

Office of the  
Attorney General







**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

PO Box 40100 • Olympia WA 98504-0100 • (360) 753-6200

September 14, 2020

David Schumacher, Director  
Office of Financial Management  
P.O. Box 43113  
Olympia, WA 98504-3113

Dear Mr. Schumacher:

Enclosed please find the 2021-23 Biennial Budget Request from the Attorney General's Office (AGO) addressing critical agency and litigation needs. We are mindful of the ongoing limitations on state resources and continue to provide the best possible legal services for our clients and the people of Washington working within these constraints.

My top priority this year is the required state matching funds for the Medicaid Fraud Control (MFC) program within my Office. This is not only a priority for me but for many of Washington's most vulnerable residents. The MFC program is a federally required program for any state receiving Medicaid funds. The program is funded through a federal grant that pays for 75% of the costs. The state is required to provide the remaining 25% of funding in state match. Without an MFC program, Washington would not be eligible to receive the \$19 billion in biennial Medicaid funding that millions of Washingtonians depend on to meet their basic needs.

Additional priorities in the 2021-23 Biennial Budget Request are limited to those needs that arise directly from new emergent issues including legislative mandates, significant litigation, caseload related and other workload increases, and one technical correction. The funding requested for these items will allow us to mitigate risk, protect tax dollars, and serve the legal needs of the state and its residents. These include:

- Funding to defend the state and recover resources (e.g., *Pakootas v. Teck Cominco*, Hanford, Tobacco, Antitrust, Foreclosure Fairness);
- Funding to support increased workload (Adult Protective Services, Pandemic Unemployment); and
- A package for technical corrections relating to laws passed in the 2019 legislative session without funding for the AGO to do the work, and two packages for federal funding adjustments (Medicaid Fraud and Sexual Assault Kit Initiative (SAKI)).

## ATTORNEY GENERAL OF WASHINGTON

David Schumacher  
September 14, 2020  
Page 2

The AGO is a strong advocate and protector of our environment. Our recent historic settlement with Monsanto included a transfer of over \$60 million to the State General Fund. In addition, we are currently collaborating with the Washington State Department of Ecology on two legal actions, *Pakootas v. Teck Cominco* and USDOE Hanford. These two cases are paramount to the continued protection of our environment along the Columbia River and Lake Roosevelt. Damage to these natural resources not only impacts the environment but also the economies for the communities that rely on Washington's lakes and rivers.

I look forward to working with you and your office, and stand ready to provide information to assist you as you prepare the Governor's budget proposal.

If you have questions about this budget request, please contact Mark Melroy, Chief Financial Officer, at (206) 402-7224.

Thank you for your continued assistance.

Sincerely,

A handwritten signature in blue ink that reads "Bob Ferguson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

BOB FERGUSON  
Attorney General

RWF/jlg

Encl.



# OFFICE OF THE ATTORNEY GENERAL

## 2021-23 Biennial Budget Request

### Table of Contents

<b>TAB A</b>	<b>OVERVIEW</b>	<b>PAGE</b>
	Agency Organizational Chart	9
	Agency Activity Inventory Report	11
	Performance Measure Incremental Estimates Report	37
	Indirect Cost Allocation to Activities	73
	AGO Strategic Plan	75
<b>TAB B</b>	<b>RECOMMENDATION SUMMARY</b>	<b>PAGE</b>
	Recommendation Summary at Agency Level	93
<b>TAB C</b>	<b>DECISION PACKAGES</b>	<b>PAGE</b>
	Decision Package Summary and Priority	101
	ML-LB Backfill Medicaid Fraud Account	103
	ML-LC Pandemic UI Litigation and Advice	107
	ML-LD USDOE Hanford Litigation	113
	ML-LG Pakootas v. Teck Litigation	119
	ML-LH Long Term Service and Support	133
	ML-LI Labor Relations Support	139
	ML-LJ Tobacco Diligent Enforcement	143
	ML-LN MFCD Federal Expenditure Authority	149
	ML-L0 SAKI Federal Expenditure Authority	153
	ML-8L Lease Adjustments	157
	PL-LE Antitrust Enforcement and Recovery	175
	PL-LF Adult Protective Srvc Legal Support	181
	PL-LK Foreclosure Compliance Program	187
	PL-LM Manufactured Housing Authority	191
<b>TAB D</b>	<b>REVENUE</b>	<b>PAGE</b>
	Summarized Revenue	197
	Proposed Fee Changes	199
	Working Capital Reserve	201
	Revenue Transfer Reconciliation Statement	203
	Federal Fund Estimates-State Match	205
	Additional Federal Receipts Reporting Requirements	207
	Non-budgeted Local Fund Summary	209
	Puget Sound Action Agenda	211
	JLARC Audit Response	213



# OFFICE OF THE ATTORNEY GENERAL

2021-23 Biennial Budget Request

## Table of Contents

<b>TAB E</b>	<b>OTHER REQUIRED INFORMATION</b>	<b>PAGE</b>
	Central Service Model Fund Split Adjustment	217
	Enterprise Risk Management Update	219
	Decision Package Prioritization Worksheet 2021-23	221

Tab A

OVERVIEW







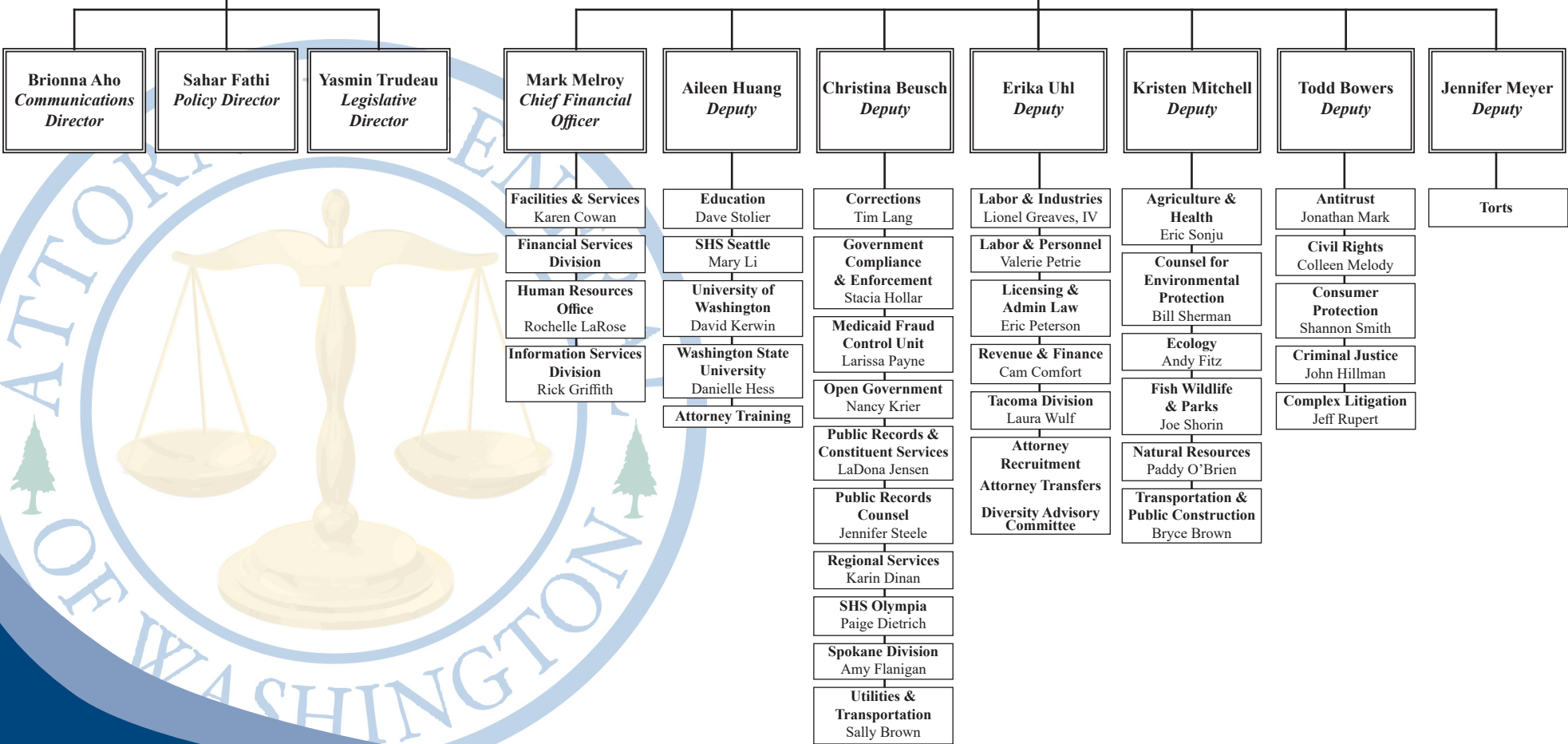
# OFFICE OF THE ATTORNEY GENERAL

**Bob Ferguson**  
*Attorney General*

**Mike Webb**  
*Chief of Staff*

**Noah Purcell**  
*Solicitor General*

**Shane Esquibel**  
*Chief Deputy*







Dollars in Thousands

**ACT001 - Agency Activity Inventory  
100 - Office of Attorney General  
2021-23 Regular Budget Session  
2123 - 2021-23 Biennial**

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*Appropriation Period: 2021-23    Sort By: Activity*

**A001    Administration**

Administrative functions of the AGO includes the Attorney General’s Core Leadership Team, the Solicitor General, executive support, financial services, human resources, IT services, and facilities staff. An administrative function of the AGO is the Solicitor General’s issuance of Attorney General Opinions, which answer questions from members of the state Legislature, state elected officials, appointed heads of state agencies, boards and commissions, and county prosecuting attorneys. AGO opinions clarify the interpretation of statutes and regulations when the meaning is in doubt.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	65.3	76.1	70.7
<b>17L Foreclosure Fairness Account</b>			
17L-6 Non-Appropriated	\$7	\$7	\$14
<b>001 General Fund</b>			
001-1 State	\$2,209	\$1,861	\$4,070
001-2 Federal	\$246	\$250	\$496
<b>001 Account Total</b>	<b>\$2,455</b>	<b>\$2,111</b>	<b>\$4,566</b>
<b>405 Legal Services Revolving Account</b>			
405-1 State	\$6,680	\$9,681	\$16,361
<b>441 Local Government Archives Account</b>			
441-1 State	\$186	\$186	\$372
441-7 Local	\$330	\$330	\$660
<b>441 Account Total</b>	<b>\$516</b>	<b>\$516</b>	<b>\$1,032</b>
<b>12F Man/Mobile Home Dispute Resolution</b>			
12F-6 Non-Appropriated	\$20	\$19	\$39
<b>154 New Motor Vehicle Arbitration Acct</b>			
154-1 State	\$28	\$29	\$57
<b>111 Public Service Revolving Account</b>			
111-1 State	\$70	\$68	\$138
<b>828 Tobacco Prevention/Control Account</b>			
828-1 State	\$7	\$7	\$14

**Statewide Result Area: Efficient, Effective and Accountable Government**

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**Statewide Strategy:**    **Provide data, information, and analysis to support decision-making**

**Expected Results**

Administration provides the issuance of Attorney General opinions which answer questions from members of the state Legislature, state elected officials, appointed heads of state agencies, boards and commissions, and county prosecuting attorneys. These questions seek clarification relating to the interpretation of statutes and regulations when the meaning is in doubt.

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**A002    Civil Commitment of Sexually Violent Predators**

The Sexually Violent Predator Unit (SVPU) protects the public by ensuring that the most dangerous and violent sexual predators in the state are detained, evaluated, and treated until they no longer meet Sexually Violent Predator (SVP) criteria. When a sexual offender is about to be released from confinement and appears to meet SVP criteria, the SVPU acts as the prosecuting agency to classify them as a SVP resulting in Civil commitment. Once committed, the SVPU oversees the extensive post-commitment responsibilities to ensure that SVPs are not being released before being rehabilitated. These responsibilities include appeals, annual reviews, less restrictive alternative placements, and re-commitment hearings and trials.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	21.7	21.7	21.7
<b>001 General Fund</b>			
001-1 State	\$7,183	\$6,649	\$13,832
001-2 Federal	\$956	\$3,422	\$4,378
<b>001 Account Total</b>	<b>\$8,139</b>	<b>\$10,071</b>	<b>\$18,210</b>

**Statewide Result Area: Healthy and Safe Communities**  
**Statewide Strategy: Confine and rehabilitate offenders**

**Expected Results**

The most dangerous and violent sexual predators in the state are detained, evaluated, and treated until they no longer constitute a threat. Consequently, fewer people are victimized, and the public is protected from those sex offenders who are most likely to reoffend.

<b>002535</b>				
<b>As a result of the efforts to civilly detain, evaluate and treat sex offenders who are most likely to reoffend, fewer people are victimized and the public is protected from those individuals.</b>				
<b>Biennium</b>	<b>Period</b>	<b>Actual</b>	<b>Target</b>	<b>Target</b>
			<b>Min</b>	<b>Max</b>
2019-21	A3			
	A2	33	85	95
2017-19	A3	63	85	95
	A2	33	85	95
Performance Measure Status: Approved				

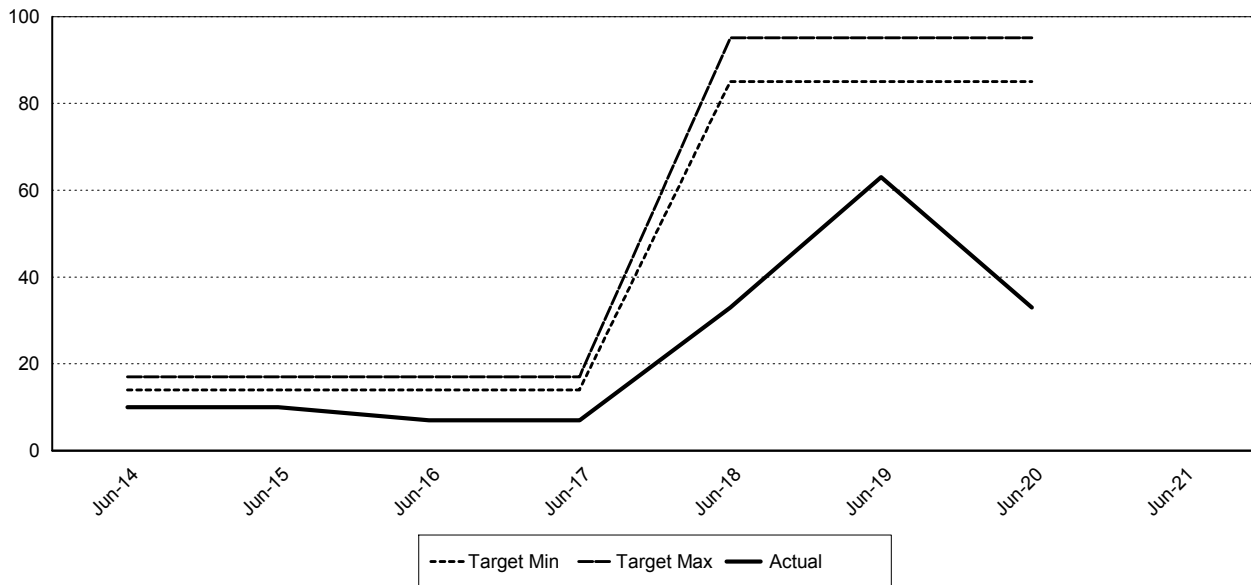
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**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**Number** **002535 - Total Successful Commitments**



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**A003    Criminal Investigation and Prosecution**

The Criminal Litigation Unit (CLU) investigates and prosecutes all levels of criminal cases when requested by the Governor or county prosecuting attorneys. The types of cases commonly handled by the CLU include homicide, sexual assault, multi-jurisdictional crime, white-collar crime, governmental corruption cases, environmental crimes, tax fraud cases on behalf of the Department of Revenue, licensing fraud on behalf of the Department of Licensing, insurance fraud on behalf of the Office of the Insurance Commissioner, and fraudulent workers' compensation claims and wage and hour violations on behalf of the Department of Labor and Industries. The CLU assists local prosecutors when they have a conflict of interest or need additional resources for major prosecutions. The CLU occasionally assumes responsibility for the appellate review of a criminal case that were originally brought by a county prosecutor if the case involves fundamental issues affecting the public interest and the administration of justice.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	2.9	2.9	2.9
<b>001 General Fund</b>			
001-1 State	\$1,002	\$1,457	\$2,459
<b>405 Legal Services Revolving Account</b>			
405-1 State	\$26	\$28	\$54

**Statewide Result Area: Healthy and Safe Communities**  
**Statewide Strategy:    Enforce the law**

**Expected Results**

When a county prosecutor has a conflict of interest or needs assistance for other reasons, there are competent, highly-skilled AGO prosecutors available to represent the county resulting in greater public protection. The AGO's Criminal Litigation Unit (CLU) reviews important appeals and provides additional legal assistance upon request. The CLU also reviews and approves (or defends against) claims filed by persons claiming to have been wrongfully convicted and imprisoned. Crimes of fraud involving state agencies are properly investigated and prosecuted so that state agencies and other victims can recover their losses, and similar criminal activity against state agencies can be curtailed and deterred.

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**

*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

<b>002536</b>			
<p><b>When a county prosecutor has a conflict of interest or needs assistance for other reasons, there are competent, highly-skilled AGO prosecutors available to represent the county resulting in greater public protection. The AGO's Criminal Litigation Unit (CRI) reviews important appeals and provides additional legal assistance upon request. CRI also reviews and approves (or defends against) claims filed by persons claiming to have been wrongfully convicted and imprisoned. Crimes of fraud involving state agencies are properly investigated and prosecuted so that state agencies and other victims can recover their losses, and similar criminal activity against state agencies can be curtailed and deterred.</b></p>			
<b>Biennium</b>	<b>Period</b>	<b>Actual</b>	<b>Target</b>
2019-21	Q8		
	Q7		
	Q6		
	Q5		
	Q4	3	18
	Q3	6	18
	Q2	15	18
	Q1	13	18
2017-19	Q8	13	18
	Q7	28	18
	Q6	14	18
	Q5	8	18
	Q4	8	18
	Q3	13	18
	Q2	25	18
	Q1	9	18
Performance Measure Status: Approved			



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**

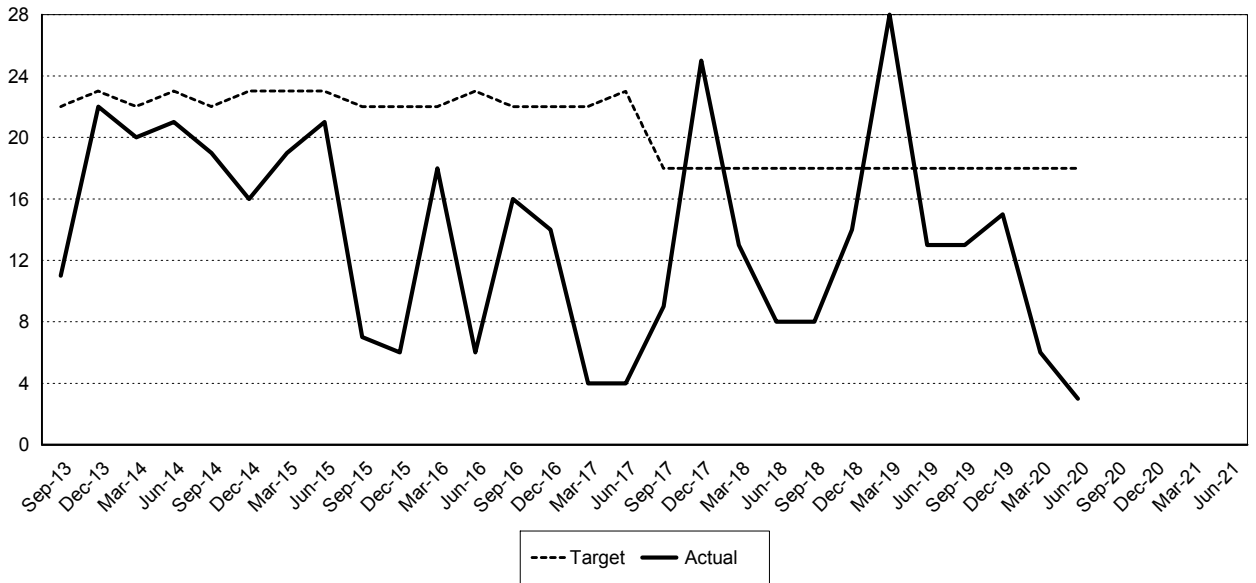
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**Number**

**002536 - Criminal Cases Closed**



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**A004    Enforcement of Anti-Trust Laws**

The AGO’s Antitrust Division (ANT) division protects the residents of Washington State from price-fixing, illegal mergers, monopolization, and other illegal, anticompetitive activities. ANT holds entities accountable when they break the law and engage in unfair competition, and ensures that consumers benefit from a competitive marketplace. By enforcing antitrust laws, ANT ensures that businesses compete fairly with each other. ANT files enforcement actions, responds to consumer complaints, provides advice to state agencies, and provides consumer education and outreach. Through these efforts, ANT ensures that consumers’ problems are addressed, money overpaid due to illegal activity is recovered, illegal activity is prevented, and businesses are educated about their responsibilities under the antitrust laws.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	32.0	32.0	32.0
<b>424 Anti-Trust Revolving Account</b>			
424-6 Non-Appropriated	\$5,832	\$5,781	\$11,613

**Statewide Result Area: Prosperous Economy**

**Statewide Strategy: Regulate the economy to ensure fairness, security and efficiency**

**Expected Results**

The AGO’s Antitrust Division (ANT) enforces antitrust laws, protects consumers from illegal and harmful practices, and ensures a fair, efficient, and competitive marketplace for businesses. ANT enforcement actions prevent monopolies, price-fixing, and illegal mergers, and recover money for injured consumers and state agencies. Through outreach efforts, ANT educates businesses in order to prevent antitrust violations and protects Washington consumers

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**

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*Appropriation Period: 2021-23    Sort By: Activity*

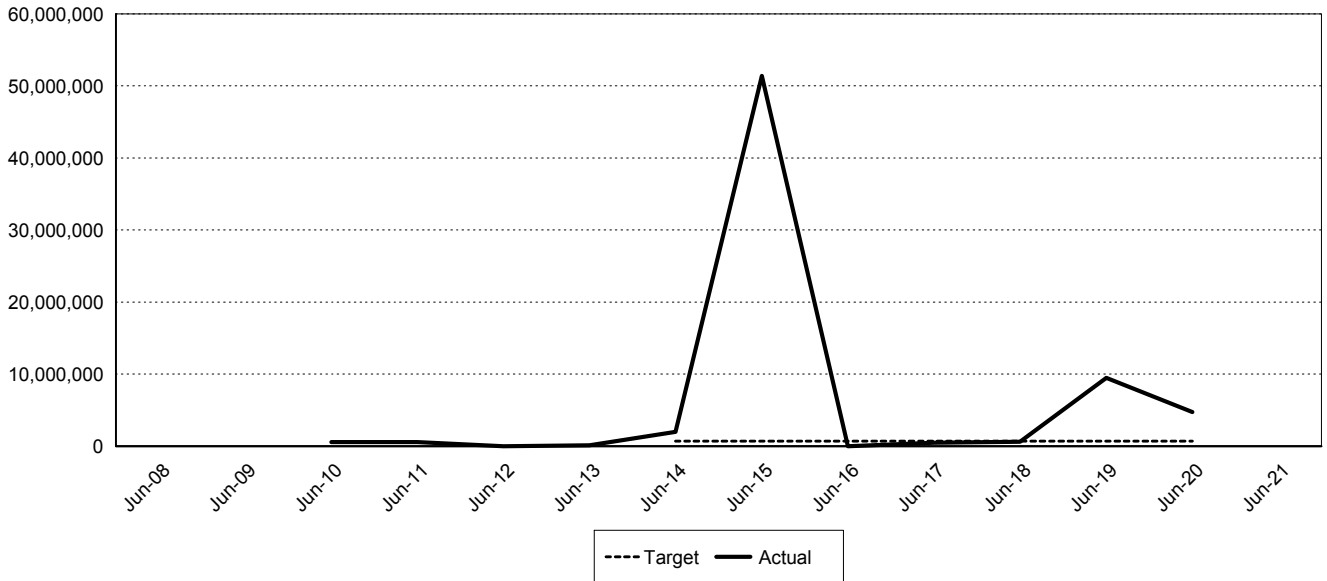
**000011 The AGO's Antitrust Division (ANT) enforces antitrust laws, protects consumers from illegal and harmful practices, and ensures a fair, efficient, and competitive marketplace for businesses. Active investigations can result in enforcement actions/litigation that prevent monopolies, price-fixing, and illegal mergers, and recover money for injured consumers and state agencies. Through outreach efforts, ANT educates businesses in order to prevent antitrust violations and protects Washington consumers.**

Biennium	Period	Actual	Target
2019-21	A3		
	A2	\$4,755,227	\$700,000
2017-19	A3	\$9,491,721	\$700,000
	A2	\$618,719	\$700,000

Performance Measure Status: Approved

**Dollars**

**000011 - Antitrust Restitution to the Citizens of the State**



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

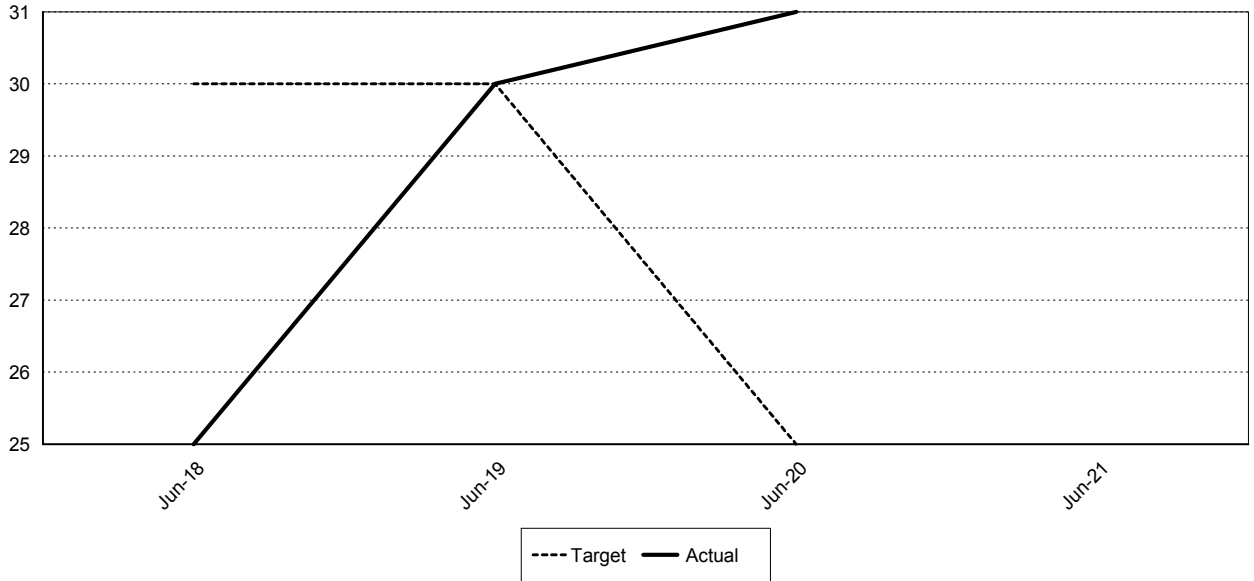
**002877 The AGO's Antitrust Division (ANT) enforces antitrust laws, protects consumers from illegal and harmful practices, and ensures a fair, efficient, and competitive marketplace for businesses. Active investigations can result in enforcement actions/litigation that prevent monopolies, price-fixing, and illegal mergers, and recover money for injured consumers and state agencies. Through outreach efforts, ANT educates businesses in order to prevent antitrust violations and protects Washington consumers.**

Biennium	Period	Actual	Target
2019-21	A3		
	A2	31	25
2017-19	A3	30	30
	A2	25	30

Performance Measure Status: Approved

**Number**

**002877 - Antitrust Restitution to the Citizens of the State**



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**A005    Enforcement of Consumer Protection Laws**

The AGO’s Consumer Protection Division (CPR) protects Washington consumers from deception, scams, and abusive practices. CPR provides a fair marketplace through vigorous civil law enforcement of the Consumer Protection Act (CPA) including education and outreach to consumers. CPR’s Consumer Resource Center fields calls and complaints from consumers around the state, informally resolving complaints and recovering millions of dollars for consumers. CPR attorneys promote compliance with the CPA by obtaining injunctions and monetary judgments against violators including direct consumer restitution. CPR’s Foreclosure Compliance Program enforces the Foreclosure Fairness Act to help homeowners. CPR also houses the Lemon Law program which promotes timely and effective new motor vehicle warranty service through mandatory arbitration. CPR’s Manufactured House Dispute Resolution Unit fosters compliance with the Manufactured Housing Landlord Tennant Act.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	73.3	70.8	72.1
<b>17L Foreclosure Fairness Account</b>			
17L-6 Non-Appropriated	\$194	\$203	\$397
<b>001 General Fund</b>			
001-1 State	\$5,363	\$5,624	\$10,987
<b>12F Man/Mobile Home Dispute Resolution</b>			
12F-6 Non-Appropriated	\$607	\$571	\$1,178
<b>154 New Motor Vehicle Arbitration Acct</b>			
154-1 State	\$843	\$852	\$1,695

**Statewide Result Area: Prosperous Economy**

**Statewide Strategy: Provide consumer protection**

**Expected Results**

The AGO’s Consumer Protection Division’s (CPR) activities are expected to foster a fair, competitive and non-deceptive marketplace, prevent consumer harm, promote voluntary compliance with economic regulation by businesses, and resolve disputes between buyers and sellers in the marketplace. CPR is expected to recover a portion of operational costs through its litigation activity. CPR is expected to promote timely and effective new motor vehicle warranty service through mandatory arbitration, and foster compliance with the Manufactured Housing Landlord Tennant Act.

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**

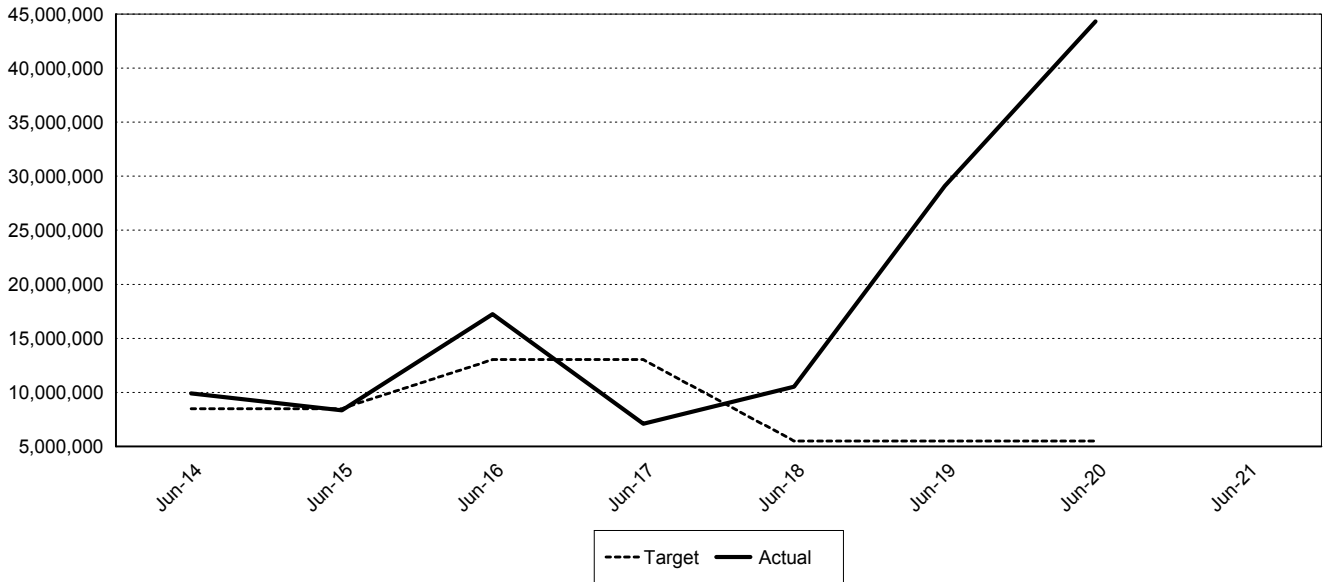
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

<b>002534</b>				
<p>The AGO's Consumer Protection Division's (CPR) activities are expected to foster a fair, competitive and non-deceptive marketplace, prevent consumer harm, promote voluntary compliance with economic regulation by businesses, and resolve disputes between buyers and sellers in the marketplace. CPR is expected to recover a portion of operational costs through its litigation activity. CPR is expected to promote timely and effective new motor vehicle warranty service through mandatory arbitration, and foster compliance with the Manufactured Housing Landlord Tenant Act.</p>				
Biennium	Period	Actual	Target	
2019-21	A3			
	A2	\$44,302,499	\$5,500,000	
2017-19	A3	\$29,075,298	\$5,500,000	
	A2	\$10,517,092	\$5,500,000	
Performance Measure Status: Approved				

**Dollars      002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

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**A006    Executive Ethics Board**

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The Executive Ethics Board (EEB) is an independent board with five members appointed by the Governor. The EEB promotes integrity, confidence, and public trust in state government through education, interpretation, and enforcement of the Ethics in compliance with the Public Service Act (Act). The AGO provides staff and administrative support for the EEB. EEB members meet on a regular basis to interpret the Act for all state agencies, provide advice to agencies regarding ethical issues, promulgate rules to implement the Act, and take enforcement action against state employees who violate the Act. EEB staff investigate complaints filed by public employees and citizens, provide ethics training to state agencies, and provide advice regarding ethics in the workplace. Ethics training enables state officers and employees to perform their public responsibilities and conduct the business of the state appropriately.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	3.1	3.1	3.1
<b>405 Legal Services Revolving Account</b>			
405-1 State	\$507	\$518	\$1,025

**Statewide Result Area: Efficient, Effective and Accountable Government**  
**Statewide Strategy:    Support democratic processes and government accountability**

**Expected Results**

The Executive Ethics Board investigates complaints filed by public employees and citizens regarding ethical violations established in the Public Service Act, and prosecutes cases to completion. By completing investigations and resolving cases in a timely manner, state agencies, state employees, and the public are better served, and public trust and confidence in state government increases.

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**

*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

<b>000018</b>				
<b>The Executive Ethics Board investigates complaints filed by public employees and citizens regarding ethical violations established in the Public Service Act, and prosecutes cases to completion. By completing investigations and resolving cases in a timely manner, state agencies, state employees, and the public are better served, and public trust and confidence in state government increases.</b>				
<b>Biennium</b>	<b>Period</b>	<b>Actual</b>	<b>Target</b>	
2019-21	Q8			
	Q7			
	Q6			
	Q5			
	Q4	48	180	
	Q3	57	180	
	Q2	93	180	
	Q1	105	180	
2017-19	Q8	113	180	
	Q7	152	180	
	Q6	166	180	
	Q5	151	180	
	Q4	135	180	
	Q3	137	180	
	Q2	147	180	
	Q1	115	180	
Performance Measure Status: Approved				

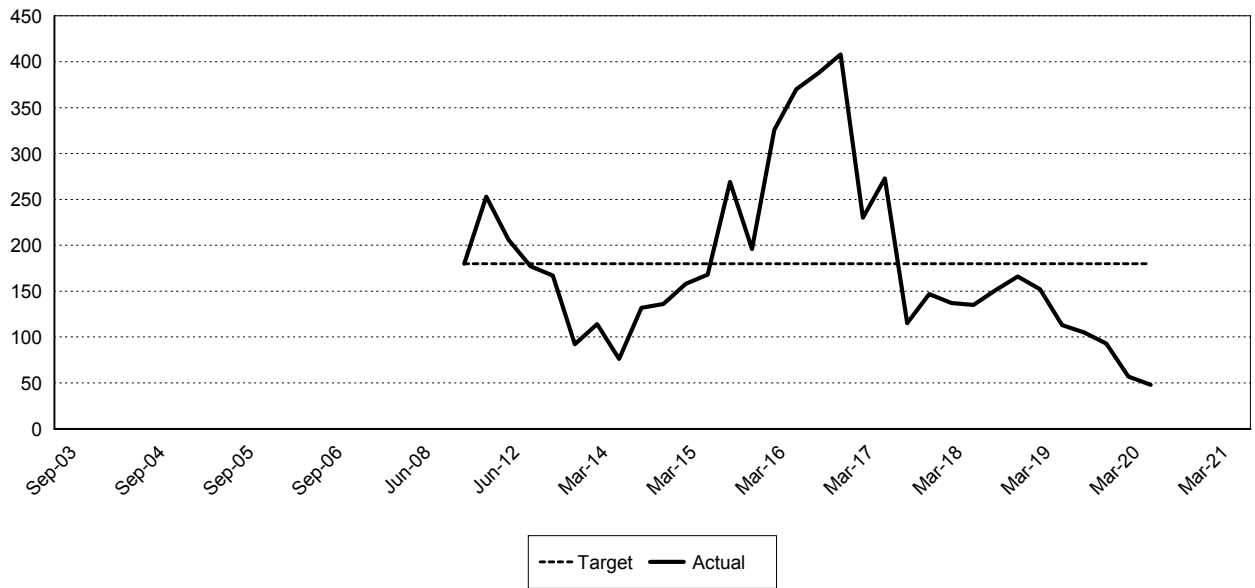


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**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**Number                      000018 - Average Number of Days to Complete an Ethics Investigation**



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

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**A007    Homicide Investigation Tracking System**

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The Homicide Investigation Tracking System (HITS) system provides assistance to law enforcement by providing them with greater access to information, advice, and assistance resulting in enhanced and speedier investigation of violent crimes. As a result, suspects are pursued more quickly leading to better public protections.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	7.5	7.5	7.5
<b>001 General Fund</b>			
001-1 State	\$739	\$1,580	\$2,319

**Statewide Result Area: Healthy and Safe Communities**  
**Statewide Strategy:    Enforce the law**

**Expected Results**

Homicide Investigation Tracking System (HITS) investigators and its data warehouse provide resources to local, state, and federal law enforcement agencies by giving them access to violent crime data and analyses across jurisdictions. The HITS unit provides law enforcement analysis of crime data related to murder, rape, and other serious offenses. The usefulness of the HITS system is directly affected by the quality and quantity of crime data entered into the system, and HITS investigators work closely with law enforcement to ensure all information is correctly captured. HITS provides direct investigative assistance, including case reviews and search results, to law enforcement agencies upon their request. As a result, violent offenders are identified and apprehended improving public safety and preventing crime.

