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HB 658 Sponsor Testimony –House Civil Justice Committee

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee thank you for the opportunity to provide sponsor testimony on House Bill 658.

Under current law, if a court of appeals in any appeal taken by the public office or person responsible for the public records determines that the public office or person denied the aggrieved person access to the public records in violation of the Public Records Law and obviously filed the appeal with the intent to either delay compliance with the Court of Claims' order from which the appeal is taken for no reasonable cause or unduly harass the aggrieved person, the court of appeals may award reasonable attorney's fees to the aggrieved person in accordance with the Public Records Law.

No discovery may be conducted on the issue of the public office or person responsible for the public records filing the appeal with the alleged intent to either delay compliance with the Court of Claims' order for no reasonable cause or unduly harass the aggrieved person. This provision is not to be construed as creating a presumption that the public office or the person responsible for the public records filed the appeal with the intent to either delay compliance with the Court of Claims' order for no reasonable cause or unduly harass the aggrieved person.

HB 658 requires, instead of permits under current law, the award of attorney's fees to an aggrieved person if a court of appeals determines in an appeal by a public office from a Court of Claims order that the public office denied the person access to public records in violation of the Public Records Law.

Furthermore HB 658 would Eliminate current law requirement's that the appeal was filed with the intent to either delay compliance with the Court of Claims' order from which the appeal is taken for no reasonable cause or unduly harass the aggrieved person, and related provisions

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee, I thank you for your time, and will be happy to answer any questions