
SENATE BILL 6409

State of Washington

56th Legislature

2000 Regular Session

By Senators Swecker, Hargrove, Johnson, Zarelli, Deccio, Morton, Honeyford, McCaslin, Horn, Hochstatter and Oke

Read first time 01/14/2000. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to requiring the posting of a bond in order for
2 third parties to appeal decisions by boards administered by the
3 environmental hearings office; and adding a new section to chapter
4 34.05 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 34.05 RCW
7 to read as follows:

8 (1) If a person, who is neither a permit applicant nor the issuing
9 agency, appeals a decision by a board identified in RCW 43.21B.005 to
10 a court, the permit applicant may request the court to require the
11 person to post a bond. In making the request to the court, the permit
12 applicant must show the combined cost of appeal and the costs of delay
13 of the permit exceed ten thousand dollars. The court may require the
14 person to post a bond that will be sufficient to cover: (a) The costs
15 incurred by the permit applicant in preparing for the appeal to a board
16 identified in RCW 43.21B.005; (b) the costs of delay that are
17 attributable to the appeal; and (c) an estimate of the costs likely to
18 be incurred by the permit applicant in the appeal to the court. The
19 court may hold a bond hearing and determine the amount of the bond. If

1 the appeal is made directly to the court of appeals, as provided in RCW
2 34.05.518, a commissioner for the court of appeals may conduct the bond
3 hearing and determine the amount of the bond.

4 (2) Consistent with the court's decision on the appeal, the court
5 shall direct the dispersal of funds from the bond to the person
6 bringing the appeal and the permit applicant.

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