

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 314, Page 1, Section  
2 A, Line 2, by inserting immediately after said line the following:

3  
4 "67.1850. 1. As used in this section, the following terms mean:

5 (1) "Community", any municipality or county as defined in this section;

6 (2) "Computer-assisted mass appraisal (CAMA) system", a system that incorporates  
7 computer-supported statistical analyses such as multiple regression analysis and adaptive estimation  
8 procedure to assist the county assessor in estimating value and its associated data including, but not  
9 limited to, all information collected in the process of executing an assessment and equalization  
10 maintenance plan as set forth in section 137.115;

11 (3) "County", any county form of government;

12 (4) "County assessor", a county assessor of all second, third, and fourth class counties, and  
13 all first class counties without a charter form of government and the assessing officer of the city of  
14 St. Louis;

15 [(3)] (5) "Geographical information system", a computerized, spatial coordinate mapping  
16 and relational database technology which:

17 (a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in  
18 the digital mode, all kinds and types of information and data;

19 (b) Transforms such information and data into intelligence and subsequently retrieves,  
20 presents and distributes that intelligence to a user for use in making the intelligent decisions  
21 necessary for sound management;

22 [(4)] (6) "Municipality", any city located in any county.

23 2. The development of geographical information and CAMA systems has not been  
24 undertaken in any large-scale and useful way by private enterprise. The use of modern technology  
25 can enhance the planning and decision-making processes of communities and county assessors. The  
26 development and maintenance of geographical information and CAMA systems is a time-consuming  
27 and expensive activity. In the interest of maintaining community governments open and accessible  
28 to the public, information gathered by communities or county assessors for use in a geographical  
29 information system or CAMA system, unless properly made a closed record, should be available to  
30 the public. However, access to the information in a way by which a [person] individual or business  
31 entity could render the investment of the public in a geographical information system or CAMA  
32 system a special benefit to that [person] individual or business entity, and not to the public, should  
33 not be permitted. Communities and county assessors may restrict access to geographic information  
34 data associated with a CAMA system that is not a closed record under section 610.021 if the  
35 information is in a format conducive to conducting business solicitations or if the community or  
36 county assessor determines that an individual or business entity is requesting the information for the

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1 purpose of conducting business solicitations or resale.

2 3. Any community as defined in this section may create a geographical information system  
3 for the community. The scope of the geographical information system shall be determined by the  
4 governing body of the community. The method of creation, maintenance, use and distribution of the  
5 geographical information system shall be determined by the governing body of the community. A  
6 community shall not mandate the use of this system or allocate the costs of the system to nonusers.

7 4. Any county assessor as defined in this section may create a CAMA system for use in the  
8 performance of the duties of the county assessor. The scope of the CAMA system shall be  
9 determined by the county assessor. The method of creation, maintenance, use, and distribution of the  
10 CAMA system and its related data shall be determined by the county assessor.

11 5. The information collected or assimilated by a community or county assessor for use in a  
12 geographical information system and data associated with a CAMA system collected or assimilated  
13 by the county assessor shall not be withheld from the public, unless otherwise properly made a  
14 closed record of the community or county assessor as provided by section 610.021. The information  
15 collected or assimilated by a community or county assessor for use in a geographical information  
16 system or CAMA system need not be disclosed in a form which may be read or manipulated by  
17 computer, absent a license agreement between the community or county assessor, whichever is  
18 maintaining the geographical information or CAMA system, and the person requesting the  
19 information.

20 [5.] 6. Information collected or assimilated by a community or county assessor for use in a  
21 geographical information system and data associated with a CAMA system collected or assimilated  
22 by the county assessor and disclosed in any form, other than in a form which may be read or  
23 manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026.  
24 A community or county assessor maintaining a geographical information system or a CAMA system  
25 shall make maps and other products of the system available to the public. The cost of the map or  
26 other product shall not exceed a reasonable fee representing the cost to the community or county  
27 assessor of time, equipment and personnel in the production of the map or other product. A  
28 community or county assessor, whichever is maintaining the geographical information or CAMA  
29 system, may license the use of a geographical information system or the data associated with a  
30 CAMA system. The total cost of licensing a geographical information system or the data associated  
31 with a CAMA system may not exceed the cost, as established by section 610.026, of the:

32 (1) Cost to the community or county assessor of time, equipment and personnel in the  
33 production of the information in a geographical information system or the data associated with a  
34 CAMA system collected or assimilated by the county assessor or the production of the geographical  
35 information system or CAMA system; and

36 (2) Cost to the community or county assessor of the creation, purchase, or other acquisition  
37 of the information in a geographical information system or the data associated with a CAMA system  
38 collected or assimilated by the county assessor or of the geographical information system or CAMA  
39 system.

40 [6.] 7. The provisions of this section shall not hinder the daily or routine collection of data  
41 from the geographical information system or CAMA system by real estate brokers and agents, title  
42 collectors, developers, surveyors, utility companies, banks, news media or mortgage companies, nor  
43 shall the provisions allow for the charging of fees for the collection of such data exceeding that  
44 allowed pursuant to section 610.026. The provisions of this section, however, shall allow a  
45 community or county assessor maintaining a geographical information system or CAMA system to  
46 license and establish costs for the use of the system's computer program and computer software, and  
47 may also establish costs for the use of computer programs and computer software that provide access  
48 to information aggregated with geographic information system information or the data associated

1 with a CAMA system collected or assimilated by the county assessor.

2 [7.] 8. A community or county assessor distributing information used in a geographical  
3 information system or CAMA system or distributing a geographical information system or CAMA  
4 system shall not be liable for any damages which may arise from any error which may exist in the  
5 information or the geographical information system or the CAMA system or its associated data.

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

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

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

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

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

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

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

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

47 (8) Welfare cases of identifiable individuals;

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

1 governmental body or its representatives for negotiations with employee groups;

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

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

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

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

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

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

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

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

22 (18) Operational guidelines, policies and specific response plans developed, adopted, or  
23 maintained by any public agency responsible for law enforcement, public safety, first response, or  
24 public health for use in responding to or preventing any critical incident which is or appears to be  
25 terrorist in nature and which has the potential to endanger individual or public safety or health.  
26 Financial records related to the procurement of or expenditures relating to operational guidelines,  
27 policies or plans purchased with public funds shall be open. When seeking to close information  
28 pursuant to this exception, the public governmental body shall affirmatively state in writing that  
29 disclosure would impair the public governmental body's ability to protect the security or safety of  
30 persons or real property, and shall in the same writing state that the public interest in nondisclosure  
31 outweighs the public interest in disclosure of the records;

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

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

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

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

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

1 (21) Records that identify the configuration of components or the operation of a computer,  
2 computer system, computer network, or telecommunications network, and would allow unauthorized  
3 access to or unlawful disruption of a computer, computer system, computer network, or  
4 telecommunications network of a public governmental body. This exception shall not be used to  
5 limit or deny access to otherwise public records in a file, document, data file or database containing  
6 public records. Records related to the procurement of or expenditures relating to such computer,  
7 computer system, computer network, or telecommunications network, including the amount of  
8 moneys paid by, or on behalf of, a public governmental body for such computer, computer system,  
9 computer network, or telecommunications network shall be open;

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

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

21 (24) Records closed under section 67.1850; and

22 (25) Records that are requested by an individual who is not a resident of this state or records  
23 requested by a business entity that is not physically located in this state."; and  
24

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