

**HOUSE****AMENDMENT NO. \_\_\_\_\_****Offered by \_\_\_\_\_****of \_\_\_\_\_**

1 AMEND House Committee Substitute for House Bill No. 335, Page 1,  
 2 In the Title, Line 4, by deleting all of said line and inserting  
 3 in lieu thereof the following: "enact in lieu thereof twelve new  
 4 sections relating to public safety, with an emergency clause for  
 5 a certain section."; and  
 6

7 Further amend said bill, Page 23, Section 321.210, Line 9,  
 8 by inserting after all of said line the following:

9 "610.021. Except to the extent disclosure is otherwise  
 10 required by law, a public governmental body is authorized to  
 11 close meetings, records and votes, to the extent they relate to  
 12 the following:

13 (1) Legal actions, causes of action or litigation involving  
 14 a public governmental body and any confidential or privileged  
 15 communications between a public governmental body or its  
 16 representatives and its attorneys. However, any minutes, vote or  
 17 settlement agreement relating to legal actions, causes of action  
 18 or litigation involving a public governmental body or any agent  
 19 or entity representing its interests or acting on its behalf or  
 20 with its authority, including any insurance company acting on  
 21 behalf of a public government body as its insured, shall be made  
 22 public upon final disposition of the matter voted upon or upon  
 23 the signing by the parties of the settlement agreement, unless,  
 24 prior to final disposition, the settlement agreement is ordered  
 25 closed by a court after a written finding that the adverse impact  
 26 to a plaintiff or plaintiffs to the action clearly outweighs the  
 27 public policy considerations of section 610.011, however, the  
 28 amount of any moneys paid by, or on behalf of, the public  
 29 governmental body shall be disclosed; provided, however, in

---

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 matters involving the exercise of the power of eminent domain,  
2 the vote shall be announced or become public immediately  
3 following the action on the motion to authorize institution of  
4 such a legal action. Legal work product shall be considered a  
5 closed record;

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

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

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

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

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

33 (6) Scholastic probation, expulsion, or graduation of  
34 identifiable individuals, including records of individual test or  
35 examination scores; however, personally identifiable student  
36 records maintained by public educational institutions shall be  
37 open for inspection by the parents, guardian or other custodian

1 of students under the age of eighteen years and by the parents,  
2 guardian or other custodian and the student if the student is  
3 over the age of eighteen years;

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

7 (8) Welfare cases of identifiable individuals;

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

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

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

16 (12) Sealed bids and related documents, until the bids are  
17 opened; and sealed proposals and related documents or any  
18 documents related to a negotiated contract until a contract is  
19 executed, or all proposals are rejected;

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

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

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

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

35 (17) Confidential or privileged communications between a  
36 public governmental body and its auditor, including all auditor  
37 work product; however, all final audit reports issued by the

1 auditor are to be considered open records pursuant to this  
2 chapter;

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

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

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

1 (b) When seeking to close information pursuant to this  
2 exception, the public governmental body shall affirmatively state  
3 in writing that disclosure would impair the public governmental  
4 body's ability to protect the security or safety of persons or  
5 real property, and shall in the same writing state that the  
6 public interest in nondisclosure outweighs the public interest in  
7 disclosure of the records;

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

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

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

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

32 [(21)] (22) Credit card numbers, personal identification  
33 numbers, digital certificates, physical and virtual keys, access  
34 codes or authorization codes that are used to protect the  
35 security of electronic transactions between a public governmental  
36 body and a person or entity doing business with a public  
37 governmental body. Nothing in this section shall be deemed to

1 close the record of a person or entity using a credit card held  
2 in the name of a public governmental body or any record of a  
3 transaction made by a person using a credit card or other method  
4 of payment for which reimbursement is made by a public  
5 governmental body; and

6 [(22)] (23) Records submitted by an individual,  
7 corporation, or other business entity to a public institution of  
8 higher education in connection with a proposal to license  
9 intellectual property or perform sponsored research and which  
10 contains sales projections or other business plan information the  
11 disclosure of which may endanger the competitiveness of a  
12 business."; and

13  
14 Further amend said bill, Page 25, Section 192.808, Line 10,  
15 by inserting after all of said line the following:

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

27  
28 Further amend said title, enacting clause and intersectional  
29 references accordingly.