

JAN 13 1999  
JUDICIARY

HOUSE FILE

72

BY KREIMAN

WITHDRAWN 2/10/99  
(p. 32b)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act concerning the open meetings statute by permitting the  
2 awarding of appellate attorney fees for a successful action  
3 involving the statute.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 72

1 Section 1. Section 21.6, subsection 3, paragraph b, Code  
2 1999, is amended to read as follows:

3 b. Shall order the payment of all costs and reasonable  
4 attorneys fees in the trial and appellate courts to any party  
5 successfully establishing a violation of this chapter. The  
6 costs and fees shall be paid by those members of the  
7 governmental body who are assessed damages under paragraph "a"  
8 ~~of this subsection~~. If no such members exist because they  
9 have a lawful defense under that paragraph to the imposition  
10 of such damages, the costs and fees shall be paid to the  
11 successful party from the budget of the offending governmental  
12 body or its parent.

13 EXPLANATION

14 This bill provides that a court may award both trial and  
15 appellate attorney fees to a party who establishes that a  
16 governmental body has violated the open meetings law. The  
17 Iowa supreme court has determined, based on current law, in a  
18 1998 court opinion that only trial, but not appellate,  
19 attorney fees can be awarded if a violation of Code chapter 21  
20 is established.

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