

---

ENGROSSED SENATE BILL 5860

---

State of Washington

63rd Legislature

2013 Regular Session

By Senators Padden and Kline

Read first time 02/27/13. Referred to Committee on Ways & Means.

1 AN ACT Relating to legal proceedings by the attorney general on  
2 behalf of superior court judges; amending RCW 43.10.030; and adding a  
3 new section to chapter 2.08 RCW.

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

5 **Sec. 1.** RCW 43.10.030 and 2009 c 549 s 5048 are each amended to  
6 read as follows:

7 The attorney general shall:

8 (1) Appear for and represent the state before the supreme court or  
9 the court of appeals in all cases in which the state is interested;

10 (2) Institute and prosecute all actions and proceedings for, or for  
11 the use of the state, which may be necessary in the execution of the  
12 duties of any state officer. However, the attorney general shall not  
13 be required to institute or prosecute actions or proceedings on behalf  
14 of superior court judges unless requested to do so by the administrator  
15 for the courts under chapter 2.56 RCW. In such an action on behalf of  
16 superior court judges, one-half of the attorneys' fees and costs shall  
17 be borne by the administrator for the courts and one-half shall be  
18 borne by the attorney general;

1 (3) Defend all actions and proceedings against any state officer or  
2 employee acting in his or her official capacity, in any of the courts  
3 of this state or the United States;

4 (4) Consult with and advise the several prosecuting attorneys in  
5 matters relating to the duties of their office, and when the interests  
6 of the state require, he or she shall attend the trial of any person  
7 accused of a crime, and assist in the prosecution;

8 (5) Consult with and advise the governor, members of the  
9 legislature, and other state officers, and when requested, give written  
10 opinions upon all constitutional or legal questions relating to the  
11 duties of such officers;

12 (6) Prepare proper drafts of contracts and other instruments  
13 relating to subjects in which the state is interested;

14 (7) Give written opinions, when requested by either branch of the  
15 legislature, or any committee thereof, upon constitutional or legal  
16 questions;

17 (8) Enforce the proper application of funds appropriated for the  
18 public institutions of the state, and prosecute corporations for  
19 failure or refusal to make the reports required by law;

20 (9) Keep in proper books a record of all cases prosecuted or  
21 defended by him or her, on behalf of the state or its officers, and of  
22 all proceedings had in relation thereto, and deliver the same to his or  
23 her successor in office;

24 (10) Keep books in which he or she shall record all the official  
25 opinions given by him or her during his or her term of office, and  
26 deliver the same to his or her successor in office;

27 (11) Pay into the state treasury all moneys received by him or her  
28 for the use of the state.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.08 RCW  
30 to read as follows:

31 No legal action may be brought by a superior court judge or judges  
32 against the state or a county until ninety days have elapsed after the  
33 claim has been filed with the attorney general or county prosecuting  
34 attorney, as the case may be. For the period of one hundred twenty  
35 days following the filing of such a suit, the parties must engage in

1 mediation or other form of alternative dispute resolution to resolve  
2 the suit.

--- END ---