

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute No. 2 for House Bill Nos. 1692, 1209, 1405, 1499, 1535, and 1811, Page 56, Section 537.296, Line 3, by inserting after all of said line the following:

“537.528. 1. Any action [seeking money damages] against a person for conduct or speech undertaken or made in connection with a public hearing or public meeting, in a quasi-judicial proceeding before a tribunal or decision-making body of the state or any political subdivision of the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. Upon the filing of any special motion described in this subsection, all discovery shall be suspended pending a decision on the motion by the court and the exhaustion of all appeals regarding the special motion.

2. If the rights afforded by this section are raised as an affirmative defense and if a court grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment filed within ninety days of the filing of the moving party's answer, the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action. If the court finds that a special motion to dismiss or motion for summary judgment is frivolous or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to the party prevailing on the motion.

3. Any party shall have the right to an expedited appeal from a trial court order on the special motions described in subsection 2 of this section or from a trial court's failure to rule on

1 the motion on an expedited basis.

2 4. As used in this section, a "public meeting in a quasi-judicial proceeding" means and
3 includes any meeting established and held by a state or local governmental entity, including
4 without limitations meetings or presentations before state, county, city, town or village councils,
5 planning commissions, review boards or commissions.

6 5. Nothing in this section limits or prohibits the exercise of a right or remedy of a party
7 granted pursuant to another constitutional, statutory, common law or administrative provision,
8 including civil actions for defamation.

9 6. If any provision of this section or the application of any provision of this section to a
10 person or circumstance is held invalid, the invalidity shall not affect other provisions or
11 applications of this section that can be given effect without the invalid provision or application,
12 and to this end the provisions of this section are severable.

13 7. The provisions of this section shall apply to all causes of actions.”; and
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15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.
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