

Adopted Rejected

COMMITTEE REPORT

YES: 9
NO: 0

MR. SPEAKER:

Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1002, 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 2, line 5, after "(b)" insert "**Regardless of whether a formal**
- 2 **complaint or informal inquiry is pending before the public access**
- 3 **counselor,**".
- 4 Page 2, line 5, delete "Any" and insert "any".
- 5 Page 3, delete lines 26 through 29, begin a new paragraph and
- 6 insert:
- 7 "**(b) If a court finds by a preponderance of the evidence that this**
- 8 **chapter has been knowingly violated, the court may assess a civil**
- 9 **penalty in an amount not to exceed one thousand dollars (\$1,000)**
- 10 **against each employee or officer of a public agency who knowingly**
- 11 **violated this chapter. A civil penalty assessed under this section is**
- 12 **a personal liability of the employee or officer, and a public agency**
- 13 **may not:**
- 14 (1) **pay a civil penalty imposed under this section; or**
- 15 (2) **reimburse an employee or officer who pays a civil penalty**
- 16 **under this section."**

1 Page 5, delete lines 24 through 27, begin a new paragraph and
2 insert:

3 **"(b) If a court finds by a preponderance of the evidence that this**
4 **chapter has been knowingly violated, the court may assess a civil**
5 **penalty in an amount not to exceed one thousand dollars (\$1,000)**
6 **against each employee or officer of a public agency who knowingly**
7 **violated this chapter. A civil penalty imposed under this section is**
8 **a personal liability of the employee or officer, and a public agency**
9 **may not:**

- 10 (1) pay a civil penalty imposed under this section; or
11 (2) reimburse an employee or officer who pays a civil penalty
12 under this section."

13 Page 6, line 24, before "on" insert "**and the media**".

14 Page 6, line 41, after "agency." insert "**However, the counselor**
15 **may not issue an advisory opinion concerning a specific matter**
16 **with respect to which a lawsuit has been filed under IC 5-14-1.5 or**
17 **IC 5-14-3.**".

18 Page 7, between lines 3 and 4, begin a new paragraph and insert:

19 **"Sec. 12. An informal inquiry or other request for assistance**
20 **under this chapter does not delay the running of a statute of**
21 **limitation that applies to a lawsuit under IC 5-14-1.5 or IC 5-14-3**
22 **concerning the subject matter of the inquiry or other request.**".

23 Page 7, line 32, after "chapter" insert "**or may make an informal**
24 **inquiry under IC 5-14-4-10(5)**".

25 Page 7, line 33, delete "shall" and insert "**that chooses to**".

26 Page 7, line 34, after "counselor" insert "**must file the complaint**".

27 Page 8, line 11, after "rules" insert "**under IC 4-22-2**".

28 Page 8, between lines 14 and 15, begin a new paragraph and insert:

29 **"Sec. 12. The filing of a formal complaint under this chapter**

1 **does not delay the running of a statute of limitation that applies to**
2 **a lawsuit under IC 5-14-1.5 or IC 5-14-3 concerning the subject**
3 **matter of the complaint."**

(Reference is to HB 1002 as introduced.)

and when so amended that said bill do pass.

Representative Moses