

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/HCS/House Bill Nos. 145 & 59, Page 18, Section 610.021, Line 234,

2 by inserting after all of said line the following:

3 "610.026. 1. Except as otherwise provided by law,
4 each public governmental body shall provide access to and,
5 upon request, furnish copies of public records subject to
6 the following:

7 (1) Fees for copying public records, except those
8 records restricted under section 32.091, shall not exceed
9 ten cents per page for a paper copy not larger than nine by
10 fourteen inches, with the hourly fee for duplicating time
11 not to exceed the average hourly rate of pay for clerical
12 staff of the public governmental body. Research time
13 required for fulfilling records requests may be charged at
14 the actual cost of research time. Based on the scope of the
15 request, the public governmental body shall produce the
16 copies using employees of the body that result in the lowest
17 amount of charges for search, research, and duplication
18 time. Prior to producing copies of the requested records,
19 the person requesting the records may request the public
20 governmental body to provide an estimate of the cost to the
21 person requesting the records. Documents may be furnished
22 without charge or at a reduced charge when the public
23 governmental body determines that waiver or reduction of the
24 fee is in the public interest because it is likely to
25 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. (1) Payment of [such copying] fees may be requested prior to [the making of copies] fulfilling the request.

(2) A request for public records to a public governmental body shall be considered withdrawn if the requester fails to remit all fees within ninety days, or within one hundred fifty days if the requested fees are greater than one thousand dollars, of a request for payment of the fees by the public governmental body, prior to fulfilling the request. The public governmental body shall include notice to the requester that if the requester fails to remit payment of the fees within ninety days, or within one hundred fifty days if the requested fees are greater than one thousand dollars, then the request for public

59 records shall be considered withdrawn. If the public
60 governmental body responds to a request for public records
61 in order to seek a clarification of the request and no
62 response to the request for clarification is received by the
63 public governmental body within ninety days, or within one
64 hundred fifty days if the requested fees are greater than
65 one thousand dollars, of sending the request for
66 clarification, then such request for public records shall be
67 considered withdrawn. The request for clarification by the
68 public governmental body shall include notice to the
69 requester that if the requester fails to respond within
70 ninety days, or within one hundred fifty days if the
71 requested fees are greater than one thousand dollars, then
72 the request shall be considered withdrawn. If the same or a
73 substantially similar request for public records is made
74 within six months after the expiration of the ninety-day
75 period, or within one hundred fifty days if the requested
76 fees are greater than one thousand dollars, and no fee was
77 remitted for such request or no response was received to the
78 request for clarification, then the public governmental body
79 may request payment of the same fees made for the original
80 request that has expired in addition to any allowable fees
81 necessary to fulfill the subsequent request. Any request
82 for records to a public governmental body that is pending on
83 August 28, 2025, shall be considered withdrawn if the
84 requester fails to remit all fees by January 1, 2026. The
85 provisions of this subdivision shall not apply if a lawsuit
86 has been filed against the public governmental body with
87 regard to the records that are the subject of the request
88 under this subdivision.

89 3. Except as otherwise provided by law, each public
90 governmental body of the state shall remit all moneys
91 received by or for it from fees charged pursuant to this

92 section to the director of revenue for deposit to the
93 general revenue fund of the state.

94 4. Except as otherwise provided by law, each public
95 governmental body of a political subdivision of the state
96 shall remit all moneys received by it or for it from fees
97 charged pursuant to sections 610.010 to 610.028 to the
98 appropriate fiscal officer of such political subdivision for
99 deposit to the governmental body's accounts.

100 5. The term "tax, license or fees" as used in Section
101 22 of Article X of the Constitution of the State of Missouri
102 does not include copying charges and related fees that do
103 not exceed the level necessary to pay or to continue to pay
104 the costs for providing a service, program, or activity
105 which was in existence on November 4, 1980, or which was
106 approved by a vote of the people subsequent to November 4,
107 1980."; and

108 Further amend the title and enacting clause accordingly.