

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>10</b>
<b>NO:</b>	<b>0</b>

**MR. SPEAKER:**

*Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1           Page 3, between lines 8 and 9, begin a new line block indented and
- 2           insert:
- 3           **"(4) Whether the defendant acted in compliance with an**
- 4           **informal inquiry response or advisory opinion issued by the**
- 5           **public access counselor concerning the violation."**
- 6           Page 3, line 17, after "prevails" insert ";".
- 7           Page 3, line 17, strike "and the court finds that the defendant's".
- 8           Page 3, line 18, strike "violation is knowing and intentional;".
- 9           Page 3, between lines 20 and 21, begin a new line blocked left and
- 10          insert:
- 11          **"The plaintiff is not eligible for the awarding of attorney's fees,**
- 12          **court costs, and other reasonable expenses if the plaintiff filed the**
- 13          **action without first seeking and receiving an informal inquiry**

1 **response or advisory opinion from the public access counselor,**  
 2 **unless the plaintiff can show the filing of the action was necessary**  
 3 **to prevent a violation of this chapter."**

4 Page 3, delete lines 23 through 42.

5 Delete pages 4 through 6.

6 Page 7, delete lines 1 through 26.

7 Page 8, line 19, after "issue" insert ":".

8 Page 8, line 19, before "that" begin a new line block indented and  
 9 insert:

10 **"(1)".**

11 Page 8, line 20, delete "." and insert "; **and**".

12 Page 8, line 20, before "Such" begin a new line block indented and  
 13 insert:

14 **"(2) whether the denial was in compliance with an informal**  
 15 **inquiry response or advisory opinion of the public access**  
 16 **counselor."**

17 Page 8, line 20, before "Such" begin a new line blocked left.

18 Page 9, line 8, after "prevails" insert ":".

19 Page 9, line 8, strike "and the court finds the".

20 Page 9, line 9, strike "defendant's violation was knowing or  
 21 intentional;".

22 Page 9, between lines 11 and 12, begin a new line blocked left and  
 23 insert:

24 **"The plaintiff is not eligible for the awarding of attorney's fees,**  
 25 **court costs, and other reasonable expenses if the plaintiff filed the**  
 26 **action without first seeking and receiving an informal inquiry**  
 27 **response or advisory opinion from the public access counselor,**  
 28 **unless the plaintiff can show the filing of the action was necessary**  
 29 **because the denial of access to a public record under this chapter**  
 30 **would prevent the plaintiff from presenting that public record to**  
 31 **a public agency preparing to act on a matter of relevance to the**  
 32 **public record whose disclosure was denied."**

33 Page 11, line 9, delete "general assembly" and insert "**legislative**  
 34 **services agency**".

35 Page 12, line 5, after "IC 5-14-1.5-2" insert ",".

36 Page 12, line 7, after "IC 5-14-3-2" insert ",".

37 Page 12, line 21, delete "as set forth in" and insert "**under the**  
 38 **procedure prescribed by**".

- 1 Page 12, line 28, after "agency" insert ",".
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 1 as reprinted January 26, 1999.)

**and when so amended that said bill do pass.**

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Representative Moses