

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 692, Page 77,
Section 442.404, Line 28, by inserting after all of said section and line, the following:

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

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

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

As used in this subdivision, the term "personal information" means information relating to the

1 performance or merit of individual employees;

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

3 (5) Nonjudicial mental or physical health proceedings involving identifiable persons, including

4 medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

5 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of

6 individual test or examination scores; however, personally identifiable student records maintained by

7 public educational institutions shall be open for inspection by the parents, guardian or other custodian of

8 students under the age of eighteen years and by the parents, guardian or other custodian and the student if

9 the student is over the age of eighteen years;

10 (7) Testing and examination materials, before the test or examination is given or, if it is to be

11 given again, before so given again;

12 (8) Welfare cases of identifiable individuals;

13 (9) Preparation, including any discussions or work product, on behalf of a public governmental

14 body or its representatives for negotiations with employee groups;

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

16 (11) Specifications for competitive bidding, until either the specifications are officially approved

17 by the public governmental body or the specifications are published for bid;

18 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and

19 related documents or any documents related to a negotiated contract until a contract is executed, or all

20 proposals are rejected;

21 (13) Individually identifiable personnel records, performance ratings or records pertaining to

22 employees or applicants for employment, except that this exemption shall not apply to the names,

23 positions, salaries and lengths of service of officers and employees of public agencies once they are

24 employed as such, and the names of private sources donating or contributing money to the salary of a

25 chancellor or president at all public colleges and universities in the state of Missouri and the amount of

26 money contributed by the source;

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

28 (15) Meetings and public records relating to scientific and technological innovations in which the

29 owner has a proprietary interest;

30 (16) Records relating to municipal hotlines established for the reporting of abuse and

31 wrongdoing;

32 (17) Confidential or privileged communications between a public governmental body and its

33 auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be

34 considered open records pursuant to this chapter;

35 (18) Operational guidelines and policies developed, adopted, or maintained by any public agency

36 responsible for law enforcement, public safety, first response, or public health for use in responding to or

37 preventing any critical incident which is or appears to be terrorist in nature and which has the potential to

38 endanger individual or public safety or health. Nothing in this exception shall be deemed to close

39 information regarding expenditures, purchases, or contracts made by an agency in implementing these

40 guidelines or policies. When seeking to close information pursuant to this exception, the agency shall

1 affirmatively state in writing that disclosure would impair its ability to protect the safety or health of
2 persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public
3 interest in disclosure of the records. This exception shall sunset on December 31, 2012;

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

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

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

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

18 (d) This exception shall sunset on December 31, 2012;

19 (20) Records that identify the configuration of components or the operation of a computer,
20 computer system, computer network, or telecommunications network, and would allow unauthorized
21 access to or unlawful disruption of a computer, computer system, computer network, or
22 telecommunications network of a public governmental body. This exception shall not be used to limit or
23 deny access to otherwise public records in a file, document, data file or database containing public
24 records. Records related to the procurement of or expenditures relating to such computer, computer
25 system, computer network, or telecommunications network, including the amount of moneys paid by, or
26 on behalf of, a public governmental body for such computer, computer system, computer network, or
27 telecommunications network shall be open;

28 (21) Credit card numbers, personal identification numbers, digital certificates, physical and
29 virtual keys, access codes or authorization codes that are used to protect the security of electronic
30 transactions between a public governmental body and a person or entity doing business with a public
31 governmental body. Nothing in this section shall be deemed to close the record of a person or entity using
32 a credit card held in the name of a public governmental body or any record of a transaction made by a
33 person using a credit card or other method of payment for which reimbursement is made by a public
34 governmental body; [and]

35 (22) Records submitted by an individual, corporation, or other business entity to a public
36 institution of higher education in connection with a proposal to license intellectual property or perform
37 sponsored research and which contains sales projections or other business plan information the disclosure
38 of which may endanger the competitiveness of a business;

39 (23) Records that contain the electronic mail addresses of individuals; and

40 (24) Records that identify security systems or access codes or authorization codes for security

1 systems of real property owned by a nonpublic entity.”; and

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