
HOUSE BILL 1034

State of Washington

65th Legislature

2017 Regular Session

By Representative Manweller

Prefiled 12/13/16. Read first time 01/09/17. Referred to Committee on Judiciary.

1 AN ACT Relating to legal actions against the state by state
2 officials; amending RCW 43.10.040 and 43.12.075; and adding a new
3 section to chapter 43.01 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.01
6 RCW to read as follows:

7 The lieutenant governor, secretary of state, treasurer, auditor,
8 superintendent of public instruction, commissioner of public lands,
9 and insurance commissioner may not institute or prosecute any legal
10 action against the state under the authority of his or her office
11 unless he or she has sought and obtained the written prior approval
12 from the governor. Upon request, the governor must consult with any
13 such state official seeking approval to bring a legal action against
14 the state. The attorney general must institute and prosecute any such
15 action approved by the governor through appointment of a special
16 assistant attorney general.

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

19 The attorney general shall also represent the state and all
20 officials, departments, boards, commissions and agencies of the state

1 in the courts, and before all administrative tribunals or bodies of
2 any nature, in all legal or quasi legal matters, hearings, or
3 proceedings, and advise all officials, departments, boards,
4 commissions, or agencies of the state in all matters involving legal
5 or quasi legal questions, except those declared by law to be the duty
6 of the prosecuting attorney of any county, or in any action subject
7 to section 1 of this act.

8 **Sec. 3.** RCW 43.12.075 and 2003 c 334 s 431 are each amended to
9 read as follows:

10 It shall be the duty of the attorney general, to institute, or
11 defend, any action or proceeding to which the state, or the
12 commissioner or the board, is or may be a party, or in which the
13 interests of the state are involved, in any court of this state, or
14 any other state, or of the United States, or in any department of the
15 United States, or before any board or tribunal, when requested so to
16 do by the commissioner, or the board, or upon the attorney general's
17 own initiative.

18 The commissioner is authorized to represent the state in any such
19 action or proceeding relating to any public lands of the state. The
20 commissioner may not seek to initiate or prosecute any suit against
21 the state, unless he or she has obtained the prior approval of the
22 governor as provided under section 1 of this act.

--- END ---