

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 468, Page 16, Section 575.133, Line 7, by inserting
2 after all of said line the following:
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4 "610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is
5 authorized to close meetings, records and votes, to the extent they relate to the following:

6 (1) Legal actions, causes of action or litigation involving a public governmental body and any
7 confidential or privileged communications between a public governmental body or its representatives and its
8 attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or
9 litigation involving a public governmental body or any agent or entity representing its interests or acting on its
10 behalf or with its authority, including any insurance company acting on behalf of a public government body as
11 its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the
12 parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered
13 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly
14 outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or
15 on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the
16 exercise of the power of eminent domain, the vote shall be announced or become public immediately
17 following the action on the motion to authorize institution of such a legal action. Legal work product shall be
18 considered a closed record;

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

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

30 As used in this subdivision, the term "personal information" means information relating to the performance or
31 merit of individual employees;

32 (4) The state militia or National Guard or any part thereof;

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

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

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

42 (8) Welfare cases of identifiable individuals;

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

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

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

6 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related
7 documents or any documents related to a negotiated contract until a contract is executed, or all proposals are
8 rejected;

9 (13) Individually identifiable personnel records, performance ratings or records pertaining to
10 employees or applicants for employment, except that this exemption shall not apply to the names, positions,
11 salaries and lengths of service of officers and employees of public agencies once they are employed as such,
12 and the names of private sources donating or contributing money to the salary of a chancellor or president at
13 all public colleges and universities in the state of Missouri and the amount of money contributed by the
14 source;

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

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

18 (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

19 (17) Confidential or privileged communications between a public governmental body and its auditor,
20 including all auditor work product; however, all final audit reports issued by the auditor are to be considered
21 open records pursuant to this chapter;

22 (18) Operational guidelines [and], policies and specific response plans developed, adopted, or
23 maintained by any public agency responsible for law enforcement, public safety, first response, or public
24 health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature
25 and which has the potential to endanger individual or public safety or health. [Nothing in this exception shall
26 be deemed to close information regarding expenditures, purchases, or contracts made by an agency in
27 implementing these guidelines or policies. When seeking to close information pursuant to this exception, the
28 agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or
29 health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the
30 public interest in disclosure of the records. This exception shall sunset on December 31, 2012] Financial
31 records related to the procurement of or expenditures relating to operational guidelines, policies or plans
32 purchased with public funds shall be open. When seeking to close information pursuant to this exception, the
33 public governmental body shall affirmatively state in writing that disclosure would impair the public
34 governmental body's ability to protect the security or safety of persons or real property, and shall in the same
35 writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

36 (19) Existing or proposed security systems and structural plans of real property owned or leased by a
37 public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or
38 operating an infrastructure to any public governmental body for use by that body to devise plans for protection
39 of that infrastructure, the public disclosure of which would threaten public safety:

40 (a) Records related to the procurement of or expenditures relating to security systems purchased with
41 public funds shall be open;

42 (b) When seeking to close information pursuant to this exception, the public governmental body shall
43 affirmatively state in writing that disclosure would impair the public governmental body's ability to protect
44 the security or safety of persons or real property, and shall in the same writing state that the public interest in
45 nondisclosure outweighs the public interest in disclosure of the records;

46 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving
47 agency within ninety days of submission to determine if retention of the document is necessary in furtherance
48 of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic
49 governmental body or destroyed;

50 [(d) This exception shall sunset on December 31, 2012;]

51 (20) The portion of a record that identifies security systems or access codes or authorization codes for
52 security systems of real property;

53 (21) Records that identify the configuration of components or the operation of a computer, computer
54 system, computer network, or telecommunications network, and would allow unauthorized access to or

1 unlawful disruption of a computer, computer system, computer network, or telecommunications network of a
2 public governmental body. This exception shall not be used to limit or deny access to otherwise public
3 records in a file, document, data file or database containing public records. Records related to the
4 procurement of or expenditures relating to such computer, computer system, computer network, or
5 telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental
6 body for such computer, computer system, computer network, or telecommunications network shall be open;

7 ~~[(21)]~~ (22) Credit card numbers, personal identification numbers, digital certificates, physical and
8 virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions
9 between a public governmental body and a person or entity doing business with a public governmental body.

10 Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the
11 name of a public governmental body or any record of a transaction made by a person using a credit card or
12 other method of payment for which reimbursement is made by a public governmental body; and

13 ~~[(22)]~~ (23) Records submitted by an individual, corporation, or other business entity to a public
14 institution of higher education in connection with a proposal to license intellectual property or perform
15 sponsored research and which contains sales projections or other business plan information the disclosure of
16 which may endanger the competitiveness of a business."; and

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18 Further amend said bill, Page 23, Section 650.350, Line 54, by inserting after all of said line the
19 following:

20 "Section B. Because immediate action is necessary to protect sensitive public records relating to
21 public agency plans to prevent and respond to possible terrorist incidents and to protect security system plans
22 for certain critical public and private buildings and facilities, the repeal and reenactment of section 610.021 of
23 this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
24 and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and
25 reenactment of section 610.021 of this act shall be in full force and effect upon its passage and approval."; and

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