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**

*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**000021 Homicide Investigation Tracking System (HITS) investigators and its data warehouse provide resources to local, state, and federal law enforcement agencies by giving them access to violent crime data and analyses across jurisdictions. The HITS unit provides law enforcement analysis of crime data related to murder, rape, and other serious offenses. The usefulness of the HITS system is directly affected by the quality and quantity of crime data entered into the system. HITS investigators work closely with law enforcement to ensure all information is correctly captured. HITS provides direct investigative assistance that includes case reviews and search results to law enforcement agencies upon their request. As a result, violent offenders are identified and apprehended improving public safety and preventing crime.**

<b>Biennium</b>	<b>Period</b>	<b>Actual</b>	<b>Target</b>
2019-21	Q8		
	Q7		
	Q6		
	Q5		
	Q4	252	253
	Q3	274	253
	Q2	215	253
	Q1	212	253
2017-19	Q8	207	253
	Q7	193	253
	Q6	225	253
	Q5	199	253
	Q4	219	253
	Q3	235	253
	Q2	215	253
	Q1	164	253

Performance Measure Status: Approved

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**

*Dollars in Thousands*

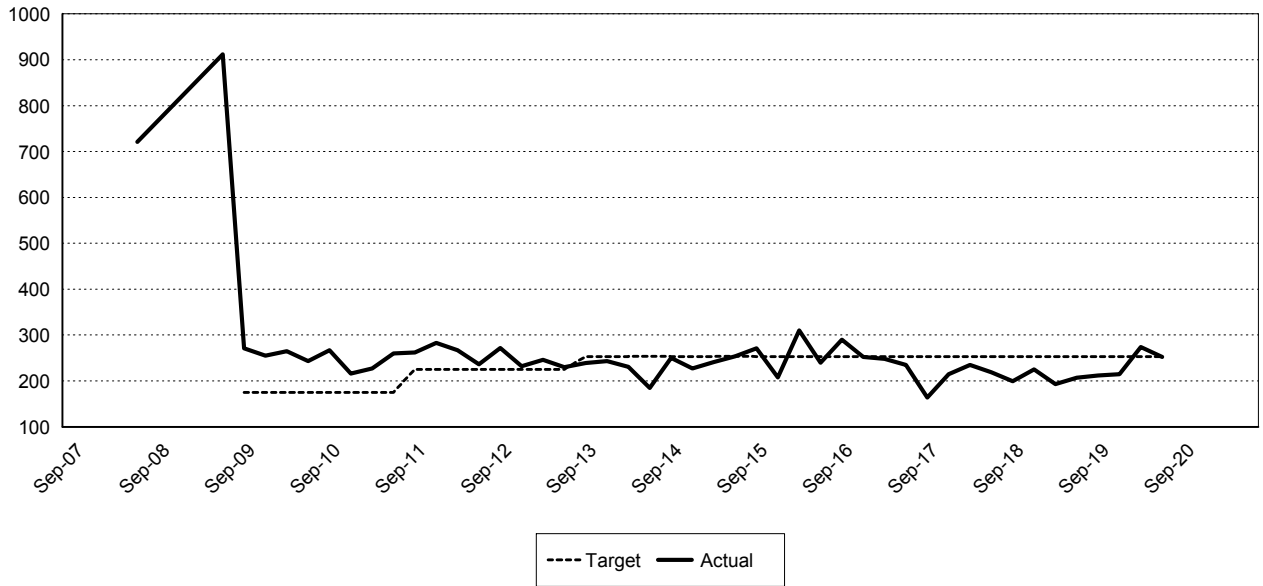
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*Appropriation Period: 2021-23 Sort By: Activity*

**Number**

**000021 - HITS Requests from Law Enforcement**



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**A009    Investigation and Prosecution of Medicaid Fraud and Resident Abuse**

The Medicaid Fraud Control Unit (MFCU) is federally mandated and 75% federally funded for this investigative and prosecutorial unit staffed by Attorneys, Auditors, Investigators, Paralegals and support personnel. MFCU’s mission is to protect patients and taxpayers through civil (including qui tam action) and criminal law enforcement. MFCU investigates and prosecutes fraud by health care providers that illegally divert Medicaid funds. These enforcement efforts curtail and deter similar criminal activity and lead to recoveries for the state and federal government. MFCU also prosecutes the abuse and neglect of residents in Medicaid-funded facilities. MFCU provides valuable assistance to local law enforcement in investigating and prosecuting crimes committed against vulnerable adults. MFCU helps coordinate the efforts of local vulnerable adult task forces, enforces the law, holds criminals accountable, increases public safety, deters fraud, and recovers money for the state. The addition of the Medicaid False Claims Act (FCA) in 2012 allows whistleblower qui tam actions. This increases MFCU’s capacity to aggressively combat fraud through civil and criminal means, benefits our state by expanding the AGO’s capacity to address fraud, neglect and abuse. This is essential as more Washingtonians become eligible for Medicaid under the Affordable Care Act, and as more people are entering the long-term care system.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	58.6	58.6	58.6
<b>001 General Fund</b>			
001-1 State	\$2,800	\$2,800	\$5,600
001-2 Federal	\$7,173	\$6,747	\$13,920
<b>001 Account Total</b>	<b>\$9,973</b>	<b>\$9,547</b>	<b>\$19,520</b>
<b>19A Medicaid Fraud Penalty Account</b>			
19A-1 State	\$2,917	\$2,901	\$5,818

**Statewide Result Area: Healthy and Safe Communities**  
**Statewide Strategy: Provide access to health care**

**Expected Results**

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**

*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

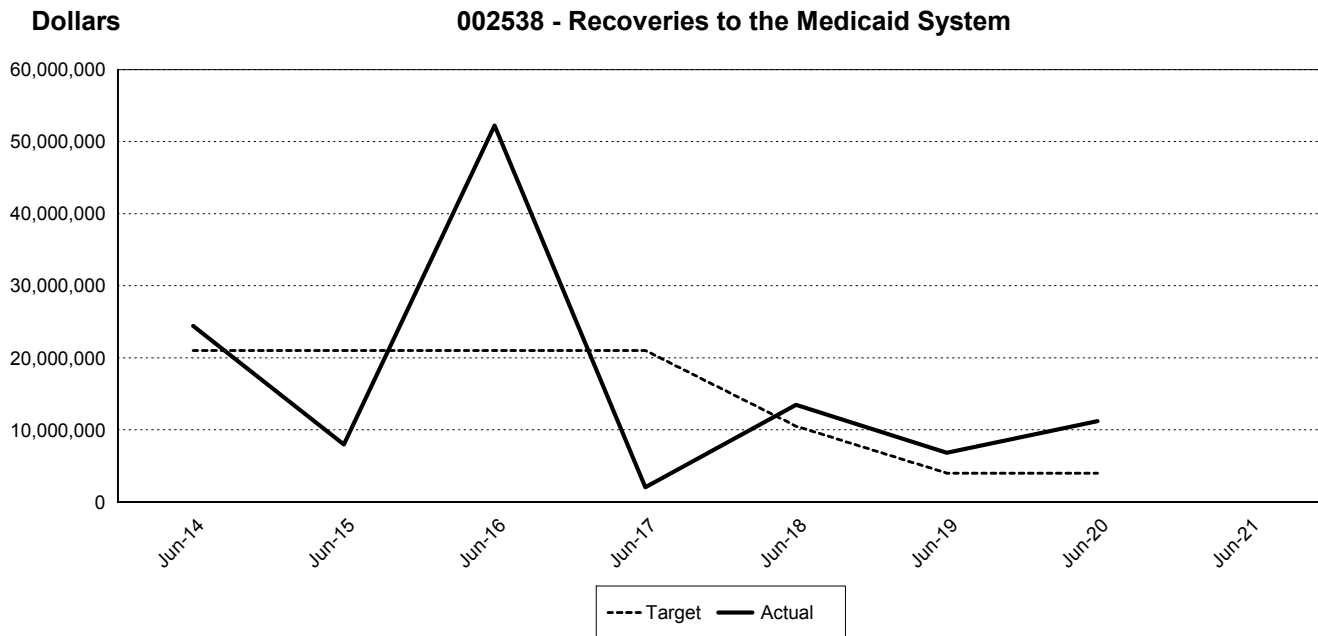
Medicaid funds are returned to the State through appropriation to combat fraud, provide Medicaid services, and monitor prescription drug abuse. The 2012 legislature created the False Claims Act (FCA) and the Medicaid Penalty Account (MPA) which is the state funding source for the AGO's Medicaid Fraud Control Unit (MFCU), and for the Medicaid program integrity responsibilities managed by the Washington State Health Care Authority. Through MFCU's civil efforts, recovered money that was illegally obtained in violation of either the federal or state FCA is returned to the State and placed into the MPA. This includes restitution, interest and penalties. The 2013 legislature authorized the Prescription Drug Monitoring Program, also funded from the MPA. Through MFCU's criminal and non-false claims act civil efforts, additional money is returned to the State. These cases generally contain a restitution portion, and have generated interest. In these cases, the restitution recoveries are returned directly to the Medicaid program and not to the MPA. Any interest earned and recovered goes to the State General Fund.

<b>002538</b>			
<p><b>State share of Medicaid recoveries is utilized to combat fraud, provide Medicaid services, and monitor prescription drug abuse. The 2012 legislature created the FCA and the MPA. These acts create the state funding source for the AGO's MFCU, and for the Medicaid program integrity responsibilities managed by the HCA. MFCU's civil efforts recovered money that was illegally obtained in violation of either the federal or state FCA is returned to the State and placed into the MPA. Recovered money includes restitution, interest and penalties. The 2013 legislature authorized the Prescription Drug Monitoring Program that is also funded from the MPA. Through MFCU's criminal and non-false claims act civil efforts, additional money is returned to the State. These cases generally contain a restitution portion and an interest portion. Recoveries are returned directly to the Medicaid program and not to the MPA. The associated interest goes to GF-S.</b></p>			
Biennium	Period	Actual	Target
2019-21	A3		
	A2	\$11,199,418	\$4,000,000
2017-19	A3	\$6,848,253	\$4,000,000
	A2	\$13,469,568	\$10,500,000
Performance Measure Status: Approved			

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23   Sort By: Activity*



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**A010    Legal Services to State Agencies**

By providing high quality legal assistance and representation to Washington’s state agencies, boards, and commissions, the AGO improves government services, increases government efficiency, and prevents costly lawsuits. The legal services provided by the AGO saves taxpayer dollars, promotes the public interest, and ensures agencies are able to fulfill their essential missions. The AGO offers excellent, option-based legal advice to help the state promote the public good. In the litigation context, the AGO initiates, defends, and resolves cases effectively and efficiently for the benefit of the state, its agencies, and its citizens.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	1,024.4	999.4	1,011.9
<b>001 General Fund</b>			
001-1 State	\$832	\$876	\$1,708
<b>405 Legal Services Revolving Account</b>			
405-1 State	\$145,670	\$141,659	\$287,329
<b>828 Tobacco Prevention/Control Account</b>			
828-1 State	\$129	\$130	\$259

**Statewide Result Area: Efficient, Effective and Accountable Government**  
**Statewide Strategy: Provide data, information, and analysis to support decision-making**

**Expected Results**

The AGO provides legal advice and representation to nearly 200 state agencies, boards, and commissions and sustains about 25,000 open cases at all times. As legal counsel for the state, the AGO represents the state in litigation, and provides legal advice on personnel, contracts, public records, specialized program advice, and risk management. Program responsibilities supported by the AGO include state and federal benefit programs administered by state agencies, licensing and regulatory programs, agency custodial programs, higher education institutions, natural resources programs, capital construction and equipment acquisitions, state agency revenue and collection programs, and economic development and enterprise activities. The AGO protects taxpayer dollars by providing sound legal advice and risk management services to clients thus avoiding costly lawsuits. The AGO assists agencies with civil enforcement efforts – for example, working with the Department of Ecology to hold polluters accountable, the Department of Labor and Industries to promote fair labor practices, and Department of Social Health and Services to protect children and other vulnerable populations from abuse and neglect.



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**

*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**002539**

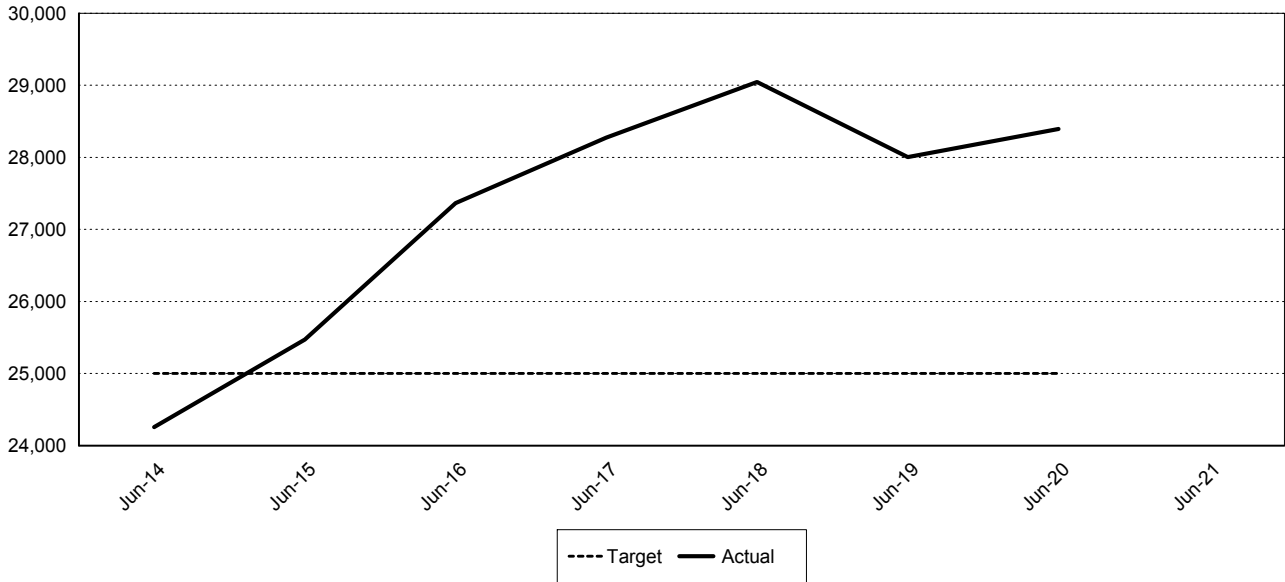
The AGO provides legal representation to state agencies, boards, and commissions and sustains about 25,000 open cases at all times. The AGO represents the state in litigation and provides advice on personnel, contracts, public records, specialized program advice, and risk management. Program responsibilities include state and federal benefit programs administered by state agencies, licensing and regulatory programs, agency custodial programs, higher education, natural resources programs, capital construction and equipment acquisitions, state agency revenue and collection programs, and economic development and enterprise activities. The AGO protects taxpayer dollars by providing sound legal advice and risk management services to clients avoiding costly lawsuits. AGO assists agencies with civil enforcement efforts – working with ECY to hold polluters accountable, L&I to promote fair labor practices, DSHS to protect children and other vulnerable populations from abuse and neglect.

Biennium	Period	Actual	Target
2019-21	A3		
	A2	28,393	25,000
2017-19	A3	28,002	25,000
	A2	29,045	25,000

Performance Measure Status: Approved

**Number**

**002539 - Cases Open at End of Fiscal Year**



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**A011    Representing Ratepayers**

The AGO’s Public Counsel Unit (PCU) represents residential and small business customers (ratepayers) of electric, natural gas, and telecommunications utilities regulated by the Washington Utilities & Transportation Commission (UTC). PCU advocates on behalf of customers in UTC cases involving utility rates, mergers, energy efficiency programs, service quality, and other policy matters. PCU investigates company requests and retains experts to analyze areas such as accounting, economics, finance, engineering, rate spread/rate design, and service quality. In a rate case or merger evidentiary hearings, PCU will cross-examine other parties’ expert witnesses, present its own witnesses, and file legal briefs. In addition to participating as a statutory party in major rate and merger cases, PCU may also present policy recommendations in UTC rulemakings or at bi-weekly UTC business meetings. PCU participates in technical policy and advisory groups, and may provide information to the Legislature and other policymakers.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE</b>	9.8	9.8	9.8
<b>111 Public Service Revolving Account</b>			
111-1 State	\$2,053	\$2,057	\$4,110

**Statewide Result Area: Prosperous Economy**  
**Statewide Strategy: Provide consumer protection**

**Expected Results**

The AGO’s Public Counsel Unit (PCU) protects consumers and businesses by advocating fair, just, reasonable, and sufficient utility rates, and by ensuring that customers pay only for reasonable and cost-effective programs. PCU’s efforts have helped save consumers nearly \$100 million over the past four years and will continue to save Washingtonians money on utility rates.



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

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*Appropriation Period: 2021-23    Sort By: Activity*

**A012    Victims Advocacy**

The Washington Coalition of Crime Victim Advocates (WCCVA) provides training, certification and support to community-based victim service organizations. This training provides an overview of victim rights and the mandated pre-service core training for crime victim advocates before working professionally with victims of crime in Washington State. In addition, by maintaining web-based resources and ensuring the availability of an electronic distribution list for relevant crime victim advocacy issues and victim rights, WCCVA educates advocates, victims and the community relating to their rights and available services. WCCVA works to educate the public of the impact of crime to individuals and society in order to deter crimes and improve public and private efforts to prevent crimes.

<b>Account</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>19P Child Rescue Fund</b>			
19P-1 State	\$250	\$250	\$500
<b>001 General Fund</b>			
001-1 State	\$441	\$(237)	\$204

**Statewide Result Area: Healthy and Safe Communities**  
**Statewide Strategy:    Protect and support victims of crime**

**Expected Results**

The AGO will support those who provide direct services to victims of crime, increase quality services for victims of crime in Washington State, protect victims' rights, enhance public awareness, and provide crime specific education opportunities for communities throughout our state. Consequently, Washingtonians will utilize the services necessary for recovery and lessen their chances for repeated victimization. Victims and victims' advocates will receive the support and services they need.

**Grand Total**

	<b>FY 2022</b>	<b>FY 2023</b>	<b>Biennial Total</b>
<b>FTE's</b>	1,298.6	1,281.9	1,290.3
<b>GFS</b>	\$20,569	\$20,610	\$41,179
<b>Other</b>	\$174,731	\$175,696	\$350,427
<b>Total</b>	\$195,300	\$196,306	\$391,606



Dollars in Thousands

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2021-23 Regular Budget Session
2123 - 2021-23 Biennial

Activity:

Table with 3 columns: Activity Code, Activity Name, and Description. Rows include items like CB T0PL, CL 04, CL 05, CL 07, CL 12, CL 13, CL 18, CL 22, CL 5497, CL 9F, CL BCKC, CL C902, CL CPM, CL HIT2, CL KF, CL KH01, CL KJ. Descriptions are mostly 'No measures linked to activity' or 'No measures linked to decision package'.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

CL	KJ	No measures linked to decision package
CL	KL	No measures linked to activity
CL	KL	No measures linked to decision package
CL	KN	No measures linked to activity
CL	KN	No measures linked to decision package
CL	MARI	No measures linked to activity
CL	MARI	No measures linked to decision package
CL	PRRA	No measures linked to activity
CL	PRRA	No measures linked to decision package
CL	SPRT	No measures linked to activity
CL	SPRT	No measures linked to decision package
ML	8L	No measures linked to activity
ML	LC	No measures linked to activity
ML	LD	No measures linked to activity
ML	LG	No measures linked to activity
ML	LH	No measures linked to activity
ML	LI	No measures linked to activity
ML	LJ	No measures linked to activity
PL	LE	No measures linked to activity
PL	LF	No measures linked to activity
PL	LK	No measures linked to activity
PL	LM	No measures linked to activity

**Outcome Measures      000018   Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures      000021   HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures      002531   Consumer Utility Rate Savings**

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures      002533   Total AG Formal and Informal Opinions Issued**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		
ML	LI	Labor Relations Support		0	0	0	0		
ML	LJ	Tobacco Diligent Enforcement		0	0	0	0		

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002535   Total Successful Commitments**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538   Recoveries to the Medicaid System**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539   Cases Open at End of Fiscal Year**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		
ML	LC	Pandemic UI Litigation and Advice		0	0	0	0		

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

ML	LD	USDOE Hanford Litigation	0	0	0	0
ML	LG	Pakootas v. Teck Litigation	0	0	0	0
ML	LH	Long Term Service and Support	0	0	0	0
PL	LF	Adult Protective Srvc Legal Support	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877   Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0
PL	LE	Antitrust Enforcement and Recovery	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011   Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0
PL	LE	Antitrust Enforcement and Recovery	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534   Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0
PL	LK	Foreclosure Compliance Program	0	0	0	0
PL	LM	Manufactured Housing Authority	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002536   Criminal Cases Closed**



**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A001 Administration**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0
ML	LI	Labor Relations Support	0	0	0	0
ML	LJ	Tobacco Diligent Enforcement	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
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**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

ML	8L	Lease Adjustments	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

<b>Output Measures</b>			<b>002536 Criminal Cases Closed</b>			<b><u>FY 2022</u></b>	<b><u>FY 2023</u></b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>
ML	8L	Lease Adjustments	0	0	0	0			

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A002 Civil Commitment of Sexually Violent Predators**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures            002536 Criminal Cases Closed**

				<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>	<u><b>FY 2024</b></u>	<u><b>FY 2025</b></u>
ML	8L	Lease Adjustments		0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A003 Criminal Investigation and Prosecution**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0



**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

<b>Output Measures</b>			<b>002536 Criminal Cases Closed</b>	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>	<u><b>FY 2024</b></u>	<u><b>FY 2025</b></u>
ML	8L	Lease Adjustments		0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A004 Enforcement of Anti-Trust Laws**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments		0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments		0	0	0	0
PL	LE	Antitrust Enforcement and Recovery		0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments		0	0	0	0
PL	LE	Antitrust Enforcement and Recovery		0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

ML	8L	Lease Adjustments	0	0	0	0
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AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures            002536 Criminal Cases Closed**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A005 Enforcement of Consumer Protection Laws**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		
PL	LK	Foreclosure Compliance Program		0	0	0	0		

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

PL	LM	Manufactured Housing Authority	0	0	0	0
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AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures            002536 Criminal Cases Closed**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.



**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A006 Executive Ethics Board**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

<b>Output Measures</b>			<b>002536 Criminal Cases Closed</b>	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>	<u><b>FY 2024</b></u>	<u><b>FY 2025</b></u>
ML	8L	Lease Adjustments		0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A007 Homicide Investigation Tracking System**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
ML	8L	Lease Adjustments		0	0	0	0		

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

<b>Output Measures</b>	<b>002536 Criminal Cases Closed</b>	<b><u>FY 2022</u></b>	<b><u>FY 2023</u></b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>
ML	8L Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A009 Investigation and Prosecution of Medicaid Fraud and Resident Abuse**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0



**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures            002536 Criminal Cases Closed**

				<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>	<u><b>FY 2024</b></u>	<u><b>FY 2025</b></u>
ML	8L	Lease Adjustments		0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A010 Legal Services to State Agencies**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0
ML	LC	Pandemic UI Litigation and Advice	0	0	0	0
ML	LD	USDOE Hanford Litigation	0	0	0	0
ML	LG	Pakootas v. Teck Litigation	0	0	0	0
ML	LH	Long Term Service and Support	0	0	0	0
PL	LF	Adult Protective Srvc Legal Support	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

<b>Output Measures</b>		<b>002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution</b>				
			<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>	<u><b>FY 2024</b></u>	<u><b>FY 2025</b></u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

<b>Output Measures</b>		<b>002536 Criminal Cases Closed</b>				
			<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>	<u><b>FY 2024</b></u>	<u><b>FY 2025</b></u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

**Activity: A011 Representing Ratepayers**

ML 9Z

No measures linked to decision package

**Outcome Measures 000018 Average Number of Days to Complete an Ethics Investigation**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .

**Outcome Measures 000021 HITS Requests from Law Enforcement**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data.

**Outcome Measures 002531 Consumer Utility Rate Savings**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

**Outcome Measures 002533 Total AG Formal and Informal Opinions Issued**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures 002535 Total Successful Commitments**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS. 2-1-4: Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

**Outcome Measures      002538 Recoveries to the Medicaid System**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.

**Outcome Measures      002539 Cases Open at End of Fiscal Year**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Outcome Measures      002877 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      000011 Antitrust Restitution to the Citizens of the State**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures      002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2123 - 2021-23 Biennial**  
*Dollars in Thousands*

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS. 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

**Output Measures            002536 Criminal Cases Closed**

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	8L	Lease Adjustments	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

**Activity: A012 Victims Advocacy**

ML 9Z  
ML 9Z

No measures linked to activity  
No measures linked to decision package





**2021-23 Biennium  
Activity Inventory Indirect Cost Allocation Approach**

**Agency:** 100 - Office of Attorney General

**Date:** Sept 10, 2020

**Allocation Method Description:** Total indirect costs were allocated to activities based on the number of FTE's in each activity

	<b>% Allocation Received</b>	<b>Dollars Allocated FY 1</b>	<b>Dollars Allocated FY 2</b>	<b>Total Allocated</b>
<b>A001 - Administration</b>	5.5%	8,874	11,840	20,714
<b>A002 - Civil Commitment of Sexually Violent Predators</b>	4.9%	7,993	10,471	18,464
<b>A003 - Criminal Investigation and Prosecution</b>	0.6%	924	1,379	2,303
<b>A004 - Enforcement of Anti-Trust Laws</b>	0.8%	1,438	1,754	3,192
<b>A005 - Enforcement of Consumer Protection Laws</b>	3.7%	6,413	7,622	14,035
<b>A006 - Executive Ethics Board</b>	0.3%	505	517	1,022
<b>A007 - Homicide Investigation Tracking System</b>	0.6%	772	1,615	2,387
<b>A008 - Investigation and Defense of Tort Lawsuits</b>	0.3%	571	575	1,146
<b>A009 - Investigation and Prosecution of Medicaid Fraud and Resident Abuse</b>	5.2%	9,171	10,622	19,793
<b>A010 - Legal Services to State Agencies</b>	76.6%	134,475	154,758	289,233
<b>A011 - Representing Ratepayers</b>	1.2%	2,313	2,269	4,582
<b>A012 - Victims Advocacy</b>	0.2%	730	52	782
<b>TOTALS</b>	<b>100.0%</b>	<b>174,179</b>	<b>203,474</b>	<b>377,653</b>





# OFFICE OF THE ATTORNEY GENERAL STRATEGIC PLAN

FY 2019 – 2021

*Attorney General Bob Ferguson*

# Our Guiding Principles

All of the work that we do is guided by our shared mission, our vision for what we strive to become, and the collective values we practice every day. The priorities, goals, and objectives established in this Strategic Plan describe how we plan to further our mission, vision, and values in the current biennium.

## MISSION

The Office of the Attorney General will provide excellent, independent, and ethical legal services to the State of Washington and protect the rights of its people.

## VISION

The Office of the Attorney General will be the best public law office in the United States.

## VALUES

All staff in the Office of the Attorney General are guided by the following core values:

1. We will deliver high quality legal services and remember that we serve the people of Washington.
2. We will conduct ourselves with integrity, professionalism, civility, and transparency.
3. We will promote a collegial, diverse, and inclusive workplace that values, respects, and supports our employees.

# A Culture of Service

The Attorney General’s Office has three strategic priorities in the advancement of our mission to provide excellent, independent, and ethical legal services to the State of Washington and protect the rights of its people.

## SERVE THE STATE

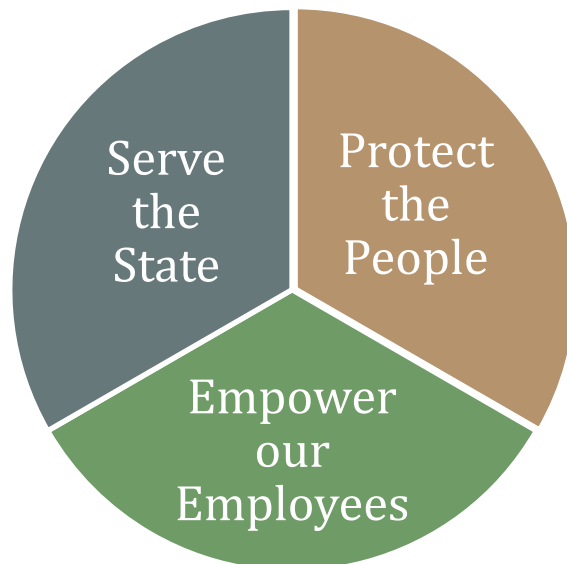
Provide excellent, independent, and ethical legal advice and representation to our client, the State of Washington.

## PROTECT THE PEOPLE

Protect the legal rights of the people of the State of Washington.

## EMPOWER OUR EMPLOYEES

Create a positive work environment that recognizes employees as our most valuable resource and fosters integrity, professionalism, civility, and transparency.



# FY 2019-21 Goals

To meet our three strategic priorities, we established the following goals for the FY 2019-21 biennium. Within each of these goals, we adopted strategic objectives – the specific actions that we will undertake at the agency level to help us meet our goals. These objectives are laid out in detail in the following sections. Cascading down from this agency-wide plan will be individual measures developed by each AGO division. For those objectives that fall within the scope of their operations and work, the divisions will identify deliverables, indicators and the title or name of the person responsible for ensuring the execution of the objective.

## SERVE THE STATE

Provide excellent, independent, and ethical legal advice and representation to our client, the State of Washington.

### **FY 2019-21 Goals:**

1. Deliver high quality, timely, and efficient legal services.
2. Improve internal efficiency and effectiveness through the use of technology solutions and data.
3. Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public.
4. Protect and enhance the financial health and resources of the Office of the Attorney General including optimizing fund utilization and management.

## PROTECT THE PEOPLE

Protect the legal rights of the people of the State of Washington.

### **FY 2019-21 Goals:**

1. Defend civil rights and stand up for vulnerable Washingtonians.
2. Protect Washington’s environment and public health.
3. Promote good government.
4. Protect all Washington consumers.

## EMPOWER OUR EMPLOYEES

Create a positive work environment that recognizes employees as its most valuable resource and fosters integrity, professionalism, civility, and transparency.

### **FY 2019-21 Goals:**

1. Enhance our commitment to being an employer of choice by recognizing, celebrating, and empowering AGO employees.
2. Promote diversity, inclusiveness, and equity throughout the organization to recruit and retain a high quality, highly skilled, and highly effective workforce.
3. Ensure employees have the skills and knowledge they need to be successful.
4. Ensure employees have the tools and work space they need to be efficient and effective.
5. Promote the health, safety, and well-being of all employees in the workplace.

# FY 2019-21 Strategic Objectives

## SERVE THE STATE

Provide excellent, independent, and ethical legal advice and representation to our client, the State of Washington.

### GOAL 1: DELIVER HIGH QUALITY, TIMELY, AND EFFICIENT LEGAL SERVICES.

#### 1-1-1 Develop and implement a plan to improve client service based on client feedback.

The Administration Division will conduct a client satisfaction survey. The results of this survey will be compared with prior survey results to identify trends and areas of improvement. Divisions will determine if there are supplemental means to gather additional client feedback. Based on the results of the survey and other feedback, divisions will develop and implement a plan to improve client services. Each division will share their survey results with division personnel, so that staff understands the feedback received and can provide input on improvements.

#### 1-1-2 Maintain a current list of AGO subject matter experts.

Ensure that subject matter experts are identified, by area of expertise, in the Client Assignment Directory on Inside AGO to facilitate the ability of AGO users to identify AGO experts. Update no less than twice each year.

#### 1-1-3 Promote cross-divisional consistency and collaboration.

Take steps to identify and elevate issues that are emerging in multiple divisions across the AGO, and to make formal and informal connections to ensure that the work benefits from cross-division collaboration and conversation.

#### 1-1-4 Coordinate tribal law issues and promote tribal law training.

Consolidate tribal law resources across the AGO and ensure their broad accessibility across the office. Continue to promote tribal law trainings, including those sponsored internally, by the Governor's Office of Indian Affairs and other entities.



## GOAL 2: IMPROVE INTERNAL EFFICIENCY AND EFFECTIVENESS

### 1-2-1 Use data in assessment and decision-making.

Review, and where appropriate improve, current data collection and use data to effectively assess how well we are meeting our strategic priorities, identify trends, and support decision-making.

### 1-2-2 Adjust existing software and processes to improve effectiveness and efficiency.

Implement collaborative, cloud-based litigation software platforms such as EverLaw to support and scale to clients' expanding discovery needs. Explore options to upgrade and improve systems such as the current matter management system, CCTNs, scheduling requests, and Office 365.

### 1-2-3 Share resources across the agency.

To improve our legal services, ensure the AGO remains flexible to shift personnel in response to emergent events and evolving AGO priorities, as well as sharing key resources, such as division policies and COOPs.

## GOAL 3: PROACTIVELY ENGAGE IN RISK MANAGEMENT EFFORTS

### 1-3-1 Continue compliance with public records and open public meetings laws.

Work in collaboration with Public Records Counsel to ensure the provision of uniform advice and compliance with legal requirements and best practices with respect to Public Records. Work in collaboration with the Agency Law Forum leaders with respect to best practices on open meetings.

### 1-3-2 Develop and implement a plan to strengthen protection of confidential data.

Utilize the survey tool/checklist created by the Administration Division to ensure uniform protection of confidential data across the AGO and implementation of best practices.

### 1-3-3 Play a statewide leadership role in risk management.

Work with state agency clients and coordinate across divisions to identify and assess sources of potential risk and develop solutions to reduce and manage risk across state government.

### 1-3-4 Protect data security.

To safeguard sensitive data stored on AGO electronic systems, provide regular IT security training and awareness tools, implement multi-factor authentication in applications with sensitive data, and implement seamless Single Sign-on technologies where possible.

#### GOAL 4: PROTECT THE FINANCIAL RESOURCES OF THE AGO.

##### 1-4-1 Enhance and maintain a high level of financial integrity and quality.

Provide timely and accurate financial information that meets the needs of the AGO and the State while fulfilling or exceeding accepted standards. Improve processes including further developing and documenting internal financial controls, benchmarks, tools and policies. Be transparent with and provide outreach to vendors, stakeholders, customers and clients.

##### 1-4-2 Proactively manage AGO and division budgets.

Fully and responsibly utilize AGO and division resources. Increase the focus on strategic budgeting to better project expenditure levels, agency resource needs, and anticipate the impacts of future events on current and proposed programs and budgets.

##### 1-4-3 Support high quality fiscal decision making.

Gather financial and other data and make it available and accessible. Analyze, interpret and present the information to enable informed and well-reasoned decisions at the division and agency level. Automate and create visual tools so that all divisions can easily track and understand relevant data and respond to changing resources and needs.

