
HOUSE BILL 2024

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Pedersen, Rodne, Jinkins, Klippert, Orwall, O'Ban, Wylie, Ormsby, Kirby, Buys, Roberts, Nealey, Goodman, Hansen, Kagi, Hunter, Ryu, Appleton, and Manweller

Read first time 04/03/13. Referred to Committee on Appropriations Subcommittee on General Government.

1 AN ACT Relating to the institution or prosecution of legal
2 proceedings by the attorney general on behalf of state officers;
3 amending RCW 43.10.030; adding a new section to chapter 43.10 RCW;
4 creating a new section; and declaring an emergency.

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

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

8 The attorney general shall:

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

11 (2) Institute and prosecute all actions and proceedings for, or for
12 the use of the state, which may be necessary in the execution of the
13 duties of any state officer, except as provided in section 2 of this
14 act;

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

18 (4) Consult with and advise the several prosecuting attorneys in

1 matters relating to the duties of their office, and when the interests
2 of the state require, he or she shall attend the trial of any person
3 accused of a crime, and assist in the prosecution;

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

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

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

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

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

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

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

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.10 RCW
26 to read as follows:

27 RCW 43.10.030(2) does not require the attorney general to institute
28 or prosecute any action or proceeding on behalf of a state officer
29 against the state or a county when any purpose of the action or
30 proceeding, any cause of action, or any remedy sought, is related to
31 the level or sufficiency of fiscal appropriations.

32 NEW SECTION. **Sec. 3.** For any action or proceeding instituted by
33 the attorney general on behalf of a state officer under RCW
34 43.10.030(2) before the effective date of this section, and for which
35 the attorney general no longer has a duty under section 2 of this act,

1 any duty on the part of the attorney general to continue to prosecute
2 ceases after the effective date of this section.

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

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