

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by
2 inserting after all of said section and line, the following:

3
4 "610.021. Except to the extent disclosure is otherwise required by law, a public
5 governmental body is authorized to close meetings, records and votes, to the extent they relate to the
6 following:

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

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

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

Action Taken _____ Date _____

1 available to the public.

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

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

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

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

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

15 (8) Welfare cases of identifiable individuals;

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

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

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

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

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

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

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

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

35 (17) 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
37 to be considered open records pursuant to this chapter;

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

1 Financial records related to the procurement of or expenditures relating to operational guidelines,
 2 policies or plans purchased with public funds shall be open. When seeking to close information
 3 pursuant to this exception, the public governmental body shall affirmatively state in writing that
 4 disclosure would impair the public governmental body's ability to protect the security or safety of
 5 persons or real property, and shall in the same writing state that the public interest in nondisclosure
 6 outweighs the public interest in disclosure of the records [Nothing in this exception shall be deemed
 7 to close information regarding expenditures, purchases, or contracts made by an agency in
 8 implementing these guidelines or policies. When seeking to close information pursuant to this
 9 exception, the agency shall affirmatively state in writing that disclosure would impair its ability to
 10 protect the safety or health of persons, and shall in the same writing state that the public interest in
 11 nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset
 12 on December 31, 2012];

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

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

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

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

28 (d) Nothing in this exception shall be deemed to include video from cameras outside the
 29 governor's office in the capitol building;

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

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

33 [(20)] (21) Records that identify the configuration of components or the operation of a
 34 computer, computer system, computer network, or telecommunications network, and would allow
 35 unauthorized access to or unlawful disruption of a computer, computer system, computer network, or
 36 telecommunications network of a public governmental body. This exception shall not be used to
 37 limit or deny access to otherwise public records in a file, document, data file or database containing
 38 public records. Records related to the procurement of or expenditures relating to such computer,
 39 computer system, computer network, or telecommunications network, including the amount of
 40 moneys paid by, or on behalf of, a public governmental body for such computer, computer system,
 41 computer network, or telecommunications network shall be open;

1 [(21)] (22) Credit card numbers, personal identification numbers, digital certificates,
2 physical and virtual keys, access codes or authorization codes that are used to protect the security of
3 electronic transactions between a public governmental body and a person or entity doing business
4 with a public governmental body. Nothing in this section shall be deemed to close the record of a
5 person or entity using a credit card held in the name of a public governmental body or any record of
6 a transaction made by a person using a credit card or other method of payment for which
7 reimbursement is made by a public governmental body; and

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

13 Further amend said bill, Page 25, Section 192.808, Line 10, by inserting after all of said section and
14 line, the following:
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16 "Section B. Because immediate action is necessary to protect sensitive public records
17 relating to public agency plans to prevent and respond to possible terrorist incidents and to protect
18 security system plans for certain critical public and private buildings and facilities, the repeal and
19 reenactment of section 610.021 of section A of this act is deemed necessary for the immediate
20 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
21 emergency act within the meaning of the constitution, and the repeal and reenactment of section
22 610.021 of section A of this act shall be in full force and effect upon its passage and approval."; and
23

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