



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2903		DATE: 4/16/2026	
COMMITTEE: Health and Mental Health			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: ARNIE C. AC "HONEST-ABE" DIENOFF		PHONE NUMBER: 314-440-9000	
BUSINESS/ORGANIZATION NAME: STATE PUBLIC ADVOCACY		TITLE: STATE PUBLIC ADVOCATE	
ADDRESS: P.O. BOX #1535			
CITY: O' FALLON		STATE: MO	ZIP: 63366
EMAIL: ArnieDienoff@Mail.Com	ATTENDANCE: In-Person	SUBMIT DATE: 4/16/2026 11:59 PM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: CASEY BURTON		PHONE NUMBER: 573-458-7043	
BUSINESS/ORGANIZATION NAME: PHELPS HEALTH		TITLE: EXECUTIVE DIRECTOR	
ADDRESS: 1000 WEST TENTH STREET			
CITY: ROLLA		STATE: MO	ZIP: 65401
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/16/2026 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: JASON SHENEFIELD		PHONE NUMBER: 307-214-4757	
BUSINESS/ORGANIZATION NAME: PHELPS HEALTH		TITLE: CEO	
ADDRESS: 1000 W. 10TH STREET			
CITY: ROLLA		STATE: MO	ZIP: 65401
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/16/2026 12:00 AM	
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SARAH BERRY		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 4/16/2026 7:08 AM
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I rise in opposition to this bill.

This legislation presents itself as a clarification of public records law, but in substance it creates a discretionary exemption that raises serious legal concerns under Missouri’s Sunshine Law.

Missouri law requires that public records exceptions be narrowly construed and not used to defeat the purpose of transparency.

This bill does the opposite.

It allows a public hospital to withhold records whenever it determines disclosure would be “harmful to the fiscal position” or provide a competitive disadvantage.

That standard is undefined, subjective, and self-executing.

It is not limited by objective criteria, and it is not subject to independent review at the point of decision.

By granting a public body unilateral authority to determine when disclosure is harmful, this bill risks creating an exemption that is overly broad and inconsistent with the intent and structure of Missouri’s open records law.

Courts have consistently held that public access cannot be conditioned on the convenience or preference of the public entity.

This bill moves in that direction.

The same issue applies to closed meetings.

The bill authorizes closed sessions under the same discretionary standard—financial harm or competitive disadvantage—again determined solely by the governing body.

This creates a system in which both records and deliberations may be withheld based on internal judgment rather than clearly defined statutory limits.

The scope of withheld material is also significant.

It includes financial data, strategic planning, consulting reports, and operational decisions—core governance records that directly relate to public accountability.

Shielding those categories under a discretionary standard invites challenge.

The legal exposure is not hypothetical.

The fiscal note itself acknowledges unknown impacts on court operations.

That reflects the likelihood of disputes over interpretation and enforcement.

Let the record reflect:

This bill creates a broad, self-determined exemption to public records law.

It expands closed-meeting authority under the same undefined standard.

It shields core governance records from disclosure.

And it does so in a manner that risks conflict with the requirements and judicial interpretation of Missouri's Sunshine Law.

This is not a neutral policy change.

It is a structural alteration that invites legal challenge.

For these reasons, I stand in opposition.