

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

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

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

2. Payment of such copying fees may be requested prior 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.