

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 820, Page 9, Section 443.404, Line 40, by
2 inserting after all of the said section and line the following:

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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

Action Taken _____ Date _____

1 where such action occurs; provided, however, that any employee so affected shall be entitled to
2 prompt notice of such decision during the seventy-two-hour period before such decision is made
3 available to the public. As used in this subdivision, the term "personal information" means
4 information relating to the performance or merit of individual employees;

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

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

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

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

16 (8) Welfare cases of identifiable individuals;

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

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

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

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

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

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

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

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

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

39 (18) Operational guidelines, policies and specific response plans developed, adopted, or

1 maintained by any public agency responsible for law enforcement, public safety, first response, or
2 public health for use in responding to or preventing any critical incident which is or appears to be
3 terrorist in nature and which has the potential to endanger individual or public safety or health.
4 Financial records related to the procurement of or expenditures relating to operational guidelines,
5 policies or plans purchased with public funds shall be open. When seeking to close information
6 pursuant to this exception, the public governmental body shall affirmatively state in writing that
7 disclosure would impair the public governmental body's ability to protect the security or safety of
8 persons or real property, and shall in the same writing state that the public interest in nondisclosure
9 outweighs the public interest in disclosure of the records;

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

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

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

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

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

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

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

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

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

8 (24) Records relating to foster home or kinship placements of children in foster care under
9 section 210.498; and

10 (25) Individually identifiable customer usage and billing records for customers of a
11 municipally owned utility unless the records are requested by the customer or authorized for release
12 by the customer, except that a municipally owned utility shall make available to the public the
13 customer's name, billing address, location of service, and dates of service provided for any
14 commercial service account."; and

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