##### 1-4-4 Continue to focus on contract and procurement compliance.

Centralize agency grant, contract, and procurement activities to maximize financial and operational performance and minimize risk, in order to ensure compliance with policies and regulations. Improve processes including further developing and documenting procedures and policies for use of Special Assistant Attorneys General and all other agency grants and contracts with an emphasis on ensuring compliance.

##### 1-4-5 Maintain and enhance positive relationships with client agencies, the Governor, OFM, and the legislature.

Coordinate with client agencies and other stakeholders on the potential impacts of proposed initiatives and legislation. Provide timely and accurate fiscal information to the Governor, OFM, legislators, client agencies, and other stakeholders as appropriate.

# FY 2019-21 Strategic Objectives

## PROTECT THE PEOPLE

Protect the legal rights of the people of the State of Washington.

### GOAL 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS

2-1-1 Strengthen the protection of civil rights through enforcement and outreach.

Use AGO resources and authority to protect the constitutional and statutory rights of Washingtonians, including the civil rights granted by federal and state law.

2-1-2 Protect abused and neglected children in Washington State.

Use AGO resources and authority to protect abused and neglected children, including facilitating timely permanency and collaborating with external stakeholders and internally among divisions. Continue to seek a permanent funding solution to ensure the AGO maintains adequate resources to keep up with case filings.

2-1-3 Protect vulnerable adults and combat elder abuse.

Use AGO resources and authority to protect vulnerable adults and combat elder abuse by continuing to support the multi-divisional AGO Vulnerable Adults Task Force. Work with external stakeholders to raise awareness of and to prevent elder abuse. Support legislation to ensure protection of vulnerable adults. Increase the enforcement of existing laws against those who victimize elderly patients, including increasing AGO resources dedicated to investigating and prosecuting crimes against vulnerable adults and providing support to local law enforcement and prosecuting attorneys with cases involving vulnerable adults. Work with client agencies to develop strategies for improving investigations of and responses to complaints of elder abuse. Continue to support and improve tracking mechanisms for Adult Protective Services advice and litigation (including adult family home licensing).

2-1-4 Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

Continue to lead the Commercially Sexually Exploited Children Statewide Coordinating Committee. Explore opportunities to reduce demand for sexually vulnerable children in Washington State including the use of Washington State criminal law. Administer the Child Rescue Fund as set forth by law. Ensure the most dangerous and violent sexual predators are civilly detained, evaluated and treated.

#### 2-1-5 Protect Washington Workers

Use AGO resources and authority to protect Washingtonians' rights in the workplace. Increase outreach to workers so they know their rights and where to go for help. Enhance collaboration with other AGs offices on cross-jurisdictional issues and national advocacy. Improve cooperation and communication with state agencies tasked with investigation and enforcement of workplace violations and with external stakeholders. Continue to improve internal coordination and information sharing through the AGO Worker Protection Workgroup. Work with policymakers and stakeholders to improve Washington's law to better protect workers and respond to changes in the marketplace.

#### 2-1-6 Assist and partner with client agencies to further their mission

Provide the full range of legal services to assist our clients in achieving their mission. When appropriate, partner with our clients to provide legal support to achieve their policy objectives, such as offering trainings for clients, helping clients to develop or improve processes, and improving coordination of actions across multiple divisions of the AGO, client agencies and external stakeholders.

### GOAL 2: PROTECT WASHINGTON'S ENVIRONMENT AND PUBLIC HEALTH.

#### 2-2-1 Protect the environment and public health.

Ensure the AGO continues to be a national leader in enforcing the civil and criminal laws designed to protect our environment and the health of Washingtonians. Coordinate internal legislative and policy efforts that support the office's environmental work and goals.

#### 2-2-2 Combat the opioid epidemic.

Pursue a coordinated approach to combat the opioid epidemic through the continued use of an internal workgroup, drawing from affected divisions and units. Promote legislation, outreach, and enforcement of existing laws.

### GOAL 3: PROMOTE GOOD GOVERNMENT

#### 2-3-1 Enforce the State's campaign finance disclosure and electoral integrity laws

To maintain and build public trust in the electoral system, continue to combat the influence of undisclosed or otherwise illegal political contributions and the misuse of campaign funds. Develop, inform and advocate for stronger enforcement of campaign finance laws at the state level in Washington.

2-3-2: Implement the 2018 Public Records Act legislation.

Assist local government agencies with respect to the Public Records Act as required by ESHB 1667 (2018), which made permanent the AGO Local Government Public Records Consultation Program, through activities such as providing consultations and outreach and preparing written materials. By January 1, 2020, create model policies with respect to the Public Records Act's limitations on disclosure of certain records to persons who have stalked or harassed agency employees, as required by ESHB 1692 (2018).

2-3-3: Provide current open government resources to the public and agencies.

Continue to periodically update the open government resource materials including those on the AGO Open Government Training Webpage. Reconfigure the AGO Open Government Training Webpage so it is more user-friendly.

2-3-4 Effectively and efficiently advise and defend the state against claims.

Provide state agency clients with high quality representation to help reduce exposure to claims. Provide effective representation of state agencies and employees who are sued to ensure equitable resolution of those claims in a financially responsible manner.

2-3-5 Assist with collecting state revenue, protecting state programs, and ensuring the proper administration of benefits.

Provide a full range of legal services to state agencies, boards, and commissions, including assisting clients in collecting money owed to the State, and with protecting and lawfully administering trust and endowed funds.

2-3-6 Support Washington's Infrastructure.

Provide a full range of legal services to the state's transportation and utility agencies, boards, and commissions.

GOAL 4: PROTECT WASHINGTON CONSUMERS.

2-4-1 Enforce the laws that protect consumers and improve consumer awareness.

Continue to focus on investigation and enforcement efforts to protect Washington consumers and businesses. Prioritize actions that could have a lasting, deterrent effect on illegal behavior in the marketplace, support those who face unequal access to justice, establish beneficial case law, and maximize the potential for restitution and recovery.

#### 2-4-2 Combat health care fraud.

Use AGO resources and authority to combat health care fraud. Recover monies lost to fraud in the Medicaid system. Protect patients residing in Medicaid nursing and residential facilities from abuse and neglect. Share information and referrals among divisions involved in health care delivery issues.

#### 2-4-3 Protect Washington ratepayers.

Vigorously represent the public interest in the full range of proceedings before the Utilities and Transportation Commission (UTC). Advocate for additional resources from the legislature to ensure that the public interest is appropriately represented in these proceedings. Represent customers of Washington's investor-owned utilities in proceedings to reduce carbon emissions through an orderly transition away from coal-fired electricity generation. Work to ensure customers have the benefit of environmental protections and reliable, affordable utility service.

#### 2-4-4 Support Washington service members and their families

Use AGO authority including the Service members Civil Relief Act and consumer protection laws, to investigate and respond to violations against service members. Engage and educate veterans and service members, businesses, and client agencies about the legal protections and benefits available to veterans and service members. Continue to grow the AGO Office of Military & Veteran Legal Assistance. Support veteran hiring in the AGO and the Veterans' Affinity Group.

#### 2-4-5 Serve and protect Washington students and educational institutions.

Support the state's universities and community and technical colleges, as well as its education agencies, boards, and commissions by providing a focused range of legal services.

# FY 2019-21 Strategic Objectives

## EMPOWER OUR EMPLOYEES

Create a positive work environment that recognizes employees as its most valuable resource and fosters integrity, professionalism, civility, and transparency.

### GOAL 1: RECOGNIZE AND EMPOWER AGO EMPLOYEES

#### 3-1-1 Address the compensation gap.

Continue to work with Washington State HR and the legislature to obtain fair and equitable attorney and professional staff compensation. Seek additional funding from the legislature to address critical recruitment and retention challenges. Engage in transparent communications with AGO staff about the status of our efforts.

#### 3-1-2 Refine the performance management system.

Enhance employee job satisfaction, professional growth, productivity, and accountability by continuing to update the performance management system to foster more meaningful feedback and improve employee recognition. Continue to implement a streamlined system focused more on communication and less on paperwork. Ensure managers and staff are trained on updated procedures.

#### 3-1-3 Increase opportunities for employee recognition.

Develop a culture of recognition by improving and expanding formal and informal recognition for all employees, at all levels. Support and promote ideas that improve recognition, and provide new tools for AGO employees to celebrate each other and our work.

#### 3-1-4 Improve employee engagement.

Develop strategies to seek input on decisions that affect employees, and encourage employees to come up with better ways of doing things. Increase opportunities for employees to interact with and provide feedback to senior management, including members of the Core Leadership Team.

#### 3-1-5 Expand the spirit of cooperation and teamwork in the office.

Continue efforts to build understanding and connections across the AGO. Find new ways to promote teamwork, build camaraderie, and enhance the development of collegiality. Focus on ways to continue to develop a spirit of teamwork between attorneys and professional staff.

### 3-1-6 Improve Support for Pro Bono Work by AGO staff.

Improve AGO support for and recognition of staff participation in appropriate Pro Bono activities that provide legal service and advocacy to persons who lack the resources to protect their legal rights or access the justice system. Determine the availability of external financial resources to cover costs incurred in direct Pro Bono representation by ago staff. Review the AGO Pro Bono policy to ensure it reflects maximum flexibility and support.

## GOAL 2: PROMOTE DIVERSITY, INCLUSIVENESS, AND EQUITY THROUGHOUT THE AGO

### 3-2-1 Recruit and retain a diverse workforce.

Enhance efforts to recruit a diverse workforce through internal and external outreach. Explore new mediums and marketing strategies, so candidates can learn about the work of our office. Consider new ideas for removing implicit bias from the application process, such as blind resume reviews. The Diversity Advisory Committee (DAC) will work with the training unit to provide a training or module for existing training that focuses on diversity and inclusion in hiring. Collaborate with the training unit, if needed, to finalize on-line interviewer training modules to refresh interview panels and hiring managers on best practices. Review and revise, if needed, AGO Guidelines and Checklist for New Attorneys, as well as division onboarding process and training.

### 3-2-2 Continue to support the affinity group program.

Continue to promote and implement the AGO affinity policy, allowing groups to form and operate, to improve inclusion and enhance connections in the agency. Annually review the activities of each affinity group to measure program success.

### 3-2-3 Offer agency-wide trainings on issues related to equity, diversity, and inclusion.

Create a sustainable plan for offering training that meets agency goals in equity, diversity and inclusion; provides for various levels of educational training for staff; and reinforces a culture of inclusion in alignment with AGO values. DAC will work with the AGO training unit to increase the number of recorded DAC presentations, videos, or resources (toolkits) available for agency wide use. Actively support and encourage staff to attend and/or plan a training that supports equity, diversity, and inclusion. Divisions may consider sponsoring a diversity presentation.



**GOAL 3: ENSURE EMPLOYEES HAVE THE SKILLS AND KNOWLEDGE THEY NEED TO BE SUCCESSFUL.**

**3-3-1 Increase training and professional development opportunities for staff throughout the agency.**

Continue to increase training opportunities for professional staff and attorneys at their locations and via WebEx. Encourage and facilitate attendance. Prioritize expansion of training to staff and locations that require it. Plan for resource needs, including trainers' and learners' time and travel costs. Deploy training to meet the priorities.

**3-3-2 Prepare for the future with succession planning.**

Deploy tools to identify key positions at risk of vacancy; the knowledge, skills and competencies required to be successful in those positions; and developmental activities needed to prepare staff to fill those positions.

**3-3-3 Expand cross-training opportunities.**

Identify employees who are interested in cross training in different or specialty areas within their division or in other divisions. Facilitate placement in assignments that meet their growth and development needs. Improve communications about cross-training opportunities and ease administrative impediments.

**3-3-4 Expand professional staff and manager mentoring programs.**

Further develop the mentoring program and provide tools to guide mentors and mentees. Solicit and encourage experienced staff to serve as mentors.

**3-3-5 Continue to expand and improve new employee orientation.**

Ensure new employees throughout the state receive complete and consistent orientation including an introduction to the culture and key resources of the AGO.

**GOAL 4: ENSURE EMPLOYEES HAVE THE TOOLS AND WORK SPACE THEY NEED TO BE EFFICIENT AND EFFECTIVE.**

**3-4-1 Expand mobility to improve productivity.**

Continue to identify and deploy hardware and software solutions that allow employees to work effectively outside the office. Increase the availability of mobile devices and access to AGO

technology and applications. Ensure employees have and know how to access support for mobile access.

#### 3-4-2 Implement technology solutions to improve effectiveness.

Assess AGO business needs and, where possible, implement technical solutions that make it easier for employees to perform their work. Leverage Microsoft Office365 technologies to improve the reliability of digital services. Increase resources and training on how to use available technology, including equipment, devices, and software.

#### 3-4-3 Creatively approach how to use space

Maximize efficiency and minimize costs by using a multifaceted approach to the workspace. Encourage the implementation or expansion of telework and flex schedules agency wide. Explore office-sharing options to reduce the AGO's physical footprint.

### GOAL 5: PROMOTE THE HEALTH, SAFETY, AND WELL-BEING OF ALL EMPLOYEES IN THE WORKPLACE.

#### 3-5-1 Be prepared for natural disasters and emergency situations.

Annually review and update AGO, Building, and Division Safety and Security and Continuity of Operations Plans. Regularly train and drill AGO employees to be prepared for natural disasters or emergency situations, including at least one major preparedness exercise per biennium to test resources, communications, and structures for AGO continuity of operations in an emergency.

#### 3-5-2 Foster a culture of wellness.

Encourage staff to participate in healthy workplace activities, leveraging the AGO's designation as a Washington Wellness Worksite. Promote a healthy workspace. Promote workplace programs that make it easier for employees to identify and pursue their own wellness goals, including those for mental health.

#### 3-5-3 Create a sustainable workplace.

Continue promoting sustainable office practices to include expanding the use of carpool calendars, the reuse center, recycling programs, and other sustainable practices. Use carbon emission reduction strategies to further reduce agency office space, business travel, and energy consumption.

Tab B

RECOMMENDATION  
SUMMARY







Dollars in Thousands

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2021-23 Regular Budget Session**  
**2123 - Version Roll Up**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	1,247.9	32,036	328,777	360,813
<b>2019-21 Current Biennium Total</b>	<b>1,247.9</b>	<b>32,036</b>	<b>328,777</b>	<b>360,813</b>
CL 04 Pressure Vapor Limits Legal Defense	(2.3)	0	(605)	(605)
CL 05 USDOE Hanford Litigation	(2.3)	0	(1,069)	(1,069)
CL 06 SEIU 775 v. DSHS Litigation	0.0	0	(76)	(76)
CL 07 Wolf v. SBCTC/State of Washington	(3.6)	0	(1,563)	(1,563)
CL 09 Eastern State Hospital Legal Svcs	0.0	0	53	53
CL 12 Corrections Legal Services	1.9	0	474	474
CL 13 WDFW Legal Support	0.9	0	249	249
CL 16 Federal Funding Adjustment	0.0	0	(1,200)	(1,200)
CL 18 MSA Diligent Enforcement	(4.5)	(1,216)	0	(1,216)
CL 22 LNI Wage & Salary Information	0.2	0	41	41
CL 5035 Prevailing Wage	0.0	0	141	141
CL 5116 Clean Energy	0.0	0	(147)	(147)
CL 5297 AGO Collective Bargaining	0.0	(3)	0	(3)
CL 5497 Immigrants in the Workplace	(2.0)	0	(630)	(630)
CL 6158 Model Sexual Assault Protocols	0.0	(27)	0	(27)
CL 8L Lease Adjustments	0.0	645	(494)	151
CL 91B Reduce to Zero Base	0.0	0	(2)	(2)
CL 91M Reduce to Zero Base	0.0	0	2	2
CL 92C Reduce to Zero Base	0.0	(2)	(17)	(19)
CL 92D Reduce to Zero Base	0.0	0	2	2
CL 92J Reduce to Zero Base	0.0	(6)	(67)	(73)
CL 92K Reduce to Zero Base	0.0	1	20	21
CL 92R Reduce to Zero Base	0.0	13	136	149
CL 92X Reduce to Zero Base	0.0	0	1	1
CL 9F Reduce to Zero Base	(3.5)	0	(2,540)	(2,540)
CL AAG AWAAG-WFSE Collective Bargaining	0.0	751	4,841	5,592
CL BCKC Firearm Background Checks	0.7	0	192	192
CL BSA Reduce to Zero Base	0.0	1,602	(1,602)	0
CL C902 Sexual Assault Examination Kits	(0.4)	(116)	0	(116)
CL CPM Child Permanency & Child Welfare	15.4	0	4,100	4,100
CL CVCF Crime-Victim Advocates Training	0.0	(350)	0	(350)
CL E085 PFML Adjustments	0.0	0	(15)	(15)
CL E0FS Reduce to Zero Base	0.0	0	6	6
CL G06 Reduce to Zero Base	0.0	66	491	557
CL G6MR Reduce to Zero Base	0.0	8	61	69
CL GL9 Reduce to Zero Base	0.0	501	3,826	4,327
CL GLK Reduce to Zero Base	0.0	0	207	207
CL GLU Reduce to Zero Base	0.0	19	137	156
CL GLV Reduce to Zero Base	0.0	0	65	65
CL HIT2 HITS Staffing	1.5	394	0	394
CL HRLS Human Rights Commission	0.0	0	(299)	(299)
CL INS1 Total Cost of Insulin	0.0	23	0	23
CL KF Medicaid Fraud Control	0.5	0	133	133
CL KH01 Tobacco Master Settlement	(1.4)	(1,431)	0	(1,431)

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2123 - Version Roll Up**  
*Dollars in Thousands*

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CL KJ Davison v. WA State	(1.2)	0	(400)	(400)
CL KL Madison v. OSPI Litigation	(2.0)	0	(868)	(868)
CL KN Skagit River Bridge Collapse	(4.5)	0	(1,086)	(1,086)
CL KR WSU Legal Services	0.0	0	(4)	(4)
CL MARI Marijuana Product Testing	0.1	0	35	35
CL MFCA Compensation Funding Adjustment	0.0	0	525	525
CL PFM Paid Family Medical Leave	0.0	0	134	134
CL PRRA Public Records/Request Admin.	1.5	0	330	330
CL SCTL Confidential Tip Line Workgroup	0.0	(200)	0	(200)
CL SLUF Use of Force	0.0	(75)	0	(75)
CL SPRT Sports Wagering/Compacts	(1.0)	0	(2)	(2)
CL WMCH WMC Legal Services	0.0	0	(1,123)	(1,123)
<b>Total Carry Forward Level</b>	<b>1,241.8</b>	<b>32,633</b>	<b>331,170</b>	<b>363,803</b>
Percent Change from Current Biennium	(.5)%	1.9%	.7%	.8%
<b>Maintenance – Other Changes</b>				
ML 8L Lease Adjustments	0.0	1,622	(47)	1,575
ML LI Labor Relations Support	2.0	90	490	580
<b>Maintenance – Other Total</b>	<b>2.0</b>	<b>1,712</b>	<b>443</b>	<b>2,155</b>
<b>Maintenance – Comp Changes</b>				
ML L0 SAKI Federal Expenditure Authority	0.0	0	1,654	1,654
ML LB Backfill Medicaid Fraud Account	0.0	5,600	0	5,600
ML LJ Tobacco Diligent Enforcement	4.5	1,234	0	1,234
ML LN MFCD Federal Expenditure Authority	0.0	0	2,302	2,302
<b>Maintenance – Comp Total</b>	<b>4.5</b>	<b>6,834</b>	<b>3,956</b>	<b>10,790</b>
<b>Maintenance – Central Svcs Changes</b>				
ML LC Pandemic UI Litigation and Advice	5.2	0	1,424	1,424
ML LD USDOE Hanford Litigation	2.3	0	1,600	1,600
ML LG Pakootas v. Teck Litigation	1.3	0	1,334	1,334
ML LH Long Term Service and Support	1.9	0	581	581
<b>Maintenance – Central Svcs Total</b>	<b>10.7</b>	<b>0</b>	<b>4,939</b>	<b>4,939</b>
<b>Total Maintenance Level</b>	<b>1,259.0</b>	<b>41,179</b>	<b>340,508</b>	<b>381,687</b>
Percent Change from Current Biennium	.9%	28.5%	3.6%	5.8%
<b>Policy – Comp Changes</b>				
PL LE Antitrust Enforcement and Recovery	25.3	0	8,100	8,100
PL LK Foreclosure Compliance Program	0.0	0	150	150
PL LM Manufactured Housing Authority	0.0	0	95	95
<b>Policy – Comp Total</b>	<b>25.3</b>	<b>0</b>	<b>8,345</b>	<b>8,345</b>
<b>Policy – Central Svcs Changes</b>				
PL LF Adult Protective Srvc Legal Support	6.0	0	1,574	1,574
<b>Policy – Central Svcs Total</b>	<b>6.0</b>	<b>0</b>	<b>1,574</b>	<b>1,574</b>

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2123 - Version Roll Up**  
*Dollars in Thousands*

<b>Subtotal - Policy Level Changes</b>	<b>31.3</b>	<b>0</b>	<b>9,919</b>	<b>9,919</b>
<b>2021-23 Total Policy Level</b>	<b>1,290.3</b>	<b>41,179</b>	<b>350,427</b>	<b>391,606</b>
Percent Change from Current Biennium	3.4%	28.5%	6.6%	8.5%

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2123 - Version Roll Up**  
*Dollars in Thousands*

**CL BSA Reduce to Zero Base**

Employer pension contributions revert from the Pension Funding Stabilization Account to the State General Fund.

**ML 8L Lease Adjustments**

The Attorney General's Office (AGO) requests an increase in lease funding to cover the expected increases and decreases in annual lease contracts in the 2021-23 Biennium. The requested funding changes are to sustain leases in buildings around the state where AGO divisions are currently located. These facilities are all in the AGO six-year lease facility plan. The AGO has limited control over increases in lease costs.

**ML LI Labor Relations Support**

The Attorney General's Office (AGO) union represented workforce increased in 2020, from 593 employees represented by the Association of Washington Assistant Attorneys General (AWAAG) to 1,132 employees with the formation of the Washington Attorney General Professional Staff (WAGPro) bargaining unit. This has resulted in significant increases in payroll actions, data processing, union information requests, and charges from the Office of Financial Management (OFM) for collective bargaining costs.

**ML L0 SAKI Federal Expenditure Authority**

The Attorney General's Office (AGO) requests an increase to its federal authority to allow the AGO to continue to clear the backlog of untested kits in the Federal Sexual Assault Kit Initiative (SAKI), collect DNA owed by felons, and to further unresolved sexual assault related investigations. There is no impact to State funds.

**ML LB Backfill Medicaid Fraud Account**

The Attorney General's Office (AGO) requests General Fund State (GF-S) to backfill for revenue that was spent by other agencies and that will not be recovered due to delays in hearings and the financial impacts of COVID-19 on defendants. These funds would have been deposited into the Medicaid Fraud Penalty Account (MFPA). In not funding this mandated state share of the Medicaid Fraud Control (MFC) program, Washington State would not be eligible for any federal Medicaid Funding of approximately \$19 billion dollars per biennium, which would be detrimental to the citizens of our state.

**ML LJ Tobacco Diligent Enforcement**

The Attorney General's Office (AGO) seeks continued funding to diligently enforce tobacco escrow requirements. Under the Master Settlement Agreement (MSA) with the major tobacco companies, millions of dollars per year are withheld from the State and placed into a Disputed Payments Account. The State will receive the withheld money, if it is determined in an arbitration that the State diligently enforced its obligations under the MSA for that year. Losing a diligence determination will potentially cost Washington its entire next MSA payment. The requested funding will enable the AGO to continue to fully participate in the upcoming multi-year arbitration.

**ML LN MFCD Federal Expenditure Authority**

The Attorney General's Office (AGO) requests an increase to its federal authority to continue to prevent fraud by prosecuting Medicaid provider fraud and recovering money lost to fraud. Medicaid provider fraud drives up healthcare costs for Washingtonians, harms Medicaid clients and honest providers, and misuses taxpayer's money. Recovering money lost to fraud and holding offenders accountable is essential to the integrity of the Medicaid program.



**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2123 - Version Roll Up**  
*Dollars in Thousands*

**ML LC Pandemic UI Litigation and Advice**

The Attorney General's Office (AGO) requests funding for increased litigation and advice for the Employment Security Department (ESD) due to the economic impacts of COVID-19. Since March 2020, nearly 1.3 million Washingtonians have applied for unemployment benefits. This claim volume is unprecedented. This volume has resulted in a dramatic increase in legal service needs by ESD. The AGO and ESD expect a substantial increase in the number of court appeals requiring legal representation. ESD also faces mandamus and injunctive claims relating to its processes, while requiring advice on program implementation, fraud issues, and fund recoveries.

**ML LD USDOE Hanford Litigation**

The Attorney General's Office (AGO) requests funding to compel the United States Department of Energy (USDOE) to meet Hanford cleanup deadlines. Specifically, USDOE will be unable to meet deadlines in the Washington v. Brouillette (formerly Washington v. Perry) consent decree. Additionally, the Director of the Washington State Department of Ecology (Ecology) may issue a determination requiring USDOE to design new storage tanks as a contingency measure, which would likely be appealed by USDOE. Legal service needs in both situations would entail substantial staff resources and a need to hire specialized experts.

**ML LG Pakootas v. Teck Litigation**

The Attorney General's Office (AGO) requests support for Phase 3 of the Pakootas v. Teck Metals, Ltd. (Teck) litigation with the Department of Ecology (Ecology). Washington and the Confederated Tribes of the Colville Reservation (Colville Tribes) are co-plaintiffs in federal district court. Phases 1 and 2 of the litigation established Teck's liability for releases of metals and other chemicals into the Columbia River from its smelting complex in Canada. Phase 3 is to recover Natural Resource Damages (NRD) caused by this pollution. The outcome will ensure compensation and restoration for natural resource injuries in the Upper Columbia River region.

**ML LH Long Term Service and Support**

The Attorney General's Office (AGO) requests funding for legal services for the Long-Term Care Services and Support Program enacted in 2019 and codified in Title 50B RCW. The program pays benefits for individuals' long-term care needs and establishes a payroll premium to fund operations. The Employment Security Department (ESD), Department of Social and Health Services (DSHS), and several other State Agencies have responsibilities for implementing various aspects of the new law. Advice and litigation legal services are required, but the AGO was not provided funding during enactment of the law.

**PL LE Antitrust Enforcement and Recovery**

The Attorney General's Office (AGO) Antitrust Division (ANT) requests an increase in its expenditure authority from the Antitrust Revolving Account to enable ANT to bring enforcement actions to protect Washington consumers and antitrust laws, while pursuing new revenue-generating matters. Antitrust cases are highly complex and require significant resource investments to successfully litigate. ANT's current expenditure authority is \$2.9 million per biennium. Without adequate resources, we are less likely to prevail in our cases, resulting in diminished monetary recovery for state agencies and consumers, and we risk paying substantial adverse attorney fees awards

**PL LK Foreclosure Compliance Program**

The Attorney General's Office (AGO) has a statutory obligation to enforce the Foreclosure Fairness Act (Act), RCW 61.24, and does that through the Foreclosure Compliance Program (FCP). FCP resolves consumer complaints from borrowers, housing counselors, and others who contend that a bank or servicer has violated provisions of the Act; and files litigation to enforce the Act. Given the economic downturn, the AGO projects increased foreclosures and will require its full allocation from the Foreclosure Fairness Account (FFA) or General Fund State (GF-S) to meet its obligation to enforce the Act and protect vulnerable borrowers.

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2123 - Version Roll Up**  
*Dollars in Thousands*

**PL LM Manufactured Housing Authority**

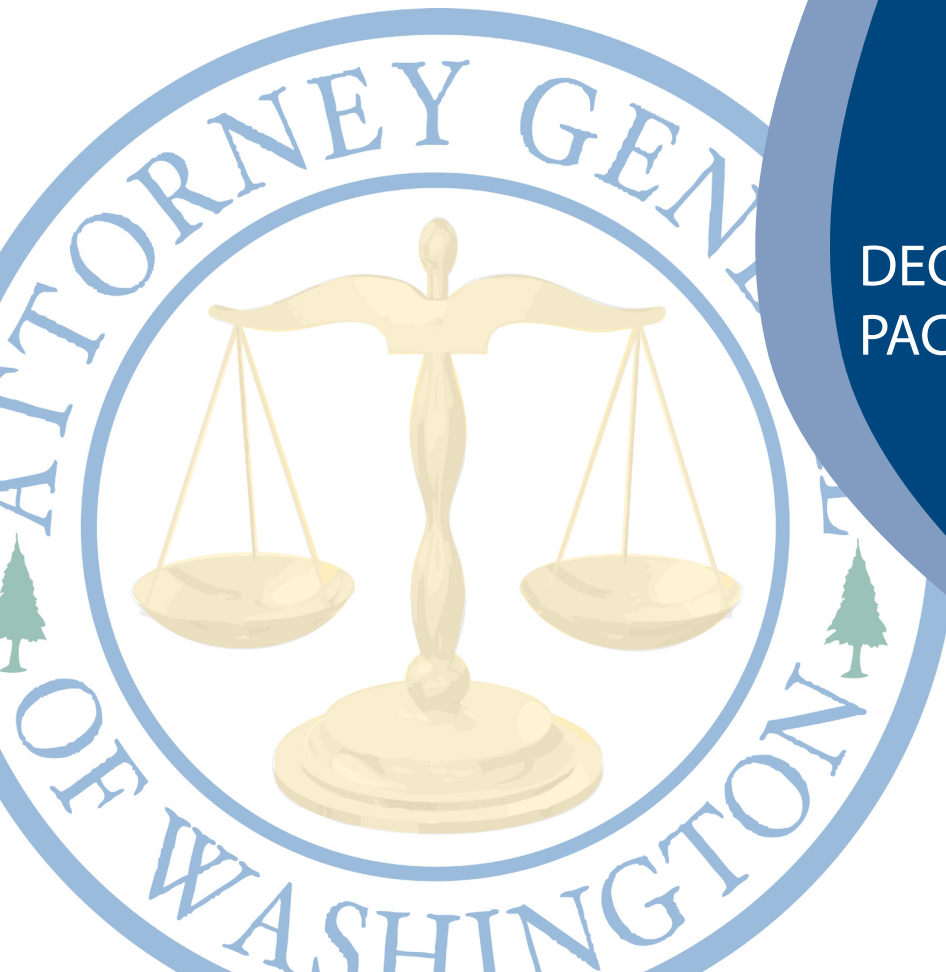
The Attorney General's Office (AGO) Manufactured/Mobile Home Dispute Resolution Program's (MHD) current expenditure authority (EA) is insufficient to provide the resources necessary to fulfill its statutory mandate. MHD requires additional EA to retain its current staff to fully engage parties in negotiating complaints, provide proactive outreach to landlords and tenants, and more quickly identify and refer complaints for legal determination. MHD anticipates issuing more notices of violation and non-violation over the next biennium.

**PL LF Adult Protective Srvc Legal Support**

The Attorney General's Office (AGO) requests an increase to the critical legal support to meet demands for protection of vulnerable adults. The Aging and Long-Term Support Administration (AL TSA) of the Department of Social and Health Services (DSHS) legal service needs continue to increase due to dramatic growth in Adult Protective Services (APS) investigators statewide. Additional legal resources are needed to timely address abuse and neglect complaints in expanded programs for an increasing aging population.

Tab C

DECISION  
PACKAGES





**2021-23 BIENNIAL BUDGET REQUEST**  
**Office of the Attorney General**  
**Decision Package Summary**

<b>ML Priority</b>			
<b>Type</b>	<b>Rec Sum</b>	<b>DP Title</b>	<b>Priority</b>
ML	LB	Backfill Medicaid Fraud Account	1
ML	LC	Pandemic UI Litigation and Advice	2
ML	LD	USDOE Hanford Litigation	3
ML	LG	Pakootas v. Teck Litigation	6
ML	LH	Long Term Service and Support	7
ML	LI	Labor Relations Support	8
ML	LJ	Tobacco Diligent Enforcement	9
ML	LN	MFCD Federal Expenditure Authority	12
ML	LO	SAKI Federal Expenditure Authority	13
ML	8L	Lease Adjustments	14

<b>PL Priority</b>			
<b>Type</b>	<b>Rec Sum</b>	<b>DP Title</b>	<b>Priority</b>
PL	LE	Antitrust Enforcement and Recovery	4
PL	LF	Adult Protective Svc Legal Support	5
PL	LK	Foreclosure Compliance Program	10
PL	LM	Manufactured Housing Authority	11





Office of Attorney General  
 2021-23 Regular Budget Session  
 Maintenance Level - LB - Backfill Medicaid Fraud Account

**Agency Recommendation Summary**

The Attorney General’s Office (AGO) requests General Fund State (GF-S) to backfill for revenue that was spent by other agencies and that will not be recovered due to delays in hearings and the financial impacts of COVID-19 on defendants. These funds would have been deposited into the Medicaid Fraud Penalty Account (MFPA). In not funding this mandated state share of the Medicaid Fraud Control (MFC) program, Washington State would not be eligible for any federal Medicaid Funding of approximately \$19 billion dollars per biennium, which would be detrimental to the citizens of our state.

**Fiscal Summary**

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Operating Expenditures</b>						
Fund 001 - 1	\$2,800	\$2,800	\$5,600	\$0	\$0	\$0
Total Expenditures	<b>\$2,800</b>	<b>\$2,800</b>	<b>\$5,600</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## Decision Package Description

The Attorney General’s Office (AGO) is requesting \$5.6 million for the 2021-23 biennium to fund the statutorily mandated 25 percent state match for AGO’s Medicaid Fraud Control Unit’s (MFC). The state must fund the required 25 percent state match in order to ensure federal funding for the state Medicaid program. MFC funding is 75 percent federal funding approved by the Office of the Inspector General at the Department of Health and Human Services (HHS OIG) and 25 percent is State match. In Washington, the primary mechanism to cover the mandated 25 percent is via MFC case resolutions and deposited into the Medicaid Fraud Penalty Account (MFPA). Due to COVID-19 several defendants filed an inability to pay declaration under penalty of perjury, which MFC financial examiners verified as accurate. The potential recoveries that MFC depends for the state share amounts to \$2.9 million. Without these recoveries MFC is unable to cover the mandatory state share as required under 42 USC 1396a (a)(61); 42 CFR 1007.19.

This is a multi-agency request between the AGO, the Healthcare Authority (HCA) and the Department of Health (DOH). The Medicaid Fraud Penalty Account (MFPA) is currently projected to be out of balance. This account is the repository of funds for resolved Medicaid fraud and abuse cases. Fraud cases are adjudicated and resolved by the MFC at the AGO. These cases are referred to MFC by Program Integrity (PI) staff at HCA. DOH’s Prescription Monitoring Program (PMP) provides near real time controlled substance information to providers with the intent to reduce harm to patients.

Each agency is appropriated funds from the MFPA to support its contribution to the identification, support and resolution of Medicaid fraud and abuse cases in Washington State. MFPA is also used by HCA to support client services paid for by HCA. Revenue to this account is inconsistent and not projected to meet the operating costs of the AGO, HCA and DOH. Until the MFPA has been replenished with funds from resolved fraud and abuse cases, state funds are being requested to meet the operating costs of the agencies involved.

Historically AGO (solely on behalf of MFC), DOH and HCA have all expended out of the MFPA. Currently DOH’s Prescription Monitoring Program provides AGO with statistics on the opioid prescription use in Washington state and staffing costs for this program are paid out of the MFPA. HCA’s Program Integrity (PI) staff are also paid out of the MFPA and up until FY 2019 client grant payments were also paid out this fund which depleted the fund balance to the point that balance is no longer sufficient for MFC to cover the 25 percent match for the federal grant. Per the Code of Federal Regulations (CFR) Federal Financial Participation (FFP) 42 USC 1396a (a)(61); 42 CFR 1007.19 PI must refer fraud cases to MFC and in the last year only one case was referred.

	2017	2018	2019	Through Aug 2020
HCA Referrals Received	5	9	0	0
HCA Referrals – Open Investigations	1	4	0	0
MCO Referrals Received	1	5	24	19
MCO Referrals – Open Investigations	0	1	4	1

Washington State’s MFC case resolution, as well as national case resolution, has brought in enough funding to cover the operating costs for MFC, DOH and HCA until recently. Since its inception in 2012, MFC is the sole source of revenue into the account, bringing in \$74.6 million. To date MFC has spent \$10 million, DOH has spent \$3.5 million, which means HCA has spent \$61 million all in appropriated funding. In allowing HCA to use the MFPA funds to pay for client grant payments of \$40.4 million it has depleted the account to the point of MFC needing GF-State to cover the 25 percent state match funds.

Revenues listed by fiscal year for a total of \$74,603,699.

