

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Governmental and Regulatory Affairs, to which was referred House Bill No. 1083, 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 3, delete lines 21 through 42.
2 Delete page 4.
3 Page 5, delete lines 1 through 17, begin a new paragraph and insert:
4 "SECTION 2. IC 5-14-3-1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A fundamental
6 philosophy of the American constitutional form of representative
7 government is that government is the servant of the people and not
8 their master. Accordingly, it is the public policy of the state that all
9 persons are entitled to full and complete information regarding the
10 affairs of government and the official acts of those who represent them
11 as public officials and employees. Providing persons with the
12 information is an essential function of a representative government and
13 an integral part of the routine duties of public officials and employees,
14 whose duty it is to provide the information. **Concurrently, this duty**
15 **must be balanced against the constitutional rights of all citizens to**
16 **instruct their representatives and to apply to the general assembly**
17 **for redress of grievances. In protecting these rights, every effort**
18 **must also be made to safeguard the equally important right of**
19 **citizens to privacy in their communications with members of the**
20 **general assembly.** This chapter shall be liberally construed to

1 implement this policy and place the burden of proof for the
 2 nondisclosure of a public record on the public agency that would deny
 3 access to the record and not on the person seeking to inspect and copy
 4 the record.

5 SECTION 3. IC 5-14-3-1.5 IS ADDED TO THE INDIANA CODE
 6 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: **Sec. 1.5. (a) The general assembly finds that the**
 8 **citizens of the state of Indiana have constitutional rights that shall**
 9 **not be impaired, either directly or indirectly. Among those rights**
 10 **is the freedom to speak and write freely, in the course of which**
 11 **citizens may instruct their elected representatives as well as seek**
 12 **a redress of grievances. Those citizens who are elected to serve in**
 13 **the general assembly have a corresponding right to receive**
 14 **information, whether it be oral, written, or in electronic form, and**
 15 **to consider and discuss freely that information among themselves,**
 16 **with a view towards enacting legislation that is the product of**
 17 **thoughtful, uninhibited debate and discussion.**

18 **(b) In accordance with Article 3, Section 1 and Article 4, Section**
 19 **10 of the Constitution of the State of Indiana, this chapter applies**
 20 **to the legislative branch of state government as follows:**

21 **(1) To the house of representatives only to the extent expressly**
 22 **set out in law or in the Rules for the Government of the House**
 23 **that are adopted during, and applicable to, a term of the**
 24 **general assembly (as defined in IC 2-2.1-1-1(2)).**

25 **(2) To the senate only to the extent expressly set out in law or**
 26 **in the Standing Rules and Orders of the Senate that are**
 27 **adopted during, and applicable to, a term of the general**
 28 **assembly (as defined in IC 2-1.1-1-1(2)).**

29 **(3) To the legislative services agency to the extent expressly**
 30 **set out in personnel rules adopted by the legislative council."**

31 Page 6, delete lines 6 through 11.

32 Page 8, strike lines 2 through 5.

33 Page 8, line 6, strike "(15)" and insert "**(13)**".

34 Page 8, line 11, strike "(16)" and insert "**(14)**".

35 Page 8, line 24, strike "(17)" and insert "**(15)**".

36 Page 8, line 32, strike "(18)" and insert "**(16)**".

37 Page 8, between lines 34 and 35, begin a new line block indented
 38 and insert:

1 **"(17) A communication or any part of a communication,**
2 **regardless of the date the communication was created, sent**
3 **by:**

4 **(A) a member of the public to a public agency that contains**
5 **information of a personal nature, if public disclosure of the**
6 **information would constitute a clearly unwarranted**
7 **invasion of personal privacy; or**

8 **(B) a public agency to a member of the public in response**
9 **to a communication described in clause (A).**

10 **However, this subdivision does not apply to a communication**
11 **or any part of a communication that is specifically required**
12 **to be disclosed or specifically required to be kept confidential**
13 **under a state statute, federal statute, or court order."**

14 Page 9, after line 29, begin a new paragraph and insert:

15 **"SECTION 5. An emergency is declared for this act."**

16 Renumber all SECTIONS consecutively.

(Reference is to EHB 1083 as reprinted March 6, 2001.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Merritt

Chairperson