
HOUSE BILL 1940

State of Washington

67th Legislature

2022 Regular Session

By Representative Klippert

1 AN ACT Relating to the general powers and duties of the attorney
2 general; and amending RCW 43.10.030.

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 shall:

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

10 (2) Institute and prosecute all actions and proceedings for, or
11 for the use of the state, which may be necessary in the execution of
12 the duties of any state officer;

13 (3) (~~Defend~~) (a) Except as provided in (b) of this subsection,
14 defend all actions and proceedings against any state officer or
15 employee acting in his or her official capacity, in any of the courts
16 of this state or the United States.

17 (b) The attorney general may not defend an action or proceeding
18 against any state officer or employee acting in his or her official
19 capacity if:

20 (i) The action challenges the constitutionality of an enacted
21 legislation; and

1 (ii) Prior to the enactment of the legislation, the attorney
2 general advised the legislature of potential constitutional defects
3 of the challenged legislation;

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

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

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

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

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

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

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

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

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