

SENATE BILL REPORT

HB 2024

As Reported by Senate Committee On:
Ways & Means, April 27, 2013

Title: An act relating to the institution or prosecution of legal proceedings by the attorney general on behalf of state officers.

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 History: Passed House: 4/22/13, 85-10.

Committee Activity: Ways & Means: 4/24/13, 4/27/13 [DPA, w/oRec].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Becker, Braun, Conway, Dammeier, Fraser, Hasegawa, Hewitt, Keiser, Murray, Padden, Ranker, Schoesler and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senators Hatfield, Parlette and Rivers.

Staff: Steve Jones (786-7440)

Background: Under the state constitution, state statutes, and court decisions, the Attorney General is the legal representative of all state officers. The Attorney General must represent the state and all officials, departments, boards, commissions, and agencies in the courts, before all administrative tribunals or bodies, in all legal or quasi-legal matters, hearings, or proceedings, and advise all officials, departments, boards, commissions, or agencies in all these matters. Superior court judges are state officials for this purpose.

Alleging inadequate funding of the Superior Court of Grays Harbor County, the superior court judges of Grays Harbor County brought legal action against the county and the state. The Attorney General is defending the lawsuit on behalf of the state. The Attorney General is

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also providing legal representation, through an appointed Special Assistant Attorney General, to the Grays Harbor County judges.

Summary of Bill (Recommended Amendments): The Attorney General is not required to institute legal actions on behalf of superior court judges unless requested to do so by the Administrator for the Courts. The Attorney General's Office and the Administrator for the Courts must share equally in the legal costs.

In a case brought by Superior Court judges against the state or a county, a 90-day notice is required before filing suit, and a 120-day period of alternative dispute resolution is required following the filing of the suit.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: Testimony (con): The Superior Courts of the state handle thousands of general jurisdiction cases on behalf of the state. The litigation brought by the judges in Grays Harbor County raise significant issues of the state's funding of the justice system. These kinds of cases are extremely rare in the state's history. The Attorney General's Office did not need to hire expensive outside counsel to handle this case. This bill is not needed.

Persons Testifying: (Con): Tom Parker, Superior Court Judges Assoc.