Fiscal Years	Revenues – Fines, Forfeitures, and Seizures
FY 2012	\$133,058
FY 2013	\$21,588,619
FY 2014	\$12,331,892
FY 2015	\$3,509,886
FY 2016	\$25,617,554
FY 2017	\$908,723
FY 2018	\$7,250,454
FY 2019	\$2,005,513
FY 2020	\$1,258,000
<b>Total</b>	<b>\$74,603,699</b>



## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request alters the current program by providing GF-State as a portion of the 25 percent state share of the MFC’s funding source. AGO anticipates the program to bring in \$622,000 in FY 2021, \$500,000 in FY 2022 and \$500,000 in FY 2023.

### **Detailed Assumptions and Calculations:**

This request for GF-State is to cover the mandatory 25 percent state match for the operating costs of the MFC office within AGO. AGO anticipates the program to bring in \$622,000 in FY 2021, \$500,000 in FY 2022 and \$500,000 in FY 2023.

### **Workforce Assumptions:**

No additional staffing is needed.

### **How is your proposal impacting equity in the state?**

Medicaid provider fraud drives up healthcare costs for Washingtonians, harms Medicaid clients and honest providers, and misuses taxpayer’s money. Recovering money lost to fraud and holding offenders accountable is essential to the integrity of the Medicaid program. The results would better protections for the Medicaid program and Washington State’s most vulnerable citizens.

Enforcement is statewide.

## Strategic and Performance Outcomes

### **Strategic Framework:**

#### **Results Washington:**

- Goal 4: Healthy & safe communities
- Goal 5: Efficient, effective & accountable government

#### **Agency Strategic plan:**

- Priority 2 – Protect the People
  - 2-1-3 Protect vulnerable adults and combat elder abuse.
  - 2-2-3 Combat the opioid epidemic.
  - 2-4-2 Combat health care fraud.

This request supports the AGO strategic plan and Results Washington because MFC’s continuation enables the division to provider fraud accountability, increase revenue for the Medicaid Fraud Penalty Account and enables the division to bring more residential patient abuse and neglect matters - helping deter and protect Washington’s most vulnerable citizens.

#### **Agency Performance Measure 2538:**

**Title:** Recoveries to the Medicaid System  
**Target:** \$8,000,000 of biennial recoveries to the Medicaid System, reported annually.  
**Key Divisions:** Medicaid Fraud Control Unit

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002538 - Recoveries to the Medicaid System	\$0	\$0	\$0	\$0

### **Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

## Other Collateral Connections

### **State Workforce Impacts:**

NA

### **Intergovernmental:**

It is required by federal law to maintain a MFC outside of the single state agency (HCA) for the state to obtain Medicaid Funding, as required under 42 USC 1396a (a)(61); 42 CFR 1007.9. In addition, the state must provide the required 25 percent matching funds. By not funding this request, Washington State would not be eligible for federal Medicaid funding of approximately \$19 billion dollars per biennium, which would be detrimental to the most vulnerable citizens of our state.

### **State Facilities Impacts:**

NA

### **Changes from Current Law:**

NA

### **Puget Sound Recovery:**

NA

### **Legal or Administrative Mandates:**

It is required by federal law to maintain a MFC outside of the single state agency (HCA) for the state to obtain Medicaid Funding, as required under 42 USC 1396a (a)(61); 42 CFR 1007.9.

### **Stakeholder Response:**

There is no known opposition to this request at this time.

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$2,100	\$2,100	<b>\$4,200</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$700	\$700	<b>\$1,400</b>	\$0	\$0	<b>\$0</b>

## Agency Contact Information

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Office of Attorney General  
 2021-23 Regular Budget Session  
 Maintenance Level - LC - Pandemic UI Litigation and Advice

### Agency Recommendation Summary

The Attorney General’s Office (AGO) requests funding for increased litigation and advice for the Employment Security Department (ESD) due to the economic impacts of COVID-19. Since March 2020, nearly 1.3 million Washingtonians have applied for unemployment benefits. This claim volume is unprecedented. This volume has resulted in a dramatic increase in legal service needs by ESD. The AGO and ESD expect a substantial increase in the number of court appeals requiring legal representation. ESD also faces mandamus and injunctive claims relating to its processes, while requiring advice on program implementation, fraud issues, and fund recoveries.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	10.4	0.0	5.2	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 405 - 1	\$1,424	\$0	\$1,424	\$0	\$0	\$0
Total Expenditures	\$1,424	\$0	\$1,424	\$0	\$0	\$0
<b>Revenue</b>						
405 - 0420	\$1,424	\$0	\$1,424	\$0	\$0	\$0
Total Revenue	\$1,424	\$0	\$1,424	\$0	\$0	\$0

## Decision Package Description

The Attorney General's Office (AGO) requests \$1,424,000 and 10.4 FTE for increased litigation and advice for the Employment Security Department (ESD) due to the economic impacts of COVID-19. The AGO, Licensing and Administrative Law Division (LAL) provides legal services to the ESD, which administers the state unemployment insurance program, and now also administers newly created, expanded, and enhanced federal unemployment benefit programs under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Implementation of the CARES benefit program requires significant ongoing advice on a multitude of issues, including Governor Proclamations; rulemaking; application, adjudicative order, and process development; and communications.

Nearly 1.3 million Washingtonians have filed for unemployment benefits. Employees and employers aggrieved by decisions on those claims have rights to file administrative appeals and to further appeal to the courts, where AGO representation is required. It is uncertain at this time how many additional court appeals are expected. This is in part because, where appropriate under the law and facts (including those newly offered with administrative appeal requests) and to mitigate potential delay to claimants, ESD re-determines certain decisions by awarding benefits short of appeal hearings. Thus, while the appeals volume will substantially increase, it will not likely increase to the same extent as the astronomically increased claims volume. Rather, it is anticipated that there will be an increased need of 3,100 AAG hours and 225 PL hours for representation in unemployment benefits appeals in FY 2021. The increased court appeals will likely last through FY 2022, and possibly beyond—depending on the speed of economic recovery.

The following is an illustration of the increased need by ESD for AGO legal services. Since March, ESD has increased its employee staffing by approximately 35 percent (hiring more than 700 new employees). ESD has brought in contractors, employees on loan from other agencies, and the National Guard, for a combined total of more than 1,000 additional workers. ESD is hiring an additional 100 employees every two weeks, and has authorized employee overtime to handle the volume of claims.

ESD also faces mandamus petitions and other lawsuits challenging its processes and actions, requiring substantial time to defend. That defense and assistance with fund recoveries has involved coordination with and services from attorneys in the Solicitor General's Office (SGO) and the Complex Litigation Division (Com Lit). This increased advice and litigation directly associated with the pandemic will likely continue for several years, and represents a new need of 7,200 Assistant Attorney General (AAG) hours and 400 Paralegal (PL) hours each fiscal year based on preliminary data. If additional lawsuits are filed against ESD, or it files lawsuits to pursue fund recoveries, legal services needs will increase. ESD also fell victim to an organized international criminal attack, requiring advice and litigation services on its response and with fund recovery efforts.

Adding together these new needs for legal services on unemployment benefits cases and issues directly related to the pandemic, this request is for \$1,424,000 and 10.4 FTE. This increase is based on the estimated increase of 10,300 AAG hours and 625 PL hours in FY 2022.

## Assumptions and Calculations

### ***Expansion, Reduction, Elimination or Alteration of a current program or service:***

As described above and as required by law, the AGO has always provided legal services on unemployment benefits cases and issues, but with the COVID-19 pandemic, the need has dramatically increased.

From 2015-2020, the average yearly hours expended on litigation in unemployment benefits appeals was 3,000 AAG hours and 175 PL hours each year. This is expected to double, if not triple, starting in October 2020 (when the uptick in court appeals is expected) and assumed to continue through FY 2022 and possibly into future FY.

Further, in 2015-2020, ESD faced no mandamus or injunction proceedings, was not tasked with implementing multiple new federal unemployment benefits programs, and did not face an organized criminal impostor fraud attack. Substantial legal services in each of these new areas is necessary. Based on timekeeping from the last few months, it is anticipated that around 600 AAG hours and 30 PL hours will be required each month through FY 2022 for legal services relating to these new areas of needed litigation and advice.

### ***Detailed Assumptions and Calculations:***

The AGO currently estimates that ESD's need for increased legal services on unemployment benefit court appeals will be double, if not triple, the historic averages for unemployment benefits cases in the last five years due to the current economic crisis. The AGO anticipates this increase

to begin around October 2020. Historically, approximately 3,000 AAG hours and 175 PL hours needed per fiscal year. In FY 2020, unemployment benefits litigation was relatively low because the economy was strong and appeal counts were down. AGO expended 1,850 AAG hours and 50 PL hours working on these cases. With the anticipated uptick in court appeals in unemployment benefits cases starting in October 2020 (i.e., 75% of FY 2021 remaining), and assuming another 4,150 yearly AAG hours ( $3,000 \times 2 = 6,000$ , minus 1,850) and 300 yearly PL hours ( $175 \times 2 = 350$ , minus 50). This represents an increased need of 3,100 AAG hours and 225 PL hours for unemployment benefits appeals in FY21 and FY22 (i.e.,  $4,150 \times .75$ ; and,  $300 \times .75$ , respectively).

This new and unfunded court work encompasses time for a review of the record, preparation of correspondence and briefing, argument preparation, travel, argument, entry of orders, and communication of the final decision. While the bulk of the unemployment benefits cases in superior and appellate court are handled by AAGs in LAL, AAGs in the AGO's Regional Services, Tacoma, and Spokane Divisions also handle cases in courts throughout the State. The AGO does not typically provide assistance in individual unemployment benefits appeals at the administrative tribunal stages at the Office of Administrative Hearings and Commissioner's Review Office. The increased court appeals is assumed to continue through FY 2022, and possibly beyond.

**New needs for litigation and advice for mandamus/injunction proceedings, implementing new federal benefits programs, and assisting with fraud prevention and recovery:**

Based on timekeeping from the last few months, it is anticipated that 7,200 AAG hours and 400 PL hours will be required in FY 2022 for legal services relating to these new areas of needed litigation and advice.

The combined total request for FY 2022 is for 5.7 AAG FTE (or 10,300 AAG hours) and 0.4 PL FTE (or 625 paralegal hours).

A similar need is possible in future fiscal years but it is unknown at this time how long the pandemic and associated economic crisis will continue. Funding for future impacts may be requested when they can be identified and estimated.

**Workforce Assumptions:**

The table below identifies salary and benefit costs by Classification. Start up costs are not assumed.

FTE		FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG	FTE	5.7				No
	Object A & B	806,177				
LA	FTE	2.9				No
	Object A & B	221,295				
PL	FTE	0.4				No
	Object A & B	33,482				
MA5	FTE	1.4				No
	Object A & B	170,244				
<b>TOTAL FTE</b>		<b>10.4</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>		<b>1,231,198</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**How is your proposal impacting equity in the state?**

LAL foresees increased litigation and advice services for ESD due to the economic crisis caused by COVID-19. There is assumed to be a wave of appeals beginning winter 2020. State funded unemployment benefits directly affect state financial resources.

Legal Services and enforcement will be provided statewide and to all impacted communities.

**Strategic and Performance Outcomes**

**Strategic Framework:**

**RESULTS WASHINGTON:** This request advances the following goals and topics within the Governor's Results Washington strategic framework, in that the AGO's services to ESD will enable it to better advance strategic goals:

Goal – Prosperous Economy

Goal topics: Increasing the Economic Security of Washingtonians, Improving Washington's Resiliency, Reducing Homelessness

Goal – Healthy and Safe Communities

General advancement of goal topics for Increasing the Economic Security of Washingtonians

Goal – Efficient, Effective, and Accountable Government

Goal topics: Increasing Employee Engagement, Customer Experience

ESD’s successful implementation of the new laws and its existing unemployment benefit programs, aided by the AGO as enabled by this request, advances the broad purposes of multiple goals and topics.

The legislative objectives for unemployment benefits are described in RCW 50.01.010:

“Whereas, economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state; involuntary unemployment is, therefore, a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his or her family. Social security requires protection against this greatest hazard of our economic life. This can be provided only by application of the insurance principle of sharing the risks, and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing powers and limiting the serious social consequences of relief assistance. The state of Washington, therefore, exercising herein its police and sovereign power endeavors by this title to remedy any widespread unemployment situation which may occur and to set up safeguards to prevent its recurrence in the years to come. The legislature, therefore, declares that in its considered judgment the public good, and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own, and that this title shall be liberally construed for the purpose of reducing involuntary unemployment and the suffering caused thereby to the minimum.”

**AGO STRATEGIC PLAN:** This request advances AGO strategic priorities as follows:

1. Priority – Serve the State

Goal 1 – Deliver high quality, timely, and efficient legal services.

Goal 3 – Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public.

Goal 4 – Protect and enhance the financial health and resources of the AGO including optimizing fund utilization and management.

2. Priority – Protect the People

Goal 1 – Defend the civil rights and stand up for vulnerable Washingtonians.

Objective: Assist and partner with client agencies in their mission to strengthen communities, grow Washington’s economy, and protect public health, safety, and welfare.

The request supports the AGO Strategic Plan by the delivery of high quality, timely, and efficient legal services, and its help with management of risk for ESD so that it may reduce liability and improve outcomes. The request enables appropriate legal services fund utilization, because without additional funding for adding positions, the AGO will have reduced capacity to provide services for other ESD programs and issues, including paid family and medical leave, long-term care services, H-2A administration (including the new Office of Agricultural and Seasonal Workforce Services), public records, workforce development, and unemployment taxes.

**ACTIVITY:**

ACTIVITY	Fund	FY2023	FY2023	FY2024	FY2025
010 - Legal Services to State Agencies	405	1,424,000			
<b>TOTAL</b>		<b>1,424,000</b>	-	-	-

**AGO Performance Measures:**

The AGO has provided increased litigation and advice services for ESD during the pandemic and anticipates continued and expanded legal services needs as described above. Without additional funding for adding positions, the AGO will not be able to keep up with ESD’s needs and will have reduced capacity to provide services for other ESD programs. If the AGO is not given authority to bill and additional allotment in the legal services revolving fund relating to unemployment benefit work, this will increase overall agency risk and impede agency advancement of its mission and objectives.

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

**Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

**Other Collateral Connections**

**State Workforce Impacts:**

NA

**Intergovernmental:**

ESD is in agreement with these legal services needs and fully supports the AGO request.

Client	Fund	FY2022	FY2023	FY2024	FY2025
ESD	405	1,424,000			
<b>TOTAL</b>		<b>1,424,000</b>	-	-	-

**State Facilities Impacts:**

NA

**Changes from Current Law:**

The request relates in part to legal services needed for implementation of new federal unemployment benefits programs and provisions, including advice on legislation, rulemaking, operational processes, and communications relating to the new laws.

**Puget Sound Recovery:**

NA

**Legal or Administrative Mandates:**

The request relates in part to mandamus litigation in the Washington State Supreme Court: *Unemployment Law Project, et al. v. LeVine*, and *Strand v. LeVine*, and to injunction proceedings in Thurston County Superior Court in *Arrington, et al. v. Emp't Sec. Dep't & LeVine*, and advice on other similar cases that may be asserted.

**Stakeholder Response:**

There is no known opposition to this request at this time.

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$917	\$0	\$917	\$0	\$0	\$0
Obj. B	\$315	\$0	\$315	\$0	\$0	\$0
Obj. E	\$166	\$0	\$166	\$0	\$0	\$0
Obj. G	\$10	\$0	\$10	\$0	\$0	\$0
Obj. J	\$16	\$0	\$16	\$0	\$0	\$0

## Agency Contact Information

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## Agency Recommendation Summary

The Attorney General’s Office (AGO) requests funding to compel the U.S. Department of Energy (USDOE) to meet Hanford cleanup deadlines. Specifically, USDOE will be unable to meet deadlines in the *Washington v. Brouillette* (formerly *Washington v. Perry*) consent decree. Additionally, the Director of the Washington State Department of Ecology (Ecology) may issue a determination requiring USDOE to design new storage tanks as a contingency measure, which would likely be appealed by USDOE. Legal service needs in both situations would entail substantial staff resources and a need to hire specialized experts.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	2.3	2.3	2.3	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 405 - 1	\$800	\$800	\$1,600	\$0	\$0	\$0
Total Expenditures	\$800	\$800	\$1,600	\$0	\$0	\$0
<b>Revenue</b>						
405 - 0420	\$800	\$800	\$1,600	\$0	\$0	\$0
Total Revenue	\$800	\$800	\$1,600	\$0	\$0	\$0

## Decision Package Description

The Attorney General’s Office (AGO) requests \$1,600,000 and 2.3 FTE to compel the U.S. Department of Energy (USDOE) to meet Hanford cleanup deadlines. Funding in the amount of \$1,069,000 was provided to the AGO for USDOE Hanford Litigation in the 2019-2021 biennial budget. Due to delays in the case, the AGO plans to expend only \$200,000 of that original appropriation in FY 2021. The AGO’s requests in the 2021-2023 biennium, is for \$600,000 on AGO FTE and the remainder of the request, \$1,000,000, would fund the estimated cost of hiring specialized chemical engineering and heuristics experts to support Ecology’s position in the litigation.

The *Washington v. Brouillette* consent decree, originally entered in 2010, establishes deadlines for single-shell tank waste retrievals and start-up of the Waste Treatment and Vitrification Plant. Concurrent with the consent decree, the Department of Ecology (Ecology) and USDOE added additional requirements to Hanford’s Tri-Party Agreement, including a requirement for USDOE to issue a periodic System Plan to evaluate scenarios and identify actions to optimize tank waste retrievals and treatment. Based on the System Plan, Ecology and USDOE are required to negotiate certain milestones, including contingency actions to ensure retrieval deadlines are met. Installation of new storage tanks is an example of a contingency action.

After over a year of discussions, System Plan negotiations concluded in 2019 without full resolution. It became clear through these negotiations that USDOE does not expect to meet certain retrieval and treatment deadlines. Nevertheless, USDOE has been unwilling to implement Ecology’s proposed contingency plan, including designing new storage tanks. In addition, in 2019 and 2020, USDOE provided the state with notices that it considers multiple deadlines under the *Washington v. Brouillette* consent decree to be at risk of being missed. In June 2020, the parties began mediated discussions in an attempt to reach a holistic resolution of these issues. If the parties do not reach agreement, Ecology’s director can resolve the System Plan dispute by issuing a unilateral order requiring USDOE to take certain measures, which USDOE would likely appeal. The AGO also anticipates federal court litigation to enforce the *Washington v. Brouillette* consent decree and seek other relief. Litigation under both scenarios would involve discovery, extensive motions practice, and possibly a trial. We would also need to hire experts to support Ecology’s position in the litigation.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

NA

### **Detailed Assumptions and Calculations:**

For the purposes of USDOE Hanford Litigation, the AGO requests:

1.0 AAG FTE

0.5 LA3 FTE  
0.5 Paralegal FTE  
0.3 Management Analyst 5 (MA5)  
2.3 Total FTE

\$600,000 2021-2023 Biennial FTE cost  
\$1,000,000 Chemical engineering and heuristics experts  
**\$1,600,000 Total request for 2021-2023 Biennium**

\$1,069,000 Funding provided in the 2019-2021 Biennium  
\$200,000 Anticipated expenditures in FY 2021  
\$869,000 Request to move funds from 2019-2021 Biennium to 2021-2023 Biennium  
-  
\$1,600,000 Total request 2021-2023 Biennium  
\$869,000 Request to move funds from 2019-2021 Biennium to 2021-2023 Biennium  
\$731,000 New funding requested for 2021-2023 Biennium

If litigation is required to get the USDOE to comply with the *Washington v. Brouillette* consent decree, the AGO anticipates the following costs and tasks will be required:

Hiring specialized chemical engineering and heuristics experts to support Ecology's position in the litigation at an estimated cost of \$1,000,000.

Expert tasks will include:

- (1) Meetings with AAGs
- (2) Review of relevant trial-related materials
- (3) Preparation of expert report and possible rebuttal report
- (4) Preparing for and delivering live trial testimony
- (5) Helping to prepare AAGs for depositions and cross-examination of opposing experts

The AGO will need to perform numerous tasks associated with the litigation including:

- (1) Researching, briefing, and arguing motions
- (2) Propounding and responding to discovery, including written discovery and depositions
- (3) Assisting expert witnesses in preparing their expert reports
- (4) Preparing trial briefs and written expert testimony
- (5) Working with fact and expert witnesses to prepare them for trial
- (6) Identifying trial exhibits
- (7) Preparing opening statements, direct examinations, cross examinations, and closing arguments
- (8) Presenting the State's case at trial

Paralegal tasks include:

- (1) Document management associated with discovery
- (2) Compiling exhibit notebooks
- (3) Developing and arranging presentation of State's electronic exhibits for trial
- (4) Providing technical and other assistance to AAGs during trial

To staff these functions, the AGO anticipates needing 1.0 AAG FTE, 0.5 LA3 FTE, and 0.5 Paralegal FTE through the biennium.

Agency administration support FTEs are included in the tables using an MA5 as a representative classification.

**Workforce Assumptions:**

Pay and salaries detail is provided. Start up costs are not assumed.

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	1.0	1.0			N
Object A & B	141,000	141,000			
LA FTE	0.5	0.5			N
Object A & B	39,000	39,000			
PL FTE	0.5	0.5			N
Object A & B	48,000	48,000			
MA5 FTE	0.3	0.3			N
Object A & B	30,000	30,000			
<b>TOTAL FTE</b>	<b>2.3</b>	<b>2.3</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>258,000</b>	<b>258,000</b>	<b>0</b>	<b>0</b>	

**How is your proposal impacting equity in the state?**

This proposal will hold the USDOE accountable to meet their obligations to clean up the Hanford site. This proposal impacts all residents and visitors to Washington State.

All state demographic and geographic communities are affected by the Hanford contamination and enforcement of cleanup deadlines.

**Strategic and Performance Outcomes**

**Strategic Framework:**

**Results Washington:**

**Goal 5:** Efficient, Effective and Accountable Government

This request advances Goal 5 by ensuring that USDOE meets its cleanup obligations at Hanford. It clarifies how costs are being spent, shows accountability and responsibility in spending, and offers transparency resulting in customer satisfaction and confidence in legal services provided.

**Goal 3:** Sustainable Energy and a Clean Environment

Keeping the Columbia River Healthy: The Hanford Nuclear Reservation is located on the Columbia River. Hanford’s millions of gallons of waste pose a significant threat to the Columbia River ecosystem, to fish and wildlife who use that system, and to the thousands of water users who rely on clean Columbia River water for a wide range of purposes. The longer the waste remains in the tanks due to cleanup delays increases the risk of further leaks. Keeping the cleanup on track and ensuring that the federal government is held accountable for its legacy of contamination is paramount to meeting this goal.

**Goal 4:** Healthy and Safe Communities

This request advances Goal 4 because expeditious cleanup of Hanford decreases the risk to the public and workers’ safety posed by the extensive contamination present at the Hanford site.

**AGO Strategic Plan—**

Priority 1—Serve the State

Goal 1—Deliver high quality, timely, and efficient legal services

Priority 2—Protect the People

Goal 2—Protect Washington’s Environment and Public Health

This request supports the AGO Strategic Plan by ensuring adequate funding to provide high-quality, timely, and efficient legal services to Ecology in meeting one of its core functions (i.e. Hanford cleanup). The request also protects Washington’s environment and public health by compelling USDOE to meet its cleanup obligations at the Hanford site.

**ACTIVITY:**

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A010 - Legal Services to State Agencies	405	800,000	800,000		
<b>TOTAL</b>		<b>800,000</b>	<b>800,000</b>	-	-

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

**Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

**Other Collateral Connections**

**State Workforce Impacts:**

NA

**Intergovernmental:**

There are no direct impacts to any other governmental entities besides the USDOE. Ecology supports this funding package and intends to submit a parallel package. It is anticipated that the Yakama Nation and the State of Oregon will support this lawsuit.

Client	Fund	FY2022	FY2023	FY2024	FY2025
ECY	CSM	800,000	800,000		
<b>TOTAL</b>		<b>800,000</b>	<b>800,000</b>	-	-

**State Facilities Impacts:**

NA

**Changes from Current Law:**

NA

**Puget Sound Recovery:**

NA

**Legal or Administrative Mandates:**

This proposal is not in response to litigation, an audit finding, executive order, or task force recommendations.

**Stakeholder Response:**

There is no known stakeholder opposition to this request at this time. We anticipate that Hanford watchdog groups, such as Hanford Challenge and Heart of America Northwest, along with environmental organizations, such as Columbia Riverkeeper, will support this request.

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$191	\$191	\$382	\$0	\$0	\$0
Obj. B	\$67	\$67	\$134	\$0	\$0	\$0
Obj. C	\$500	\$500	\$1,000	\$0	\$0	\$0
Obj. E	\$37	\$37	\$74	\$0	\$0	\$0
Obj. G	\$2	\$2	\$4	\$0	\$0	\$0
Obj. J	\$3	\$3	\$6	\$0	\$0	\$0

## Agency Contact Information

Edd Giger

(360) 586-2104

[edd.giger@atg.wa.gov](mailto:edd.giger@atg.wa.gov)





## Agency Recommendation Summary

The Attorney General’s Office (AGO) requests support for Phase 3 of the Pakootas v. Teck Metals, Ltd. (Teck) litigation with the Department of Ecology (Ecology). Washington and the Confederated Tribes of the Colville Reservation (Colville Tribes) are co-plaintiffs in federal district court. Phases 1 and 2 of the litigation established Teck’s liability for releases of metals and other chemicals into the Columbia River from its smelting complex in Canada. Phase 3 is to recover Natural Resource Damages (NRD) caused by this pollution. The outcome will ensure compensation and restoration for natural resource injuries in the Upper Columbia River region.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	1.3	1.3	1.3	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 405 - 1	\$763	\$571	\$1,334	\$0	\$0	\$0
Total Expenditures	\$763	\$571	\$1,334	\$0	\$0	\$0
<b>Revenue</b>						
405 - 0420	\$763	\$571	\$1,334	\$0	\$0	\$0
Total Revenue	\$763	\$571	\$1,334	\$0	\$0	\$0

## Decision Package Description

The Attorney General’s Office (AGO) requests \$1,334,000 and 1.3 FTE for representation, independent scientific and economist expert witnesses, required research and supplemental data acquisition or analysis, and other litigation support activities to support Washington State Department of Ecology (Ecology) and AGO efforts to complete Phase 3 of litigation and prove Teck’s Natural Resource Damages (NRD) obligations in federal court.

The Upper Columbia River/Lake Roosevelt site is a mega-site that includes approximately 151 river miles of the Columbia River, from the United States/Canadian border to the Grand Coulee Dam. Details about the contamination, investigation, cleanup, and ongoing litigation regarding the Upper Columbia River/Lake Roosevelt site can be found at the Ecology website <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=12125>. (*Attachment 1, Upper Columbia River Lake Roosevelt Site.*) Metals discharged from Teck’s smelting complex into the river, including arsenic, zinc, cadmium, lead, copper, and mercury, have impacted Upper Columbia River/Lake Roosevelt sediments, aquatic life, and habitats. The area also includes uplands in the upper Columbia River Valley near the border impacted by the smelter’s air pollution.

The smelter impacts affect two tribal nations who live and share management of aquatic resources along the river—the Confederated Tribes of the Colville Reservation (Colville Tribes) and the Spokane Tribe of Indians. For both tribal nations, the Columbia River is a central focus of their culture and identity. The injury also impacts recreation, fishery management, wildlands, and habitats in northeast Washington. The economies of the area notably benefit from recreation centered on the river and Lake Roosevelt resources.

The *Pakootas* litigation began in 2004. Phase 1 resulted in a court finding that Teck is liable under the federal Superfund law for releases of hazardous substances in the United States. Phase 2 resulted in an over \$8 million judgment to the Colville Tribes for response costs. The state settled its response costs claim with Teck. Phase 3 is currently on hold to allow Teck and the Upper Columbia River Natural Resources Trustee Council (Trustee Council) to engage in NRD settlement discussions. The Trustee Council is comprised of designated statutory natural resource trustees, Ecology, and Colville Tribes’ representatives. The Trustee Council presented Teck with a settlement proposal in September 2019. Negotiations between the Trustee Council and Teck have been unsuccessful to date, although the parties are now discussing engaging in mediation. As matters currently stand, we expect Phase 3 to commence in early 2021.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

NA

### **Detailed Assumptions and Calculations:**

For the purposes of Phase 3 of the *Pakootas v. Teck Metals, Ltd.* (Teck) litigation, the AGO requests:

0.75 FTE Assistant Attorney General (AAG)  
 0.2 FTE Legal Assistant 3 (LA3)  
 0.2 FTE Paralegal 2 (PL2)  
0.18 FTE Management Analyst 5 (MA5)  
 1.3 FTE Total

\$187,000 1.3 FTE in FY 2022  
\$576,000 Hiring specialized experts in FY 2022  
 \$763,000 Total costs in FY 2022

\$187,000 1.3 FTE in FY 2023  
\$384,000 Hiring specialized experts in FY 2023  
 \$571,000 Total costs in FY 2023

**\$1,334,000 Total request for 2021-2023 Biennium**

One-time costs during the biennium are estimated to be \$960,000 for hiring specialized experts, for litigating Phase 3 within the 2021-23 biennium. This estimate is informed by the costs for litigating Phase 1. The estimate includes additional discovery (factual and expert), assessing expert reports filed by Teck, producing expert reply reports, and other related tasks. The estimate does not include preparing for and presenting the case at trial, which we do not anticipate occurring within the 2021-23 biennium.

The AGO anticipates the following costs and tasks will be required in litigating Phase 3 during the biennium:

Hiring specialized experts to support Ecology's position in the litigation at an estimated cost of \$960,000. Expert tasks will include:

- (1) Data gathering and assembly
- (2) Meetings with AAGs
- (3) Review of relevant trial-related materials
- (4) Preparation of expert report and possible rebuttal report
- (5) Helping to prepare AAGs for depositions and cross-examination of opposing experts

The AGO will need to perform numerous tasks associated with the litigation including:

- (1) Researching, briefing, and arguing motions
- (2) Propounding and responding to discovery, including written discovery and depositions
- (3) Assisting expert witnesses in preparing their expert reports
- (4) Working with fact and expert witnesses to prepare them for depositions
- (5) Taking and defending depositions

Paralegal tasks include:

- (1) Document management associated with discovery
- (2) Compiling exhibit notebooks
- (3) Developing and arranging presentation of State's electronic exhibits
- (4) Providing technical and other assistance to AAGs

To staff these functions, the AGO anticipates needing 0.75 AAG FTE, 0.2 LA3 FTE, and 0.2 Paralegal FTE through the biennium.

Agency administration support FTE are included in the tables using an MA5 as a representative classification.

### **Workforce Assumptions:**

Salary and Benefit costs are provided by classification. Start up costs are not assumed.



FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	0.8	0.8			N
Object A & B	106,000	106,000			
LA FTE	0.2	0.2			N
Object A & B	16,000	16,000			
PL FTE	0.2	0.2			N
Object A & B	19,000	19,000			
MA5 FTE	0.2	0.2			N
Object A & B	21,000	21,000			
<b>TOTAL FTE</b>	<b>1.3</b>	<b>1.3</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>162,000</b>	<b>162,000</b>	<b>0</b>	<b>0</b>	

### How is your proposal impacting equity in the state?

The smelter impacts affect two tribal nations who live and share management of aquatic resources along the river—the Confederated Tribes of the Colville Reservation (Colville Tribes) and the Spokane Tribe of Indians. For both tribal nations, the Columbia River is a central focus of their culture and identity. The injury also impacts recreation, fishery management, wildlands, and habitats in northeast Washington. The economies of the area notably benefit from recreation centered on the river and Lake Roosevelt resources.

Metals released from the Teck smelter have caused, and will continue to cause, injury to biota in the Columbia River ecosystem. This environmental injury, in turn, impacts recreational use of the river (in response to fish consumption advisories) and impacts tribal use by the Colville Tribes and Spokane Tribe of Indians. The environmental and economic injury not only impacts the two tribal nations but communities and individuals throughout the state that use and depend on the Columbia River ecosystem.

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington:

#### Goal 3: Sustainable Energy and a Clean Environment

Keeping the Columbia River Healthy: Metals released from the Teck smelter have caused, and will continue to cause, injury to biota in the Columbia River ecosystem. This environmental injury, in turn, impacts recreational use of the river (in response to fish consumption advisories) and impacts tribal use by the Colville Tribes and Spokane Tribe of Indians. Recovering damages for this injury, which by statute must be used to restore or replace the injured resources, is consistent with this goal.

#### Goal 4: Healthy and Safe Communities

This request advances Goal 4 by furthering the recovery of damages for injury to natural resources that are used by recreational users and tribal members. These damages must, by statute, be used to restore or replace the injured resources, which in turn supports healthy and safe community use of the resources.

#### AGO Strategic Plan:

##### Priority 1—Serve the State

Goal 1—Deliver high quality, timely, and efficient legal services

##### Priority 2—Protect the People

Goal 2—Protect Washington’s Environment and Public Health

This request supports the AGO Strategic Plan by ensuring adequate funding to provide high-quality, timely, and efficient legal services to Ecology, thus facilitating Ecology’s statutory role as a trustee for Washington’s natural resources under the federal Comprehensive Environmental Response, Compensation, and Liability Act. The request also protects Washington’s environment and public health by recovering damages that, by statute, must be used to restore or replace injured natural resources.

#### ACTIVITY:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A010 - Legal Services to State Agencies	405	763,000	571,000		
<b>TOTAL</b>		<b>763,000</b>	<b>571,000</b>	-	-

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

**Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

**Other Collateral Connections**

**State Workforce Impacts:**

NA

**Intergovernmental:**

Co-plaintiffs are Confederated Tribes of the Colville Reservation and Washington State.

Ecology is in agreement with these legal services needs and fully support the AGO request.

Client	Fund	FY2022	FY2023	FY2024	FY2025
Ecology	CSM	763,000	571,000		
<b>TOTAL</b>		<b>763,000</b>	<b>571,000</b>	-	-

**State Facilities Impacts:**

NA

**Changes from Current Law:**

NA

**Puget Sound Recovery:**

NA

**Legal or Administrative Mandates:**

This proposal is not in response to litigation, an audit finding, executive order, or task force recommendations.

**Stakeholder Response:**

There is no known opposition to this request at this time.

**Reference Documents**

[Attachment 1.pdf](#)

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

<b>Objects of Expenditure</b> <i>Dollars in Thousands</i>	<b>Fiscal Years</b>		<b>Biennial</b>	<b>Fiscal Years</b>		<b>Biennial</b>
	<b>2022</b>	<b>2023</b>	<b>2021-23</b>	<b>2024</b>	<b>2025</b>	<b>2023-25</b>
Obj. A	\$121	\$121	<b>\$242</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$41	\$41	<b>\$82</b>	\$0	\$0	<b>\$0</b>
Obj. C	\$576	\$384	<b>\$960</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$22	\$22	<b>\$44</b>	\$0	\$0	<b>\$0</b>
Obj. G	\$1	\$1	<b>\$2</b>	\$0	\$0	<b>\$0</b>
Obj. J	\$2	\$2	<b>\$4</b>	\$0	\$0	<b>\$0</b>

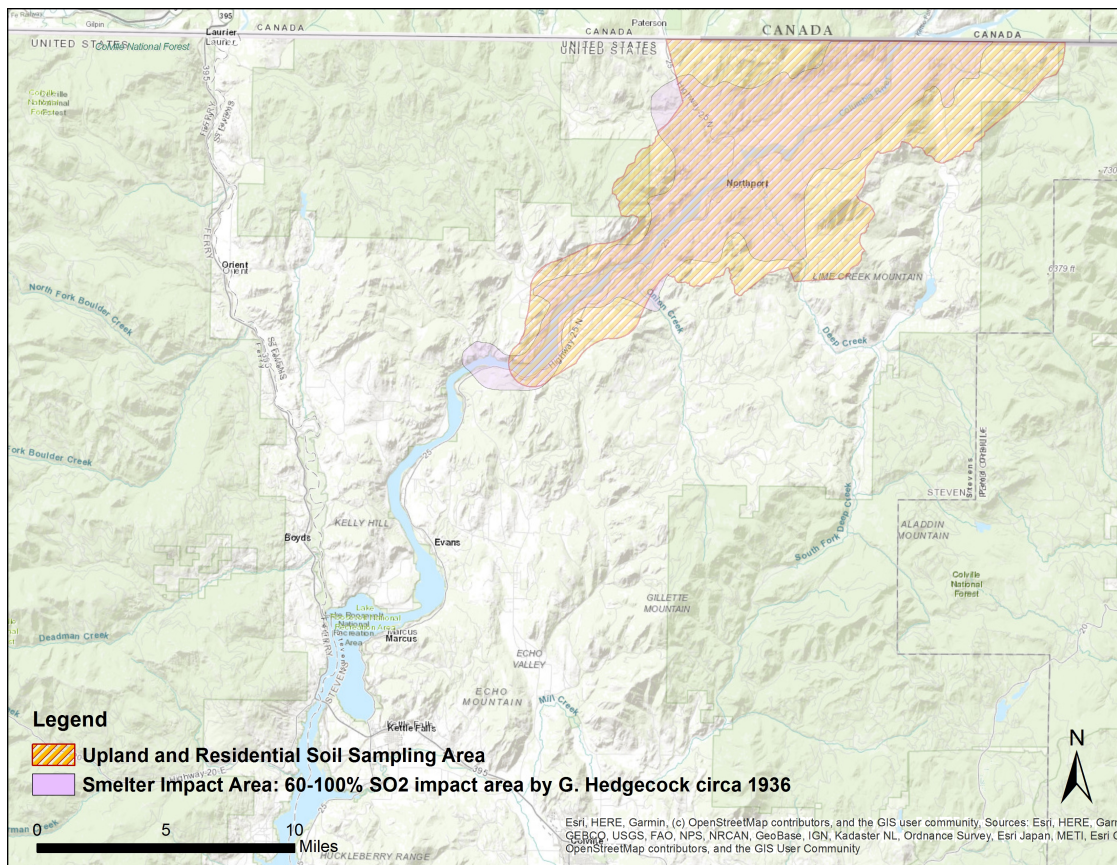
## Agency Contact Information

Edd Giger  
(360) 586-2104  
edd.giger@atg.wa.gov



[Ecology home](#) > [Toxics Cleanup](#) > [Sites](#) > Upper Columbia River Lake Roosevelt Site

## Upper Columbia River Lake Roosevelt Site



### WORK, PLAY, AND EAT SAFELY THIS SUMMER

As we all begin enjoying the hot weather and outside recreation, Ecology would like to remind residents and visitors of the upper Columbia River valley to **stay safe by following the [Dirt Alert Healthy Actions](#) and the [fish consumption advisory](#)**. These simple actions reduce possible health risks.

