

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

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

Amend SCS/HCS/House Bill No. 362, Page 1, Section title, Lines 2-3,

2 by striking "the sunshine law" and inserting in lieu thereof  
3 the following: "government transparency"; and

4 Further amend said bill and page, section A, line 3, by  
5 inserting after all of said line the following:

6 "29.420. 1. This section shall be known as the  
7 "Government Lending Transparency Act".

8 2. As used in this section, the following terms mean:

9 (1) "Administering agency", a department, office,  
10 board, commission, bureau, institution, or any other agency  
11 of the state charged by statute, regulation, or order with  
12 administering a credit support program or lending program;

13 (2) "Credit support program", any state program that  
14 guarantees or provides credit enhancements, such as state  
15 support for interest or principal payments, to the debt of  
16 private parties or municipalities, under which the state  
17 would be required to provide moneys if the borrower failed  
18 to pay;

19 (3) "Lending program", any state program that offers  
20 moneys to private parties or municipalities that come with  
21 the expectation of repayment.

22 3. Each administering agency shall report annually to  
23 the state auditor by August thirtieth the following  
24 information:

25           (1) The name and statutory authority for each lending  
26 program and credit support program administered by the  
27 agency;

28           (2) For the immediately preceding fiscal year, the  
29 total dollar amount of all lending for each lending program  
30 administered by the agency and the total amount of debt  
31 supported by each credit support program administered by the  
32 agency; and

33           (3) For the immediately preceding fiscal year, the  
34 reasonable estimates of the costs of likely defaults for  
35 each lending program and credit support program administered  
36 by the agency, using private sector accounting standards to  
37 evaluate the likelihood and costs of defaults.

38           4. The state auditor shall make an annual report  
39 compiling the data received from the administering agencies  
40 under this section, and shall submit the report to the  
41 general assembly annually by December fifteenth.

42           5. Intentional or knowing failure to comply with any  
43 reporting requirement contained in this section shall be  
44 punishable by a fine of up to two thousand dollars."; and

45           Further amend said bill, page 7, section 610.021, line  
46 201 by inserting after all of said line the following:

47           "610.026. 1. Except as otherwise provided by law,  
48 each public governmental body shall provide access to and,  
49 upon request, furnish copies of public records subject to  
50 the following:

51           (1) Fees for copying public records, except those  
52 records restricted under section 32.091, shall not exceed  
53 ten cents per page for a paper copy not larger than nine by  
54 fourteen inches, with the hourly fee for duplicating time  
55 not to exceed the average hourly rate of pay for clerical  
56 staff of the public governmental body. Research time  
57 required for fulfilling records requests may be charged at

58 the actual cost of research time. Based on the scope of the  
59 request, the public governmental body shall produce the  
60 copies using employees of the body that result in the lowest  
61 amount of charges for search, research, and duplication  
62 time. Prior to producing copies of the requested records,  
63 the person requesting the records may request the public  
64 governmental body to provide an estimate of the cost to the  
65 person requesting the records. Documents may be furnished  
66 without charge or at a reduced charge when the public  
67 governmental body determines that waiver or reduction of the  
68 fee is in the public interest because it is likely to  
69 contribute significantly to public understanding of the  
70 operations or activities of the public governmental body and  
71 is not primarily in the commercial interest of the requester;

72 (2) Fees for providing access to public records  
73 maintained on computer facilities, recording tapes or disks,  
74 videotapes or films, pictures, maps, slides, graphics,  
75 illustrations or similar audio or visual items or devices,  
76 and for paper copies larger than nine by fourteen inches  
77 shall include only the cost of copies, staff time, which  
78 shall not exceed the average hourly rate of pay for staff of  
79 the public governmental body required for making copies and  
80 programming, if necessary, and the cost of the disk, tape,  
81 or other medium used for the duplication. Fees for maps,  
82 blueprints, or plats that require special expertise to  
83 duplicate may include the actual rate of compensation for  
84 the trained personnel required to duplicate such maps,  
85 blueprints, or plats. If programming is required beyond the  
86 customary and usual level to comply with a request for  
87 records or information, the fees for compliance may include  
88 the actual costs of such programming.

89 2. Payment of such copying fees may be requested prior  
90 to the making of copies. A request for public records to a

91 public governmental body shall be considered withdrawn if  
92 the requester fails to remit all fees within thirty days of  
93 a request for payment of the fees by the public governmental  
94 body, prior to the making of copies.

95         3. Except as otherwise provided by law, each public  
96 governmental body of the state shall remit all moneys  
97 received by or for it from fees charged pursuant to this  
98 section to the director of revenue for deposit to the  
99 general revenue fund of the state.

100         4. Except as otherwise provided by law, each public  
101 governmental body of a political subdivision of the state  
102 shall remit all moneys received by it or for it from fees  
103 charged pursuant to sections 610.010 to 610.028 to the  
104 appropriate fiscal officer of such political subdivision for  
105 deposit to the governmental body's accounts.

106         5. The term "tax, license or fees" as used in Section  
107 22 of Article X of the Constitution of the State of Missouri  
108 does not include copying charges and related fees that do  
109 not exceed the level necessary to pay or to continue to pay  
110 the costs for providing a service, program, or activity  
111 which was in existence on November 4, 1980, or which was  
112 approved by a vote of the people subsequent to November 4,  
113 1980."; and

114         Further amend the title and enacting clause accordingly.