

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate 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 an informal inquiry is pending before the public**
- 3 **access counselor,"**.
- 4 Page 2, line 5, delete "Any" and insert "any".
- 5 Page 3, line 16, after "prevails" delete ";"
- 6 Page 3, line 16, reset in roman "and the court finds that the
- 7 defendant's".
- 8 Page 3, line 17, reset in roman, "violation is knowing and
- 9 intentional;"
- 10 Page 5, line 3, after "prevails" delete ";"
- 11 Page 5, line 3, reset in roman "and the court finds the".
- 12 Page 5, line 4, reset in roman "defendant's violation was knowing
- 13 or intentional;"
- 14 Page 5, between lines 8 and 9, begin a new paragraph and insert:
- 15 "SECTION 3. IC 5-14-3-10 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) A public
- 17 employee, a public official, or an employee or officer of a contractor or
- 18 subcontractor of a public agency, except as provided by IC 4-15-10,
- 19 who knowingly or intentionally discloses information classified as
- 20 confidential by state statute commits a Class A misdemeanor.

1 (b) A public employee may be disciplined in accordance with the
 2 personnel policies of the agency by which the employee is employed
 3 if the employee intentionally, knowingly, or recklessly discloses or fails
 4 to protect information classified as confidential by state statute.

5 (c) A public employee, a public official, or an employee or officer
 6 of a contractor or subcontractor of a public agency who unintentionally
 7 and unknowingly discloses confidential or erroneous information in
 8 response to a request under IC 5-14-3-3(d) **or who discloses**
 9 **confidential information in reliance on an advisory opinion by the**
 10 **public access counselor** is immune from liability for such a disclosure.

11 (d) This section does not apply to any provision incorporated into
 12 state law from a federal statute."

13 Page 5, line 31, delete "(a)".

14 Page 5, delete line 33.

15 Page 6, line 19, after "agency." insert "**However, the counselor**
 16 **may not issue an advisory opinion concerning a specific matter**
 17 **with respect to which a lawsuit has been filed under IC 5-14-1.5 or**
 18 **IC 5-14-3.**".

19 Page 6, between lines 40 and 41, insert a new line double block
 20 indented and insert:

21 "(F) School corporations."

22 Page 6, line 41, delete "(F)" and insert "(G)".

23 Page 7, delete line 6, begin a new paragraph, and insert:

24 "**Sec. 13. An informal inquiry or other request for assistance**
 25 **under this chapter does not delay the running of a statute of**
 26 **limitation that applies to a lawsuit under IC 5-14-1.5 or IC 5-14-3**
 27 **concerning the subject matter of the inquiry or other request.**".

28 Page 7, line 35, after "chapter" insert "**or may make an informal**
 29 **inquiry under IC 5-14-4-10(5).**".

30 Page 7, line 36, delete "shall" and insert "**that chooses to**".

31 Page 7, line 37, after "counselor" insert "**must file the complaint**".

32 Page 8, delete line 18, begin a new paragraph, and insert:

33 "**Sec. 12. The filing of a formal complaint under this chapter**
 34 **does not delay the running of a statute of limitation that applies to**

1 **a lawsuit under IC 5-14-1.5 or IC 5-14-3 concerning the subject**
2 **matter of the complaint."**

3 Renumber all SECTIONS consecutively.
 (Reference is to SB 1 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Merritt

Chairperson