

FIRST REGULAR SESSION

HOUSE BILL NO. 403

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOSMER AND KREIDER (Co-sponsors).

Read 1st time January 17, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0881L.011

AN ACT

To repeal section 610.021, RSMo 2000, relating to closed records for municipal electric utilities in certain circumstances, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 610.021, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 610.021, to read as follows:

610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 shall be announced or become public immediately following the action on the motion to
17 authorize institution of such a legal action. Legal work product shall be considered a closed
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale
22 of real estate by a public governmental body shall be made public within seventy-two hours after
23 execution of the lease, purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
27 promote or discipline an employee of a public governmental body must be made available with
28 a record of how each member voted to the public within seventy-two hours of the close of the
29 meeting where such action occurs; provided, however, that any employee so affected shall be
30 entitled to prompt notice of such decision during the seventy-two-hour period before such
31 decision is made available to the public. As used in this subdivision, the term "personal
32 information" means information relating to the performance or merit of individual employees;

33 (4) The state militia or national guard or any part thereof;

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
38 records of individual test or examination scores; however, personally identifiable student records
39 maintained by public educational institutions shall be open for inspection by the parents,
40 guardian or other custodian of students under the age of eighteen years and by the parents,
41 guardian or other custodian and the student if the student is over the age of eighteen years;

42 (7) Testing and examination materials, before the test or examination is given or, if it
43 is to be given again, before so given again;

44 (8) Welfare cases of identifiable individuals;

45 (9) Preparation, including any discussions or work product, on behalf of a public
46 governmental body or its representatives for negotiations with employee groups;

47 (10) Software codes for electronic data processing and documentation thereof;

48 (11) Specifications for competitive bidding, until either the specifications are officially
49 approved by the public governmental body or the specifications are published for bid;

50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals
51 and related documents or any documents related to a negotiated contract until a contract is

52 executed, or all proposals are rejected;

53 (13) Individually identifiable personnel records, performance ratings or records
54 pertaining to employees or applicants for employment, except that this exemption shall not apply
55 to the names, positions, salaries and lengths of service of officers and employees of public
56 agencies once they are employed as such;

57 (14) Records which are protected from disclosure by law;

58 (15) Meetings and public records relating to scientific and technological innovations in
59 which the owner has a proprietary interest;

60 (16) Records relating to municipal hot lines established for the reporting of abuse and
61 wrongdoing;

62 (17) Confidential or privileged communications between a public governmental body
63 and its auditor, including all auditor work product; and

64 (18) In preparation for and implementation of electric restructuring, a municipal electric
65 utility may close that portion of its financial records and business plans which contains
66 information regarding the name of the suppliers of services to said utility and the cost of such
67 services, and the records and business plans concerning the municipal electric utility's future
68 marketing and service expansion areas. However, this exception shall not be construed to limit
69 access to other records of a municipal electric utility, including but not limited to the names and
70 addresses of its business and residential customers, its financial reports, including but not limited
71 to its budget, annual reports and other financial statements prepared in the course of business,
72 and other records maintained in the course of doing business as a municipal electric utility. This
73 exception shall become null and void if the [state of Missouri fails to implement by December
74 31, 2001, electric restructuring through the adoption of statutes permitting the same in this state]
75 **Missouri general assembly fails to enact, on or before December 31, 2003, legislation**
76 **authorizing electric utility restructuring.**