

HB0140/825167/2

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 140  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4, 6, and 8 and 9, in each instance, strike “an administrative law judge” and substitute “a court”; and strike in their entirety lines 11 and 12.

AMENDMENT NO. 2

On pages 5 and 6, strike in their entirety the lines beginning with line 19 on page 5 through line 8 on page 6.

On page 6, in line 35, strike “**IN ANY JUDICIAL ACTION TAKEN UNDER THIS SECTION, THE**” and substitute “**(1) THE**”; in line 37, after “**WITH**” insert “**THIS**”; in the same line, strike “**(G)(3) AND (4) OF THIS SECTION**”; and after line 37, insert:

**“(2) (I) THE COURT MAY AWARD REASONABLE ATTORNEY’S FEES AND RELATED COSTS TO A PREVAILING PARTY WHO IS THE PARENT OF A CHILD WITH A DISABILITY.**

**(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, ATTORNEY’S FEES MAY NOT BE AWARDED AND RELATED COSTS MAY NOT BE REIMBURSED FOR SERVICES PERFORMED AFTER THE DATE A WRITTEN OFFER OF SETTLEMENT IS MADE TO A PARENT, IF:**

**1. THE SETTLEMENT OFFER IS MADE TO THE PARENT MORE THAN 10 DAYS BEFORE THE START OF A PROCEEDING UNDER THIS SECTION;**

(Over)

**2. THE SETTLEMENT OFFER IS NOT ACCEPTED  
WITHIN 10 DAYS; AND**

**3. THE COURT FINDS THAT THE SETTLEMENT OFFER  
WAS MORE FAVORABLE TO THE PARENT THAN THE FINAL RELIEF OBTAINED BY  
THE PARENT IN A PROCEEDING UNDER THIS SECTION.**

**(III) AN AWARD OF ATTORNEY'S FEES AND RELATED COSTS  
MAY BE MADE TO A PARENT WHO IS THE PREVAILING PARTY AND WHO WAS  
SUBSTANTIALLY JUSTIFIED IN REJECTING A SETTLEMENT OFFER.**

**(3) A COURT MAY AWARD REASONABLE EXPERT WITNESS FEES TO  
A PREVAILING PARTY WHO IS THE PARENT OF A CHILD WITH A DISABILITY."**