

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 10, 2023
Date

Committee on State, Civic, Military, & Veterans Affairs.

After consideration on the merits, the Committee recommends the following:

HB23-1259 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 4, line 2, after "NOTICE" insert "THAT IS".
- 2 Page 4, line 9, after "SECTION." insert "DETERMINING IF THE PERSON'S
3 CHALLENGE CAN BE RESOLVED INCLUDES WORKING TOGETHER TO
4 DEVELOP A SOLUTION TO THE DEFICIENCY OF THE PRIOR ANNOUNCEMENT
5 OF THE EXECUTIVE SESSION THAT IS ALLEGED TO BE IN VIOLATION OF
6 SUBSECTION (4) OF THIS SECTION TO ADDRESS THE PERSON'S CHALLENGE
7 AND COMPLY WITH THE REQUIREMENTS OF SUBSECTION (4) OF THIS
8 SECTION."
- 9 Page 4, strike lines 10 through 13 and substitute:

10 "(c) CURING AN ALLEGED VIOLATION OF SUBSECTION (4) OF THIS
11 SECTION IS A BAR TO ANY ACTION AGAINST A LOCAL PUBLIC BODY
12 CONCERNING THE SAME ALLEGED VIOLATION OF SUBSECTION (4) OF THIS
13 SECTION. IF A PERSON FILES A CHALLENGE PURSUANT SUBSECTION (9) OF
14 THIS SECTION AND THE LOCAL PUBLIC BODY RAISES THE ISSUE OF CURING
15 THE ALLEGED VIOLATION BEFORE OR AFTER THE COMMENCEMENT OF
16 DISCOVERY, THE COURT SHALL SUSPEND DISCOVERY UNLESS THE
17 DISCOVERY IS NECESSARY TO DECIDE THE ISSUE OF CURING THE ALLEGED
18 VIOLATION, AND THE COURT SHALL DECIDE SUCH ISSUE ON MOTION BY THE
19 LOCAL PUBLIC BODY. THE COURT'S DECISION ON SUCH MOTION IS A FINAL
20 JUDGMENT AND IS SUBJECT TO INTERLOCUTORY APPEAL."
- 21 Reletter succeeding paragraph accordingly.