### Draft Human Health Risk Assessment available for public comment through July 24

The U.S. Environmental Protection Agency (EPA) recently published their draft [Human Health Risk Assessment \(HHRA\)](#). The HHRA analyzes risks to human health in the upper Columbia River valley from metal smelting pollution released in the Columbia River and to the air.

The HHRA evaluates risks to residents, recreationalists, and workers across the area studied over the past several years. The EPA is expected to use the human health risk assessment and other information to develop a comprehensive cleanup plan proposal (possibly within the next 2 to 3 years), and may consider additional early actions in residential areas.

The HHRA follows previous residential soil cleanups of lead and arsenic on 29 properties in the town of Northport and, later, 28 areas across rural, residential properties in the greater Northport area in 2004, 2014, 2016, and 2018. The EPA plans removal actions at 16 additional properties for the town of Northport in 2020.



### SITE INFORMATION

[Map](#)

[View Electronic Documents](#)

[Cleanup Site Details Report](#)

**Facility Site ID: #**  
[17013](#)



[Ecology's Dirt Alert website](#)



[EPA's Upper Columbia River website](#)



[Ecology's smelter plume map](#)

**Cleanup Site ID:**  
12125

**Location:**  
update, Stevens County

**Status:** Cleanup Started

**Contacts:**  
[John Roland](#)  
Site Manager  
(509) 329-3581

[Charles Gruenenfelder](#)  
Site Manager  
(509) 329-3439

[Erika Beresovoy](#)  
Public Involvement Coordinator  
(509) 329-3546

In the meantime, **the Washington departments of Ecology and Health remind you to be aware of the two most prevalent pathways of potential exposure to metals contamination:**

- Eating certain fish from the upper Columbia River and Lake Roosevelt
- Handling or inadvertently ingesting soil possibly contaminated with lead and arsenic

### Eating fish harvested from the Upper Columbia River/Lake Roosevelt

Anglers who harvest and consume fish should follow the [fish advisory](#). Fish are a healthy dietary choice, and the upper Columbia River offers an excellent selection. Some fish species are healthier choices than others are. We encourage fish consumers to follow the advisory guidelines and enjoy eating fish in safe weekly or monthly quantities.

The upper Columbia River fishery is a diverse blend of stocked and wild fish. The body burdens of metal pollutants vary by species. Extensive sampling and risk analysis inform the advisory.

While impacts from smelter pollution appear to be gradually declining over time, concerning risks remain that can be safely controlled by following the fish advisory. Eat fish, be smart, choose wisely.

### Exposure to lead-contaminated soil

The HHRA results reaffirm that residents of the greater Northport area remain at risk for lead exposure from soil.

Based on existing upland soil data, this continues to be of greatest importance to those living in or frequenting the river valley corridor from generally just upstream of the China Bend area, extending upriver to the international border. This encompasses the area where past residential property cleanups have occurred and areas undergoing sampling.

To see another map, visit our [Dirt Alert Washington smelter plume map](#), and select the upper Columbia River link in the dialog box that appears on your first visit or pan over northeastern Washington to see the area. Contact us if you have questions or concerns (see right column for contact information).

Frequent visitors and residents, particularly of properties not previously cleaned up, should follow our [Dirt Alert Healthy Actions](#).

## TABLE OF CONTENTS

- [Site Background](#)
- [Contamination](#)
  - [Metals in Soil](#)
  - [Upper Columbia River & Lake Roosevelt Recreation](#)
- [Investigations](#)
  - [Remedial Investigation & Feasibility Study](#)
  - [Natural Resources Damage Assessment](#)
  - [Contributions from Ecology's Toxics Cleanup Program](#)
    - [Field Reconnaissance and Sediment Sampling Report](#)
    - [Background Characterization for Metals and Organic Compounds in Northeast Washington Lakes](#)
    - [Metals Concentrations in Sediments of Lakes and Wetlands in the Upper Columbia River Watershed](#)
    - [Upper Columbia River Upland Soil Sampling Study](#)
    - [Evaluation and Interpretation of the Sediment Chemistry and Sediment Toxicity Data for the Upper Columbia River](#)

[Robert Tan, EPA](#)  
Project Manager  
(206) 553-2580

#### Document Repositories:

##### Eastern Regional Office

N 4601 Monroe St  
Spokane, 99205-1265  
(509)329-3415

##### Northport Town Hall

315 Summit St.  
Northport, 99114  
(509)732-4450

##### Colville Public Library

195 South Oak Street  
Colville, 99114  
(509)684-6620

##### Inchelium Tribal Resource Center

12 Community Loop  
Inchelium, 99155-0150  
(509)634-2791

##### Office of Environmental Trust

Bldg. #2, Colville  
Confederated Tribes, 1  
Colville  
Nespelem, 99155  
(509)634-2413

##### Grand Coulee Library

225 Federal Street  
Grand Coulee, 99133  
(509)633-0972

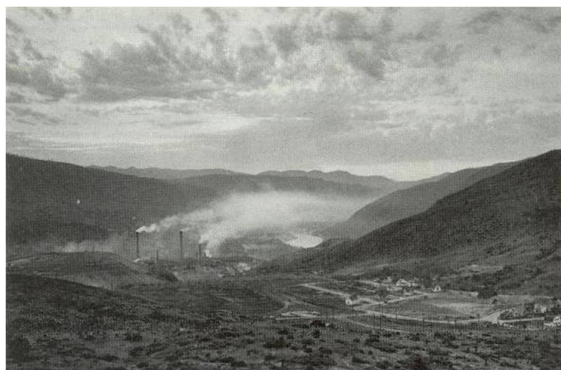
##### Spokane Tribe Department of Natural Resources

6290 D Ford-Wellpinit  
Road  
Wellpinit, 99040  
(509)626-4425

##### Spokane Downtown Library

906 W. Main  
Spokane, 99201  
(509)444-5336

- [Laboratory Toxicity and Benthic Invertebrate Field Colonization of UCR Sediments](#)
- [Preliminary Review and Evaluation of Available Air Quality Monitoring Data and Consideration of Potential Present-Day Health Risks](#)
- [Upland Regional Soil Background Characterization for Select Metals in Northeast Washington Watersheds](#)
- [Cleanup](#)
  - [Northport Waterfront Project](#)
  - [Black Sand Beach Slag Removal and Replacement Project](#)
- [Ongoing Litigation](#)
- [Related Information](#)
- [Related Cleanup Sites](#)



## SITE BACKGROUND

The upper Columbia River/Lake Roosevelt site extends over 150 miles from the U.S.-Canadian border near Northport, Washington, to the Grand Coulee Dam. The site lies within parts of Lincoln, Ferry, and Stevens counties.

Smokestack emissions into the atmosphere, as well as direct waste releases into the Columbia River of slag and liquid effluents from metal smelting, contaminated the river and broad upland areas near the Canadian-U.S. border. Slag is an angular, somewhat

Historical photo of the metals smelter in Trail, B.C. glassy, industrial waste containing hazardous substances including zinc, lead, copper, and other metals.

The [Teck Trail smelter](#), located less than 10 miles across the border in Trail, British Columbia (B.C.), on the banks of the Columbia River, is the main contaminant source. Since 1896, Teck Metals Ltd. and its predecessors (Cominco and others) have continuously operated the smelter in Trail. Smaller contributions near Northport, Washington, also came from the now-closed Le Roi smelter.



## CONTAMINATION

### Metals in Soil

Unnaturally high levels of metals, including [lead](#) and [arsenic](#), are found in topsoil in the upper Columbia River Valley near the U.S.-Canadian border. When present, the concentrations of metals commonly observed in the upper Columbia River Valley can be a health concern. Health risks can be greatly reduced if managed properly.

Sampling topsoil in residential yards in 2014

- Contact [Ecology](#) (right column), or visit our [Dirt Alert website](#), for simple actions that can help you and your family avoid potential exposure to metals in soil.
- Download [Dirt Alert: Soil Safety & Sampling Guidance for People Concerned about Arsenic & Lead](#).
- Learn about [information disclosure requirements for buying or selling real estate](#).
- Search our [smelter plume map](#) to see if your property is within the potentially affected area.

The U.S. Environmental Protection Agency (EPA) is directing topsoil testing efforts and cleaning up residential properties most at risk in the upper Columbia River Valley.

- Learn more on [EPA's Upper Columbia River Remedial Investigation & Feasibility Study website](#).
- Contact [Robert Tan](#) (right column), EPA project manager, to see if your property has been sampled in the past or if you have concerns about your property.

### Upper Columbia River & Lake Roosevelt Recreation

The EPA is leading several studies to assess human and ecological risks and to understand the extent of contamination in the river and reservoir. This has included recreational beach areas, water quality, sediments, and fish and other aquatic life.

Those studies demonstrate, with specific exceptions, that the beaches and water are safe for recreation on the river and in the National Recreation Area.

Several species of game fish have been tested, and some species have unnaturally high concentrations of certain contaminants.

- Follow the [Washington Department of Health's fish advisory for the upper Columbia River and Lake Roosevelt](#) to guide the frequency and amount of fish consumed to protect you and your family.
- Learn more and get involved by visiting the [Lake Roosevelt Forum website](#).



Sturgeon study along the upper Columbia River

### INVESTIGATIONS

Two main investigations focusing on the upper Columbia River site are led by separate entities, each with specific objectives. The investigations are a Remedial Investigation and Feasibility Study (RI/FS) and a [Natural Resource Damage Assessment](#) (NRDA).

#### Remedial Investigation and Feasibility Study

The EPA is overseeing the RI/FS. The purpose of the RI is to identify the contaminants, their locations, and human health and environmental risks. The FS will

be developed later and offer cleanup options to address contaminants found during the RI.

In 2006, Teck American, Inc., entered into an agreement with the U.S. Department of Justice and the EPA to fund the RI/FS from the U.S.-Canadian border to Grand Coulee Dam and in surrounding areas. Teck does most the field investigation work with oversight by the EPA. The EPA is responsible for assessing human health risk.

- Visit [EPA's Upper Columbia River Site Study website](#), [Teck's Upper Columbia River Project website](#), and the [Lake Roosevelt Forum website](#) for more information.

### Natural Resources Damage Assessment

Washington State (represented by Ecology), Confederated Tribes of the Colville Reservation, U.S. Department of Interior, and Spokane Tribe of Indians, collectively referred to as the Upper Columbia River Trustee Council (the Trustees), are conducting the NRDA. The purpose of NRDA is to determine past and ongoing natural resource injuries with the goal of restoring or replacing the injured resources for the public.

The Trustees are currently assessing injuries and then damages related to the public's loss of natural resources. The goal is to achieve compensation with parties responsible for the contamination to create a restoration fund for injured natural resources.

- [Preassessment Screen for the Upper Columbia River Site, Washington](#) (2009)
- [Injury Assessment Plan for the Upper Columbia River Site, Washington](#) (2012)
- Learn more about [Ecology's NRDA projects](#).

## Contributions from Ecology's Toxics Cleanup Program

Ecology has completed seven independent studies evaluating smelter contamination in northeastern Washington that have guided or informed EPA and NRDA studies. In 2007, Ecology sampled sediments in Lake Roosevelt and the upper Columbia River, upstream of the Highway 395 Bridge near Kettle Falls. Results affirmed widespread fine sediment and industrial slag contamination extending to near the international border.

- [Field Reconnaissance and Sediment Sampling Report](#) (2007)

In 2010 and 2011, Ecology studied northeast Washington freshwater sediments and fish to evaluate area metals and document natural background conditions. Sediments were tested from 14 lakes and a stream, and fish tissues were collected from 13 lakes and a stream. The results identified contamination in the area of the upper Columbia River Valley.

- [Background Characterization for Metals and Organic Compounds in Northeast Washington Lakes | Part 1: Bottom Sediments | Part 2: Fish Tissue](#) (2011)

In 2012, Ecology gathered sediment samples from 10 lakes and wetlands along the upper Columbia River Valley to assess metals concentrations. Samples were analyzed for a number of heavy metals associated with smelter stack emissions. Smelter-caused metals enrichment was documented in several lakes along the Valley.

- [Metals Concentrations in Sediments of Lakes and Wetlands in the Upper Columbia River Watershed: Lead, Zinc, Arsenic, Cadmium, Antimony, and Mercury](#) (2013)

Ecology evaluated native topsoil in non-residential, upland areas within two miles of the U.S.-Canadian border in fall 2012. The sampling area covered about 15 to 20 square miles, reaching as far as 4 miles east and 6.5 miles west of the Columbia River in Stevens County. Over 120 soil samples were tested for various metals, including lead, arsenic, zinc, cadmium and mercury. The study definitively established the presence of high metals concentrations in area topsoil, leading to the follow-on studies by the EPA that have resulted in residential yard cleanups now underway.

- [Upper Columbia River Upland Soil Sampling Study | Map | Sampling & Analysis Plan | Field Collection Logs | Tables & Chemical Data | Statistical Evaluation](#) (2013)

Also in 2012, Ecology issued an independent evaluation of sediment toxicity testing the EPA did in 2005. EPA's sampling documented major slag accumulation and metal contamination areas, particularly in the upper-most portions of Lake Roosevelt and the riverine reaches near the U.S.-Canadian border. Ecology's analysis affirmed that sediments in the upper Columbia River are primarily contaminated by smelter-related metals in slag. Adverse effects on survival, growth, biomass, and reproduction of aquatic invertebrates are associated with exposure to UCR sediments. The work also identified data gaps and developed methods for advancing further toxicity testing and assessment.

- [Evaluation and Interpretation of the Sediment Chemistry and Sediment Toxicity Data for the Upper Columbia River | Figures](#) (2012)

Ecology also sponsored a study with U.S. Geological Survey scientists to evaluate the effects of metals-contaminated sediments on benthic invertebrates in the river using five sampling locations. Benthic invertebrates, meaning they do not have backbones, live in and on the bottom of water bodies and are an important food source in aquatic environments. Two types, amphipods and midges, were assessed in this study. These aquatic creatures had toxic responses to metals, particularly copper, in slag-impacted sediments.

- [Laboratory Toxicity and Benthic Invertebrate Field Colonization of UCR Sediments: Finding Adverse Effects Using Multiple Lines of Evidence](#) (2012)

In 2017, Ecology asked our Air Quality Program specialists to use existing air monitoring data to evaluate conditions in the upper Columbia River valley and assess whether more air monitoring is needed. Based on the assessment, we recommend additional air monitoring in the upper Columbia River valley.



- [Preliminary Review and Evaluation of Available Air Quality Monitoring Data and Consideration of Potential Present-Day Health Risks: Upper Columbia River Valley, near Northport, Washington](#) | Focus sheet: [Upper Columbia River Valley Air Quality](#) | [Ecology memo recommending additional air monitoring](#) (2017)

In 2019, Ecology worked with Washington State University to establish natural background metal values that represent upper-percentile thresholds in soils within 11 state-defined watersheds (Water Resource Inventory Areas) for 18 metals and metalloids. Background soil metals analysis is intended to guide the application of environmental regulations in northeast Washington State and offers a framework for possible application in other areas. The geographic boundaries were selected to guide and inform cleanup decisions and other environmental work occurring in the greater Upper Columbia River region.

- [Upland Regional Soil Background Characterization for Select Metals in Northeast Washington Watersheds](#) | [Appendix E: Analysis and Estimation of Background Metals Concentrations in Soils and Sediments of the Upper Columbia River Basin](#) (2019)

Overall, findings from the Ecology studies confirmed elevated levels of metals in topsoil and sediments in parts of the upper Columbia River Valley and nearby lakes and wetlands. The studies also traced most of these metals to past smelter emissions in Trail, B.C.



Granulated slag on Black Sand Beach before cleanup, April 2010

## CLEANUP

### Northport Waterfront Project

We are directing and funding an investigation and cleanup of smelter-related metals contamination on [Northport's public waterfront area](#).

The project area includes all permanently and seasonally exposed areas of the Columbia River bank and shore directly next to the [Northport City Park](#) and boat launch, which was cleaned up by BNSF Railway. From the river, this area is between Smelter Rock downstream to the Northport Highway 25

Bridge, and is associated with the historic Le Roi Smelter that was located at and around the City Park. The area remains polluted by smelter wastes that were dumped and dispersed along the shore.

Our goal is to assess options for protecting people and restoring the environment next to the City Park. We look forward to working with local government, businesses, and residents during the investigation and cleanup process to understand your concerns and the community's vision for the waterfront.

### Black Sand Beach Slag Removal and Replacement Project

[Black Sand Beach](#) is next to state-owned public land along the upper Columbia River about 3 miles south of the U.S.-Canadian border and about 7-8 miles north of Northport, Washington.

Prior to cleanup, the beach sand was granulated slag that settled there over many decades of discharges into the river from the Teck smelter in Trail, B.C. Ecology concluded that removing slag from Black Sand Beach would get the waste out of the river, protect the ecological environment, the health of the river, and benefit recreationalists.

In 2010, under a voluntary agreement between Ecology and Teck, contractors removed about 9,100 tons (6,300 cubic yards) of sand contaminated with granulated slag from the beach. Clean sand and gravel was used to establish the recreational beach, and the slag was hauled to Teck's recycling facility near Waneta, B.C.

The public provided important input during the project that helped guide several technical decisions affecting the cleanup. The contractor hired local companies for about 50 percent of

the project work, bringing positive economic impact to the community.



The upper Columbia River, May 2008

## ONGOING LITIGATION

In 1999, the Confederated Tribes of the Colville Reservation (CCT) petitioned the EPA to conduct an assessment of Upper Columbia River contamination. In 2003, the EPA issued Teck a Unilateral Administrative Order requiring Teck to investigate the site and produce a plan to identify ways to investigate the contamination caused by the Trail Smelter. Teck did not comply.

In 2004, the original Plaintiffs in this suit, Joseph Pakootas and Donald R. Michel (collectively Pakootas), filed a complaint in the U.S. District Court for the Eastern District of Washington under the citizens' suit provision of the federal Comprehensive Response Compensation and Liability Act (CERCLA). CERCLA (often called Superfund) makes certain parties liable for costs and damages associated with releases of hazardous substances. The complaint asked the district court for declaratory and injunctive relief, including enforcing EPA's Order against Teck. Washington State quickly filed a Complaint in Intervention, which was granted. The State and CCT complaints have been amended during the litigation to include NRDA, cost recovery, and air pathway liability.

The case continues to advance along under basically three phases:

- Liability
- Response costs
- NRDA

The plaintiff parties (Washington and CCT) moved forward on Teck's CERCLA liability under the framework the Court defined in Pakootas I (that Teck could be held liable under CERCLA for releases of Teck contaminants in the upper Columbia River valley).

On the eve of trial, Teck conceded in a stipulation that both its slag and liquid effluent crossed into the United States and had come to be located in the upper Columbia River valley, had released, and continue to release hazardous substances into the sediments and waters of the Columbia River. The district court ultimately held that Teck was liable as a CERCLA "arranger" on December 14, 2012. Extraterritorial arguments, based on the fact that the Trail smelter is outside the U.S., have continued to be rejected by the courts. Securing Teck's U.S. legal liability for legacy pollution caused by air emissions pollution became procedurally stalled in 2016 due to a 9th Circuit decision. The decision was based on a highly nuanced legal interpretation (not a science-based determination) of the definition of "disposal" in CERCLA, which is also referenced in another federal waste environmental law (the Resource Conservation and Recovery Act).

State and CCT reimbursement of response costs have been awarded or conditionally settled, and in September 2018 the Ninth Circuit Court denied Teck's appeal, upholding the previous decision that made the company liable for UCR cleanup costs. The NRDA claim phase has yet to begin.

For the better part of 20 years now, Teck has continued to fight liability and associated obligations at all levels for the century's worth of industrial wastes Trail historically discharged directly to the Columbia River or from smoke stacks at the smelter complex. The litigation and multiple appeals continue in federal court.

### [Learn more about litigation](#)

[Ecology](#) and [Washington Office of the Attorney General](#) staff are available to assist with your questions or information requests.

Based on past requests and interest, we have made some of the expert reports generated during the liability litigations available online. You may download a report by clicking its title below.

- Queneau, P.B. 2010. [Expert Opinion - Pakootas et al. v. Teck Cominco Metals.](#)
- Bierman, V.J. 2010. [Expert Report - Waste Transport in Columbia River - Pakootas et al. v. Teck Cominco Metals.](#)
- McLean, D.G. 2010. [Opinion on the Transport of Metallurgical Slag by the Columbia River, Trail B.C. to International Border. Northwest Hydraulic Consultants.](#)
- Vlassopoulos, D. 2010. [Expert Report of Dimitrios Vlassopoulos. Pakootas et al. v. Teck Cominco Metals Ltd. | Appendices A, B, C1, C2, D1, D2, E, F](#)
- Quivik, F.L. 2010. [History of Mining, Milling, and Smelting in NE Washington. Pakootas et al. v. Teck Cominco Metals, Ltd.](#)
- Queneau, P.B. 2011. [Expert Opinion – Rebuttal of Higginson. Pakootas et al. v. Teck Cominco Metals.](#)
- McLean, D.G. 2011. [Opinion on the Transport and Fate of Metallurgical Slag Discharged into the Columbia River. Northwest Hydraulic Consultants.](#)
- Stevens, Jennifer. 2011. [Expert history report. A Rebuttal Report to: Fredric Quivik, Terence McNulty, Adrian Brown, and Rex Bull.](#)
- Vlassopoulos, D. 2011. [Rebuttal Report. Pakootas et al. v. Teck Cominco Metals, Ltd.](#)
- Queneau, P.B. 2014. [Expert Opinion of Paul B. Queneau. Pakootas, et al. v. Teck Cominco Metals Ltd.](#)
- Vlassopoulos, D. 2014. [Expert Report of Dimitrios Vlassopoulos. Pakootas et al. v. Teck Cominco Metals Ltd.](#)

## RELATED INFORMATION

- [Ecology's Dirt Alert website](#)
- [Fish advisory for the upper Columbia River and Lake Roosevelt](#)
- [Stevens County Public Health Assessments](#)
- [EPA's Upper Columbia River Site Study website](#)
- [Teck's Upper Columbia River Project website](#)
- [Lake Roosevelt Forum website](#)
- [Photo Gallery](#)

## RELATED CLEANUP SITES

- [Black Sand Beach \(cleanup complete\)](#)
- [LeRoi Co. Smelter \(cleanup complete\)](#)
- [Northport Waterfront \(investigation complete - cleanup options under development\)](#)
- [Van Stone Mine \(cleanup plan under development\)](#)

## ADDITIONAL RESOURCES

- [Acronyms used by the Toxics Cleanup Program](#)
- [Cleanup Process: Major Steps & Definitions](#)
- [Data Submittal Requirements for All Cleanup Sites](#)
- [Toxics Cleanup publications](#)

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Office of Attorney General  
 2021-23 Regular Budget Session  
 Maintenance Level - LH - Long Term Service and Support

**Agency Recommendation Summary**

The Attorney General’s Office (AGO) requests funding for legal services for the Long-Term Care Services and Support Program enacted in 2019 and codified in Title 50B RCW. The program pays benefits for individuals’ long-term care needs and establishes a payroll premium to fund operations. The Employment Security Department (ESD), Department of Social and Health Services (DSHS), and several other State Agencies have responsibilities for implementing various aspects of the new law. Advice and litigation legal services are required, but the AGO was not provided funding during enactment of the law.

**Fiscal Summary**

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	0.6	3.1	1.85	3.1	3.1	3.1
<b>Operating Expenditures</b>						
Fund 405 - 1	\$153	\$428	\$581	\$428	\$428	\$856
Total Expenditures	\$153	\$428	\$581	\$428	\$428	\$856
<b>Revenue</b>						
405 - 0420	\$153	\$428	\$581	\$428	\$428	\$856
Total Revenue	\$153	\$428	\$581	\$428	\$428	\$856

## Decision Package Description

The Attorney General's Office (AGO) requests \$581,000 and 1.9 FTE in the 2021-23 Biennium for legal services for the Long-Term Care Services and Support Program (LTCSSP) enacted in 2019 and codified in Title 50B RCW. The program pays benefits for individuals' long-term care needs and establishes a payroll premium to fund its operation. The Employment Security Department (ESD), Department of Social and Health Services (DSHS), Office of the State Actuary, Health Care Authority (HCA), and State Investment Board (WSIB) are among the agencies with responsibilities for implementing various aspects of the new law. Advice and litigation legal services will be required.

The AGO completed a fiscal note in the 2019 Legislative Session for 1087 2SHB.PL (Long Term Services and Support), but funding was not allocated in the enacted budget for these activities. This request, for \$581,000 and 1.9 FTE in the 2021-23 Biennium, is the cost for new legal services associated with RCW 50B.

The LTCSSP requires establishment of the Investment Strategy Subcommittee of the Long-Term Services and Support Trust Commission (LTSSC) that is to provide guidance and advice to the WSIB. It also directs DSHS to have the WSIB be responsible for investing the funds in the Long-Term Services and Supports Trust Account (LTSSA). AGO will provide legal services for this LTSSC establishment, and also anticipates the need to contract with a Special Assistant Attorney General (SAAG) to provide legal advice on federal law issues relating to this implementation and whether the new Fund/Plan will be qualified by the IRS for tax-free treatment.

Beginning in approximately May 2022, ESD will issue orders and notices of assessment for unpaid long-term care premiums, which are subject to administrative appeal rights. From that point forward, each year, employers will request administrative hearings. This program has the same or similar coverage provisions and number of yearly appeals projected as for Paid Family and Medical Leave (PFML) premium assessments. The timing of the appeals is based on the effective date of the law change and the first expected delinquencies resulting in turn in the issuance of assessments of unpaid long-term care premiums. The AGO will provide representation in up to one-third (approximately 75) of the more complex administrative appeals hearings, particularly when the law is new and on higher-stakes appeals. With respect to appeals litigated by agency staff, the AGO will provide training, develop legal resources, and offer review and advice when needed. An employer's request for a hearing upon an assessment is the document that initiates litigation proceedings. It triggers the ESD's need to request assignment of an Administrative Law Judge (ALJ) for scheduling hearings. It is possible that ESD will settle a handful of appeals before requesting assignment of an ALJ, but this is rare because settlement generally occurs in the context of litigation proceedings.

With litigation beginning in FY 2023, the AGO will continue to provide advice on vendor contract management issues and operational processes, among other issues, and will continue to provide training and guidance to ESD staff handling administrative appeals. This litigation will require advice on statutory and regulatory construction and on vendor contract compliance issues relating to ESD's implementation of the new law.

Without this funding, the long-term care program may be less successful collecting taxes needed to fund long-term care benefits and program operations. Further, rules and processes may be less clear and subject to legal challenge for alleged noncompliance with substantive and procedural rulemaking requirements. Last, lack of separate funding for long-term care legal services would cut into the AGO's capacity to provide services for other ESD programs and issues, including unemployment insurance benefits and taxes, paid family and medical leave benefits and taxes, H-2A administration (establishes a means for agricultural employers who anticipate a shortage of domestic workers to bring non-immigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature, including the new Office of Agricultural and Seasonal Workforce Services), public records, and workforce development. The Assistant Attorney's General (AAG) assisting these programs will need to transfer legal services to long-term care work and will reduce time available to support the other programs.

## Assumptions and Calculations

### ***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request will expand the Revenue and Finance (REV) and the Licensing and Administrative Law (LAL) Divisions.

<b>Division</b>	<b>2015-17</b>	<b>2017-19</b>
REV	\$5,990,000	\$7,446,000
LAL	\$6,898,000	\$6,702,000

### ***Detailed Assumptions and Calculations:***

## AGO REV Division:

This law requires DSHS to have WSIB be responsible for investing the funds in the LTSSA.

REV assumes the need for 0.25 AAG in FY 2022 for legal services relating to the implementation of Sections 4(6) and 12. New legal services are identified in the establishment of the Investment Strategy Subcommittee of the LTSSC providing guidance and advice to the WSIB.

A SAAG contract is assumed for legal services relating to the implementation of Sections 4(6) and 12. The purchase of SAAG services is to provide legal advice on federal law issues relating to implementation, including whether the new Fund/Plan will be qualified by the IRS for tax-free treatment. REV assumes \$75,000 (150 hours at \$500 per hour) in FY 2022.

## AGO LAL Division:

LAL assumes the need for 0.08 AAG in FY 2020 for legal services to the ESD for Long Term Service and Support. These legal services will include contracting issues, general support and advice are necessary.

With litigation beginning in FY 2023, the AGO will also continue to provide advice on vendor contract management issues and operational processes, among other issues, and will continue to provide training and guidance to ESD staff handling administrative appeals. This litigation will require 3,000 hours of AAG legal services, with 180 additional hours for advice on statutory and regulatory construction and on vendor contract compliance issues relating to ESD's implementation of the new law. This will require legal services for 1.77 AAG and 0.89 Legal Assistant (LA).

Legal services are assumed to be provided with existing resources for the Health Care Authority, DSHS, and the Office of the State Actuary.

**Workforce Assumptions:**

Salary and benefit costs by classification are provided below. Start up costs are not assumed.

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	0.33	1.77	1.77	1.77	Yes
Object A & B	46,510	249,464	249,464	249,464	
LA FTE	0.17	0.89	0.89	0.89	Yes
Object A & B	13,154	68,865	68,865	68,865	
MA 5 FTE	0.08	0.44	0.44	0.44	Yes
Object A & B	9,524	52,383	52,383	52,383	
<b>TOTAL FTE</b>	<b>0.6</b>	<b>3.1</b>	<b>3.1</b>	<b>3.1</b>	
<b>TOTAL A &amp; B</b>	<b>69,188</b>	<b>370,712</b>	<b>370,712</b>	<b>370,712</b>	

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

**How is your proposal impacting equity in the state?**

The long-term care services and support program pays benefits for individuals' long-term care needs and establishes a payroll premium to fund its operation. Funding was not provided for AGO legal services. Fully funding this request is assumed to save state resources through avoidance of litigation.

Legal Services and enforcement will be provided statewide and to all impacted communities.

**Strategic and Performance Outcomes****Strategic Framework:**

**RESULTS WASHINGTON:** This request advances the following goals and topics within the Governor's Results Washington strategic framework, in that the AGO's services to ESD and WSIB will enable it to better advance strategic goals:

Goal – Prosperous Economy

Goal topics: Increasing the Economic Security of Washingtonians, Improving Washington's Resiliency, Reducing Homelessness

Goal – Healthy and Safe Communities

General advancement of goal topics for Increasing the Economic Security of Washingtonians

Goal – Efficient, Effective, and Accountable Government

Goal topics: Increasing Employee Engagement, Customer Experience

**AGO STRATEGIC PLAN:** This request advances the AGO’s strategic priorities as follows:

1. Priority – Serve the State

Goal 1 – Deliver high quality, timely, and efficient legal services.

Goal 3 – Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public.

Goal 4 – Protect and enhance the financial health and resources of the AGO including optimizing fund utilization and management.

2. Priority – Protect the People

Goal 1 – Defend the civil rights and stand up for vulnerable Washingtonians.

Objective: Assist and collaborate with client agencies in their mission to strengthen communities, grow Washington’s economy, and protect public health, safety, and welfare.

This request supports the AGO Strategic Plan by the AGO’s delivery of high quality, timely, and efficient legal services. The request enables appropriate legal services fund utilization, because the work related to Long Term Service program were not included in the calculation for legal services relating to other ESD and WSIB programs and issues. The request enables the AGO to closely work with its client agencies on their development of rules, policies, and processes to best support achievement of legislative objectives of the Long Term Service law.

The legislative purpose of the Long Term Service program was described as follows:

A. Long-term care is not covered by Medicare or other health insurance plans, and the few private long-term care insurance plans that exist are unaffordable for most people, leaving more than ninety percent of seniors uninsured for long-term care. The current market for long-term care insurance is broken: In 2002, there were one hundred two companies offering long-term care insurance coverage, but today that number is only twelve.

B. The majority of people over sixty-five years of age will need long-term services and supports within their lifetimes. The senior population has doubled in Washington since 1980, to currently over one million, and will more than double again by 2040. Without access to insurance, seniors must rely on family care and spend their life savings down to poverty levels in order to access long-term care through Medicaid. In Washington, more than eight hundred fifty thousand unpaid family caregivers provided care valued at eleven billion dollars in 2015. Furthermore, family caregivers who leave the workforce to provide unpaid long-term services and supports lose an average of three hundred thousand dollars in their own income and health and retirement benefits.

C. Paying out-of-pocket for long-term care is expensive. In Washington, the average cost for medicaid in-home care is twenty-four thousand dollars per year and the average cost for nursing home care is sixty-five thousand dollars per year. Most seniors cannot afford these costs.

D. Seniors and the state will not be able to continue their reliance on family caregivers in the near future. Demographic shifts mean that fewer potential family caregivers will be available in the future. Today, there are around seven potential caregivers for each senior, but by 2030, that ratio will decrease to four potential caregivers for each senior.

E. Long-term services and supports comprise approximately six percent of the state operating budget, and demand for these services will double by 2030 to over twelve percent. This will result in an additional six billion dollars in increased near-general fund costs for the state by 2030.

F. An alternative funding mechanism for long-term care access in Washington State could relieve hardship on families and lessen the burden of Medicaid on the state budget. In addition, an alternative funding mechanism could result in positive economic impact to our state through



increased state competition and fewer Washingtonians leaving the workforce to provide unpaid care.

G. The average aging and long-term supports administration Medicaid consumer utilizes ninety-six hours of care per month. At current costs, a one hundred dollars per day benefit for three hundred sixty-five days would provide complete financial relief for the average in-home care consumer and substantial relief for the average facility care consumer for a full year or more.

H. Under current caseload and demographic projections, an alternative funding mechanism for long-term care access could save the Medicaid program eight hundred ninety-eight million dollars in the 2051-2053 biennium.

I. As the state pursues an alternative funding mechanism for long-term care access, the state must continue its commitment to promoting choice in approved services and long-term care settings. Therefore, any alternative funding mechanism program should be structured such that:

- (a) Individuals are able to use their benefits for long-term care services in the setting of their choice, whether in the home, a residential community-based setting, or a skilled nursing facility;
- (b) The choice of provider types and approved services is the same or greater than currently available through Washington's publicly funded long-term services and supports;
- (c) Transitions from private and public funding sources for consumers are seamless; and
- (d) Long-term care health status data is collected across all home and community-based settings.

J. The creation of a long-term care insurance benefit of an established dollar amount per day for three hundred sixty-five days for all eligible Washington employees, paid through an employee payroll premium, is in the best interest of the state of Washington.

