

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 2, Page 27, Section 139.053, Line 25, by inserting
2 after 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 governmental body
5 is authorized to close meetings, records and votes, to the extent they relate to the following:

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

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

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

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

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

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

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

Action Taken _____ Date _____

- 1 (8) Welfare cases of identifiable individuals;
- 2 (9) Preparation, including any discussions or work product, on behalf of a public governmental body
- 3 or its representatives for negotiations with employee groups;
- 4 (10) Software codes for electronic data processing and documentation thereof;
- 5 (11) Specifications for competitive bidding, until either the specifications are officially approved by
- 6 the public governmental body or the specifications are published for bid;
- 7 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related
- 8 documents or any documents related to a negotiated contract until a contract is executed, or all proposals are
- 9 rejected;
- 10 (13) Individually identifiable personnel records, performance ratings or records pertaining to
- 11 employees or applicants for employment, except that this exemption shall not apply to the names, positions,
- 12 salaries and lengths of service of officers and employees of public agencies once they are employed as such,
- 13 and the names of private sources donating or contributing money to the salary of a chancellor or president at
- 14 all public colleges and universities in the state of Missouri and the amount of money contributed by the
- 15 source;
- 16 (14) Records which are protected from disclosure by law;
- 17 (15) Meetings and public records relating to scientific and technological innovations in which the
- 18 owner has a proprietary interest;
- 19 (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;
- 20 (17) Records relating to reports of allegations of improper governmental activities under section
- 21 29.221;
- 22 (18) Confidential or privileged communications between a public governmental body and its auditor,
- 23 including all auditor work product; however, all final audit reports issued by the auditor are to be considered
- 24 open records pursuant to this chapter;
- 25 (19) (a) Security measures, global positioning system (GPS) data, investigative information, or
- 26 investigative or surveillance techniques of any public agency responsible for law enforcement or public
- 27 safety that, if disclosed, has the potential to endanger the health or safety of an individual or the public.
- 28 (b) Any information or data provided to a tip line for the purpose of safety or security at an
- 29 educational institution that, if disclosed, has the potential to endanger the health or safety of an individual or
- 30 the public.
- 31 (c) Any information contained in any suspicious activity report provided to law enforcement that, if
- 32 disclosed, has the potential to endanger the health or safety of an individual or the public.
- 33 (d) Operational guidelines, policies and specific response plans developed, adopted, or maintained
- 34 by any public agency responsible for law enforcement, public safety, first response, or public health for use in
- 35 responding to or preventing any critical incident which has the potential to endanger individual or public
- 36 safety or health. Financial records related to the procurement of or expenditures relating to operational
- 37 guidelines, policies or plans purchased with public funds shall be open. When seeking to close information
- 38 pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure
- 39 would impair the public governmental body's ability to protect the security or safety of persons or real
- 40 property, and shall in the same writing state that the public interest in nondisclosure outweighs the public
- 41 interest in disclosure of the records;
- 42 (20) Existing or proposed security systems and structural plans of real property owned or leased by a
- 43 public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or
- 44 operating an infrastructure to any public governmental body for use by that body to devise plans for
- 45 protection of that infrastructure, the public disclosure of which would threaten public safety:
- 46 (a) Records related to the procurement of or expenditures relating to security systems purchased with
- 47 public funds shall be open;
- 48 (b) When seeking to close information pursuant to this exception, the public governmental body
- 49 shall affirmatively state in writing that disclosure would impair the public governmental body's ability to
- 50 protect the security or safety of persons or real property, and shall in the same writing state that the public
- 51 interest in nondisclosure outweighs the public interest in disclosure of the records;
- 52 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving
- 53 agency within ninety days of submission to determine if retention of the document is necessary in furtherance

1 of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic
2 governmental body or destroyed;

3 (21) The portion of a record that identifies security systems or access codes or authorization codes
4 for security systems of real property;

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

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

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

24 (25) Records relating to foster home or kinship placements of children in foster care under section
25 210.498; and

26 (26) Individually identifiable customer usage and billing records for customers of a municipally
27 owned utility or a utility operated by any political subdivision created by Article VI, Section 30(a) of the
28 Constitution of Missouri, unless the records are requested by the customer or authorized for release by the
29 customer, except that a municipally owned utility or a utility operated by any political subdivision created by
30 Article VI, Section 30(a) of the Constitution of Missouri shall make available to the public the customer's
31 name, billing address, location of service, and dates of service provided for any commercial service
32 account."; and
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34 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.