

SECOND REGULAR SESSION

HOUSE BILL NO. 1688

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHIPMAN.

5147H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to electronic communications by state employees.

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

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.336, to read as follows:

1.336. Notwithstanding any other provisions of law, executive branch state employees charged with enforcing state laws and state agency officials engaging in making formal decisions involving their official governmental functions, such as performing their ministerial duties, regulating state employees and issuing orders to state employees, voting by electronic ballot, or handling classified information in any capacity, shall make use of appropriate state owned and operated electronic mail systems designed to ensure the appropriate encryption or retention of documents.

2. This section shall not prevent the use of private email by legislative branch employees or the judiciary to discuss matters of discretion involving lawmaking, regulation, and the political process. Executive branch officials may use private electronic mail to discuss matters of discretion and political strategy, except that confidential information and orders shall not be disclosed in such communications.

3. For purposes of this section, confidential information shall include any information produced by action or request of a state agency that is exempt from disclosure under chapter 610 or otherwise exempt from disclosure based on federal law or state or federal constitutional law.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **4. This section shall not be interpreted to require the retention or disclosure of any**
18 **information not required to be disclosed under chapter 610.**

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