

---

HOUSE BILL 1044

---

State of Washington

54th Legislature

1995 Regular Session

By Representatives Hickel, Delvin, Smith, Crouse, Padden, Dyer, Costa, Schoesler, Johnson, Thompson, Beeksma, Radcliff, Cairnes, Mastin, Carrell, Chappell, Foreman, Fuhrman, Campbell, Morris and Casada

Prefiled 1/6/95. Read first time 01/09/95. Referred to Committee on Law and Justice.

1 AN ACT Relating to attorneys' fees, costs, and expenses awarded  
2 against state and other units of government; adding a new section to  
3 chapter 4.84 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds the public interest is  
6 served by encouraging private citizens to defend their rights and  
7 pursue their legal remedies in the courts of this state. The  
8 legislature further finds that it is in the public interest for  
9 governmental entities to respect citizen rights and entitlements and to  
10 facilitate lawful procedures whereby the rights and entitlements may be  
11 protected. The legislature further finds that litigation expenses  
12 incurred by private citizens, even for the pursuit of just claims  
13 against the government or the defense of lawful interests against  
14 improper governmental intrusion, unjustly burden the citizens and chill  
15 the citizens' access to an appropriate legal remedy. The legislature  
16 finds discriminatory public funding of governmental litigation expenses  
17 in actions determined to violate the legal rights and entitlements of  
18 private citizens defeats justice and encourages government abuse. The

1 legislature therefore declares encouragement and facilitation of  
2 citizen participation in legal proceedings where a governmental entity  
3 is an adverse party is desirable.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.84 RCW  
5 to read as follows:

6 In all actions, including appeals, in which the state of  
7 Washington, a political subdivision, or a municipal corporation, or any  
8 department or agent of the state, political subdivision, or municipal  
9 corporation is a party, if the nongovernmental party prevails, the  
10 governmental party shall pay the nongovernmental party's reasonable  
11 attorneys' fees, costs, and other expenses of litigation.

12 NEW SECTION. **Sec. 3.** This act applies to all actions pending on  
13 or commenced after January 1, 1995.

--- END ---