

5444-S

Sponsor(s): Senate Committee on State & Local Government
(originally sponsored by Senators Kline, Wojahn and Kohl-Welles)

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

SB 5444-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that the purpose of this act is to repeal the statutory authorization for the award of attorneys' fees to prevailing parties in appeals of land use and shoreline management decisions. This statute, enacted in 1995, has had a chilling effect upon the exercise of the rights of individuals, organizations, and small developers to seek judicial review of governmental decisions that may affect their neighborhoods, communities, and development proposals. It is more appropriate that the general American rule that each party bears its own attorneys' fees should apply to these cases.

Declares that this act applies to all causes of action pending on appeal on or after the effective date of this act, regardless of when the cause of action arose. To this extent, this act applies retroactively, but in all other respects it applies prospectively.

Repeals RCW 4.84.370.