

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5225 SB	Title: Direct Appeals APA Land Use	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
Total:					

Estimated Expenditures from:

STATE	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would create a process for direct appeal to the Court of Appeals for cases brought under the Administrative Procedure Act (APA) or Land Use Petition Act (LUPA).

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 1(1) – Would provide a procedure for transfer of LUPA appeals from superior courts to the Court of Appeals. A superior court may transfer the judicial review of a land use decision to the Court of Appeals upon finding that all parties have consented to the transfer to the Court of Appeals and have agreed that the judicial review can occur based upon an existing record. Would provide that transfers of cases pursuant to this section does not require the filing of a motion for discretionary review within the Court of Appeals.

Section 1(2) – Would provide that upon stipulation and consent to transfer, the parties waive the right to seek an award of attorney fees and costs under RCW 4.84.370, except as may be awarded following an appeal to the superior court.

Section 1(3) – Would provide that RCW 36.70.090 does not apply to a matter transferred to the Court of Appeals pursuant to this section.

Section 1(4) – Would provide an expiration date of June 30, 2026 for this Section.

Section 2 – Would amend RCW 34.05.518 to replace the current criteria governing transfer of APA appeals from superior courts to the Court of Appeals. The draft bill would allow superior courts to transfer cases to the Court of Appeals under either of two circumstances:

- Would provide that parties consent to the transfer and agree that judicial review can occur based on the agency record; or
- Would provide that not all parties consent, however the superior court finds that the transfer would serve the interest of justice without causing substantial prejudice to any party, and either:
 - The judicial review can occur based on the agency record; or
 - The superior court has completed any necessary supplementation of the record.

Section 2(2) – Would provide that if a superior court certifies a final decision of an administrative agency in an adjudicating proceeding, the superior court shall transfer the matter to the Court of Appeals as a direct appeal.

Section 2(3) – Would provide that a party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the Court of Appeals.

Section 4 – Would provide that no fee may be charged under this section for a case transferred from a superior court to the Court of Appeals pursuant to RCW 34.05.518 or Section 1 of this bill.

II.B - Cash Receipt Impact

No additional fee would be charged for transfer of an APA or LUPA appeal from a superior court to the Court of Appeals.

II.C – Expenditures

None. Although this draft bill would move this caseload from the superior courts to the Court of Appeals, the Court of Appeals has indicated that this would not substantially or adversely impact operations.