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**SUBSTITUTE SENATE BILL 5444**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

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

Read first time 03/03/1999. Referred to Committee on .

1 AN ACT Relating to the repeal of attorneys' fees awards in land use  
2 cases; creating new sections; repealing RCW 4.84.370; and declaring an  
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The purpose of this act is to repeal the  
6 statutory authorization for the award of attorneys' fees to prevailing  
7 parties in appeals of land use and shoreline management decisions.  
8 This statute, enacted in 1995, has had a chilling effect upon the  
9 exercise of the rights of individuals, organizations, and small  
10 developers to seek judicial review of governmental decisions that may  
11 affect their neighborhoods, communities, and development proposals. It  
12 is more appropriate that the general American rule that each party  
13 bears its own attorneys' fees should apply to these cases.

14 NEW SECTION. **Sec. 2.** RCW 4.84.370 (Appeal of land use decisions--  
15 Fees and costs) and 1995 c 347 s 718 are each repealed.

16 NEW SECTION. **Sec. 3.** This act applies to all causes of action  
17 pending on appeal on or after the effective date of this act,

1 regardless of when the cause of action arose. To this extent, this act  
2 applies retroactively, but in all other respects it applies  
3 prospectively.

4 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
5 preservation of the public peace, health, or safety, or support of the  
6 state government and its existing public institutions, and takes effect  
7 immediately.

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