

~~Government Reform and Land~~ Use Committee

BILL ANALYSIS

2SSB 5084

Title of the Bill: An act relating to attorneys' fees, costs, and expenses awarded against the state.

What this Bill Does: Expands who may receive an award of attorneys' fees and costs in a judicial review of an agency action, and raises the cap on the award.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Roach, Schow, Benton, Swecker, Zarelli, Morton, Hochstatter, Johnson, McCaslin, Winsley, Stevens and Oke).

Hearing Date: 2/18/98

Fiscal Note: Available.

Analysis Prepared By: Joan Elgee, 786-7135

BACKGROUND:

As part of 1995 regulatory reform legislation (ESHB 1010), the Legislature enacted the Equal Access to Justice Act. The act generally requires an award of attorneys' fees and expenses, not exceeding \$25,000, to qualified parties that prevail in a judicial review of an agency action.

A qualified party is : a) an individual whose net worth does not exceed \$1 million; or b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth does not exceed \$5 million.

SUMMARY:

The \$25,000 cap on attorneys' fees and other expenses awarded to a prevailing party in a successful challenge of an agency action is raised to \$50,000. Language is added to clarify that the fees and expenses are those incurred in the judicial review.

The net worth limits for a party to be qualified to receive an award of fees and costs are raised. A qualified party is: a) an individual who net worth does not exceed \$2 million; and b) a sole owner of an unincorporated business, or a partnership, corporation, association, or

organization whose net worth does not exceed \$7 million.

The Office of Financial Management must report annually to the Legislature on the amount of fees and other expenses awarded.

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