**ACTIVITY:**

Activity	Fund	FY2023	FY2023	FY2024	FY2025
0010 - Legal Services to State Agencies	405	153,000	428,000	428,000	428,000
<b>TOTAL</b>		<b>153,000</b>	<b>428,000</b>	<b>428,000</b>	<b>428,000</b>

**PERFORMANCE MEASURES:**

The Long Term Support program is new and will require significant work to establish, including collaboration across multiple agencies—each of which has roles for administering different aspects of the program. Legal assistance reduces or mitigates undesired results of delay in implementation of the Long Term Support law, likelihood of legal challenge of rules and procedures, and risk of adverse outcomes in litigation challenging any rules, procedures, or determinations concerning individuals or employers. The AGO’s assistance will help to enable our clients to meet their performance measures concerning this program.

Having taken on the implementation of the new Long Term Support program and their existing responsibilities, our clients now have increased needs for legal services but without corresponding additional legal services funding. If the AGO is not given authority to bill and additional allotment in the legal services revolving fund relating to Long Term Support work, this shortfall will increase overall agency risk and impede agency advancement of its mission and objectives.

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

**Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

## Other Collateral Connections

### State Workforce Impacts:

NA

### Intergovernmental:

ESD and WSIB are in agreement with these legal services needs and fully supports the AGO request.

Client	Fund	FY2022	FY2023	FY2024	FY2025
ESD	CSM	18,000	428,000	428,000	428,000
WSIB	CSM	135,000			
<b>TOTAL</b>		<b>153,000</b>	<b>428,000</b>	<b>428,000</b>	<b>428,000</b>

### State Facilities Impacts:

NA

### Changes from Current Law:

NA

### Puget Sound Recovery:

NA

### Legal or Administrative Mandates:

In the 2019 legislative session, 2SHB 1087 was passed and signed by the Governor and codified in Title 50B RCW. This request is to fulfill the requirements of the law.

### Stakeholder Response:

There is no known opposition to this request at this time.

## IT Addendum

### Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$51	\$276	\$327	\$276	\$276	\$552
Obj. B	\$17	\$95	\$112	\$95	\$95	\$190
Obj. C	\$75	\$0	\$75	\$0	\$0	\$0
Obj. E	\$9	\$51	\$60	\$51	\$51	\$102
Obj. G	\$0	\$3	\$3	\$3	\$3	\$6
Obj. J	\$1	\$3	\$4	\$3	\$3	\$6

## Agency Contact Information

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Office of Attorney General  
2021-23 Regular Budget Session  
Maintenance Level - LI - Labor Relations Support

### Agency Recommendation Summary

The Attorney General’s Office (AGO) union represented workforce increased in 2020, from 593 employees represented by the Association of Washington Assistant Attorneys General (AWAAG) to 1,132 employees with the formation of the Washington Attorney General Professional Staff (WAGPro) bargaining unit. This has resulted in significant increases in payroll actions, data processing, union information requests, and charges from the Office of Financial Management (OFM) for collective bargaining costs.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	2.0	2.0	2.0	2.0	2.0	2.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$45	\$45	\$90	\$45	\$45	\$90
Fund 405 - 1	\$245	\$245	\$490	\$245	\$245	\$490
Total Expenditures	\$290	\$290	\$580	\$290	\$290	\$580
<b>Revenue</b>						
405 - 0420	\$245	\$245	\$490	\$245	\$245	\$490
Total Revenue	\$245	\$245	\$490	\$245	\$245	\$490

### Decision Package Description

The Attorney General’s Office (AGO) requests \$580,000 and 2.0 FTE, a Human Resource Consultant 4 (HRC4) to the Labor Relations Team in the Human Resources Office (HRO), and 1.0 Management Analyst 4 (MA4) to Financial Services (FIS). This will increase the number of staff planning for, and responding to, the AGO’s labor relations needs.

Assistant Attorneys General (AAG) organized in September 2019. The AGO hired 1.0 Labor Relations Manager to develop and administer the labor relations program for this bargaining unit of 593 employees. HRO and Payroll staff absorbed the payroll, data processing, union information requests and other workload that have come along with a represented workforce by working more hours. In July 2020, AGO professional support staff organized, nearly doubling the AGO’s represented workforce with the addition of a bargaining unit of 539 employees. The payroll, data processing, union information requests and other additional work that are required to support a total represented workforce of 1,132 employees is not manageable with the current staffing levels. Completing additional work with existing staff is not sustainable.—

The addition of 1.0 HRC4 will allow HRO to provide support, and administer the program effectively, meeting agency, staff and union needs in a timely manner.

New FIS activities associated with collective bargaining and union workload results in a need of 1.0 MA4. The MA4 would work with HRO’s HRC4 to research and analyze business issues and processes concerning represented employees, and assist in the implementation of the new processes and procedures. They would provide professional and technical advice to management regarding the impacts to the agency overall.

General Fund-State funding is needed for the \$45,000 estimated charge from the Office of Financial Management (OFM) for Professional Staff collective bargaining. OFM charges 0.01 percent of the total salaries of the employees in the bargaining unit.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

There is no funding in the AGO’s base budget for costs included in this request. Work associated with this new position is new based on the unionization of AGO professional staff.

In September 2019, AGO AAG unionized and the AGO was funded with appropriate support staff for program services.

This requests increases staffing to address the workload generated by professional staff, and includes OFM billing.

### **Detailed Assumptions and Calculations:**

This request will add 1.0 HRC4 to the Labor Relations Team in HRO, and 1.0 MA4 to FIS. This will increase the number of staff planning for, and responding to, the AGO’s labor relations needs.

The AGO assumes \$45,000 per Fiscal Year as an annual bill from OFM for Professional Staff collective bargaining. Current annual salaries of professional staff total \$44,396,000.

### **Workforce Assumptions:**

Salary and Benefit costs are provided below. Start up costs are not assumed.

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
Human Resource Consultant 4 FTE	1.0	1.0	1.0	1.0	Yes
Object A & B	106,701	106,701	106,701	106,701	
Management Analyst 4 FTE	1.0	1.0	1.0	1.0	Yes
Object A & B	108,974	108,974	108,974	108,974	
<b>TOTAL FTE</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	
<b>TOTAL A &amp; B</b>	<b>215,675</b>	<b>215,675</b>	<b>215,675</b>	<b>215,675</b>	

### **How is your proposal impacting equity in the state?**

Funding this request will support the AGO’s interaction with AGO professional staff covered under the WFSE collective bargaining agreement statewide.

Impact is statewide, affecting all AGO offices statewide and most state agencies through AGO’s billing rates.

## Strategic and Performance Outcomes

### Strategic Framework:

1. RESULTS WASHINGTON:

This request relates to the Results Washington goal of Efficient, Effective and Accountable Government in that additional staff will allow the AGO to efficiently respond to union information requests and meet data processing needs resulting from a represented workforce in a timely manner. Timely entry of payroll and leave actions is critical to meet our obligations under collective bargaining agreements. Additionally, the AGO has an obligation under the law to respond timely to union information requests. These activities underpin the positive labor-management relationship valued by the AGO.

2. AGO STRATEGIC PLAN:

Priority – Empower our Employees

Goal 1 – Enhance our commitment to being an employer of choice by recognizing, celebrating and empowering AGO employees.

Goal 4 – Ensure employees have the tools and work space they need to be efficient and effective.

The AGO is committed to the empowerment of all employees in the agency. This request reinforces the AGO’s commitment to unionized staff and seeks personnel and resources to support this enhanced program.

3. ACTIVITY: 0001 – Administration

Fund	FY2023	FY2023	FY2024	FY2025
001-1	45,000	45,000	45,000	45,000
405	245,000	245,000	245,000	245,000
	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>

4. PERFORMANCE MEASURE:

**Performance Measure 2533:** Total AG Formal and Informal Opinions Issued

**Target:** 45 AG opinions (formal or informal) per biennium, reported quarterly.

**Key Divisions:** Administration

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

### Performance Outcomes:

Incremental impact for this Performance Measure is indeterminate.

## Other Collateral Connections

### **State Workforce Impacts:**

These positions will not be represented by a collective bargaining agreement (CBA); however, it will have a positive impact as it will allow the AGO to meet obligations under agency CBAs.

### **Intergovernmental:**

The AGO does not assume any measurable impact to tribal, regional, county or city governments or any political subdivision of the state.

Fund 405 (Legal Services Revolving Account): The AGO assumes new costs for new staff will be distributed among all legal services client agencies. Costs of HRO and FIS activities are billed as part of AGO overhead. AGO overhead is billed to all clients proportionate to service levels provided. It is the AGO standard practice to spread these type of costs pro-rata through the Legal Services component of the Central Service Model. Not including these costs in the Legal Services component of the Central Service Model is putting the Legal Services Revolving Account out of balance.

### **State Facilities Impacts:**

These positions will not result in additional facilities or workplace needs.

### **Changes from Current Law:**

NA

### **Puget Sound Recovery:**

NA

### **Legal or Administrative Mandates:**

NA

### **Stakeholder Response:**

This request enhances the AGO's service and response to the WFSE as they work to represent AGO employees. It is anticipated that WFSE will welcome the addition of this new position to respond to their requests.

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$158	\$158	\$316	\$158	\$158	\$316
Obj. B	\$57	\$57	\$114	\$57	\$57	\$114
Obj. E	\$71	\$71	\$142	\$71	\$71	\$142
Obj. J	\$4	\$4	\$8	\$4	\$4	\$8

## Agency Contact Information

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### Agency Recommendation Summary

The Attorney General’s Office (AGO) seeks continued funding to diligently enforce tobacco escrow requirements. Under the Master Settlement Agreement (MSA) with the major tobacco companies, millions of dollars per year are withheld from the State and placed into a Disputed Payments Account. The State will receive the withheld money, if it is determined in an arbitration that the State diligently enforced its obligations under the MSA for that year. Losing a diligence determination will potentially cost Washington its entire next MSA payment. The requested funding will enable the AGO to continue to fully participate in the upcoming multi-year arbitration.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	4.5	4.5	4.5	4.5	4.5	4.5
<b>Operating Expenditures</b>						
Fund 001 - 1	\$617	\$617	\$1,234	\$617	\$617	\$1,234
Total Expenditures	<b>\$617</b>	<b>\$617</b>	<b>\$1,234</b>	<b>\$617</b>	<b>\$617</b>	<b>\$1,234</b>

## Decision Package Description

The AGO requests 4.5 FTEs, which would require \$617,000 in fiscal year 2022 and \$617,000 in fiscal year 2023 and each year thereafter for the next six biennia. This is the same number of FTEs as provided for in the 2020 Supplemental Budget.

Few States are willing to aggressively litigate against the tobacco companies, and many have entered into settlement agreements giving them a fraction of the escrowed funds. The AGO seeks to aggressively represent Washington and seek to recover the full amount of the escrow funds. Prior proceedings have determined States' diligence one year at a time. Washington is leading an effort to speed up the process by litigating multiple years in a single proceeding.

46 states, the District of Columbia, Puerto Rico, and four territories (Settling States) and the major tobacco companies signed the tobacco Master Settlement Agreement (MSA) in 1998. The companies' party to the agreement are known as Participating Manufacturers (PM) while those companies that did not sign are known as Non-Participating Manufacturers (NPM). As part of the settlement, the PMs make annual payments to the Settling States in perpetuity, and the Settling States must enact and diligently enforce statutes that require the NPMs to pay into escrow accounts amounts similar to the obligation imposed on PMs by the MSA. 37 Settling States resolved the dispute for many of these MSA years with the PMs at a substantial discount.

Millions of dollars are sitting in the Disputed Payment Accounts that relate to the NPM adjustments. The first arbitration concerned the 2003 MSA sales year. Work on it began in 2005. It was completed in 2013. The Washington State AGO was successful in showing that the State of Washington had enacted the necessary statute and the AGO had diligently enforced it. This resulted in the State of Washington receiving an additional \$14 million dollars and avoided the potential loss of an annual payment amount of over \$100 million dollars.

A hearing on the second arbitration occurred in April 2018 and involved whether the Washington State AGO diligently enforced the escrow statute during the 2004 MSA sales year. This proceeding began in 2014 and a decision was expected in 2019, but delayed until fall 2020 due to the death of one of the arbitrators.

Work for the next arbitration, to decide whether the statute was diligently enforced in MSA years 2005, 2006, and 2007, has begun. The potential revenue for this arbitration is \$23 million. Additional resources are required as the arbitration will involve whether the State diligently enforced for three MSA years rather than just one year as has been the process for the first two arbitrations. Further, due to the passage of time and retirements, the AGO will likely retain additional expert witnesses instead of being able to rely on prior agency personnel that had the necessary expertise.

Washington and the remaining litigating states continue, year by year, to fight to recover the NPM adjustment and receive our full MSA payment. Hundreds of millions of dollars are at stake in these arbitrations. We hope to continue to have future arbitrations cover multiple MSA years so that the years in dispute are not so distant. If Washington were to lose, it would not receive this amount and would be subject to a potentially significant adjustment of the amount due under the MSA.



## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request is to maintain the program’s funding that was provided in the 2020 Supplemental Budget

### **Detailed Assumptions and Calculations:**

The AGO requests \$617,000 per fiscal year for 4.5 FTE: 2.0 Assistant Attorney Generals (AAG), 1.0 Paralegal 2 (PL2), 1.0 Legal Assistant 3 (LA3) and 0.5 FTE for Management Analyst 5 (MA5) as administration support. The total for the biennium is \$1,234,000.

The next arbitration will require additional resources as the arbitration will involve whether the State diligently enforced for three MSA years rather than just one year as has been the issue for the first two arbitrations. Further, due the passage of time and retirements, the AGO likely will retain additional expert witnesses instead of being able to rely on prior agency personnel that had the necessary expertise. Preparation for the third arbitration has begun.

Agency administration support FTEs are included in the tables using a MA5 as a representative classification. These costs are ongoing and will carry forward into future biennia for at least the next six biennia.

### **Workforce Assumptions:**

Salary and benefit costs by Classification are provided below. One-time costs are not included in this request.

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	2.0	2.0	2.0	2.0	Y
Object A & B	287,000	287,000	288,000	288,000	
LA FTE	1.0	1.0	1.0	1.0	Y
Object A & B	85,000	85,000	85,000	85,000	
PL FTE	1.0	1.0	1.0	1.0	Y
Object A & B	100,000	100,000	100,000	100,000	
MA5 FTE	0.5	0.5	0.5	0.5	Y
Object A & B	60,000	60,000	60,000	60,000	
<b>TOTAL FTE</b>	<b>4.5</b>	<b>4.5</b>	<b>4.5</b>	<b>4.5</b>	
<b>TOTAL A &amp; B</b>	<b>532,000</b>	<b>532,000</b>	<b>533,000</b>	<b>533,000</b>	

### **How is your proposal impacting equity in the state?**

By ensuring that the public health provisions of the MSA are complied with, the tobacco diligent enforcement activities contribute to fighting tobacco use among our youth. Ensuring that nonparticipating manufacturers (NPM) make required escrow payments also helps achieve this goal. The necessity to make escrow payments discourages the NPMs from pricing their products below market which would have made their product more attractive to youth.

Escrow payments are used to help fund education statewide.

## Strategic and Performance Outcomes

### Strategic Framework:

#### 1) Results Washington:

##### Goal 4 – Healthy and Safe Communities:

By ensuring that the public health provisions of the MSA are complied with, the tobacco diligent enforcement activities contribute to fighting tobacco use among our youth. Ensuring that nonparticipating manufacturers (NPM) make required escrow payments also helps achieve this goal. The necessity to make escrow payments discourages the NPMs from pricing their products below market which would have made their product more attractive to youth.

##### Goal 5 - Efficient, Effective, and Accountable Government:

By keeping the more than \$100,000,000 flowing annually into the state treasury, the tobacco diligent enforcement activities provide substantial funding for general government.

#### 2) Current AGO Strategic Plan:

Priority – Serve the State

Goal – Deliver high quality, timely, and efficient legal services

#### 3) Activity:

Expected incremental change in revenue: The \$14,000,000 in FY 2020 assumes AGO obtains a favorable ruling for the 2004 arbitration. The ruling for the next arbitration may or may not be received by the end of FY 2021 as the arbitration panel holds all ruling until all states have had their hearings and the rulings are all released on the same date.

Activity	Fund	FY2020	FY2021	FY2022	FY2023
0001 Administration	001-1	1,301,000	1,301,000	1,301,000	11,301,000
<b>TOTAL</b>		<b>1,301,000</b>	<b>1,301,000</b>	<b>1,301,000</b>	<b>11,301,000</b>

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

### Performance Outcomes:

The AGO will work to obtains a favorable ruling for the 2004 arbitration. Incremental impact for this Performance Measure is indeterminate.

## Other Collateral Connections

### **State Workforce Impacts:**

NA

### **Intergovernmental:**

The collaborative work with Department of Health, Liquor and Cannabis Board and Department of Social and Health Services aims to improve the public health around tobacco issues.

The litigation work helps to continue the flow of MSA revenue into the state. In 2019, that revenue was more than \$100,000,000.

### **State Facilities Impacts:**

NA

### **Changes from Current Law:**

NA

### **Puget Sound Recovery:**

NA

### **Legal or Administrative Mandates:**

The Settling States and the major tobacco companies signed the tobacco MSA in 1998. The companies' party to the agreement are known as PM while those companies that did not sign are known as NPM. As part of the settlement, the PMs make annual payments to the Settling States in perpetuity and the Settling States must enact and diligently enforce statutes that require the NPMs to pay into escrow accounts amounts similar to the obligation imposed on PMs by the MSA. There are currently millions of dollars in Disputed Payment Accounts that relate to the NPM adjustments. The arbitrations involve these escrowed funds.

### **Stakeholder Response:**

There is no known opposition to this request at this time

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$396	\$396	<b>\$792</b>	\$396	\$396	<b>\$792</b>
Obj. B	\$136	\$136	<b>\$272</b>	\$136	\$136	<b>\$272</b>
Obj. E	\$75	\$75	<b>\$150</b>	\$75	\$75	<b>\$150</b>
Obj. G	\$5	\$5	<b>\$10</b>	\$5	\$5	<b>\$10</b>
Obj. J	\$5	\$5	<b>\$10</b>	\$5	\$5	<b>\$10</b>

## Agency Contact Information

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### Agency Recommendation Summary

The Attorney General’s Office (AGO) requests an increase to its federal authority to continue to prevent fraud by prosecuting Medicaid provider fraud and recovering money lost to fraud. Medicaid provider fraud drives up healthcare costs for Washingtonians, harms Medicaid clients and honest providers, and misuses taxpayer’s money. Recovering money lost to fraud and holding offenders accountable is essential to the integrity of the Medicaid program.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Operating Expenditures</b>						
Fund 001 - 2	\$336	\$1,966	<b>\$2,302</b>	\$830	\$872	<b>\$1,702</b>
Total Expenditures	<b>\$336</b>	<b>\$1,966</b>	<b>\$2,302</b>	<b>\$830</b>	<b>\$872</b>	<b>\$1,702</b>
<b>Revenue</b>						
001 - 0393	\$336	\$1,966	<b>\$2,302</b>	\$830	\$872	<b>\$1,702</b>
Total Revenue	<b>\$336</b>	<b>\$1,966</b>	<b>\$2,302</b>	<b>\$830</b>	<b>\$872</b>	<b>\$1,702</b>

### Decision Package Description

The Attorney General’s Office (AGO) requests an increase to its federal authority of \$2.3 million in the 2021-23 Biennium (FY 2022 by \$336,000 and FY 2023 in \$2 million).

In past years, Medicaid Fraud investigations have dramatically increased in number, complexity, nature, and scope. Due to outreach and education of our partner agencies, fraud referrals continue to increase in number and quality along with investigations produced by data mining. AGO requests legislative approval to spend Federal Grant dollars that support 75 percent of the statutorily mandated Medicaid Fraud Program in Washington State for costs approved by the Office of the Inspector General at the Department of Health and Human Services (HHS OIG). The results would better protections for the Medicaid program and Washington State’s most vulnerable citizens.

Medicaid Fraud Control Division (MFCF) recovered over \$19.5 million for Washington’s Medicaid program since 2017-19 biennium. MFCF successfully litigated the first false claims act case in the state and increased our in state false claim act litigation as well as our national qui tams. With the significant increase in staffing in the 2019-21 biennium, MFCF cases have increased dramatically, including a three-fold increase in criminal case filings and convictions ranging from complex fraud to abuse and neglect in residential facilities. Currently, Washington MFCF has more staff per capita on national committees than any other Medicaid Fraud Control Division nationwide and the Director is the Vice President of the national organization. The opioid epidemic has enabled MFCF to continue to not only work on opiate matters but also have staff on opioid taskforces, where local law enforcement focuses on the street level crime and MFCF on the fraudulent doctors and pharmacies fueling the epidemic.

## Assumptions and Calculations

### ***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request does not expand or alter the current program but provides expenditure authority for the current maintenance level provided by the federal government.

### ***Detailed Assumptions and Calculations:***

In the 2020 supplemental budget request AGO had combined the MFCD federal authority increase, which was on-going increase, and the SAKI federal grant one-time increase. The assumptions used was for the actual spending assumptions for both programs. When the decision package was broken out into two separate packages, one for on-going and the other for one-time, the SAKI grant was funded for the full grant award and so that amount was backed out of the carry forward level assumptions. This reduced the actual need for the MFCD program, which is the cause for the significant increase in the FY 2023.

### ***Workforce Assumptions:***

AGO is not needing additional FTE but increasing the expenditure authority to cover all costs for the current staffing level and operating costs. Currently the program's staffing costs are at \$7.3 million per fiscal year, so the additional ask of \$2.3 million for 2021-23 biennium and \$1.7 million for the following biennium will cover MFCD's costs.

### ***How is your proposal impacting equity in the state?***

Medicaid provider fraud drives up healthcare costs for Washingtonians, harms Medicaid clients and honest providers, and misuses taxpayer's money. Recovering money lost to fraud and holding offenders accountable is essential to the integrity of the Medicaid program. The results would better protections for the Medicaid program and Washington State's most vulnerable citizens.

Enforcement is statewide.

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington:

Goal 4: Healthy & safe communities

Goal 5: Efficient, effective & accountable government

#### Agency Strategic plan:

Priority 2 – Protect the People

2-1-3 Protect vulnerable adults and combat elder abuse.

2-2-3 Combat the opioid epidemic.

2-4-2 Combat health care fraud.

This request supports the AGO Strategic Plan and Results Washington because MFCD’s continuation enables the division to ensure provider fraud accountability, increase revenue for the Medicaid Fraud Penalty Account (Fund 19A) and enables the division to bring more residential patient abuse and neglect matters - helping deter and protect Washington’s most vulnerable citizens.

Activity	Fund	FY2023	FY2023	FY2024	FY2025
A009 Investigation and Prosecution of Medicaid Fraud and Resident Abuse	001-2	336,000	1,966,000	830,000	872,000

#### Agency Performance Measure:

**Performance Measure 2538:** Recoveries to the Medicaid System

**Target:** \$8 million of biennial recoveries to the Medicaid System, reported annually.

**Key Divisions:** Medicaid Fraud Control Unit

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002538 - Recoveries to the Medicaid System	\$0	\$0	\$0	\$0

### Performance Outcomes:

Incremental impact for this Performance Measure is indeterminate.

## Other Collateral Connections

**State Workforce Impacts:**

NA

**Intergovernmental:**

NA

**State Facilities Impacts:**

NA

**Changes from Current Law:**

NA

**Puget Sound Recovery:**

NA

**Legal or Administrative Mandates:**

It is required by federal law to maintain a MFCF outside of the single state agency (HCA) for the state to obtain Medicaid Funding, as required under 42 USC 1396a (a)(61); 42 CFR 1007.9

**Stakeholder Response:**

All fellow law enforcement agencies such as Washington Association of Sheriffs and Police Chiefs, Washington Association of Community Oriented Police, Washington Association of Prosecuting Attorneys, and Washington State Patrol support this request. Health Care Authority (HCA) and Department of Social and Health Services (DSHS) expressed their support as well.

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$0	\$700	<b>\$700</b>	\$300	\$300	<b>\$600</b>
Obj. B	\$0	\$210	<b>\$210</b>	\$90	\$90	<b>\$180</b>
Obj. C	\$16	\$80	<b>\$96</b>	\$18	\$19	<b>\$37</b>
Obj. E	\$0	\$90	<b>\$90</b>	\$96	\$116	<b>\$212</b>
Obj. G	\$0	\$5	<b>\$5</b>	\$6	\$7	<b>\$13</b>
Obj. T	\$320	\$881	<b>\$1,201</b>	\$320	\$340	<b>\$660</b>

## Agency Contact Information

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**Agency Recommendation Summary**

The Attorney General’s Office (AGO) requests an increase to its federal authority to allow the AGO to continue to clear the backlog of untested kits in the Federal Sexual Assault Kit Initiative (SAKI), collect DNA owed by felons, and to further unresolved sexual assault related investigations. There is no impact to State funds.

**Fiscal Summary**

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Operating Expenditures</b>						
Fund 001 - 2	\$596	\$1,058	\$1,654	\$0	\$0	\$0
Total Expenditures	<b>\$596</b>	<b>\$1,058</b>	<b>\$1,654</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Revenue</b>						
001 - 0316	\$596	\$1,058	\$1,654	\$0	\$0	\$0
Total Revenue	<b>\$596</b>	<b>\$1,058</b>	<b>\$1,654</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Decision Package Description**

The Attorney General’s Office (AGO) requests an increase to its federal authority in the 2021-23 biennium of \$1,654,000. This request is a no-cost continuance of the Sexual Assault Kit Initiative (SAKI) that begun in the 2017-19 Biennium. Washington State continues the process of testing its large backlog of previously untested sexual assault kits (SAKs) and other DNA collected at crime scenes. This funding will allow the AGO to continue to clear the backlog of untested SAKs in the Federal SAKI and to further unresolved sexual assault related investigations. There is no impact to State funds.

In September 2017 the US Department of Justice notified the WA State AGO that the AGO’s application for the Federal SAKI grant had been approved. The purpose of the Federal SAKI grant is to provide financial resources to clear the statewide backlog of un-submitted and partially submitted SAKs and to further sexual assault investigations. The AGO was the only state level office to receive the maximum amount authorized under this grant.

In March 2018, the Washington State Legislature and the Governor granted appropriation authority for the AGO to begin expending the three-year \$3 million grant.

Since March 2018, the AGO has hired two investigators who work solely on the SAKI grant. Their job duties include inventorying the un-submitted SAKs, working with local jurisdictions to submit those SAKs for testing to the Washington State Patrol (WSP) Crime Laboratory, participating in training, and assisting in investigations where requested.

The AGO will provide a sub-award to the WSP Crime Laboratory to test the un-submitted SAKs. The WSP Crime Laboratory operates five multi-service crime laboratories in Seattle, Tacoma, Marysville, Spokane, and Vancouver, all of which provide forensic DNA typing to criminal justice agencies within Washington State.

As kits are tested and their information is entered into the AGO’s the Homicide Investigation Tracking System (HITS) database, crime analysts will review the data for possible patterns and connections between cases. As patterns and connections are found, the SAKI investigators will work with local law enforcement agencies to assist with investigations.

Additionally, the SAKI team has developed a cross-disciplinary training model to provide law enforcement, prosecutors, victim advocates and medical personal to ensure all disciplines are prepared to manage the emerging casework in a victim-centered manner. This training will include assistance in producing victim notification procedures, instruction on the effect of trauma on a victim and its relationship to re-victimization, information on the effective use of advocates, and will stress the need to communicate with victims early and often, and that victim cooperation should always be a significant factor in determining the course of an investigation.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request does not expand or alter the current program but provides expenditure authority for the current grant awarded to the AGO.

### **Detailed Assumptions and Calculations:**

This will allow the SAKI program to expend the entire grant within the grant periods awarded.

### **Workforce Assumptions:**

AGO is not needing additional FTE but increasing the expenditure authority to cover all costs for the current staffing level and operating costs. The anticipated grant costs are \$1,654,000 for 2021-23 biennium and this request is to cover these costs.

### **How is your proposal impacting equity in the state?**

This funding will allow the AGO to continue to clear the backlog of untested Sexual Assault Kits, and to further unresolved sexual assault related investigations. Most of those cases involve the sexual assault of women and children.

Enforcement of sexual assault is statewide and affects all demographic communities. This proposal will help ensure under served communities receive the same services as other communities. Most of those cases involve the sexual assault of vulnerable women and sexually exploited youth.

## Strategic and Performance Outcomes

### **Strategic Framework:**

#### **Results Washington:**

Goal 4: Healthy & safe communities

Goal 5: Efficient, effective & accountable government

#### **Agency Strategic Plan:**

Priority 2 – Protect the People

2-1-4 Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

This request advances the Governor’s Results Washington Goal 4: Healthy and Safe Communities and the AGO Strategic Plan Priority 2 – Protect the People by utilizing all available funding to inventory and test un-submitted or partially submitted SAKs, and entering those results into HITS. This will assist local law enforcement in the commitment or recommitment of sexually violent predators, while developing cross discipline training that focuses on the victims of sexual assault.

#### **Activity:**

Activity	Fund	FY2023	FY2023	FY2024	FY2025
A0003 Criminal Investigations and Prosecutions	001-2	596,000	1,058,000		

#### **Performance Measure 2536: Criminal Cases Closed**

**Target:** 18 criminal cases closed or declined per biennium, reported quarterly.

**Key Divisions:** Criminal Justice Division

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002535 - Total Successful Commitments	0	0	0	0

### **Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

## Other Collateral Connections

**State Workforce Impacts:**

NA

**Intergovernmental:**

NA

**State Facilities Impacts:**

NA

**Changes from Current Law:**

NA

**Puget Sound Recovery:**

NA

**Legal or Administrative Mandates:**

NA

**Stakeholder Response:**

There is no known opposition to this request at this time.

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$111	\$316	<b>\$427</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$35	\$104	<b>\$139</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$414	\$544	<b>\$958</b>	\$0	\$0	<b>\$0</b>
Obj. G	\$18	\$46	<b>\$64</b>	\$0	\$0	<b>\$0</b>
Obj. J	\$1	\$0	<b>\$1</b>	\$0	\$0	<b>\$0</b>
Obj. T	\$17	\$48	<b>\$65</b>	\$0	\$0	<b>\$0</b>

## Agency Contact Information

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## Agency Recommendation Summary

The Attorney General's Office (AGO) requests an increase in lease funding to cover the expected increases and decreases in annual lease contracts in the 2021-23 Biennium. The requested funding changes are to sustain leases in buildings around the state where AGO divisions are currently located. These facilities are all in the AGO six-year lease facility plan. The AGO has limited control over increases in lease costs.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$791	\$831	\$1,622	\$45	\$3	\$48
Fund 001 - 2	\$56	\$33	\$89	\$4	\$3	\$7
Fund 111 - 1	\$5	\$7	\$12	\$2	\$0	\$2
Fund 12F - 6	\$3	\$4	\$7	\$1	\$0	\$1
Fund 154 - 1	\$4	\$6	\$10	\$2	\$0	\$2
Fund 17L - 6	\$1	\$1	\$2	\$0	\$0	\$0
Fund 19A - 1	\$19	\$12	\$31	\$23	\$24	\$47
Fund 405 - 1	(\$95)	(\$149)	(\$244)	\$213	\$146	\$359
Fund 424 - 6	\$21	\$25	\$46	\$5	\$0	\$5
Total Expenditures	\$805	\$770	\$1,575	\$295	\$176	\$471
<b>Revenue</b>						
001 - 0393	\$56	\$33	\$89	\$4	\$3	\$7
405 - 0420	(\$95)	(\$149)	(\$244)	\$213	\$146	\$359
Total Revenue	(\$39)	(\$116)	(\$155)	\$217	\$149	\$366

## Decision Package Description

The Attorney General's Office (AGO) request \$1,575,000 to cover the expected increase and decrease in annual lease contracts that will be renewed in the 2021-23 biennium including contractually scheduled rate increases. It also includes projected increases in the 2023-25 biennium in accordance with the Office of Financial Management's (OFM) budget request instructions.

All 2021-23 and 2023-25 increases are either previously established in existing leases, or are projections based on assumed percentage increases provided by OFM Facility Oversight section.

The Department of Enterprise Services (DES) negotiates new lease costs with property owners on behalf of the AGO. The AGO has limited control over the increase in lease costs and this request does not duplicate any funding proposed in any other decision packages within the 2021-2023 biennium budget request. These facilities are all in the AGO six-year lease facility plan.

The increases identified in this request are to continue occupancy in buildings around the state where AGO divisions are currently located to provide services to client agencies and the citizens of Washington State.

- Bellingham: The lease rate will increase on July 1, 2024 from \$15,390 to \$17,864 per fiscal month (FM). This will be the lease rate through the end of the 2023-25 biennium.

- Bristol Court: The current lease in Olympia was renewed effective August 1, 2020. The lease rate increased from \$72,992 to \$87,818 per FM through the end of the 2021-23 biennium. The 2019-21 Decision Package under projected new costs, which are included in this request.

- Everett: The current lease agreement expires July 31, 2021. The current lease rate is \$25,257.25 per FM for the duration of the lease.

- Highway License Building (HLB): There is no lease for HLB office space on Capital Campus. DES states they will only bill the AGO for the funding totals allotted in the Central Service Model for office space. This request does not include any adjustments for HLB.

- Kennewick: The current lease agreement expires Feb 28, 2024. The lease rate is \$11,883 per FM for the duration of the lease.
- Kent: The current lease agreement expires April 31, 2021. The current lease rate is \$228 per FM for the duration of the lease.
- Kitsap County Juvenile Court: The current lease agreement expires March 31, 2021. The current lease rate is \$200 per FM for the duration of the lease.
- Port Angeles: The current lease agreement expires July 31, 2022. The current lease rate is \$5,569 per FM for the duration of the lease.
- Port Orchard: The lease agreement expired on October 31, 2019 and was not renewed by the AGO. Surplus funding received for this lease is identified and adjusted in this request.
- Seattle: The current lease agreement expires June 30, 2022 and includes parking costs. The lease rate will increase to \$515,296 per FM on July 1, 2021 for the duration of the lease.
- Seattle-37<sup>th</sup> Floor: The 2019 Supplemental budget request includes a performance level DP for the Medicaid Fraud Control Division (MFCDD). That DP, among other things, included additional office space in Seattle, and was fully funded. The current lease agreement expires July 31, 2022. The current lease rate increases from \$6,665 to \$7,195 per FM on July 1 2021 and remains that rate for the duration of the lease.
- Spokane: The current lease agreement expires October 31, 2024. The lease rate is \$46,943 per FM for the duration of the lease.
- Tacoma: The current lease agreement expires July 31, 2025. The lease rate is \$95,713 per FM for the duration of the lease.
- Tumwater: The current lease agreement expires November 30, 2021. The lease rate is \$296,375 per FM for the duration of the lease.
- Vancouver: The current lease agreement expires March 31 2024. The lease rate is \$22,637 per FM for the duration of the lease.
- Warehouse (Facilities): The current lease expires June 30, 2024. The lease rate is \$8,302 per FM for the duration of the lease.
- Warehouse (Information Services): The current lease expires June 30, 2024. The lease rate is \$17,440 per FM for the duration of the lease.
- Wenatchee: The current lease agreement expires October 31, 2024. The lease rate is \$6,629 per FM for the duration of the lease.
- Yakima: The current lease agreement expires July 31, 2020. The lease renewal is in the approval process. Draft lease rates increase from \$8,316 to \$10,272 per FM on August 1, 2020 for the duration of the lease.

The AGO is obligated to pay lease costs negotiated by DES. There is no viable alternative to fully fund leased facility cost requirements.

A failure to fully fund contractual lease payments will result in reduction in legal services proportionate to the funding shortfall. This will also hinder our ability to meet performance measures and to support the Governor's Results Washington goals.

The AGO is unable to address this issue within its current appropriation levels without having a detrimental impact on the delivery of legal services.

A lease funding shortfall will have a greater negative impact on programs with smaller funding sources and include, but are not limited to the services of Mobile Home Dispute Resolution, Lemon Law Enforcement, Foreclosure Compliance Program and Civil Rights.

Funding this request provides resources necessary to protect the state from adverse judgements. The increasing cost of leased space is an unavoidable cost that must be incurred by the AGO to provide legal services to its client agencies. Diverting funds originally intended for legal service costs to pay for lease funding shortfall will result in a reduced level of legal advice and other legal services. This will increase risk to the state and will lead to avoidable legal issues of client agencies.

Attachment 1 shows each facilities cost increase by Fiscal Year.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

AGO facility leases have been fully funded in the last two biennia.

2017-19: \$25,807,000;

2019-21: \$28,459,715.

This request includes expanded office space in Seattle identified by a separate lease for the 37<sup>th</sup> floor. It also identifies lease increases in existing contracts and projected costs of lease renewals.

These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

### **Detailed Assumptions and Calculations:**

	<b>21-23 Budget Request (Excludes sub-lease and Tort IAA Costs)</b>			
	<b>FY2022</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
<b>TOTAL REQUEST</b>	805,000	770,000	295,000	176,000

All projections are for costs generated in lease contracts, or projected rates of new leases. There are no discrete, or one-time costs included in this request.

