
Appropriations Subcommittee on General Government

HB 2024

Brief Description: Concerning legal proceedings by the attorney general on behalf of state officers.

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

Brief Summary of Bill

- Provides that the Attorney General is not required to institute or prosecute actions on behalf of state officers against the state or a county in matters regarding the level or sufficiency of fiscal appropriations.

Hearing Date: 4/4/13

Staff: Danielle Cruver (786-7157).

Background:

Washington Constitution Article III, section 21 provides that "[t]he attorney general shall be the legal adviser of the state officers, and shall perform such other duties as may be prescribed by law." Among the duties established in statute, the Legislature has provided that the Attorney General (AG) shall "Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer." Additionally, in a variety of cases and contexts, the Supreme Court has held that Superior Court judges are state officers, or both state and county officers.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The AG is not required to institute or prosecute actions or proceedings on behalf of state officers against the state or a county when the cause of action is related to sufficiency or level of fiscal appropriation. The AG's duty to prosecute these cases, including cases currently in litigation, ends after the immediate effective date of this bill.

Appropriation: None.

Fiscal Note: Requested on April 2, 2013.

Effective Date: The bill contains an emergency clause and takes effect immediately.