

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 445, Page 9, Section 105.473, Line 132, by inserting after all of said
2 section, the following:

3
4 "610.010. As used in this chapter, unless the context otherwise indicates, the following
5 terms mean:

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

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

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

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

16 (a) Any body, agency, board, bureau, council, commission, committee, board of regents or
17 board of curators or any other governing body of any institution of higher education, including a
18 community college, which is supported in whole or in part from state funds, including but not
19 limited to the administrative entity known as "The Curators of the University of Missouri" as
20 established by section 172.020;

21 (b) Any advisory committee or commission appointed by the governor by executive order;

22 (c) Any department or division of the state, of any political subdivision of the state, of any
23 county or of any municipal government, school district or special purpose district including but not
24 limited to sewer districts, water districts, and other subdistricts of any political subdivision;

25 (d) 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 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 or at
29 the direction of any of the named entities for the specific purpose of recommending, directly to the
30 public governmental body's governing board or its chief administrative officer, policy or policy
31 revisions or expenditures of public funds including, but not limited to, entities created to advise bi-
32 state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy
33 advisory committee or policy advisory group appointed by a president, chancellor or chief executive
34 officer of any college or university system or individual institution at the direction of the governing
35 body of such institution which is supported in whole or in part with state funds for the specific
36 purpose of recommending directly to the public governmental body's governing board or the

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1 president, chancellor or chief executive officer policy, policy revisions or expenditures of public
2 funds provided, however, the staff of the college or university president, chancellor or chief
3 executive officer shall not constitute such a policy advisory committee. The custodian of the
4 records of any public governmental body shall maintain a list of the policy advisory committees
5 described in this subdivision;

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

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

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

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

19 (5) "Public meeting", any meeting of a public governmental body subject to sections
20 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated,
21 whether such meeting is conducted in person or by means of communication equipment, including,
22 but not limited to, conference call, video conference, internet chat, or internet message board. The
23 term "public meeting" shall not include an informal gathering of members of a public governmental
24 body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter,
25 but the term shall include a public vote of all or a majority of the members of a public governmental
26 body, by electronic communication or any other means, conducted in lieu of holding a public
27 meeting with the members of the public governmental body gathered at one location in order to
28 conduct public business;

29 (6) "Public record", any record, whether written or electronically stored, retained by or of
30 any public governmental body including any report, survey, memorandum, or other document or
31 study prepared for the public governmental body by a consultant or other professional service paid
32 for in whole or in part by public funds, including records created or maintained by private
33 contractors under an agreement with a public governmental body or on behalf of a public
34 governmental body; provided, however, that personally identifiable student records maintained by
35 public educational institutions shall be open for inspection by the parents, guardian or other
36 custodian of students under the age of eighteen years and by the parents, guardian or other custodian
37 and the student if the student is over the age of eighteen years. The term "public record" shall not
38 include any internal memorandum or letter received or prepared by or on behalf of a member of a
39 public governmental body consisting of advice, opinions and recommendations in connection with
40 the deliberative decision-making process of said body, unless such records are ~~retained by the~~
41 ~~public governmental body or~~ presented at a public meeting. Any document or study prepared for a
42 public governmental body by a consultant or other professional service as described in this
43 subdivision shall be retained by the public governmental body in the same manner as any other
44 public record;

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

47 610.021. Except to the extent disclosure is otherwise required by law, a public governmental
48 body is authorized to close meetings, records and votes, to the extent they relate to the following:

49 (1) Legal actions, causes of action or litigation involving a public governmental body and

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

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

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

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

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

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

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

39 (8) Welfare cases of identifiable individuals;

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

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

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

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

48 (13) Individually identifiable personnel records, performance ratings or records pertaining to
49 employees or applicants for employment, except that this exemption shall not apply to the names,

1 positions, salaries and lengths of service of officers and employees of public agencies once they are
2 employed as such, and the names of private sources donating or contributing money to the salary of
3 a chancellor or president at all public colleges and universities in the state of Missouri and the
4 amount of money contributed by the source;

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

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

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

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

13 (18) Operational guidelines, policies and specific response plans developed, adopted, or
14 maintained by any public agency responsible for law enforcement, public safety, first response, or
15 public health for use in responding to or preventing any critical incident which is or appears to be
16 terrorist in nature and which has the potential to endanger individual or public safety or health.
17 Financial records related to the procurement of or expenditures relating to operational guidelines,
18 policies or plans purchased with public funds shall be open. When seeking to close information
19 pursuant to this exception, the public governmental body shall affirmatively state in writing that
20 disclosure would impair the public governmental body's ability to protect the security or safety of
21 persons or real property, and shall in the same writing state that the public interest in nondisclosure
22 outweighs the public interest in disclosure of the records;

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

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

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

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

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

40 (21) Records that identify the configuration of components or the operation of a computer,
41 computer system, computer network, or telecommunications network, and would allow
42 unauthorized access to or unlawful disruption of a computer, computer system, computer network,
43 or telecommunications network of a public governmental body. This exception shall not be used to
44 limit or deny access to otherwise public records in a file, document, data file or database containing
45 public records. Records related to the procurement of or expenditures relating to such computer,
46 computer system, computer network, or telecommunications network, including the amount of
47 moneys paid by, or on behalf of, a public governmental body for such computer, computer system,
48 computer network, or telecommunications network shall be open;

49 (22) Credit card numbers, personal identification numbers, digital certificates, physical and

1 virtual keys, access codes or authorization codes that are used to protect the security of electronic
2 transactions between a public governmental body and a person or entity doing business with a
3 public governmental body. Nothing in this section shall be deemed to close the record of a person
4 or entity using a credit card held in the name of a public governmental body or any record of a
5 transaction made by a person using a credit card or other method of payment for which
6 reimbursement is made by a public governmental body;

7 (23) Records submitted by an individual, corporation, or other business entity to a public
8 institution of higher education in connection with a proposal to license intellectual property or
9 perform sponsored research and which contains sales projections or other business plan information
10 the disclosure of which may endanger the competitiveness of a business; ~~and~~

11 (24) Records relating to foster home or kinship placements of children in foster care under
12 section 210.498;

13 (25) Personal cellular telephone numbers, social security numbers, and home addresses of
14 any individuals;

15 (26) Records of constituent case files. For purposes of this subdivision, the term
16 "constituent case files" means any correspondence, written or electronic, between a member of a
17 public governmental body and a constituent pertaining to a constituent's request for information or
18 assistance.

19 (27) Any document or record, including electronic communications, received or prepared by
20 or on behalf of a member of a public governmental body consisting of advice, opinions and
21 recommendations in connection with the deliberative decision-making process of said body."; and
22

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