
HOUSE BILL 2571

State of Washington

56th Legislature

2000 Regular Session

By Representatives Constantine and Carrell; by request of Environmental Hearings Office

Read first time 01/17/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to attorneys' fees; amending RCW 4.84.340; and
2 adding a new section to chapter 4.84 RCW.

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

4 **Sec. 1.** RCW 4.84.340 and 1995 c 403 s 902 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout RCW 4.84.340 through 4.84.360.

8 (1) "Administrative tribunal" means an adjudicative authority that
9 is an independent agency that conducts adjudicative proceedings, as
10 defined in RCW 34.05.010, as its sole or principle duty to review
11 decisions of another agency or governmental unit.

12 (2) "Agency" means any state board, commission, department,
13 institution of higher education, or officer, authorized by law to make
14 rules or to conduct adjudicative proceedings, except those in the
15 legislative or judicial branches, the governor, or the attorney general
16 except to the extent otherwise required by law.

17 ((+2)) (3) "Agency action" means agency action as defined by
18 chapter 34.05 RCW.

1 (~~(3)~~) (4) "Fees and other expenses" includes the reasonable
2 expenses of expert witnesses, the reasonable cost of a study, analysis,
3 engineering report, test, or project that is found by the court to be
4 necessary for the preparation of the party's case, and reasonable
5 attorneys' fees. Reasonable attorneys' fees shall be based on the
6 prevailing market rates for the kind and quality of services furnished,
7 except that (a) no expert witness shall be compensated at a rate in
8 excess of the highest rates of compensation for expert witnesses paid
9 by the state of Washington, and (b) attorneys' fees shall not be
10 awarded in excess of one hundred fifty dollars per hour unless the
11 court determines that an increase in the cost of living or a special
12 factor, such as the limited availability of qualified attorneys for the
13 proceedings involved, justifies a higher fee.

14 (~~(4)~~) (5) "Judicial review" means a judicial review as defined by
15 chapter 34.05 RCW.

16 (~~(5)~~) (6) "Qualified party" means (a) an individual whose net
17 worth did not exceed one million dollars at the time the initial
18 petition for judicial review was filed or (b) a sole owner of an
19 unincorporated business, or a partnership, corporation, association, or
20 organization whose net worth did not exceed five million dollars at the
21 time the initial petition for judicial review was filed, except that an
22 organization described in section 501(c)(3) of the federal internal
23 revenue code of 1954 as exempt from taxation under section 501(a) of
24 the code and a cooperative association as defined in section 15(a) of
25 the agricultural marketing act (12 U.S.C. 1141J(a)), may be a party
26 regardless of the net worth of such organization or cooperative
27 association.

28 NEW SECTION. Sec. 2. A new section is added to chapter 4.84 RCW
29 to read as follows:

30 Notwithstanding the provisions of RCW 4.84.350, no fees or other
31 expenses shall be awarded against an administrative tribunal for
32 actions taken solely as an adjudicative body.

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