

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 0769, Page 8, Section 321.228, Line 30, 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, data, and reports that are in the possession of a business entity formed under section
31 537.620, and used by such business entity in the calculation of rates or assessments, or in adjusting
32 claims;

33 (17) Records relating to municipal hotlines established for the reporting of abuse and
34 wrongdoing;

35 [(17)] 18. Confidential or privileged communications between a public governmental body and its
36 auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be
37 considered open records pursuant to this chapter;

38 [(18)] 19. Operational guidelines and policies developed, adopted, or maintained by any public
39 agency responsible for law enforcement, public safety, first response, or public health for use in
40 responding to or preventing any critical incident which is or appears to be terrorist in nature and which has

1 the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed
2 to close information regarding expenditures, purchases, or contracts made by an agency in implementing
3 these guidelines or policies. When seeking to close information pursuant to this exception, the agency
4 shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of
5 persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public
6 interest in disclosure of the records. This exception shall sunset on December 31, [2012]2016;

7 [(19)] 20. Existing or proposed security systems and structural plans of real property owned or
8 leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity
9 owning or operating an infrastructure to any public governmental body for use by that body to devise
10 plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

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

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

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

21 (d) This exception shall sunset on December 31, [2012]2016;

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

31 [(21)] 22. Credit card numbers, personal identification numbers, digital certificates, physical and
32 virtual keys, access codes or authorization codes that are used to protect the security of electronic
33 transactions between a public governmental body and a person or entity doing business with a public
34 governmental body. Nothing in this section shall be deemed to close the record of a person or entity using
35 a credit card held in the name of a public governmental body or any record of a transaction made by a
36 person using a credit card or other method of payment for which reimbursement is made by a public
37 governmental body; and

38 [(22)] 23. Records submitted by an individual, corporation, or other business entity to a public
39 institution of higher education in connection with a proposal to license intellectual property or perform
40 sponsored research and which contains sales projections or other business plan information the disclosure

1 of which may endanger the competitiveness of a business.”; and

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