

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 756, Page 63, Section 393.1700, Line 1131,

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.