

SENATE BILL REPORT

SB 5444

As of January 27, 2000

Title: An act relating to the repeal of attorneys' fees awards in land use cases.

Brief Description: Eliminating the authority for attorneys' fees awards to prevailing parties in land use and shoreline management decisions appeals.

Sponsors: Senators Kline, Wojahn and Kohl-Welles.

Brief History:

Committee Activity: State & Local Government: 2/3/99, 3/3/99 [DPS, DNPS]; 1/27/00.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Staff: Diane Smith (786-7410)

Background: When a land use decision is made by a local government, that decision can be appealed to the county, city, town, or shorelines hearing board, depending on the type of issue. The decision made at this administrative level can then be appealed into superior court and then into the Court of Appeals and the State Supreme Court. If the prevailing party at the administrative level continues to prevail in all subsequent appeals, then reasonable attorneys' fees and costs are awarded to that prevailing party. When the decision of the county, city, or town is upheld by the superior court and on appeal, then the county, city, or town is considered to be the prevailing party.

Absent statutory provision of this nature, the general rule is that each party bear its own attorneys' fees and costs.

Summary of Bill: The provision awarding attorneys' fees and costs to the prevailing party in land use and shorelines appeals is repealed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.