
SENATE BILL 6286

State of Washington 62nd Legislature 2012 Regular Session

By Senators Kline, Keiser, Kohl-Welles, and Fraser

Read first time 01/16/12. Referred to Committee on Judiciary.

1 AN ACT Relating to attorney general powers; and amending RCW
2 43.10.030 and 43.10.040.

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

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

6 The attorney general, having only those powers expressly granted by
7 statute, shall:

8 (1) Appear for and represent the state (~~before the supreme court~~
9 ~~or the court of appeals~~)) in all cases in which the state is interested
10 when another statute grants the attorney general authority regarding
11 the subject matter of the case or when requested to do so by a state
12 officer with authority over the subject matter;

13 (2) Institute and prosecute all actions and proceedings for, or for
14 the use of the state, which may be necessary in the execution of the
15 duties of any other state officer, upon request by that officer;

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

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

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

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

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

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

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

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

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

26 **Sec. 2.** RCW 43.10.040 and 1965 c 8 s 43.10.040 are each amended to
27 read as follows:

28 The attorney general shall also represent the state and all
29 officials, departments, boards, commissions and agencies of the state
30 in the courts, and before all administrative tribunals or bodies of any
31 nature, in all legal or quasi legal matters, hearings, or proceedings,
32 ((and)) when a statute grants the attorney general authority over the
33 subject matter or a state officer with authority over the subject
34 matter requests representation. The attorney general may decline to
35 provide such representation only if the matter is not well-grounded in
36 fact, or not warranted by existing law or a good faith argument for a
37 change in law, or is interposed for an improper purpose such as to

1 harass another party or to cause unnecessary delay or increased
2 litigation costs. The attorney general shall advise all officials,
3 departments, boards, commissions, or agencies of the state in all
4 matters involving legal or quasi legal questions, except those declared
5 by law to be the duty of the prosecuting attorney of any county.

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