

SECOND REGULAR SESSION

HOUSE BILL NO. 2303

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIS.

4974H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Section 610.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 610.010, to read as follows: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 limited to the administrative entity known as "The Curators of the University of Missouri" as established by section 172.020;

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.

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
22 including but not limited to sewer districts, water districts, and other subdistricts of any
23 political subdivision;

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

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

43 (f) 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
52 issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain,
53 or the contracting of leaseback agreements on structures whose annualized payments commit
54 public tax revenues; or any association that directly accepts the appropriation of money from

55 a public governmental body, but only to the extent that a meeting, record, or vote relates to
56 such appropriation; and

57 (g) 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
64 intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a
65 majority of the members of a public governmental body, by electronic communication or any
66 other means, conducted in lieu of holding a public meeting with the members of the public
67 governmental body gathered at one location in order to conduct public business;

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

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

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