

SECOND REGULAR SESSION

HOUSE BILL NO. 1941

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

6202H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 287.902 and 610.010, RSMo, and to enact in lieu thereof four new sections relating to Missouri employers mutual insurance company.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 297.902 and 610.101, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 37.857, 287.902, 287.904, and 610.010, to read as follows:

37.857. 1. The office of administration shall maintain Missouri employers mutual insurance company accountability information on the Missouri accountability portal established under section 37.850. The Missouri accountability portal shall provide public access to a complete, transparent, and comprehensive database of Missouri employers mutual insurance company financial information as a means of creating better public understanding of the company's practices and operations.

2. Missouri employee mutual insurance company shall collect and transmit to the office of administration the public information applicable as provided in this section.

3. Missouri employee mutual insurance company shall annually provide to the office of administration a copy of the annual report of financial transactions, including detailed compensation information for all employees, of the company that the company is required to provide to the governor and general assembly under section 287.920.

287.902. The "Missouri Employers Mutual Insurance Company" is created as an independent public corporation for the purpose of insuring Missouri employers against liability for workers' compensation, occupational disease and employers' liability coverage. The company shall be organized and operated as a domestic mutual insurance company and it shall not be a

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.

5 state agency. The company shall have the powers granted a general not-for-profit corporation
6 pursuant to section 355.090 to the extent the provisions of such section do not conflict with the
7 provisions of sections 287.900 to 287.920. The company shall be a member of the Missouri
8 property and casualty guaranty association, sections 375.771 to 375.779, and as such will be
9 subject to assessments therefrom, and the members of such association shall bear responsibility
10 in the event of the insolvency of the company. The company shall be established pursuant to the
11 provisions of sections 287.900 to 287.920, **and shall not acquire, control, own, or merge with**
12 **any for-profit entity.** Preference shall be given to Missouri employers that develop an annual
13 premium of not greater than ten thousand dollars. The company shall use flexibility and
14 experimentation in the development of types of policies and coverages offered to employers,
15 subject to the approval of the director of the department of insurance, financial institutions and
16 professional registration.

287.904. The Missouri employers mutual insurance company employees' rates of
2 **pay shall be the same as the established rate of pay for persons employed under the**
3 **direction and established policies of the personnel division of the office of administration**
4 **for comparable duties.**

610.010. As used in this chapter, unless the context otherwise indicates, the following
2 terms mean:

3 (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote
4 closed to the public;

5 (2) "Copying", if requested by a member of the public, copies provided as detailed in
6 section 610.026, if duplication equipment is available;

7 (3) "Public business", all matters which relate in any way to the performance of the
8 public governmental body's functions or the conduct of its business;

9 (4) "Public governmental body", any legislative, administrative or governmental entity
10 created by the constitution or statutes of this state, by order or ordinance of any political
11 subdivision or district, judicial entities when operating in an administrative capacity, or by
12 executive order, including:

13 (a) Any body, agency, board, bureau, council, commission, committee, board of regents
14 or board of curators or any other governing body of any institution of higher education, including
15 a community college, which is supported in whole or in part from state funds, including but not
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) 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, directly
30 to the public governmental body's governing board or its chief administrative officer, policy or
31 policy revisions or expenditures of public funds including, but not limited to, entities created to
32 advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory
33 body, policy advisory committee or policy advisory group appointed by a president, chancellor
34 or chief executive officer of any college or university system or individual institution at the
35 direction of the governing body of such institution which is supported in whole or in part with
36 state funds for the specific purpose of recommending directly to the public governmental body's
37 governing board or the president, chancellor or chief executive officer policy, policy revisions
38 or expenditures of public funds provided, however, the staff of the college or university
39 president, chancellor or chief executive officer shall not constitute such a policy advisory
40 committee. The custodian of the records of any public governmental body shall maintain a list
41 of the policy advisory committees described in this subdivision;

42 (f) Any quasi-public governmental body. The term "quasi-public governmental body"
43 means any person, corporation or partnership organized or authorized to do business in this state
44 pursuant to the provisions of **sections 287.900 to 287.920**, chapter 352, 353, or 355, or
45 unincorporated association which either:

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

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

56 (g) Any bi-state development agency established pursuant to section 70.370;

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

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

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

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