

Thanks for helping fight override of SB 436 veto

Some changes to Sunshine Law language

First and foremost, a huge “thank you” to our state senators who stepped forward last month and voted against overturning the veto of Gov. Jay Nixon on House Bill 436. Considering that they all swear to uphold the Missouri Constitution when they are sworn in, it was a huge relief to know that they weren’t planning on gutting the provision in it that grants protection of the right to publish.

And a special thanks to all of you who wrote editorials and made special efforts to talk with your local elected state legislators about this issue. I truly believe the work of each of our members was a key to the attention this bill got during the veto session.

So many of you told me that your local state representatives and senators expressed surprise at what we were saying the bill said. Your efforts in talking to local officials about your concerns made a huge difference in getting folks to understand what we were facing on this bill and why the veto should be sustained.

Meanwhile, if you were not at a round-table with me at the convention, I need to tell you that there are several changes to the sunshine law either already implemented or heading your way shortly.

First, there were major changes made to subsections 18 and 19 of Section 610.021. Those are two exceptions to openness that related to security issues, both of which were implemented shortly after the terrorist attacks in 2001.

Both of those exceptions previously had “sunset” clauses, which expired Dec. 31, 2012. Previously, the sunset dates had been extended about four years each

time. But this time, the legislature totally eliminated the end dates, making these permanent additions to the law until further changes are made.

There were also some minor language changes made to 18 and 19, in an effort to clarify the meaning of those exceptions. If you are working on something where they are relevant, you should read the new language in the law. You might make note in your sunshine law book or whatever reference you use that the language in these has changed slightly.

If you need me to, I’ll be happy to forward the new language to you. And I assume before too many months go by, we’ll have new Attorney General sunshine law books to make available to all of you.

A new subsection 20 was added to the statute, closing “the portion of a record that identifies security systems or access codes or authorization codes for security systems of real property...” Again, this is a provision that seems reasonably related to other provisions of Section 610.021 already existing.

The former subsection 20 becomes

number 21 in the list, but otherwise is unchanged. Subsection 22, formerly 21, is also unchanged. And subsection 23 is the former subsection 22.

At the same time, the Missouri legislature amended Section 610.150, which has been in existence for some time and which closes 911 records. It adds to that statute the following paragraph: Section 1. Any records or flight logs pertaining to any flight or request for a flight after such flight has occurred by any elected member of either the executive or legislative branch shall be open public records under chapter 610, unless otherwise provided by law.

The provisions of this section shall only apply to a flight on a state-owned plane.

And the legislature added another new section, 610.175, which makes records or flight logs of any state-owned plane used by the executive or legislative branch an open record.

Finally, one other change was made to the law, effective on Oct. 11, 2013. That change, to 610.015, allows members participating in a meeting via videoconferencing to vote during meetings. This change would apply to those attending by videoconferencing only.

As is true every year, Missouri Press will begin shortly thinking about legislation relating to sunshine law problems that we might offer to legislators for the 2014 session. Your thoughts are always welcome. Email them to me and I’ll take them into consideration as I work on proposed language for next year.



Jean Maneke, MPA's Legal Hotline attorney, can be reached at (816) 753-9000, jmaneke@manekelaw.com.

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Missouri Press Association / Missouri Press Service

802 Locust St., Columbia, MO 65201-4888

(573) 449-4167 / Fax: (573) 874-5894 / www.mopress.com

STAFF

Doug Crews: Executive Director, dcrews@socket.net

Mark Nienhueser, Advertising Director, mhniehueser@socket.net

Kent M. Ford: Editor, kford@socket.net

Connie Whitney: cwhitney@socket.net

and Jennifer Plourde: jplourde@socket.net: Advertising Sales & Placement

Karen Philp: Receptionist, Bookkeeping, kphilp@socket.net

Kristie Williams: Member Services, Meeting Planning, kwilliams@socket.net

Jeremy Patton: Graphic design, jpatton@socket.net

Brittney Wakeland: Marketing, Advertising Sales, bwakeland@socket.net