

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1450**  
**94TH GENERAL ASSEMBLY**

3656S.02T

2008

---

**AN ACT**

To repeal sections 21.800 and 610.021, RSMo, and to enact in lieu thereof two new sections relating to terrorism.

---

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

Section A. Sections 21.800 and 610.021, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 21.800 and 610.021, to read as follows:

21.800. 1. There is established a joint committee of the general assembly to be known  
2 as the "Joint Committee on Terrorism, Bioterrorism, and Homeland Security" to be composed  
3 of seven members of the senate and seven members of the house of representatives. The senate  
4 members of the joint committee shall be appointed by the president pro tem and minority floor  
5 leader of the senate and the house members shall be appointed by the speaker and minority floor  
6 leader of the house of representatives. The appointment of each member shall continue during  
7 the member's term of office as a member of the general assembly or until a successor has been  
8 appointed to fill the member's place when his or her term of office as a member of the general  
9 assembly has expired. No party shall be represented by more than four members from the house  
10 of representatives nor more than four members from the senate. A majority of the committee  
11 shall constitute a quorum, but the concurrence of a majority of the members shall be required for  
12 the determination of any matter within the committee's duties.

13 2. The joint committee shall:

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.

14           (1) Make a continuing study and analysis of all state government terrorism, bioterrorism,  
15 and homeland security efforts;

16           (2) Devise a standard reporting system to obtain data on each state government agency  
17 that will provide information on each agency's terrorism and bioterrorism preparedness, and  
18 homeland security status at least biennially;

19           (3) Determine from its study and analysis the need for changes in statutory law; and

20           (4) Make any other recommendation to the general assembly necessary to provide  
21 adequate terrorism and bioterrorism protections, and homeland security to the citizens of the  
22 state of Missouri.

23           3. The joint committee shall meet within thirty days after its creation and organize by  
24 selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and  
25 the other a member of the house of representatives. The chairperson shall alternate between  
26 members of the house and senate every two years after the committee's organization.

27           4. The committee shall meet at least quarterly. The committee may meet at locations  
28 other than Jefferson City when the committee deems it necessary.

29           5. The committee shall be staffed by legislative personnel as is deemed necessary to  
30 assist the committee in the performance of its duties.

31           6. The members of the committee shall serve without compensation but shall be entitled  
32 to reimbursement for actual and necessary expenses incurred in the performance of their official  
33 duties.

34           7. It shall be the duty of the committee to compile a full report of its activities for  
35 submission to the general assembly. The report shall be submitted not later than the fifteenth of  
36 January of each year in which the general assembly convenes in regular session and shall include  
37 any recommendations which the committee may have for legislative action as well as any  
38 recommendations for administrative or procedural changes in the internal management or  
39 organization of state or local government agencies and departments. Copies of the report  
40 containing such recommendations shall be sent to the appropriate directors of state or local  
41 government agencies or departments included in the report.

42           8. The provisions of this section shall expire on December 31, [2007] **2009**.

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

4           (1) Legal actions, causes of action or litigation involving a public governmental body  
5 and any confidential or privileged communications between a public governmental body or its

6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating  
7 to legal actions, causes of action or litigation involving a public governmental body or any agent  
8 or entity representing its interests or acting on its behalf or with its authority, including any  
9 insurance company acting on behalf of a public government body as its insured, shall be made  
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the  
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered  
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the  
13 action clearly outweighs the public policy considerations of section 610.011, however, the  
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;  
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote  
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 upon execution of the lease,  
23 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 shall 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, and the names of private sources donating or  
57 contributing money to the salary of a chancellor or president at all public colleges and  
58 universities in the state of Missouri and the amount of money contributed by the source;

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

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

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

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

67 (18) Operational guidelines and policies developed, adopted, or maintained by any public  
68 agency responsible for law enforcement, public safety, first response, or public health for use in  
69 responding to or preventing any critical incident which is or appears to be terrorist in nature and  
70 which has the potential to endanger individual or public safety or health. Nothing in this  
71 exception shall be deemed to close information regarding expenditures, purchases, or contracts  
72 made by an agency in implementing these guidelines or policies. When seeking to close  
73 information pursuant to this exception, the agency shall affirmatively state in writing that

74 disclosure would impair its ability to protect the safety or health of persons, and shall in the same  
75 writing state that the public interest in nondisclosure outweighs the public interest in disclosure  
76 of the records. This exception shall sunset on December 31, [2008] **2012**;

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

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

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

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

93 (d) This exception shall sunset on December 31, [2008] **2012**;

94 (20) Records that identify the configuration of components or the operation of a  
95 computer, computer system, computer network, or telecommunications network, and would  
96 allow unauthorized access to or unlawful disruption of a computer, computer system, computer  
97 network, or telecommunications network of a public governmental body. This exception shall  
98 not be used to limit or deny access to otherwise public records in a file, document, data file or  
99 database containing public records. Records related to the procurement of or expenditures  
100 relating to such computer, computer system, computer network, or telecommunications network,  
101 including the amount of moneys paid by, or on behalf of, a public governmental body for such  
102 computer, computer system, computer network, or telecommunications network shall be open;  
103 and

104 (21) Credit card numbers, personal identification numbers, digital certificates, physical  
105 and virtual keys, access codes or authorization codes that are used to protect the security of  
106 electronic transactions between a public governmental body and a person or entity doing business  
107 with a public governmental body. Nothing in this section shall be deemed to close the record

108 of a person or entity using a credit card held in the name of a public governmental body or any  
109 record of a transaction made by a person using a credit card or other method of payment for  
110 which reimbursement is made by a public governmental body.

✓