

SECOND REGULAR SESSION

# HOUSE BILL NO. 1832

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MAYFIELD (Sponsor), HUMMEL, ENGLUND, ANDERS,  
RUNIONS, MIMS, ROORDA, SCHIEFFER, CARPENTER, COX, RIZZO, KELLY (45), MITTEN, HAAHR,  
WALKER, BURNS, MCCANN BEATTY, GARDNER, MONTECILLO, ELLINGER, MCNEIL,  
DUNN AND ENGLISH (Co-sponsors).

5182H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 610.010, RSMo, and to enact in lieu thereof one new section relating to government meetings and records.

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*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Section A. Section 610.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.010, to read as follows: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 a community college, which is supported in whole or in part from state funds, including but not

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 limited to the administrative entity known as "The Curators of the University of Missouri" as  
17 established by section 172.020;

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) **Individual members of the general assembly;**

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

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

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

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

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

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

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

58 (5) "Public meeting", any meeting of a public governmental body subject to sections  
59 610.010 to 610.030 at which any public business is discussed, decided, or public policy  
60 formulated, whether such meeting is conducted in person or by means of communication  
61 equipment, including, but not limited to, conference call, video conference, internet chat, or  
62 internet message board. The term "public meeting" shall not include an informal gathering of  
63 members of a public governmental body for ministerial or social purposes when there is no intent  
64 to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority  
65 of the members of a public governmental body, by electronic communication or any other means,  
66 conducted in lieu of holding a public meeting with the members of the public governmental body  
67 gathered at one location in order to conduct public business;

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

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

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