

ESB 5860 - H COMM AMD  
By Committee on Judiciary

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 43.10.030 and 2009 c 549 s 5048 are each amended to  
4 read as follows:

5 The attorney general shall:

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

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

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

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

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

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

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

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

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

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

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

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

12 RCW 43.10.030(2) does not require the attorney general to institute  
13 or prosecute any action or proceeding on behalf of a superior court  
14 judge or judges against the state or a county when any purpose of the  
15 action or proceeding, any cause of action, or any remedy sought, is  
16 related to or would require, fiscal appropriations or funding or  
17 financial payment of any sort from the state or a county.

18 NEW SECTION. **Sec. 3.** For any action or proceeding instituted by  
19 the attorney general on behalf of a superior court judge or judges  
20 under RCW 43.10.030(2) prior to the effective date of this act, any  
21 duty on the part of the attorney general to continue to prosecute shall  
22 cease after the effective date of this act.

23 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and takes effect  
26 immediately."

27 Correct the title.

EFFECT: Makes the following changes and additions:  
(1) Strikes language that required the AG to prosecute and  
institute an action on behalf of superior court judges only if  
requested to do so by the AOC, and provided that in such cases the AG  
and AOC must share the costs half and half.

(2) Provides that the AG has no duty to institute and prosecute actions on behalf of superior court judges against the state or a county when any purpose of the action, any cause of action, or any remedy sought is related to or would require, fiscal appropriations or funding or financial payment of any sort from the state or a county.

(3) Adds a provision that, with respect to any action or proceeding already instituted by the AG on behalf of a superior court judge or judges prior to the effective date of this act, any duty to continue to prosecute shall cease after the effective date of this act.

(4) Includes an emergency clause.

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