

SECOND REGULAR SESSION

HOUSE BILL NO. 2303

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DONNELLY (Sponsor), JONES (89), ZWEIFEL, JOHNSON, TALBOY, VOGT, NASHEED, LEMBKE, CURLS, STORCH AND WITTE (Co-sponsors).

Read 1st time February 28, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5223L.01I

AN ACT

To repeal section 610.010, RSMo, and to enact in lieu thereof one new section relating to the Missouri sunshine law.

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

Section A. Section 610.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.010, to read as follows:

610.010. As used in this chapter, unless the context otherwise indicates, the following terms mean:

(1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote closed to the public;

(2) "Copying", if requested by a member of the public, copies provided as detailed in section 610.026, if duplication equipment is available;

(3) "Public business", all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business;

(4) "Public governmental body", any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:

(a) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including

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 a community college, which is supported in whole or in part from state funds, including but not
16 limited to the administrative entity known as "The Curators of the University of Missouri" as
17 established by section 172.020, RSMo;

18 (b) Any advisory committee or commission appointed by the governor by executive
19 order;

20 (c) Any department or division of the state, of any political subdivision of the state, of
21 any county or of any municipal government, school district or special purpose district including
22 but not limited to sewer districts, water districts, and other subdistricts of any political
23 subdivision;

24 (d) Any other legislative or administrative governmental deliberative body under the
25 direction of three or more elected or appointed members having rulemaking or quasi-judicial
26 power;

27 (e) Any committee appointed by or at the direction of any of the entities and which is
28 authorized to report to any of the above-named entities, any advisory committee appointed by
29 or at the direction of any of the named entities for the specific purpose of recommending, directly
30 to the public governmental body's governing board or its chief administrative officer, policy or
31 policy revisions or expenditures of public funds including, but not limited to, entities created to
32 advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory
33 body, policy advisory committee or policy advisory group appointed by a president, chancellor
34 or chief executive officer of any college or university system or individual institution at the
35 direction of the governing body of such institution which is supported in whole or in part with
36 state funds for the specific purpose of recommending directly to the public governmental body's
37 governing board or the president, chancellor or chief executive officer policy, policy revisions
38 or expenditures of public funds provided, however, the staff of the college or university
39 president, chancellor or chief executive officer shall not constitute such a policy advisory
40 committee. The custodian of the records of any public governmental body shall maintain a list
41 of the policy advisory committees described in this subdivision;

42 (f) Any quasi-public governmental body. The term "quasi-public governmental body"
43 means any person, corporation or partnership organized or authorized to do business in this state
44 pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association
45 which either:

46 a. Has as its primary purpose to enter into contracts with public governmental bodies,
47 or to engage primarily in activities carried out pursuant to an agreement or agreements with
48 public governmental bodies; or

49 b. Performs a public function as evidenced by a statutorily based capacity to confer or
50 otherwise advance, through approval, recommendation or other means, the allocation or issuance

51 of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the
52 contracting of leaseback agreements on structures whose annualized payments commit public
53 tax revenues; or any association that directly accepts the appropriation of money from a public
54 governmental body, but only to the extent that a meeting, record, or vote relates to such
55 appropriation; and

56 (g) Any bi-state development agency established pursuant to section 70.370, RSMo;

57 (5) "Public meeting", any meeting of a public governmental body subject to sections
58 610.010 to 610.030 at which any public business is discussed, decided, or public policy
59 formulated, whether such meeting is conducted in person or by means of communication
60 equipment, including, but not limited to, conference call, video conference, Internet chat, or
61 Internet message board. **Notwithstanding any other provision of law to the contrary, the**
62 **term "public meeting" shall include any meeting in which a public governmental body**
63 **receives evidence or renders a decision regarding whether a change in law resulting from**
64 **a court decision should be applied retroactively or prospectively to one or more individuals**
65 **or entities.** The term "public meeting" shall not include an informal gathering of members of
66 a public governmental body for ministerial or social purposes when there is no intent to avoid
67 the purposes of this chapter, but the term shall include a public vote of all or a majority of the
68 members of a public governmental body, by electronic communication or any other means,
69 conducted in lieu of holding a public meeting with the members of the public governmental body
70 gathered at one location in order to conduct public business;

71 (6) "Public record", any record, whether written or electronically stored, retained by or
72 of any public governmental body including any report, survey, memorandum, or other document
73 or study prepared for the public governmental body by a consultant or other professional service
74 paid for in whole or in part by public funds, including records created or maintained by private
75 contractors under an agreement with a public governmental body or on behalf of a public
76 governmental body; provided, however, that personally identifiable student records maintained
77 by public educational institutions shall be open for inspection by the parents, guardian or other
78 custodian of students under the age of eighteen years and by the parents, guardian or other
79 custodian and the student if the student is over the age of eighteen years. **The term "public**
80 **record" shall include any record retained by or of a public governmental body regarding**
81 **whether a change in law resulting from a court decision should be applied retroactively or**
82 **prospectively to one or more individuals or entities.** The term "public record" shall not
83 include any internal memorandum or letter received or prepared by or on behalf of a member of
84 a public governmental body consisting of advice, opinions and recommendations in connection
85 with the deliberative decision-making process of said body, unless such records are retained by
86 the public governmental body or presented at a public meeting. Any document or study prepared

87 for a public governmental body by a consultant or other professional service as described in this
88 subdivision shall be retained by the public governmental body in the same manner as any other
89 public record;

90 (7) "Public vote", any vote, whether conducted in person, by telephone, or by any other
91 electronic means, cast at any public meeting of any public governmental body.

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