

SB 2858 changes for HSE FINANCE

Proposed changes to bill, March 30, 4 p.m. House Finance

1. delete entire bill. It has been passed by Judiciary Committees of both houses but ~~its financial implications and costs to the taxpayer~~ were not studied by Senate WAM or by either Judiciary Committee. Hold the bill or else
2. substitute the following clear, simple amendment to provide needed legislative clarity and uniformity for implementing and enforcing both Chapters 92 and 92F.

RATIONALE

3. To ensure fiscal prudence during stringent economic times and amidst rapidly changing communication technologies and to promote greater government effectiveness, efficiency and expediency, the Finance Committee continues the legislative intent expressed 23 years ago that has stood the test of time in formulating the public-records law (Chapter 92F).
4. This legislative intent of 1989 reads: "...a government agency dissatisfied with an administrative ruling by the OIP does not have the right to bring an action in circuit court to contest the OIP ruling. The legislative intent for expediency and uniformity in providing access to government records would be frustrated by agencies suing each other."
5. This clear-sighted legislative intent is ~~continued by amending the Sunshine Law~~ (Chapter 92) as follows:

Section 92-12 (c) is amended as follows:

(c) Any person may commence a suit in the circuit

court of the circuit in which a prohibited act
occurs for the purpose of requiring compliance with
preventing violations of this part or to determine
the applicability of this part to discussions or
decisions of the public body. For purposes of this
section, "any person" shall exclude a board as
defined in Section 92-2. The court may order
payment of reasonable attorney fees and costs to
the prevailing party in a suit brought under this
section. (Amended language is underlined.)



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