The following funding is required to pay for lease rates beginning in FY 2020 based on percentage increases as provided by the OFM Facility Oversight section. See Attachment 1 for each facilities annual lease costs and projected costs.

- **Bellingham:** Effective July 1, 2021, a \$2,474 rate increase to the current lease.
- **Bristol Court:** The current lease in Olympia was renewed effective August 1, 2020. The lease rate is \$87,818 through the end of the biennium. The 2019-21 Decision Package projected a monthly increase of \$9,833 per FM, but the enacted lease resulted in an actual increase of \$14,826 per FM. These costs are included in this request.
- **Everett:** Effective August 1, 2021, a 9.856% increase to the current monthly lease rate.
- **Kennewick:** Effective March 1, 2024, an 11.252% increase to the current monthly lease rate.
- **Kent:** Effective May 1, 2021, a 15.743% increase to the current monthly lease rate.
- **Kitsap County Juvenile Court:** Effective April 1, 2019, a 6.469% increase to the current monthly lease rate
- **Port Angeles:** Effective August 1, 2022, a 12.307% increase to the current monthly lease rate.
- **Port Orchard:** The lease agreement expired on October 31, 2019 and was not renewed by the AGO. Surplus funding received for this lease is identified and adjusted in this request.
- **Seattle:** Effective July 1, 2021, the lease will increase from \$485,460 to \$515,295 per FM. Effective July 1, 2022, a 2.231% increase to the current monthly lease rate.
- **Seattle-37<sup>th</sup> Floor:** Effective July 1, 2021, the lease will increase from \$6,665 to \$7,196 per FM. Effective July 1, 2022, a 6.205% increase to the current monthly lease rate.
- **Spokane:** Effective November 1, 2024, an 11.252% increase to the current monthly lease rate.
- **Tacoma:** No lease rate adjustment is scheduled in the 2021-23 of 2023-25 biennia.
- **Tumwater:** Effective December 1, 2021, a 9.856% increase to the current monthly lease rate.

- **Vancouver:** Effective April 1, 2022, an 11.252% increase to the current monthly lease rate.
- **Warehouse (Facilities):** Effective July 1, 2024, an 11.252% increase to the current monthly lease rate.
- **Warehouse (Information Services):** Effective July 1, 2024, an 11.252% increase to the current monthly lease rate.
- **Wenatchee:** Effective November 1, 2024, an 11.252% increase to the current monthly lease rate.
- **Yakima:** Effective August 1, 2020, a new lease increasing rates from \$8,315 to \$10,273 per FM is pending approval.

**Workforce Assumptions:**

There is no workload or policy assumptions associated with this request. This request is to obtain appropriate allocations to pay for contractual facilities lease costs.

**How is your proposal impacting equity in the state?**

Funding this request will have minimal impact on statewide equity. Facility cost increases are unavoidable.

Impact is statewide and affecting most state agencies.

**Strategic and Performance Outcomes**

**Strategic Framework:**

**Relationship to Results Washington:**

Goal 5: Effective, Efficient and Accountable Government.

This request aligns the actual cost of AGO facility leases with funding to sustain the current workload. It clarifies how state resources are spent, provides accountability and responsibility in spending, and offers transparency resulting in customer satisfaction and confidence in legal services provided.

**Relationship to the AGO Strategic Plan:**

Every aspect of the AGO's Strategic Plan is affected by the availability of appropriate office space for each Division to function and funding being available to pay for this space. Funding the projected lease shortfalls will empower the AGO to sustain current legal efforts across the state, thus enabling employees to meet Strategic Plan goals and objectives.

1. Priority – Serve the State:
  - a. Goal 1- Deliver high quality, timely, and efficient legal services.
  - b. Goal 2- Improve internal efficiency and effectiveness through organizational alignment, technology solutions, and improved use of data.
    - c. Goal 3- Proactively engage in risk management efforts to reduce the state's liability and improve outcomes for the public.
    - d. Goal 4 – Protect the financial resources of the Office of the Attorney General.
2. Priority – Protect the People:
  - a. Goal 1 - Defend the civil rights and stand up for all Washingtonians.
  - b. Goal 2 – Protect Washington's environment and public health.
  - c. Goal 3 – Promote good government.
  - d. Goal 4 – Protect Washington consumers.
3. Priority – Empower Our Employees:
  - a. Goal 1 – Recognize and empower AGO employees.
  - b. Goal 2 - Promote diversity, inclusiveness, and equity throughout the AGO.
  - c. Goal 3 - Ensure employees have the skills and knowledge they need to be successful.
  - d. Goal 4 - Ensure employees have the tools and work space they need to be efficient and effective.
  - e. Goal 5 - Promote the health, safety, and well-being of all employees in the workplace.



**Activity Detail:**

Activity	Fund	FY2020	FY2021	FY2022	FY2023
0001 - Administration	001-1	38,000	40,000	3,000	
	001-2	(6,000)	(7,000)		
	405	(49,000)	6,000	62,000	44,000
0002 - Civil Commitment of Sexually Violent Predators	001-1	243,000	257,000	14,000	
0003 - Criminal Investigation and Prosecution	001-1	178,000	183,000	6,000	
	405	26,000	28,000	2,000	
0004 - Antitrust Restitution to the Citizens of the State	424	21,000	25,000	5,000	
0005 - Enforcement of Consumer Protection Laws	001-1	305,000	323,000	21,000	3,000
	12F	3,000	4,000	1,000	
	17L	4,000	6,000	2,000	
	154	1,000	1,000		
0006 - Executive Ethics Board	405	2,000	1,000		
0007 - Homicide Investigation Tracking System	001-1	27,000	28,000	1,000	
0009 - Investigation and Prosecution of Medicaid Fraud and Resident Abuse	001-2	62,000	40,000	4,000	3,000
	19A	19,000	12,000	23,000	24,000
0010 - Legal Services to State Agencies	405	(74,000)	(184,000)	149,000	102,000
0011 - Representing Ratepayers	111	5,000	7,000	2,000	
<b>TOTAL</b>		<b>805,000</b>	<b>770,000</b>	<b>295,000</b>	<b>176,000</b>

**Relationship to the AGO Performance Measures:**

This request directly supports the following AGO Performance Measures.

The AGO submits this request to sustain the current level of legal services to communities statewide without any disruption. The approval of this request will not result in incremental changes to agency performance measures. If a shortfall is generated through a lack of fully funding this request, it will result in a reduction to currently funded legal services, and potentially in the consideration of the costly alternative of moving to different, cheaper facility.

**Performance Measure 0011:** Antitrust Restitution to the Citizens of the State

**Target:** \$1,400,000 in antitrust related restitution to the citizens of the State per biennium, reported annually.

**Key Divisions:** Antitrust

**Performance Measure 2877:** Enforcement of Antitrust Laws

**Target:** 30 active investigations per FY, reported annually.

**Key Divisions:** Antitrust

**Performance Measure 0018:** Average Number of Days to Complete Ethics Investigations

**Target:** Average of 180 days to complete an ethics investigation, reported quarterly.

**Key Divisions:** Executive Ethics Board

**Performance Measure 0021:** HITS Requests from Law Enforcement

**Target:** 2,026 requests for HITS data by local, state, and federal law enforcement agencies per biennium, reported quarterly.

**Key Divisions:** Homicide Investigation & Tracking System Unit

**Performance Measure 2531:** Consumer Utility Rate Savings

**Target:** \$40,000,000 of consumer utility rate savings per biennium, reported annually.

**Key Divisions:** Public Counsel Unit

**Performance Measure 2533:** Total AG Formal and Informal Opinions Issued

**Target:** Forty-Five opinions (formal or informal) per biennium, reported quarterly.

**Key Divisions:** Administration

**Performance Measure 2534:** Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

**Target:** \$13,000,000 in direct restitution provided to consumers through CPR litigation and informal complaint resolution per biennium, reported annually.

**Key Divisions:** Consumer Protection Division

**Performance Measure 2535:** Total Successful Commitment and Recommitment Trials

**Target:** 34 successful SCC commitment or recommitments per biennium, reported annually.

**Key Divisions:** Sexually Violent Predator Unit

**Performance Measure 2536:** Criminal Cases Closed

**Target:** 181 criminal cases closed or declined per biennium, reported quarterly.

**Key Divisions:** Criminal Justice Division

**Performance Measure 2538:** Recoveries to the Medicaid System

**Target:** \$8,000,000 of biennial recoveries to the Medicaid System, reported annually.

**Key Divisions:** Medicaid Fraud Control Unit

**Performance Measure 2539:** Cases Open at End of Fiscal Year

**Target:** 25,000 open cases at the end of each FY, reported annually.

**Key Divisions:** Legal Services Divisions

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
000011 - Antitrust Restitution to the Citizens of the State	\$0	\$0	\$0	\$0
000018 - Average Number of Days to Complete an Ethics Investigation	0	0	0	0
000021 - HITS Requests from Law Enforcement	0	0	0	0
002531 - Consumer Utility Rate Savings	\$0	\$0	\$0	\$0
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$0	\$0	\$0	\$0
002535 - Total Successful Commitments	0	0	0	0
002536 - Criminal Cases Closed	0	0	0	0
002538 - Recoveries to the Medicaid System	\$0	\$0	\$0	\$0
002539 - Cases Open at End of Fiscal Year	0	0	0	0
002877 - Antitrust Restitution to the Citizens of the State	0	0	0	0

**Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

## Other Collateral Connections

### **State Workforce Impacts:**

NA

### **Intergovernmental:**

It is assumed that there is no opposition to fully funding AGO lease rate needs. Occupying facilities across the state provides a service to these communities.

Courthouse space leases are a low-cost efficiency for AGO attorneys.

The increasing cost of leased space is an unavoidable cost that must be incurred for the AGO to provide legal services to client agencies and serve the citizens of Washington State. Attachment 2 addresses impacts by clients billed through the Legal Services Revolving Account (LSRA or Fund 405). These lease costs are included in bills to clients in monthly legal services invoices.

Attachment 2 details adjustments to the Central Service Model based of this request.

### **State Facilities Impacts:**

NA

### **Changes from Current Law:**

NA

### **Puget Sound Recovery:**

NA

### **Legal or Administrative Mandates:**

NA

### **Stakeholder Response:**

There is no known opposition to this request at this time.

## Reference Documents

[2021-23 DP - Lease Rate Adjustments-ATTACHMENT 1.pdf](#)

[2021-23 DP - Lease Rate Adjustments-ATTACHMENT 2.pdf](#)

[2021-23 DP - Lease Rate Adjustments-ATTACHMENT 3.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. E	\$805	\$770	\$1,575	\$295	\$176	\$471

## Agency Contact Information

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AGO Facilities	2019-21 Biennial Budget Request: (DP) Lease Projections			2021-23 Biennial Total Lease Projections			2023-25 Biennial Total Lease Projections			2021-23 Budget Request - VARIANCE (Excludes sub-lease and Tort IAA Costs)			
	FY2022	FY2023	2021-23	FY2022	FY2023	2021-23	FY2024	FY2025	2023-25	FY2022	FY2023	FY2024	FY2025
Bellingham	170,000	170,000	340,000	184,688	184,688	369,376	184,688	214,370	399,058	34,000	15,000	0	30,000
Bristol Court - Olympia	993,906	993,906	1,987,812	1,053,822	1,053,822	2,107,644	184,688	214,370	399,058	177,000	70,000	0	0
Everett	340,786	344,213	684,999	330,474	332,964	663,438	332,964	332,964	665,928	28,000	29,000	3,000	0
Kennewick	167,248	167,248	334,496	142,600	142,600	285,200	147,947	158,640	306,587	(24,000)	(24,000)	6,000	17,000
Kent	3,101	3,101	6,201	3,156	3,156	6,312	3,156	3,156	6,312	1,000	1,000	0	0
Kitsap County Juvenile Court	2,659	2,659	5,318	2,556	2,556	5,112	2,556	2,556	5,112	0	0	0	0
Port Angeles	66,828	74,629	141,457	66,828	74,375	141,203	75,060	75,060	150,120	0	8,000	9,000	1,000
Port Orchard	1,647	1,647	3,295	0	0	0	0	0	0	(1,000)	(2,000)	0	0
Seattle	6,183,549	6,313,032	12,496,581	6,183,549	6,321,504	12,505,053	6,321,504	6,321,504	12,643,008	341,000	468,000	128,000	0
Seattle, 37th Floor				86,336	91,692	178,028	91,692	91,692	183,384	87,000	91,000	27,000	23,000
Spokane	568,872	568,872	1,137,743	563,316	563,316	1,126,632	563,316	605,572	1,168,888	(7,000)	(26,000)	0	36,000
Tacoma	1,303,295	1,303,295	2,606,590	1,148,561	1,148,561	2,297,122	1,148,561	1,148,561	2,297,122	(11,000)	(144,000)	(1,000)	0
Tumwater	3,838,003	4,039,079	7,877,082	3,760,976	3,907,032	7,668,008	3,907,032	3,907,032	7,814,064	161,000	279,000	113,000	0
Tumwater Warehouse-FST	126,708	126,708	253,416	99,626	99,626	199,252	99,626	110,832	210,458	(28,000)	(28,000)	0	12,000
Tumwater Warehouse-ISD	208,117	208,117	416,235	209,274	209,274	418,549	209,274	232,824	442,098	2,000	2,000	0	24,000
Vancouver	249,812	249,812	499,625	271,650	271,650	543,300	279,293	302,220	581,513	22,000	22,000	8,000	31,000
Wenatchee	80,986	80,986	161,971	79,547	79,547	159,095	79,547	85,516	165,063	2,000	(2,000)	0	6,000
Yakima	113,234	113,234	226,467	121,313	123,270	244,583	123,270	123,270	246,540	21,000	11,000	2,000	0
<b>TOTAL OF REQUEST</b>	<b>14,418,750</b>	<b>14,760,537</b>	<b>29,179,287</b>	<b>14,308,273</b>	<b>14,609,633</b>	<b>28,917,906</b>	<b>13,754,174</b>	<b>13,930,139</b>	<b>27,684,312</b>	<b>805,000</b>	<b>770,000</b>	<b>295,000</b>	<b>176,000</b>

**Assumptions**

Assumes biennial lease allocations will carry forward into the next biennium, and FY1 totals into FY02.
Torts lease rates have been subtracted from this request . All Tort costs are billed through an interagency agreement with OFM-ORM.
Sublease receipts from the Tumwater Coffee Cart have been subtracted from this request.
All assumed percentage increases were determined using a spreadsheet provided by the OFM Facility Oversight section.
<b>Bellingham:</b> Lease rate increase programed into the existing lease. On July 1, 2024, the lease increases from \$15,390 to \$17,864.
<b>Bristol Court:</b> The current monthly lease cost is \$87,818.50 per month. Projected costs fully funded in the 2019-21 decision package were under projected and funded by \$5,000 per FM.
<b>Everett:</b> Assuming a 9.856% lease increase effective August 1, 2021.
<b>Kennewick:</b> Assuming a 11.2528% lease increase effective March 1, 2024.
<b>Kent:</b> Assuming a 15.743% lease increase effective May 1, 2021.
<b>Kitsap County:</b> Assuming a 6.469% lease increase effective April 1, 2021.
<b>Port Angeles:</b> Assuming a 12.307% lease increase effective August 1, 2022.
<b>Port Orchard:</b> The AGO opted not to renew this lease as of November 1, 2019.
<b>Seattle:</b> Effective July 1 2021, the lease has a schedule increase from \$485,460 to \$515,295.74 per FM. Effective July 1, 2022, new lease rates are assumed to total \$526,793 per FM assuming a 2.231% lease increase.
<b>Seattle, 37th Floor:</b> In FY2019, the AGO added additional office space to house the Medicaid Fraud Control Unit. These costs were included in the 2019-21 beinnial budget decision package for MFC Elder and Program Protection (Step KF). The current lease rate is \$7,194.69 per FM. Effective July 1, 2022, assuming a 2.231% lease increase.
<b>Spokane:</b> Assuming a 11,252% lease increase effective November 1, 2024.
<b>Tacoma:</b> No lease changes included in this request.
<b>Tumwater:</b> Assuming a 9.856% lease increase effective December 1, 2021.
<b>Tumwater-FST:</b> Assuming a 11.252% lease increase effective July 1, 2024.
<b>Tumwater-ISD:</b> Assuming a 11.252% lease increase effective July 1, 2024.
<b>Vancouver:</b> Assuming a 11.252% lease increase effective April 1, 2024.
<b>Wenatchee:</b> Assuming a 11.252% lease increase effective November 1, 2024.
<b>Yakima:</b> Effective August 1, 2020, lease rates increased from \$8,316 to \$10,272 per FM.



**Rent Increase/Decrease for Legal Services (405) for the 2021-23 Biennium**

<b>Client Agency</b>	<b>Number</b>	<b>FY2022</b>	<b>FY2023</b>	<b>2021-23 Totals</b>
House of Representatives	011	69	(9)	60
Senate	012	66	69	135
Joint Transportation Committee	013	0	0	0
Joint Leg Audit & Rev Comm	014	(1)	2	1
Leg Eval and Accy Prg Com	020	0	0	0
Office of State Actuary	035	53	103	156
Office of Legislative Support Services	037	0	0	0
Joint Legislative Systems Committee	038	0	1	1
Statute Law Committee	040	(1)	0	(1)
Supreme Court	045	233	426	659
State Law Library	046	0	0	0
Court of Appeals	048	31	58	89
Judicial Conduct Commission	050	(12)	(11)	(23)
Administrative Office of the Courts	055	(36)	113	77
Office of Public Defense	056	212	389	601
Office of Civil Legal Aid	057	0	0	0
Office of the Governor	075	160	(57)	103
Office of Lieutenant Governor	080	0	0	0
Public Disclosure Commission	082	792	2,475	3,267
Secretary of State	085	42	198	240
Office of Indian Affairs	086	0	0	0
Commission on Asian-American Affairs	087	0	1	1
Office of State Treasurer	090	653	1,270	1,923
Redistricting Commission	091	0	0	0
Office of State Auditor	095	(58)	39	(19)
Citizen's Comm on Salaries for Elect Off	099	0	0	0
Office of Attorney General	100	0	0	0
Caseload Forecast Council	101	9	17	26
Department of Financial Institutions	102	(94)	210	116
Department of Commerce	103	899	1,738	2,637
Forecast Council	104	0	0	0
Office of Financial Management	105	621	1,246	1,867
Health Care Authority	107	5,601	10,967	16,568
Office of Administrative Hearings	110	164	546	710
State Lottery Commission	116	(314)	(247)	(561)
Gambling Commission	117	(73)	57	(16)
Commission on Hispanic Affairs	118	0	0	0
Commission on African-Amer Affairs	119	(3)	2	(1)
Human Rights Commission	120	20	85	105
Department of Retirement Systems	124	3,917	7,578	11,495
State Investment Board	126	1,249	2,428	3,677
Innovate Washington	135	0	0	0
Department of Revenue	140	(1,111)	7,019	5,908
Department of Revenue - ECU	141	(3)	0	(3)
Board of Tax Appeals	142	6	10	16
Municipal Research Council	144	0	0	0
Office of Min & Women's Bus Enter	147	(231)	(313)	(544)
Insurance Commissioner	160	2,780	3,195	5,975
Consolidated Technology Services	163	516	981	1,497
Board of Accountancy	165	(695)	(632)	(1,327)
Forensic Investigations Council	167	0	0	0
Department of Enterprise Services	179	1,981	3,855	5,836
Horse Racing Commission	185	(8)	4	(4)
Board of Industrial Insurance Appeals	190	(399)	(333)	(732)
Liquor Control Board	195	(6,813)	(5,491)	(12,304)
Board of Pilotage Commissioners	205	185	351	536
Utilities and Transportation Commission	215	(506)	(589)	(1,095)
Board for Volunteer Firefighters	220	37	71	108

**Rent Increase/Decrease for Legal Services (405) for the 2021-23 Biennium**

<b>Client Agency</b>	<b>Number</b>	<b>FY2022</b>	<b>FY2023</b>	<b>2021-23 Totals</b>
Washington State Patrol	225	8,278	9,610	17,888
Criminal Justice Training Commission	227	1,876	2,144	4,020
Traffic Safety Commission	228	69	131	200
Department of Labor and Industries	235	(53,440)	(56,917)	(110,357)
Department of Labor and Industries-BCU	236	0	0	0
Department of Licensing	240	(24,497)	(23,062)	(47,559)
Military Department	245	841	1,600	2,441
Public Employee Relations Commission	275	76	145	221
Dept of Social & Health Services	300	14,617	32,372	46,989
Department of Health	303	9,938	21,117	31,055
Department of Veterans Affairs	305	59	114	173
Department of Children, Youth, and Families (D	307	(73,937)	(137,807)	(211,744)
Department of Corrections	310	17,996	(14,336)	3,660
Department of Services for the Blind	315	22	42	64
Student Achievement Council	340	85	162	247
LEOFF Plan 2 Retirement Board	341	57	111	168
Higher Education Coordinating Board	343	0	0	0
Superintendent of Public Instruction	350	783	1,513	2,296
School for the Blind	351	77	98	175
Center for Child Deaf & Hearing Loss	353	282	318	600
Work Force Training & Educ Coord Brd	354	19	36	55
Dept of Arch and Historic Preservation	355	159	305	464
Department of Early Learning	357	0	0	0
Charter School Commission	359	127	244	371
University of Washington	360	(1,266)	463	(803)
Washington State University	365	(849)	(433)	(1,282)
UW - Torts	369	0	0	0
Eastern Washington University	370	(2,582)	(2,962)	(5,544)
Central Washington University	375	300	657	957
The Evergreen State College	376	457	876	1,333
Western Washington University	380	2,244	2,228	4,472
Washington State Arts Commission	387	(2)	1	(1)
Washington State Historical Society	390	(133)	(153)	(286)
Eastern WA State Historical Society	395	(163)	(192)	(355)
Department of Transportation	405	9,861	19,489	29,350
County Road Administration Board	406	6	14	20
Transportation Improvement Board	407	11	21	32
Transportation Commission	410	22	41	63
Freight Mob Strategic Invest Brd	411	0	0	0
Columbia River Gorge Commission	460	(12)	(11)	(23)
Department of Ecology	461	372	(33,903)	(33,531)
Pollution Liability Insurance Agency	462	18	(47)	(29)
State Parks & Rec Comm	465	29	201	230
Recreation & Cons Funding Board	467	94	179	273
Environmental Hearings Office	468	(129)	(106)	(235)
Conservation Commission	471	0	(173)	(173)
Department of Fish and Wildlife	477	(558)	450	(108)
Puget Sound Partnership	478	28	38	66
Department of Natural Resources	490	(811)	837	26
Department of Agriculture	495	1,778	3,436	5,214
Employment Security Department	540	(15,900)	(14,462)	(30,362)
Community and Technical Colleges	699	2,760	4,749	7,509
		(91,000)	(143,000)	(234,000)



<b>BELLINGHAM</b>			<b>ADDRESS:</b> 2211 Rimland Drive, Suite 325, Bellingham, WA 98226-8661					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2021 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2022</b>	<b>PROJECTED for FY2023</b>	<b>REQUESTED 1-TIME COSTS</b>
<i>Sustain</i>	6,596	07/01/19	06/30/29	\$ 170,000		\$ 184,688	\$ 184,688	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			<i>Mechanical, electrical, interior lighting, plumbing, heating, ventalation and air conditioning, floor and window coverings, elecator, walls, strutural, porches, stairwells, sidewalk, parking,external appearance.</i>					
<b>RELEVANT NOTES:</b>			<i>The current monthly lease cost is \$15,930.67 per month. Effective July 1, 2024, the monthly lease is programed to increase to \$17,864.17 per month .</i>					

<b>BRISTOL COURT</b>			<b>ADDRESS:</b> 2425 Bristol Court SW, Olympia,WA					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2021 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2022</b>	<b>PROJECTED for FY2023</b>	<b>REQUESTED 1-TIME COSTS</b>
<i>Sustain</i>	54,744	08/01/20	07/31/25	\$ 993,906		\$ 1,053,822	\$ 1,053,822	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			<i>Mechanical, electrical, interior lighting, plumbing, heating, ventalation and air conditioning, floor and window coverings, elecator, walls, strutural, porches, stairwells, sidewalk, parking,external appearance.</i>					
<b>RELEVANT NOTES:</b>			<i>The current monthly lease cost is \$87,818.50 per month. Projected costs fully funded in the 2019-21 decision package were under projected and funded by \$5,000 per FM.</i>					

<b>EVERETT</b>			<b>ADDRESS:</b> 3501 Colby Ave, Suite 100A, Everett, WA 98201					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2021 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2022</b>	<b>PROJECTED for FY2023</b>	<b>REQUESTED 1-TIME COSTS</b>
<i>Renew</i>	14,433	08/01/16	07/31/21	\$ 344,213	9.856%	\$ 330,474	\$ 303,087	
<b>SERVICES INCLUDED IN LEASE:</b>			<i>Mechanical, electrical, interior lighting, plumbing, heating, ventalation and air conditioning, floor and window coverings, elecator, walls, strutural, porches, stairwells, sidewalk, parking,external appearance.</i>					
<b>RELEVANT NOTES:</b>			<i>The current monthly lease cost is \$25,257.25. The new monthly lease rate is assumed to be \$27,747 per month.</i>					

<b>HIGHWAY LICENSE BLDG</b>			<b>ADDRESS:</b> 1125 Washington SE, Olympia, WA					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2021 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2022</b>	<b>PROJECTED for FY2023</b>	<b>REQUESTED 1-TIME COSTS</b>
<i>NA</i>	72,639					\$ -	\$ -	
<b>SERVICES INCLUDED IN LEASE:</b>								
<b>RELEVANT NOTES:</b>			<i>Beginning June 30, 2013, DES began billing based on Central Services Model allocations.Costs are not included in this request.</i>					

KENNEWICK			ADDRESS: 8127 W. Klamath Court, Bldg 6, Suite A, Kennewick, WA 99336					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	6,200	03/01/19	02/29/24	\$ 167,248	11.252%	\$ 142,600	\$ 142,600	\$ -
SERVICES INCLUDED IN LEASE:			Mechanical, electrical, interior lighting, plumbing, heating, ventilation and air conditioning, floor and window coverings, elevator, walls, structural, porches, stairwells, sidewalk, parking, external appearance.					
RELEVANT NOTES:			The current monthly lease cost is \$11,883.33 per month. The new monthly lease rate is assumed to be \$13,220.					

KENT			ADDRESS: 401 4th Ave N, Room 1261, Kent, WA 98032					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	190	05/01/16	04/30/21	\$ 3,101	15.743%	\$ 3,156	\$ 3,156	\$ -
SERVICES INCLUDED IN LEASE:			Full service lease.					
RELEVANT NOTES:			The current monthly lease cost is \$227.52 per month. The new monthly lease rate is assumed to be \$263 per month.					

Kitsap Co. Juvenile Court			ADDRESS: 1338 SE Old Clifton Road, Port Orchard, WA, 98367					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	100	04/01/19	03/31/21	\$ 2,659	6.469%	\$ 2,556	\$ 2,556	\$ -
SERVICES INCLUDED IN LEASE:			Full service lease.					
RELEVANT NOTES:			The current monthly lease cost is \$200 per month. The new monthly lease rate is assumed to be \$213 per month.					

PORT ANGELES			ADDRESS: 115 E. Railroad, Suite 306, Port Angeles, WA 98362					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	3,052	08/01/17	07/31/22	\$ 74,629	12.307%	\$ 66,828	\$ 74,375	\$ -
SERVICES INCLUDED IN LEASE:			Mechanical, electrical, interior lighting, plumbing, heating, ventilation and air conditioning, floor and window coverings, elevator, walls, structural, porches, stairwells, sidewalk, parking, external appearance.					
RELEVANT NOTES:			The current monthly lease cost is \$5,569.90 per month. The new monthly lease rate is assumed to be \$6,250 per month.					

PORT ORCHARD			ADDRESS: 614 Division Street, Port Orchard, WA 98366					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Cancel	100		10/31/19	\$ 1,647				\$ -
SERVICES INCLUDED IN LEASE:								
RELEVANT NOTES:			The AGO opted not to renew this lease.					

SEATTLE			ADDRESS: 800 5th Ave, Seattle, WA 98104					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	129,977	07/01/17	06/30/22	\$ 6,313,032	2.231%	\$ 6,183,549	\$ 6,321,504	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Mechanical, electrical, interior lighting, plumbing, heating, ventilation and air conditioning, floor and window coverings, elevator, walls, structural, porches, stairwells, sidewalk, parking, external appearance.					
<b>RELEVANT NOTES:</b>			The current monthly lease cost is \$485,459.91. Effective July 1 2021, the lease has a schedule increase to \$515,295.74 per FM. Effective July 1, 2022, new lease rates are assumed to total \$526,793 per FM.					

SEATTLE - 37th Floor			ADDRESS: 800 5th Ave, Seattle, WA 98104					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
New	1,495	01/01/19	06/30/22	68,900	2.231%	\$ 86,336	\$ 91,692	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Mechanical, electrical, interior lighting, plumbing, heating, ventilation and air conditioning, floor and window coverings, elevator, walls, structural, porches, stairwells, sidewalk, parking, external appearance.					
<b>RELEVANT NOTES:</b>			In FY2019, the AGO added additional office space to house the Medicaid Fraud Control Unit. These costs were included in the 2019-21 biennial budget decision package for MFC Elder and Program Protection (Step KF). The current lease rate is \$7,194.69 per FM. The new monthly lease rate is assumed to be \$7,641 per month.					

SPOKANE			ADDRESS: W. 1116 & 1124 Riverside Ave, Spokane, WA 98201					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	30,450	11/01/19	10/31/24	\$ 568,872	11.252%	\$ 563,316	\$ 563,316	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Mechanical, electrical, interior lighting, plumbing, heating, ventilation and air conditioning, floor and window coverings, elevator, walls, structural, porches, stairwells, sidewalk, parking, external appearance.					
<b>RELEVANT NOTES:</b>			The current monthly lease cost is \$46,943 per month. The new monthly lease rate is assumed to be \$52,225 per month.					

TACOMA			ADDRESS: 1250 Pacific Ave, Tacoma, WA 98402					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Sustain	32,768	08/01/20	07/31/25	\$ 1,303,295	13.472%	\$ 1,148,561	\$ 1,148,561	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Mechanical, electrical, interior lighting, plumbing, heating, ventilation and air conditioning, floor and window coverings, elevator, walls, structural, porches, stairwells, sidewalk, parking, external appearance.					
<b>RELEVANT NOTES:</b>			The current monthly lease cost is \$95,713.40 per month for the remainder of the lease.					

TUMWATER			ADDRESS: 7141 & 7153 Cleanwater Lane, Tumwater, WA 98501					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	148,311	12/01/06	11/30/21	\$ 4,039,079	9.856%	\$ 3,760,976	\$ 3,907,032	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Mechanical, electrical, interior lighting, plumbing, heating, ventlation and air conditioning, floor and window coverings, elecator, walls, strutural, porches, stairwells, sidewalk, parking,external appearance.					
<b>RELEVANT NOTES:</b>			The current monthly lease cost is \$296,374.80 per month. The new monthly lease rate is assumed to be \$325,586 per month.					

TUMWATER WH -FST			ADDRESS: 818 79th Ave, Unit C2, Olympia, WA 98501					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	10,678	07/01/19	06/30/24	\$ 126,708	11.252%	\$ 99,626	\$ 99,626	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Mechanical, electrical, interior lighting, plumbing, heating, ventlation and air conditioning, floor and window coverings, elecator, walls, strutural, porches, stairwells, sidewalk, parking,external appearance.					
<b>RELEVANT NOTES:</b>			The current monthly lease cost is \$9,394.29. The new monthly lease rate is assumed to be \$10,559 per month.					

TUMWATER WH -ISD			ADDRESS: 818 79th Ave, Unit D, Olympia, WA 98512					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	12,494	07/01/19	06/30/24	\$ 208,117	11.252%	\$ 209,274	\$ 209,274	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Mechanical, electrical, interior lighting, plumbing, heating, ventlation and air conditioning, floor and window coverings, elecator, walls, strutural, porches, stairwells, sidewalk, parking,external appearance.					
<b>RELEVANT NOTES:</b>			The current monthly lease cost is \$17,439.54 per month. The new monthly lease rate is assumed to be \$19,402 per month.					

VANCOUVER			ADDRESS: 1220 Main Street, Suite 510, Vancouver, WA 98660					
ACTION	SQUARE FEET	LEASE START DATE	LEASE END DATE	FY2021 FUNDED LEVEL	RENEWAL INCREASE %	PROJECTED for FY2022	PROJECTED for FY2023	REQUESTED 1-TIME COSTS
Renew	9,486	04/01/19	03/31/24	\$ 249,812	11.252%	\$ 271,650	\$ 271,650	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			Mechanical, electrical, interior lighting, plumbing, heating, ventlation and air conditioning, floor and window coverings, elecator, walls, strutural, porches, stairwells, sidewalk, parking,external appearance.					
<b>RELEVANT NOTES:</b>			The current monthly lease cost is \$22,637.5 per month. The new monthly lease rate is assumed to be \$25,185 per month.					

<b>WENATCHEE</b>			<b>ADDRESS:</b> 139 S. Worthen, Suite 100, Wenatchee. WA 98801					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2021 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2022</b>	<b>PROJECTED for FY2023</b>	<b>REQUESTED 1-TIME COSTS</b>
<i>Renew</i>	3,695	11/01/19	10/31/24	\$ 80,986	11.252%	\$ 79,547	\$ 79,547	\$ -
<b>SERVICES INCLUDED IN LEASE:</b>			<i>Mechanical, electrical, interior lighting, plumbing, heating, ventlation and air conditioning, floor and window coverings, elecator, walls, strutural, porches, stairwells, sidewalk, parking,external appearance.</i>					
<b>RELEVANT NOTES:</b>			<i>The current monthly lease cost is \$6,628.94 per month. The new monthly lease rate is assumed to be \$7,375 per month.</i>					

<b>YAKIMA</b>			<b>ADDRESS:</b> 1433 Lakeside Court, Suite 102, Yakima, WA 98902					
<b>ACTION</b>	<b>SQUARE FEET</b>	<b>LEASE START DATE</b>	<b>LEASE END DATE</b>	<b>FY2021 FUNDED LEVEL</b>	<b>RENEWAL INCREASE %</b>	<b>PROJECTED for FY2022</b>	<b>PROJECTED for FY2023</b>	<b>REQUESTED 1-TIME COSTS</b>
<i>Sustain</i>	5,870	08/01/20	07/31/25	\$ 113,234		\$ 121,313	\$ 123,270	
<b>SERVICES INCLUDED IN LEASE:</b>			<i>Mechanical, electrical, interior lighting, plumbing, heating, ventlation and air conditioning, floor and window coverings, elecator, walls, strutural, porches, stairwells, sidewalk, parking,external appearance.</i>					
<b>RELEVANT NOTES:</b>			<i>Effective August 1, 2020, lease rates increased from \$8,316 to \$10,272 per FM.</i>					





## Agency Recommendation Summary

The Attorney General’s Office (AGO) Antitrust Division (ANT) requests an increase in its expenditure authority from the Antitrust Revolving Account to enable ANT to bring enforcement actions to protect Washington consumers and antitrust laws, while pursuing new revenue-generating matters. Antitrust cases are highly complex and require significant resource investments to successfully litigate. ANT’s current expenditure authority is \$2.9 million per biennium. Without adequate resources, we are less likely to prevail in our cases, resulting in diminished monetary recovery for state agencies and consumers, and we risk paying substantial adverse attorney fees awards

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	25.3	25.3	25.3	25.3	25.3	25.3
<b>Operating Expenditures</b>						
Fund 424 - 6	\$4,050	\$4,050	\$8,100	\$4,050	\$4,050	\$8,100
Total Expenditures	<b>\$4,050</b>	<b>\$4,050</b>	<b>\$8,100</b>	<b>\$4,050</b>	<b>\$4,050</b>	<b>\$8,100</b>

## Decision Package Description

The Antitrust Division (ANT) enforces state and federal antitrust laws that prohibit price fixing, illegal mergers, monopolization, and other anticompetitive conduct. ANT handles a variety of cases, including reviewing anticompetitive mergers, enforcement actions on behalf of state agencies and Washington consumers for monetary recovery, injunctive relief, civil penalties, and administering a program that requires advance notice of healthcare mergers and acquisitions. In addition to its investigative and enforcement activity, ANT responds to consumer complaints, engages in competition advocacy, advises state agencies and the legislature, and provides consumer education and outreach. Through these efforts, ANT ensures the market is free of unfair competition or collusive acts; and that Washington State, its consumers, and businesses are compensated for the harm caused by antitrust violations.

