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
President of the Senate

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

FRANK CHOPP
Speaker of the House of Representatives

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
Secretary

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

JAY INSLEE
Governor of the State of Washington

FILED
April 24, 2013

Secretary of State
State of Washington
AN ACT Relating to state auditor applications for investigative subpoenas; adding a new section to chapter 43.09 RCW; and creating a new section.

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

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

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

(1) In addition to the authority granted in RCW 43.09.165, the state auditor and his or her authorized assistants may apply for and obtain a superior court order approving and authorizing a subpoena in
advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found, or the county where the subpoenaed records or documents are located, or in Thurston county. The application must (a) state that an order is sought pursuant to this subsection; (b) adequately specify the records, documents, or testimony; and (c) declare under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the state auditor's authority and that the subpoenaed documents or testimony are reasonably related to an investigation within the state auditor's authority.

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

(3) The state auditor and his or her authorized assistants may seek approval and a court may issue an order under this section without prior notice to any person, including the person to whom the subpoena 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.