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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 900 Session of  
1995

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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

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 28, 1995

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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 to the prevailing party.

1       Section 2.   This act shall take effect in 90 days.