

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

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 1464, Page 59, Section 589.414, Line  
2 207, by 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

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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) Records relating to reports of allegations of improper governmental activities under  
37 section 29.221;

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

4 (19) (a) Security measures, global positioning system (GPS) data, investigative  
5 information, or investigative or surveillance techniques of any public agency responsible for law  
6 enforcement or public safety that, if disclosed, has the potential to endanger the health or safety of  
7 an individual or the public.

8 (b) Any information or data provided to a tip line for the purpose of safety or security at an  
9 educational institution that, if disclosed, has the potential to endanger the health or safety of an  
10 individual or the public.

11 (c) Any information contained in any suspicious activity report provided to law enforcement  
12 that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

13 (d) Operational guidelines, policies and specific response plans developed, adopted, or  
14 maintained by any public agency responsible for law enforcement, public safety, first response, or  
15 public health for use in responding to or preventing any critical incident which has the potential to  
16 endanger individual or public safety or health. Financial records related to the procurement of or  
17 expenditures relating to operational guidelines, policies or plans purchased with public funds shall  
18 be open. When seeking to close information pursuant to this exception, the public governmental  
19 body shall affirmatively state in writing that disclosure would impair the public governmental body's  
20 ability to protect the security or safety of persons or real property, and shall in the same writing state  
21 that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

22 (20) Existing or proposed security systems and structural plans of real property owned or  
23 leased by a public governmental body, and information that is voluntarily submitted by a nonpublic  
24 entity owning or operating an infrastructure to any public governmental body for use by that body to  
25 devise plans for protection of that infrastructure, the public disclosure of which would threaten  
26 public safety:

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

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

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

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

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

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

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

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

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

(27) Any portion of a record that contains individually identifiable information of a minor under eighteen years of age held by a public governmental body, if such public governmental body is a city, town, village, or park board except when such records are requested by the division of labor standards within the department of labor and industrial relations for the purpose of enforcing chapter 294; and

(28) Individually identifiable customer information for visitors who make a camping, lodging, or shelter reservation for a Missouri state park or state historic site unless the records are requested by the visitor or authorized for release by the visitor."; and

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