HOUSE BILL NO. 1720

102ND GENERAL ASSEMBLY

AN ACT

To repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 610.021, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 610.021, to read as follows:

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

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

17 following the action on the motion to authorize institution of such a legal action. Legal work
18 product shall be considered a closed record;

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

24   (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire,
27 fire, promote or discipline an employee of a public governmental body shall be made
28 available with a record of how each member voted to the public within seventy-two hours of
29 the close of the meeting where such action occurs; provided, however, that any employee so
30 affected shall be entitled to prompt notice of such decision during the seventy-two-hour
31 period before such decision is made available to the public. As used in this subdivision, the
32 term "personal information" means information relating to the performance or merit of
33 individual employees;

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

35   (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
36 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
37 treatment;

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

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

46   (8) Welfare cases of identifiable individuals;

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

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

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

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

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

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

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

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

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

70   (18)   (a)   Security measures, global positioning system (GPS) data, investigative
71 information, or investigative or surveillance techniques of any public agency responsible for
72 law enforcement or public safety that, if disclosed, has the potential to endanger the health or
73 safety of an individual or the public.

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

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

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

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

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

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

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

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

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

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

125   (23) Records submitted by an individual, corporation, or other business entity to a
126 public institution of higher education in connection with a proposal to license intellectual

127 property or perform sponsored research and which contains sales projections or other
128 business plan information the disclosure of which may endanger the competitiveness of a
129 business;
130   (24) Records relating to foster home or kinship placements of children in foster care
131 under section 210.498; **[and]**
132   (25) Individually identifiable customer usage and billing records for customers of a
133 municipally owned utility, unless the records are requested by the customer or authorized for
134 release by the customer, except that a municipally owned utility shall make available to the
135 public the customer's name, billing address, location of service, and dates of service provided
136 for any commercial service account**; and**
137   **(26) Any portion of a record that contains individually identifiable information**
138 **of a minor seventeen years and under held by a public governmental body, if such public**
139 **governmental body is a city, town, village, or park board except when such records are**
140 **requested by the division of labor standards within the department of labor and**
141 **industrial relations for the purpose of enforcing chapter 294**.

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