

SPONSOR: Cornejo

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 7 to 1.

This bill specifies that reasonable notice includes making available copies of a notice to any member of the public 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.

The bill prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda, except that members of a public governmental body or its staff may briefly respond to statements made or questions posed by members of the public attending a public meeting.

The required public notice must be given at least 48 hours, or 24 hours for the General Assembly of Missouri and any committee thereof, prior to the meeting being held.

Meeting minutes are required to reflect a summary of the discussion occurring during any closed meeting, but these provisions do not require the disclosure of records or votes that are otherwise properly closed under the law. No action may be taken by a public body without a vote, either by roll call or by voice vote.

When public disclosure is required by the law, the disclosure must be done orally or in writing, or both, and must occur at the next scheduled open meeting of the public body or at the resumption of a recessed or subsequent open meeting, whichever is closest to the time lines for disclosure.

The name of the individual, corporation, or other business entity and the amount of any public funding provided to that individual, corporation, or other business entity by the public institution of higher education is deemed as records that are open for public inspection.

Members of a public governmental body, their attorneys and staff assistants, and any other person necessary to provide information are the only individuals permitted to attend a closed meeting.

Every custodian of a public governmental body must create and

maintain an index of all public records maintained by its public governmental body.

Data-processing programs used by public governmental bodies must allow for copying of data in a format that is easily accessed and manipulated by programs commonly available to the public, but this must not be construed to compel a hospital operated by the Board of Curators of the University of Missouri to violate its licensing agreement for the use of propriety data processing systems for financial or patient medical record information.

When assessing fees for furnishing copies of public records, research time must only include the time reasonably spent in locating the subject records for purposes of responding to the request, and may not include time spent in reviewing the records to determine whether or not the records are closed or open or whether portions of the records are exempt from disclosure and subject to separation.

There is a presumption in any legal proceeding that a meeting, records, or vote is open to the public and the burden is on the governmental body or a member of the public governmental body to prove that such meeting, records, or vote may be closed to the public.

A public governmental body that maintains its records in an electronic format must make information available in a format that is easily accessed and managed by programs commonly available to the public.

HCA #1: This amendment removes the provisions that would have increased the notice requirement to 48 hours; removes a provision that prohibited any action or discussion from being undertaken on any item not appearing on the posted agenda; removes a provision specified meeting minutes are required to reflect a summary of the discussion occurring during any closed meeting; removes a provision that specified when public disclosure is required by the law, the disclosure must be done orally or in writing, or both, and must occur at the next scheduled open meeting of the public body or at the resumption of a recessed or subsequent open meeting, whichever is closest to the time lines for disclosure; removes a provision that specified every custodian of a public governmental body must create and maintain an index of all public records maintained by its public governmental body.

PROPOSERS: Supporters say that this bill is a work in progress. The cost for the redaction of records is at issue in this bill, and there is an ongoing issue with respect to requesting a record that is partially open and partially closed. People are being told that

they must pay for an attorney to determine what is open and what is closed. The law says that cost must be paid by the public body, but frequently the public is being told they must foot the bill.

Testifying for the bill were Representative Cornejo; Jean Maneke, Missouri Press Association; Missouri Broadcasters Association; Empower Missouri; and the ACLU.

OPPONENTS: Those who oppose the bill say that they object to the bill in its introduced form, but are working on an agreeable solution with the sponsor. They just want to be sure the law does not create a hardship on municipalities. The school boards are concerned over the closed and open records, as they do need to have an attorney involved to evaluate what is closed and what is open under our laws; they also need legal counsel when it comes to redactions.

Testifying against the bill were Missouri Municipal League; Missouri School Boards Association; Missouri Council Of School Administrators; Municipal League Of Metro St. Louis; and the Missouri Association Of Counties.