

HOUSE AMENDMENT NO.____
TO
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Offered By

AMEND House Amendment No.____ to House Committee Substitute for Senate Bill No. 615 Page 3, Line 30, by inserting immediately after the quotations marks the following:

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

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

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

(d) Individual members of the general assembly;

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

[(e)] (f) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief

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1 executive officer of any college or university system or individual institution at the direction of the
 2 governing body of such institution which is supported in whole or in part with state funds for the
 3 specific purpose of recommending directly to the public governmental body's governing board or the
 4 president, chancellor or chief executive officer policy, policy revisions or expenditures of public
 5 funds provided, however, the staff of the college or university president, chancellor or chief
 6 executive officer shall not constitute such a policy advisory committee. The custodian of the records
 7 of any public governmental body shall maintain a list of the policy advisory committees described in
 8 this subdivision;

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

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

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

21 [(g)] (h) Any bi-state development agency established pursuant to section 70.370;

22 (5) "Public meeting", any meeting of a public governmental body subject to sections 610.010
 23 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether
 24 such meeting is conducted in person or by means of communication equipment, including, but not
 25 limited to, conference call, video conference, internet chat, or internet message board. The term
 26 "public meeting" shall not include an informal gathering of members of a public governmental body
 27 for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the
 28 term shall include a public vote of all or a majority of the members of a public governmental body,
 29 by electronic communication or any other means, conducted in lieu of holding a public meeting with
 30 the members of the public governmental body gathered at one location in order to conduct public
 31 business;

32 (6) "Public record", any record, whether written or electronically stored, retained by or of
 33 any public governmental body including any report, survey, memorandum, or other document or
 34 study prepared for the public governmental body by a consultant or other professional service paid
 35 for in whole or in part by public funds, including records created or maintained by private
 36 contractors under an agreement with a public governmental body or on behalf of a public
 37 governmental body; provided, however, that personally identifiable student records maintained by
 38 public educational institutions shall be open for inspection by the parents, guardian or other
 39 custodian of students under the age of eighteen years and by the parents, guardian or other custodian
 40 and the student if the student is over the age of eighteen years. The term "public record" shall not
 41 include any internal memorandum or letter received or prepared by or on behalf of a member of a
 42 public governmental body consisting of advice, opinions and recommendations in connection with
 43 the deliberative decision-making process of said body, unless such records are retained by the public
 44 governmental body or presented at a public meeting. Nor shall the term "public record" include an
 45 communication between a member of the general assembly and a constituent concerning reports or
 46 allegations of improper governmental activities. Nor shall the term "public record" include the
 47 personal cell phone records, emails received on a personal computer, or personal financial records of
 48 a member of the general assembly. Any document or study prepared for a public governmental body

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

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

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

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11 AMENDMENT TO AMENDMENT 4248H05.35H
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