

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 733,
Page 8, Section 173.1108, Line 11, by inserting after all of said line the following:

“173.1205. 1. Notwithstanding any other provision of law, a for-profit or not-for-profit
entity in which a public institution of higher education holds an ownership or membership interest
shall not be deemed to be a public governmental body, quasi-public governmental body, or part of
a public governmental body or quasi-public governmental body or otherwise subject to chapter
610, if such entity is engaged primarily in activities involving current or prospective
commercialization of the skills or knowledge of the institution's faculty or of the institution's
research, research capabilities, intellectual property, technology, or technological resources,
provided that the public institution of higher education maintains as an open record an annual
report, available no later than October first each year, identifying:

(1) The name and address of the entity, the amount of funds paid to such entity by the
institution, any nonmonetary benefits received by the entity from the institution, and the purpose
for which such funds were paid or benefits provided;

(2) The amount of funds received by the institution from such entity; and

(3) Any employees of the institution who received funds or other things of value from
such entity and the purpose and amount of such funds or other things of value.

2. This provision shall not be construed to broaden the definition of public governmental
body found in section 610.010, nor shall it otherwise be construed to mean, imply, or suggest that
any entity constitutes a public governmental body unless such entity meets the definition of that
term found in section 610.010.

3. Notwithstanding any other provision of law, meetings, records, and votes may be
closed to the extent that they relate to records or information submitted by an individual,
corporation, or other business entity to a public institution of higher education in connection with
a proposal or agreement to license intellectual property or perform sponsored research, in
connection with opportunities for or results of collaboration involving students, faculty, or staff,
or in connection with activities by the public institution of higher education to promote or pursue
economic development and which contain sales projections or other business plan, financial
information, or trade secrets the disclosure of which may endanger the competitiveness of a

1 business.” ; and

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3 Further amend said bill and page, Section B, Line 1, by inserting after the letter “B.” the
4 following: “1.” ; and

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6 Further amend said bill, page, and section, Line 7, by inserting after all of said line the following:

7 “2. Because immediate action is necessary to protect the intellectual property of the state’s
8 higher education institutions while permitting its timely development through technology transfer,
9 the enactment of section 173.1205 of section A of this act is deemed necessary for the immediate
10 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
11 emergency act within the meaning of the constitution, and the enactment of section 173.1205 of
12 section A of this act shall be in full force and effect upon its passage and approval.” ; and

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14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.
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