

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 1367, Page 1, Section 105.930, Line 8,  
2 by inserting the following after all of said Line:

3 “610.021. Except to the extent disclosure is otherwise required by law, a public  
4 governmental body is authorized to close meetings, records and votes, to the extent they relate to  
5 the following:

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

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

25 (3) Hiring, firing, disciplining or promoting of particular employees by a public  
26 governmental body when personal information about the employee is discussed or recorded.  
27 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,  
28 promote or discipline an employee of a public governmental body shall be made available with a  
29 record of how each member voted to the public within seventy-two hours of the close of the

1 meeting where such action occurs; provided, however, that any employee so affected shall be  
2 entitled to prompt notice of such decision during the seventy-two-hour period before such  
3 decision is made available to the public.

4 As used in this subdivision, the term "personal information" means information relating to the  
5 performance or merit of individual employees;

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

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

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

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

17 (8) Welfare cases of identifiable individuals;

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

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

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

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

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

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

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

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

1 (17) 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  
3 auditor are to be considered open records pursuant to this chapter;

4 (18) Operational guidelines and policies developed, adopted, or maintained by any public  
5 agency responsible for law enforcement, public safety, first response, or public health for use in  
6 responding to or preventing any critical incident which is or appears to be terrorist in nature and  
7 which has the potential to endanger individual or public safety or health. Nothing in this  
8 exception shall be deemed to close information regarding expenditures, purchases, or contracts  
9 made by an agency in implementing these guidelines or policies. When seeking to close  
10 information pursuant to this exception, the agency shall affirmatively state in writing that  
11 disclosure would impair its ability to protect the safety or health of persons, and shall in the same  
12 writing state that the public interest in nondisclosure outweighs the public interest in disclosure of  
13 the records. This exception shall sunset on December 31, 2012;

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

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

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

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

30 (d) This exception shall sunset on December 31, 2012;

31 (20) Records that identify the configuration of components or the operation of a computer,  
32 computer system, computer network, or telecommunications network, and would allow  
33 unauthorized access to or unlawful disruption of a computer, computer system, computer network,  
34 or telecommunications network of a public governmental body. This exception shall not be used  
35 to limit or deny access to otherwise public records in a file, document, data file or database  
36 containing public records. Records related to the procurement of or expenditures relating to such

1 computer, computer system, computer network, or telecommunications network, including the  
2 amount of moneys paid by, or on behalf of, a public governmental body for such computer,  
3 computer system, computer network, or telecommunications network shall be open;

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

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

15 (23) Records that contain the electronic mail addresses of individuals; and

16 (24) Records that identify security systems or access codes or authorization codes for  
17 security systems of real property owned by a nonpublic entity.”; and

18  
19 Further amend said bill by amending the title, enacting clause, and intersectional references  
20 accordingly.