or maintenance of a public records database if that  
8 contract impairs the ability of the public to inspect or copy the public records of that agency,  
9 including public records that are online or stored in an electronic record-keeping system used by  
10 the agency. Such contract shall not allow any impediment that as a practical matter makes it  
11 more difficult for the public to inspect or copy the records than to inspect or copy the public  
12 governmental body's records. For purposes of this section, a usable electronic format shall allow,  
13 at a minimum, viewing and printing of records. However, if the public governmental body keeps  
14 a record on a system capable of allowing the copying of electronic documents into other  
15 electronic documents, the public governmental body shall provide data to the public in such  
16 electronic format, if requested. The activities authorized pursuant to this section shall not take  
17 priority over the primary responsibilities of a public governmental body. For purposes of this  
18 section the term "electronic services" means online access or access via other electronic means  
19 to an electronic file or database. [This subsection shall not apply to contracts initially entered  
20 into before August 28, 2004.]

21           2. Public governmental bodies shall include in a contract for electronic services  
22 provisions that:

23           (1) Protect the security and integrity of the information system of the public  
24 governmental body and of information systems that are shared by public governmental bodies;  
25 and

26           (2) Limit the liability of the public governmental body providing the services.

27           3. Each public governmental body may consult with the information technology services  
28 division of the office of administration to develop the electronic services offered by the public  
29 governmental body to the public pursuant to this section.

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