

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 900 Session of
1995

INTRODUCED BY NICKOL, FICHTER, NAILOR, ARMSTRONG, SAYLOR,
S. H. SMITH, VANCE, TIGUE, SATHER, SCHRODER, SEMMEL, CLARK,
WAUGH, E. Z. TAYLOR, DRUCE, HENNESSEY, STERN, MAITLAND,
MERRY, BATTISTO, STETLER, RAYMOND AND CARONE,
FEBRUARY 28, 1995

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 16, 1995

AN ACT

1 Amending the act of July 3, 1986 (P.L.388, No.84), entitled "An
2 act requiring public agencies to hold certain meetings and
3 hearings open to the public; and providing penalties,"
4 providing for attorney fees.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The act of July 3, 1986 (P.L.388, No.84), known
8 as the Sunshine Act, is amended by adding a section to read:

9 Section 15.1. Attorney fees.

10 If a person brings a successful legal challenge under this
11 act, or prevails in part, and the court finds that the agency
12 has intentionally, knowingly or recklessly acted in disregard of
13 this act, the court may award reasonable attorney fees and costs
14 of litigation or an appropriate portion thereof. If the court
15 finds that the legal challenge was of a frivolous nature and was
16 brought with no substantial justification, it may award
17 reasonable attorney fees AND COSTS OF LITIGATION OR AN

- 1 APPROPRIATE PORTION THEREOF to the prevailing party.
- 2 Section 2. This act shall take effect in 90 days.