

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5446**

Chapter 50, Laws of 2013

63rd Legislature  
2013 Regular Session

STATE AUDITOR--INVESTIGATIVE SUBPOENAS

EFFECTIVE DATE: 07/28/13

Passed by the Senate March 5, 2013  
YEAS 49 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 9, 2013  
YEAS 93 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved April 23, 2013, 4:26 p.m.

JAY INSLEE

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5446** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

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**Secretary**

FILED

April 24, 2013

**Secretary of State  
State of Washington**

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**SENATE BILL 5446**

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Passed Legislature - 2013 Regular Session

**State of Washington                      63rd Legislature                      2013 Regular Session**

**By** Senators Hobbs, Schoesler, Hatfield, and Tom; by request of State Auditor

Read first time 01/30/13. Referred to Committee on Law & Justice.

1            AN ACT Relating to state auditor applications for investigative  
2 subpoenas; adding a new section to chapter 43.09 RCW; and creating a  
3 new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature intends to provide a process  
6 for the state auditor's office to apply for court approval of an  
7 investigative subpoena which is authorized under current law in cases  
8 where the agency seeks such approval, or where court approval is  
9 required by Article I, section 7 of the state Constitution. The  
10 legislature does not intend to require court approval except where  
11 otherwise required by law or Article I, section 7 of the state  
12 Constitution. The legislature does not intend to create any new  
13 authority to subpoena records or create any new rights for any person.

14            NEW SECTION.    **Sec. 2.** A new section is added to chapter 43.09 RCW  
15 to read as follows:

16            (1) In addition to the authority granted in RCW 43.09.165, the  
17 state auditor and his or her authorized assistants may apply for and  
18 obtain a superior court order approving and authorizing a subpoena in

1 advance of its issuance. The application may be made in the county  
2 where the subpoenaed person resides or is found, or the county where  
3 the subpoenaed records or documents are located, or in Thurston county.  
4 The application must (a) state that an order is sought pursuant to this  
5 subsection; (b) adequately specify the records, documents, or  
6 testimony; and (c) declare under oath that an investigation is being  
7 conducted for a lawfully authorized purpose related to an investigation  
8 within the state auditor's authority and that the subpoenaed documents  
9 or testimony are reasonably related to an investigation within the  
10 state auditor's authority.

11 (2) Where the application under this section is made to the  
12 satisfaction of the court, the court must issue an order approving the  
13 subpoena. An order under this section constitutes authority of law for  
14 the state auditor to subpoena the records or testimony.

15 (3) The state auditor and his or her authorized assistants may seek  
16 approval and a court may issue an order under this section without  
17 prior notice to any person, including the person to whom the subpoena  
18 is directed and the person who is the subject of an investigation.

Passed by the Senate March 5, 2013.

Passed by the House April 9, 2013.

Approved by the Governor April 23, 2013.

Filed in Office of Secretary of State April 24, 2013.