

# SENATE BILL REPORT

## HB 2817

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As Reported By Senate Committee On:  
Government Operations, February 23, 1996

**Title:** An act relating to fees and costs regarding appeal of land use decisions.

**Brief Description:** Eliminating provisions dealing with fees and costs regarding land use decisions.

**Sponsors:** Representatives Cairnes, Mastin, Goldsmith, Honeyford, Sherstad, Mulliken, D. Schmidt, Morris and Elliot.

**Brief History:**

**Committee Activity:** Government Operations: 2/21/96, 2/23/96 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

**Staff:** Rod McAulay (786-7754)

**Background:** Reasonable attorney fees and costs may be awarded to the prevailing party before the Court of Appeals or Supreme Court in an action involving substantial development permits, related land use determinations and matters before the Shoreline Hearings Board if the party also prevailed or substantially prevailed at all earlier levels of the proceeding.

**Summary of Bill:** The authority of the Supreme Court or Court of Appeals to award reasonable attorney fees and costs to the prevailing or substantially prevailing party in appeals of disputes involving development permits, land use determinations and matters before the Shoreline Hearings Board is repealed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Government is always the prevailing party at the time a plan is adopted, so government is the only party that might ever collect under this provision.

**Testimony Against:** None.

**Testified:** Mike Ryherd, David Williams (AWC); Scott Hazelgrove, Realtors; Scott Merrican, WA Env. Council.

