

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 745, Page 53, Section 393.1700, Line 1133,

2 by inserting after all of said line the following:

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

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

27 announced or become public immediately following the action
28 on the motion to authorize institution of such a legal
29 action. Legal work product shall be considered a closed
30 record;

31 (2) Leasing, purchase or sale of real estate by a
32 public governmental body where public knowledge of the
33 transaction might adversely affect the legal consideration
34 therefor. However, any minutes, vote or public record
35 approving a contract relating to the leasing, purchase or
36 sale of real estate by a public governmental body shall be
37 made public upon execution of the lease, purchase or sale of
38 the real estate;

39 (3) Hiring, firing, disciplining or promoting of
40 particular employees by a public governmental body when
41 personal information about the employee is discussed or
42 recorded. However, any vote on a final decision, when taken
43 by a public governmental body, to hire, fire, promote or
44 discipline an employee of a public governmental body shall
45 be made available with a record of how each member voted to
46 the public within seventy-two hours of the close of the
47 meeting where such action occurs; provided, however, that
48 any employee so affected shall be entitled to prompt notice
49 of such decision during the seventy-two-hour period before
50 such decision is made available to the public. As used in
51 this subdivision, the term "personal information" means
52 information relating to the performance or merit of
53 individual employees;

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

56 (5) Nonjudicial mental or physical health proceedings
57 involving identifiable persons, including medical,
58 psychiatric, psychological, or alcoholism or drug dependency
59 diagnosis or treatment;

60 (6) Scholastic probation, expulsion, or graduation of
61 identifiable individuals, including records of individual
62 test or examination scores; however, personally identifiable
63 student records maintained by public educational
64 institutions shall be open for inspection by the parents,
65 guardian or other custodian of students under the age of
66 eighteen years and by the parents, guardian or other
67 custodian and the student if the student is over the age of
68 eighteen years;

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

72 (8) Welfare cases of identifiable individuals;

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

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

78 (11) Specifications for competitive bidding, until
79 either the specifications are officially approved by the
80 public governmental body or the specifications are published
81 for bid;

82 (12) Sealed bids and related documents, until the bids
83 are opened; and sealed proposals and related documents or
84 any documents related to a negotiated contract until a
85 contract is executed, or all proposals are rejected;

86 (13) Individually identifiable personnel records,
87 performance ratings or records pertaining to employees or
88 applicants for employment, except that this exemption shall
89 not apply to the names, positions, salaries and lengths of
90 service of officers and employees of public agencies once
91 they are employed as such, and the names of private sources
92 donating or contributing money to the salary of a chancellor

93 or president at all public colleges and universities in the
94 state of Missouri and the amount of money contributed by the
95 source;

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

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

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

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

108 (18) Operational guidelines, policies and specific
109 response plans developed, adopted, or maintained by any
110 public agency responsible for law enforcement, public
111 safety, first response, or public health for use in
112 responding to or preventing any critical incident which is
113 or appears to be terrorist in nature and which has the
114 potential to endanger individual or public safety or
115 health. Financial records related to the procurement of or
116 expenditures relating to operational guidelines, policies or
117 plans purchased with public funds shall be open. When
118 seeking to close information pursuant to this exception, the
119 public governmental body shall affirmatively state in
120 writing that disclosure would impair the public governmental
121 body's ability to protect the security or safety of persons
122 or real property, and shall in the same writing state that
123 the public interest in nondisclosure outweighs the public
124 interest in disclosure of the records;

125 (19) Existing or proposed security systems and
126 structural plans of real property owned or leased by a
127 public governmental body, and information that is
128 voluntarily submitted by a nonpublic entity owning or
129 operating an infrastructure to any public governmental body
130 for use by that body to devise plans for protection of that
131 infrastructure, the public disclosure of which would
132 threaten public safety:

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

136 (b) When seeking to close information pursuant to this
137 exception, the public governmental body shall affirmatively
138 state in writing that disclosure would impair the public
139 governmental body's ability to protect the security or
140 safety of persons or real property, and shall in the same
141 writing state that the public interest in nondisclosure
142 outweighs the public interest in disclosure of the records;

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

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

153 (21) Records that identify the configuration of
154 components or the operation of a computer, computer system,
155 computer network, or telecommunications network, and would
156 allow unauthorized access to or unlawful disruption of a
157 computer, computer system, computer network, or

158 telecommunications network of a public governmental body.
159 This exception shall not be used to limit or deny access to
160 otherwise public records in a file, document, data file or
161 database containing public records. Records related to the
162 procurement of or expenditures relating to such computer,
163 computer system, computer network, or telecommunications
164 network, including the amount of moneys paid by, or on
165 behalf of, a public governmental body for such computer,
166 computer system, computer network, or telecommunications
167 network shall be open;

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

179 (23) Records submitted by an individual, corporation,
180 or other business entity to a public institution of higher
181 education in connection with a proposal to license
182 intellectual property or perform sponsored research and
183 which contains sales projections or other business plan
184 information the disclosure of which may endanger the
185 competitiveness of a business; [and]

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

189 (25) Individually identifiable customer usage and
190 billing records for customers of a municipally owned

191 utility, unless the records are requested by the customer or
192 authorized for release by the customer, except that a
193 municipally owned utility shall make available to the public
194 the customer's name, billing address, location of service,
195 and dates of service provided for any commercial service
196 account."; and

197 Further amend the title and enacting clause accordingly.