

SECOND REGULAR SESSION

HOUSE BILL NO. 1837

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ZIMMERMAN (Sponsor), OXFORD, ATKINS, COLONA,
ENGLUND, SCHUPP, KUESSNER, KELLY, SKAGGS, KANDER,
HUMMEL AND RUCKER (Co-sponsors).

3819L.01I

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 610.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.010, to read as follows: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 public official, statewide elected official, or employee of the state and its agencies when such persons are operating in their official capacities and using state-funded equipment for their official communications;**

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.

16 **(b)** Any body, agency, board, bureau, council, commission, committee, board of regents
17 or board of curators or any other governing body of any institution of higher education, including
18 a community college, which is supported in whole or in part from state funds, including but not
19 limited to the administrative entity known as "The Curators of the University of Missouri" as
20 established by section 172.020, RSMo;

21 **[(b)] (c)** Any advisory committee or commission appointed by the governor by executive
22 order;

23 **[(c)] (d)** Any department or division of the state, of any political subdivision of the state,
24 of any county or of any municipal government, school district or special purpose district
25 including but not limited to sewer districts, water districts, and other subdistricts of any political
26 subdivision;

27 **[(d)] (e)** Any other legislative or administrative governmental deliberative body under
28 the direction of three or more elected or appointed members having rulemaking or quasi-judicial
29 power;

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

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

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

52 b. Performs a public function as evidenced by a statutorily based capacity to confer or
53 otherwise advance, through approval, recommendation or other means, the allocation or issuance
54 of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the
55 contracting of leaseback agreements on structures whose annualized payments commit public
56 tax revenues; or any association that directly accepts the appropriation of money from a public
57 governmental body, but only to the extent that a meeting, record, or vote relates to such
58 appropriation; and

59 [(g)] **(h)** Any bi-state development agency established pursuant to section 70.370,
60 RSMo;

61 (5) "Public meeting", any meeting of a public governmental body subject to sections
62 610.010 to 610.030 at which any public business is discussed, decided, or public policy
63 formulated, whether such meeting is conducted in person or by means of communication
64 equipment, including, but not limited to, conference call, video conference, Internet chat, or
65 Internet message board. The term "public meeting" shall not include an informal gathering of
66 members of a public governmental body for ministerial or social purposes when there is no intent
67 to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority
68 of the 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 not include any internal memorandum or letter received or prepared by or on behalf
81 of a member of a public governmental body consisting of advice, opinions and recommendations
82 in connection with the deliberative decision-making process of said body, unless such records
83 are retained by the public governmental body or presented at a public meeting. Any document
84 or study prepared for a public governmental body by a consultant or other professional service
85 as described in this subdivision shall be retained by the public governmental body in the same
86 manner as any other public record;

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

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