The Antitrust Revolving Account is a non-appropriated, allotted fund. Since the 2003-2005 biennium, ANT has been entirely self-funded through cost and fee recoveries from its cases, receiving no general fund support. Currently the expenditure authority provided is \$1.45 million per fiscal year and the expenditures during 2019-21 are approximately \$5.5 million per year. Historically, the Office of Financial Management (OFM) has approved allotments adjustment based on the spending patterns of ANT and not the expenditure authority. To reduce future allotment adjustment to match spending, the AGO is requesting additional expenditure authority to be in line with the spending assumptions and costs associated with protecting antitrust laws and Washingtonians.

Antitrust violations have the potential to broadly affect the market and cause significant monetary harm. In addition, antitrust cases often take years to litigate and are extremely resource-intensive. In order for ANT to adequately pursue cases it must be adequately funded. For example, it is common for defendants to retain multiple experts, including economic experts, behavioral experts, and technical/industry experts. ANT cases produce voluminous records that require sophisticated electronic document platforms in order to adequately review and analyze. Due to complicated subject matter and need for additional resources, ANT has requested increased expenditure authority from the Antitrust Revolving Fund in previous biennia in order to augment its ability to bring complex, high-stakes litigation, through increased staffing and funding to support expert work. Those requests were justified on the basis that increased resources have no impact on the general fund or other agencies and would result in higher and more frequent cost and fees awards to replenish the revolving fund.

This prediction was accurate, as a result of increased expenditure authority in previous years, ANT has obtained more than \$106 million in recoveries from price fixing cases since 2015. In addition, ANT’s enforcement activity has increased significantly, and Washington State is now viewed as a leader among state antitrust enforcers. Among other things, ANT has successfully pursued groundbreaking litigation against anticompetitive healthcare transactions—which have a proven link to increased healthcare costs—and has been a leading enforcer pursuing anticompetitive labor practices, securing relief from hundreds of businesses for workers in Washington State and nationally.

Given the potential for broad harm from antitrust violations, and the importance of ensuring a market free of anticompetitive conduct, it is vitally important that Washington State have the ability to continue vigorous enforcement of the antitrust laws.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

This is not an expansion of the ANT program. In the past the AGO was able to increase the program’s expenditure authority by submitting an allotment packet as the Antitrust Revolving Account is a non-appropriated but budget fund. The AGO would like to permanently increase ANT’s expenditure authority increased to be in line with the trend of expenditures over the last three years. Currently, the expenditure authority provided is \$1.45 million per fiscal year and the expenditures are coming in at \$5.5 million. AGO is requesting an increase to the authority to match the current expenditure trend.

### **Detailed Assumptions and Calculations:**

As previously described, ANT’s increased expenditure authority has resulted in a higher frequency of case filings and larger cost and fees recoveries. Since 2015, ANT has recovered approximately \$106 million for consumers and state agencies. This rate of return is the result of both adding additional resources to litigation to ensure the best possible defense of antitrust laws and Washington consumers, and having additional staff available to pursue new revenue-generating matters. ANT is now pursuing roughly triple the number of price-fixing investigations when compared to 2015, including a new case that was filed in July 2020.

In addition, these recoveries have enabled ANT to take on additional enforcement work as part of the AGO’s role as chief enforcer of state antitrust laws. For example, during the 2019-2020 legislative session, ANT worked with legislators and stakeholders to enact a new law requiring hospitals, hospital systems, and providers to provide 60-days advance notice of a merger or acquisition to the AGO. The purpose of the law is to enable ANT to review potentially anticompetitive transactions that may ultimately result in higher healthcare costs for consumers and state agencies. In addition, ANT led a nationwide effort to remove anticompetitive provisions from franchise agreement that prevented franchisees from competing for labor. This nationwide effort resulted in agreements with hundreds of franchisors, a successful lawsuit, and numerous new investigations into anticompetitive labor practices.

Finally, our increased recoveries, for the first time in ANT history, have allowed us to hire a staff economist to assist us with the analysis of anticompetitive effects, and to develop statistical modeling to estimate monetary recovery. Long term, having an economist on staff saves the AGO money because we are not contracting with outside economists at a great premium when an investigation begins.

### **Workforce Assumptions:**

Salary and benefit costs are provided. Start up costs are not assumed.

FTE		FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG	FTE	13.0	13.0	13.0	13.0	Y
	Object A & B	1,916,000	1,916,000	1,916,000	1,916,000	
LA	FTE	3.0	3.0	3.0	3.0	Y
	Object A & B	278,000	278,000	278,000	278,000	
PL	FTE	4.0	4.0	4.0	4.0	Y
	Object A & B	399,000	399,000	399,000	399,000	
Econ Analyst 2	FTE	1.0	1.0	1.0	1.0	Y
	Object A & B	99,000	99,000	99,000	99,000	
MA5	FTE	3.3	3.3	3.3	3.3	Y
	Object A & B	387,000	387,000	387,000	387,000	
Lit Support Mgr	FTE	1.0	1.0	1.0	1.0	Y
	Object A & B	136,000	136,000	136,000	136,000	
<b>TOTAL FTE</b>		<b>25.3</b>	<b>25.3</b>	<b>25.3</b>	<b>25.3</b>	
<b>TOTAL A &amp; B</b>		<b>3,215,000</b>	<b>3,215,000</b>	<b>3,215,000</b>	<b>3,215,000</b>	

### **How is your proposal impacting equity in the state?**

ANT enforces state and federal antitrust laws that prohibit price fixing, illegal mergers, monopolization as well as responding to consumer complaints, engaging in competition advocacy, advises state agencies and the legislature, and provides consumer education and outreach. Through these efforts, ANT ensures the market is free of unfair competition or collusive act.

Enforcement is statewide

## Strategic and Performance Outcomes



**Strategic Framework:**

**Results Washington:**

Goal: Prosperous Economy

Free and open markets are the pillars of a vibrant economy. The antitrust laws are the rules of the road for a competitive marketplace, promoting vigorous competition, and protecting consumers from anticompetitive practices and mergers. Through vigorous antitrust enforcement, consumers—both individuals and businesses—benefit from lower prices, higher quality products and services, more choices, and greater innovation—contributing to a healthy and vibrant economy.

Goal: Healthy and Safe Communities

Studies have demonstrated that consolidation among healthcare providers has a direct impact on the cost of healthcare. Consolidation reduces competition among providers, potentially resulting in higher deductibles, premiums, and out-of-pocket expenses for patients, as well as reduced benefits in plans offered. Consolidation can also reduce access to qualified providers in certain markets. ANT administers a law that requires hospitals, hospital systems, and healthcare providers to provide 60-days advance notice to the AGO prior to entering into a merger, acquisition, or contract affiliation, in order to determine whether the transaction may lessen competition in violation of the antitrust laws and, if necessary, file a lawsuit to prevent the transaction. ANT does not receive any general fund dollars for its operations and is solely funded from cost and fee recoveries from successful enforcement actions. This program and the work of the ANT is an important effort in a multi-pronged effort to curb escalating healthcare costs.

**AGO Strategic Plan:**

- 1. Priority – Serve the State

Goal 1 – Deliver high quality, timely, and efficient legal services.

Although there is not a specific sub topic under Goal 1 that directly relates to this Decision Package, ensuring that ANT has adequate resources to bring and litigate enforcement actions facilitates the delivery of high quality legal services.

- 1. Priority – Protect the People

Goal 1 – Defend Civil Rights and Stand up for Vulnerable Washingtonians

2-1-5: Protect Washington Workers

ANT led a nationwide effort to remove anticompetitive provisions from franchise agreement that prevented franchisees from competing for labor. This nationwide effort resulted in agreements with hundreds of franchisors, a successful lawsuit, and numerous investigations into anticompetitive labor practices that are ongoing.

Goal 4 – Protect Washington consumers

2-4-1: Enforce the laws that protect consumers and improve consumer awareness

ANT enforces state and federal antitrust laws that prohibit price-fixing, illegal mergers, monopolization, and other anticompetitive conduct. As previously noted, enforcement has resulted in over \$100 million in recoveries for individuals, businesses, and state agencies.

**Activity:**

Activity	Fund	FY2023	FY2023	FY2024	FY2025
A004 - Enforcement of Antitrust Laws	424-6	4,050,000	4,050,000	4,050,000	4,050,000
<b>TOTAL</b>		<b>4,050,000</b>	<b>4,050,000</b>	<b>4,050,000</b>	<b>4,050,000</b>

**Performance Measure 0011:** Antitrust Restitution to the Citizens of the State

**Target:** \$1,400,000 in Antitrust related restitution to the citizens of the State per biennium, reported annually.

**Key Divisions:** Antitrust

**Performance Measure 2877:** Enforcement of Antitrust Laws

**Target:** 30 active investigations per FY, reported annually.

**Key Divisions:** Antitrust

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
000011 - Antitrust Restitution to the Citizens of the State	\$0	\$0	\$0	\$0
002877 - Antitrust Restitution to the Citizens of the State	0	0	0	0

**Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

**Other Collateral Connections**

**State Workforce Impacts:**

NA

**Intergovernmental:**

This request will not directly impact tribal, regional, county, or city governments. It is unlikely that any of these intergovernmental stakeholders will oppose this request. On the contrary, state agencies have benefitted greatly from enhanced antitrust enforcement, as ANT has returned millions of dollars to virtually all state agencies that have been harmed by antitrust violations.

**State Facilities Impacts:**

NA

**Changes from Current Law:**

NA

**Puget Sound Recovery:**

NA

**Legal or Administrative Mandates:**

The AGO is the primary enforcer of the Consumer Protection Act, RCW 19.86. Ensuring adequate resources and staffing enables ANT to perform this role.

**Stakeholder Response:**

There is no known opposition to this request at this time.

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$1,500	\$1,500	<b>\$3,000</b>	\$1,500	\$1,500	<b>\$3,000</b>
Obj. B	\$750	\$750	<b>\$1,500</b>	\$750	\$750	<b>\$1,500</b>
Obj. C	\$1,800	\$1,800	<b>\$3,600</b>	\$1,800	\$1,800	<b>\$3,600</b>

## Agency Contact Information

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## Agency Recommendation Summary

The Attorney General’s Office (AGO) requests an increase to the critical legal support to meet demands for protection of vulnerable adults. The Aging and Long-Term Support Administration (AL TSA) of the Department of Social and Health Services (DSHS) legal service needs continue to increase due to dramatic growth in Adult Protective Services (APS) investigators statewide. Additional legal resources are needed to timely address abuse and neglect complaints in expanded programs for an increasing aging population.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	6.0	6.0	6.0	6.0	6.0	6.0
<b>Operating Expenditures</b>						
Fund 405 - 1	\$787	\$787	\$1,574	\$787	\$787	\$1,574
Total Expenditures	\$787	\$787	\$1,574	\$787	\$787	\$1,574
<b>Revenue</b>						
405 - 0420	\$787	\$787	\$1,574	\$787	\$787	\$1,574
Total Revenue	\$787	\$787	\$1,574	\$787	\$787	\$1,574

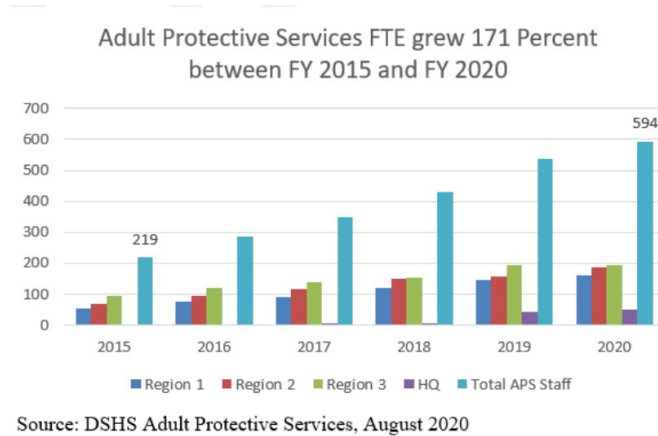
## Decision Package Description

This request will add 6 FTE to address an increased workload for the Attorney General’s Office (AGO) attributed to the expansion of Aging and Long-Term Support Administration (AL TSA) programs without adequate funding allocation for legal services. We propose to add 2 Assistant Attorneys General (AAG), 2 Paralegals (PL), 1.5 Legal Assistants (LA), and 0.5 Management Analyst 5 (MA5) for our overhead costs.

The AGO provides client advice and litigation services to the programs of the Department of Social and Health Services (DSHS), AL TSA, including the Residential Care Services (RCS) Division and the Adult Protective Services (APS) Division. APS is the division within DSHS charged under Chapter 74.34 RCW to investigate allegations of abuse, neglect, abandonment, and exploitation of vulnerable adults. After investigating the factual circumstances, APS can pursue guardianships, file for protective orders, or offer protective services. All of these activities regularly require support from AGO attorneys who provide legal advice and represent APS in administrative and judicial forums. AL TSA legal services require highly trained attorneys who are able to meet the varied practice areas needed by AL TSA programs. The legal services provided vary from the specialized area of guardianship and probate law in Superior Court to Administrative Law proceedings before the Office of Administrative Hearings (OAH).

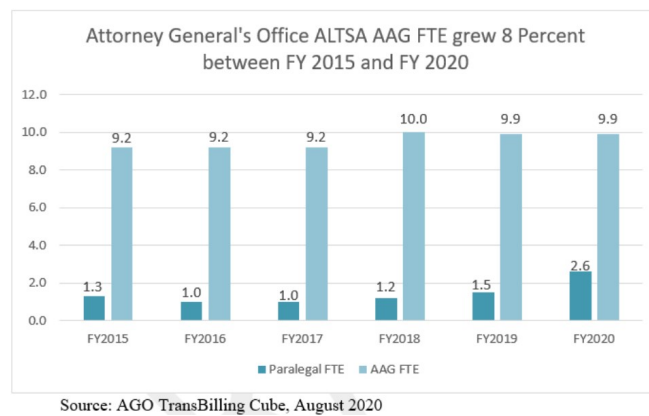
Over the last few years, the AL TSA legal workload has steadily increased. Currently, demand for legal services in King, Skagit, San Juan, and Whatcom Counties exceeds the legal resources available to perform timely necessary legal work. High caseloads and inadequate legal staffing result in delays of legal work and legal proceedings. An acute demand for additional legal services statewide exists as AL TSA fills positions and trains added staff.

In addition, the large infusion of new DSHS APS staff in King County created additional work for AGO attorneys who provide trainings and advice to newer APS staff. More attorney time is necessary to assist newer APS staff with documentation, which highly experienced APS staff complete independently.



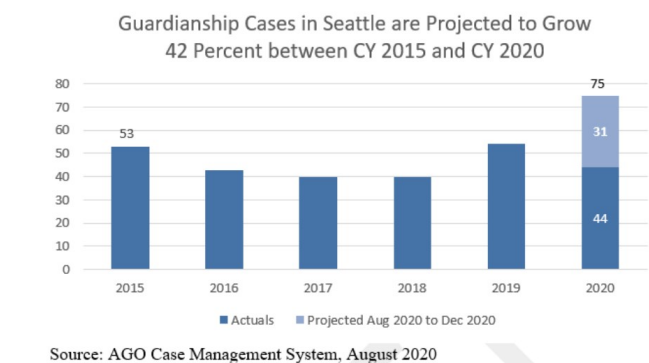
As the chart above illustrates, the number of APS staff has grown 171 percent since 2015, from 219 to 594 FTE in response to increases in the number of reports made to APS and increases in the number of investigations of abuse and neglect of vulnerable adults conducted by APS investigators.

During this same period of time, only 1.0 AAG FTE was added to address increased AL TSA legal services, an increase from 9.2 AAG FTE to 9.9 AAG FTE, or 8 percent, illustrated on the chart below. Corresponding growth of 171 percent would have added 15.7 AAG FTE. This request would add 2.0 AAG FTE to address the increased workload.



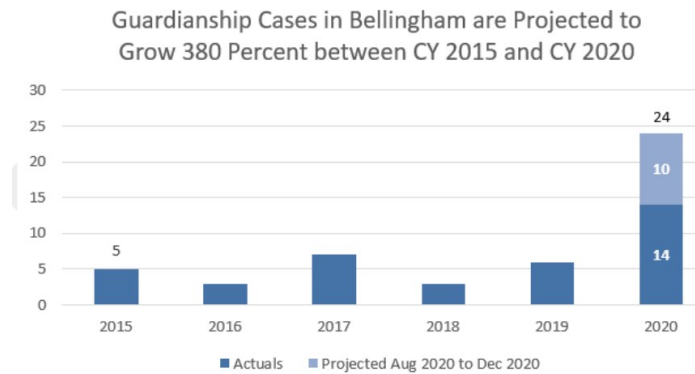
**APS Caseload Increases**

With the increase in APS staff, caseloads have also increased. The graphs below illustrate that the Bellingham and Seattle offices handling APS legal work are currently driving the upward trend in cases. As of July 31, 2020, just over halfway through the calendar year, Seattle has already opened 44 new guardianship matters. The number of APS guardianship matters opened in Seattle are projected to increase from 53 in 2015 to 75 in 2020, an increase of 42 percent.



Likewise, our Bellingham office, which serves Whatcom, San Juan, and Skagit counties, is also experiencing dramatic workload increases. As of

July 31, 2020, just over halfway through the calendar year, Bellingham has already opened 14 new guardianship matters. The number of APS guardianship matters opened in Bellingham are projected to increase from five in 2015 to 24 in 2020, an increase of 380 percent.



Source: AGO Case Management System, August 2020

APS has specialized some staff, which permits them to investigate and put together more factually complex cases. Inadequate staffing at the AGO leads to delays in filing guardianships and petitions for protection orders. The Seattle and Bellingham AGO offices, which also provide critical legal services to the Department of Children, Youth, and Families (DCYF), are not able to provide adequate and timely legal representation to the urgent and growing needs of APS without additional resources to meet the increased case demands and complexity.

The nature of certain types of ALTSA litigation, such as Vulnerable Adult Protection Order cases, require attorneys to appear in Superior Court on very short notice. Guardianship cases have become highly contested, requiring thorough and immediate preparation, sometimes involving a trials and appeals. As a result, workload for litigation has increased significantly.

**Expected impacts on state residents and specific populations served.**

These legal services will be directed specifically at serving vulnerable adults and DSHS work. This includes pursuing Guardianship and Vulnerable Adult Protective Orders such as addressing legal issues and cases associated with APS and long-term care licensing cases. These staff will provide representation in judicial reviews of APS findings of vulnerable adult abuse, neglect and financial exploitation. These staff will also support RCS by providing representation in Guardianship Fee Disputes on behalf of HCS and Financial Services and appellate work arising from guardianship fee and licensing.

**Other including alternatives and consequences of not funding:**

To date, attorneys have been covering the additional caseload, but this is not sustainable. With inadequate staffing, the increased demand for legal services either results in delay of ALTSA work or delay in DCYF juvenile work. DSHS legal work assigned to these offices is focused on protecting vulnerable populations. It is not discretionary policy work, and inadequate legal support presents risk and delay for the vulnerable populations the state serves, and increased Medicaid costs.

Not funding this request will result in a lack of necessary resources to provide sufficient legal services in response to the sustained increase in workload arising from ALTSA programs. Such a funding shortfall may reduce the ability of DSHS to seek guardianships or protection orders on behalf of vulnerable adult clients in need of protective services. A lack of increased funding may also result in significant challenges defending adequately against excess guardianship fees, which will increase DSHS's Medicaid costs resulting from guardianship fees.

The AGO is unable to address this issue if the current funding level is not increased and additional staff is not hired. The AGO does not have the resources within current appropriation levels to address the increased ALTSA workload.

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

NA

**Detailed Assumptions and Calculations:**

This request will add 6 FTE by adding 2 AAG, 2 PL, 1.5 LA, and 0.5 MA5.

The plan is to add the following FTE to the Bellingham and Seattle offices to allow the AGO and DSHS to meet the critical and growing legal needs of ALTSA programs:

**Bellingham:**

- 1 AAG
- 1 PL
- .75 LA

**Seattle:**

- 1 AAG
- 1 PL
- .75 LA

Agency administration support FTEs are included in the tables using a MA5 as a representative classification.

The estimated cost for per fiscal year is \$787,000.

**Workforce Assumptions:**

Salary and benefit costs are provided below. Start up costs are not assumed.

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	2.0	2.0	2.0	2.0	Y
Object A & B	288,000	288,000	288,000	288,000	
LA FTE	1.5	1.5	1.5	1.5	Y
Object A & B	131,000	131,000	131,000	131,000	
PL FTE	2.0	2.0	2.0	2.0	Y
Object A & B	196,000	196,000	196,000	196,000	
MA5 FTE	0.5	0.5	0.5	0.5	Y
Object A & B	60,000	60,000	60,000	60,000	
<b>TOTAL FTE</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>	
<b>TOTAL A &amp; B</b>	<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	<b>675,000</b>	

**How is your proposal impacting equity in the state?**

This proposal will impact vulnerable adults across in Whatcom, San Juan, Skagit, and King Counties that are experiencing abuse, neglect and financial exploitation. This funding will ensure the above counties are receiving the same level of service as other counties statewide.

This proposal affects the aging population in Whatcom, San Juan, Skagit and King counties.



## Strategic and Performance Outcomes

### Strategic Framework:

AGO STRATEGIC PLAN:

Protect the People, Goal 2-1-3, Protect vulnerable adults and combat elder abuse.

(AGO Strategic Plan): This funding would add attorney resources to address critical legal needs of vulnerable adults and elders in a timely way.

RESULTS WASHINGTON:

Goal 4. Healthy and Safe Communities

4.1 Healthy People – Provide access to good medical care to improve people's lives

4.2 Safe People – Help keep people safe in their home, on their jobs and in their communities.

4.3 Supported People – Help the most vulnerable people become independent and self-sufficient

AL TSA’s work on behalf of vulnerable adults supports all three sub-parts of the Governor’s goal to ensure healthy and safe communities. Legal services provided to this administration of DSHS for abuse and neglect complaints and guardianship cases are a critical component to successful outcomes for elders and vulnerable people.

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### Performance Outcomes:

Incremental impact for this Performance Measure is indeterminate.

## Other Collateral Connections

### State Workforce Impacts:

NA

### Intergovernmental:

DSHS is in agreement with these legal services needs and fully supports the AGO request.

Client	Fund	FY2022	FY2023	FY2024	FY2025
DSHS	CSM	787,000	786,000	786,000	786,000
<b>TOTAL</b>		<b>787,000</b>	<b>786,000</b>	<b>786,000</b>	<b>786,000</b>

### State Facilities Impacts:

NA

### Changes from Current Law:

NA

### Puget Sound Recovery:

NA

### Legal or Administrative Mandates:

NA

### Stakeholder Response:

There is no known opposition to this request at this time.

### IT Addendum

***Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?***

No

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$499	\$499	<b>\$998</b>	\$499	\$499	<b>\$998</b>
Obj. B	\$176	\$176	<b>\$352</b>	\$176	\$176	<b>\$352</b>
Obj. E	\$97	\$100	<b>\$197</b>	\$100	\$100	<b>\$200</b>
Obj. G	\$6	\$6	<b>\$12</b>	\$6	\$6	<b>\$12</b>
Obj. J	\$9	\$6	<b>\$15</b>	\$6	\$6	<b>\$12</b>

### Agency Contact Information

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## Agency Recommendation Summary

The Attorney General’s Office (AGO) has a statutory obligation to enforce the Foreclosure Fairness Act (Act), RCW 61.24, and does that through the Foreclosure Compliance Program (FCP). FCP resolves consumer complaints from borrowers, housing counselors, and others who contend that a bank or servicer has violated provisions of the Act; and files litigation to enforce the Act. Given the economic downturn, the AGO projects increased foreclosures and will require its full allocation from the Foreclosure Fairness Account (FFA) or General Fund State (GF-S) to meet its obligation to enforce the Act and protect vulnerable borrowers.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 17L - 6	\$70	\$80	\$150	\$70	\$80	\$150
Total Expenditures	\$70	\$80	\$150	\$70	\$80	\$150

## Decision Package Description

The Foreclosure Fairness Act (Act), RCW 61.24, provides important protections for mortgage borrowers. One of its most significant features is homeowner assistance through a foreclosure mediation program. The foreclosure mediation program requires the beneficiary to mediate with the borrower in good faith, and the AGO has authority to take enforcement action against beneficiaries who breach the duty to mediate in good faith or fail to exercise due diligence in initiating contact with a borrower prior to foreclosure as required by the Act. The AGO also has authority to bring actions against beneficiaries who fail to report recorded notices of trustee sale or make the payment into the Foreclosure Fairness Account (FFA) as required by law.

The Act was passed in 2011 in response to the 2008 economic crisis that resulted in an unprecedented number of foreclosures. The purpose of the Act was to avoid foreclosures by encouraging communications between borrowers and lenders, providing access to housing counselors, and establishing a foreclosure mediation process. Access to housing counselors, mediations, and AGO enforcement were funded through the FFA, that in turn was funded by fees beneficiaries paid for each notice of default (later amended to each notice of trustee sale recorded). The Department of Commerce (Commerce) administers the FFA and provides the levels of funding to recipients set forth in the Act. When the Act was passed in 2011, the AGO was to receive the greater of 6 percent or \$650,000 per biennium for enforcing the Act. In response to declining revenues, in 2016, the Legislature amended the funding levels to provide that the AGO would receive 8 percent of the FFA (after \$400,000 is used for the housing counsel referral hotline). Commerce distributes the remaining 92 percent as set forth in the Act. Foreclosures have steadily declined since 2016, and the FFA revenues and cash balance has fallen accordingly. The FCP’s 8 percent share of the FFA can no longer fully fund its activities. Due to the dwindling revenues, the Consumer Protection Division (CP) has decreased the number of staff dedicated to FCP activities. Even so, the FCP’s spending authority is inadequate to fund the minimal staff dedicated to enforcing the Act.

CP anticipates that the current economic downturn caused by the pandemic will result in a new wave of foreclosures as recent unemployed and or underemployed borrowers fall behind on their mortgage payments and face default. The COVID-19 pandemic has caused temporary and permanent job losses in Washington State. While many borrowers have been able to take advantage of mortgage forbearance programs or offers in the first few months following the onset of the COVID-19 pandemic, many will continue to struggle financially once those programs end due to continued loss of employment. Given the increase in new COVID-19 cases over the summer and the pause in moving toward reopening, and the uncertainty of federal financial assistance, CP anticipate seeing increased foreclosures in Quarter (Q)1 2021, with many borrowers seeking mortgage modifications in Q3 and Q4 2020. The FCP helps reduce the number of avoidable foreclosures by ensuring that beneficiaries comply with their obligations to mediate loan modifications with borrowers in good faith, exercise due diligence in making initial, pre-foreclosure contact with borrowers, and submit payment to the FFA as required by the Act. As foreclosures increase, FFA revenues will increase. The AGO’s current expenditure authority is based on lower revenue projections, and should be increased to match 8 percent of FFA’s revenues or be replaced with GF-S.

## Assumptions and Calculations

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This proposal does not expand or alter the current program; it is an expenditure authority increase for maintenance level operations. Current FCP staffing costs are \$634,000 per biennium, the request for additional spending authority of \$150,000 per biennium will cover these costs.

**Detailed Assumptions and Calculations:**

These assumptions anticipate an increase in foreclosures due to the economic downturn caused by the pandemic. This staffing model reflects FCP staffing during the 2013-15 biennium, when FFA revenues were higher due to foreclosure volume. The AGO's spending authority should be increased to this level in the 2021-2023 biennium in anticipation of increased foreclosure volume and increased workload stemming from the foreclosures. The actual amount of AGO expenditures will be limited by the 8 percent limit on AGO funding from the FAA. If spending authority is not increased, the AGO will not be able to spend up to the 8 percent authorized by the FFA.

Caseload assumptions:

If borrow protections provided by the CARES Act expire on August 31, 2020, the AGO expects the following:

- 15 percent increase in consumer and housing counselor complaints in Q3 and Q4 2020, increasing by at least 30 percent into 2021.
- 30 percent increase in escalations with servicers in Q3 and Q4 2020, increasing by 50 percent beginning in Q1 2021.

We assume that once forbearance programs end on Aug. 31, 2020, mortgage servicers will have a large number of loan modification requests. Due to the volume of requests, we assume at least three enforcement actions against beneficiaries through June 30, 2022. The AGO will incur at least \$7,000 in deposition costs and \$225 in court filing fees per enforcement action for a total of at least \$21,675 in direct litigation costs. This assumes the enforcement actions will resolve without trial.

Workload assumptions by FTE:

0.5 FTE Assistant Attorney General (AAG): Reviews complaints from consumers and housing counselors regarding possible violations of the Act. Brings enforcement actions under the Act, for failure to mediate in good faith and failure to may payments into the FFA as required. Considers amicus briefs in third-party cases under the Act. May handle escalated issues arising from housing counselor or consumer complaints.

0.2 FTE Legal Assistant (LA): Supports AAG. Reviews, proof reads, formats, files, and serves correspondence and legal documents. Tracks incoming and outgoing correspondence and filings. Enters case-related information into Law Manager. Maintains case file.

0.3 FTE Paralegal (PL): Supports AAG. Drafts civil investigative demands and pleadings. Manages discovery. Assists with trial preparation by drafting or preparing witness lists, exhibit lists, and other documents. Assists with expert witnesses including contracts.

0.2 FTE Investigator (Inv): Supports AAG during investigations. Gathers documents, interviews witnesses, and obtains evidence as directed by AAG. Assists with drafting civil investigative demands.

1.0 FTE Program Specialist (PS) 3: Handles all consumer and housing counselor complaints regarding violations or possible violations of the Act. Ensures the bank or lender responds to complaints. Interacts with consumers and housing counselors regarding issues arising from the Act. Answers consumer questions regarding the Act. Refers consumers to housing counselors.

0.5 FTE PS5: Handles escalated complaints from PS3. Meets with lenders regularly and as necessary to maintain efficient channels of communication to resolve consumer and housing counselor complaints. Brings significant issues to the attention of investigator or AAG. Manages complaint data.

**Workforce Assumptions:**

This proposal does not expand or alter the current program; it is an expenditure authority increase for maintenance level operations. Current FCP staffing costs are \$634,000 per biennium, the request for additional spending authority of \$150,000 per biennium will cover these costs.

**How is your proposal impacting equity in the state?**

The Foreclosure Fairness Act (Act), RCW 61.24, provides important protections for mortgage borrowers. One of its most significant features is homeowner assistance through a foreclosure mediation program. The foreclosure mediation program requires the beneficiary to mediate with the borrower in good faith, and the AGO has authority to take enforcement action against beneficiaries who breach the duty to mediate in good faith or fail to exercise due diligence in initiating contact with a borrower prior to foreclosure as required by the Act.

Enforcement is statewide.

**Strategic and Performance Outcomes**

**Strategic Framework:**

**Results Washington:** Increasing the FCP’s spending authority to 8 percent of the FFA will lead meet Results Washington goals:

Goal – Prosperous Economy: Foreclosures make Washingtonian’s less financially stable and increase the number of Washingtonians who are facing homelessness. Reducing the number of avoidable foreclosures by enforcing the Act furthers this goal.

Goal – Efficient, Effective, and Accountable Government: By enforcing the Act, the FCP contributes to the responsiveness and effectiveness of the Act to ensure that beneficiaries mediate mortgage loan modifications with struggling homeowners in good faith and exercise due diligence in contacting borrowers prior to foreclosure. The FCP also furthers government accountability by ensuring that beneficiaries will remit the required payment to the FFA for every notice of trustee sale recorded.

**AGO Strategic Plan:** Increasing the FCP’s spending authority to 8 percent of the FFA fits within the AGO’s Strategic Plan:

Strategic Goal 2-4 Protect All Washington Consumers

Strategic Objective 2-4-1 Enforce the laws that protect consumers and improve consumer awareness.

The Act affords important consumer protections designed to avoid foreclosures. In addition to enforcement actions, the FFA funds consumer resource staff to evaluate complaints quickly in order to refer borrowers to housing counselors so they can take full advantage of the Act by seeking a mortgage loan modification to avoid foreclosure.

**Activity:**

Activity	Fund	FY2023	FY2023	FY2024	FY2025
A005 - Enforcement of Consumer Protection Laws	17L	70,000	80,000	70,000	80,000
<b>TOTAL</b>		<b>70,000</b>	<b>80,000</b>	<b>70,000</b>	<b>80,000</b>

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$0	\$0	\$0	\$0

**Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

## Other Collateral Connections

**State Workforce Impacts:**

NA

**Intergovernmental:**

None expected.

**State Facilities Impacts:**

NA

**Changes from Current Law:**

NA

**Puget Sound Recovery:**

NA

**Legal or Administrative Mandates:**

NA

**Stakeholder Response:**

There is no known opposition to this request at this time and none is expected. The Act specifically provides that the AGO is to receive 8 percent of the FFA (after the initial \$400,000 is dedicated to the housing counselor referral telephone hotline). Increasing the AGO's spending authority up to the 8 percent statutory allocation will not impact the allocations of other stakeholders.

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$51	\$56	\$107	\$51	\$56	\$107
Obj. B	\$19	\$24	\$43	\$19	\$24	\$43

## Agency Contact Information

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**Agency Recommendation Summary**

The Attorney General’s Office (AGO) Manufactured/Mobile Home Dispute Resolution Program’s (MHD) current expenditure authority (EA) is insufficient to provide the resources necessary to fulfill its statutory mandate. MHD requires additional EA to retain its current staff to fully engage parties in negotiating complaints, provide proactive outreach to landlords and tenants, and more quickly identify and refer complaints for legal determination. MHD anticipates issuing more notices of violation and non-violation over the next biennium.

**Fiscal Summary**

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 12F - 6	\$47	\$48	\$95	\$47	\$48	\$95
Total Expenditures	\$47	\$48	\$95	\$47	\$48	\$95

**Decision Package Description**

The Attorney General’s Office (AGO), Manufactured/Mobile Home Dispute Resolution Program’s (MHD) requests an increase of \$95,000 per biennium to its current expenditure authority (EA) to provide the resources necessary to fulfill its statutory mandate.

In 2007, the legislature directed the AGO to administer a MHD to resolve disputes involving the Manufactured Housing/Mobile Home Landlord-Tenant Act, RCW 59.20 (Act). The manufactured/mobile home landlord/tenant relationship is unique because the tenants own their homes but rent the land. When a tenant is evicted, the tenant must relocate his or her entire home, not just personal belongings, and this leads to unequal bargaining positions between landlords and tenants. RCW 59.30.010. The Legislature’s stated purpose for MHD “is to provide manufactured/mobile home community landlords and tenants with a cost-effective and time-efficient process to resolve disputes regarding alleged violations of the manufactured/mobile home landlord-tenant act.” RCW 59.30.030.

In creating the MHD, it is specifically intended that MHD would work with landlords and tenants to resolve their disputes through negotiation. RCW 59.30.040(3). In order to successfully facilitate negotiations, MHD staff must engage with both parties, explain their respective rights and obligations, and investigate potential violations of the Act. MHD must also develop and distribute educational materials. RCW 59.30.040(3).

If the complaint cannot be resolved through negotiation, MHD must issue a notice of violation or non-violation. An aggrieved party to a notice of violation or non-violation may request a hearing before an administrative law judge. RCW 59.30.040(8). MHD does not have discretion to avoid a hearing if requested by one of the parties to the dispute. MHD must have sufficient resources to pay the Office of Administrative Hearings (OAH) for each hearing requested. MHD anticipates that there will be more OAH hearings in the 2021-2023 biennium because of the current economic downturn.

Each park is assessed \$15 per registered home annually, which is deposited into the manufactured/mobile home dispute resolution program account (12F). The AGO receives \$9 from every assessment to fund MHD.

**Assumptions and Calculations**

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This proposal does not expand or alter the current program, it is an expenditure authority increase for maintenance level of operations.

***Detailed Assumptions and Calculations:***

MHD cannot maintain its current staffing levels without additional EA. In order to retain its current staff, and meet the anticipated demands of more administrative hearings, the program requires additional EA of \$95,000 per biennium.

**Caseload assumptions by FTE:**

The Assistant Attorney General (AAG) position has been vacant since February 3, 2020. The vacancy will be filled effective August 17, 2020. MHD assumes that it will issue at least five notices of violation from September 1, 2020 to June 30, 2021 and at least two of the notices will result in administrative hearings. From July 1, 2021 through June 30, 2022, and each fiscal year thereafter, MHD assumes it will issue at least 10 notices of violation/non-violation, and at least three will result in administrative hearings. MHD assumes each administrative hearing before the OAH will cost \$15,000. The direct costs associated with OAH hearings is estimated at \$30,000 through June 30, 2021 and at least \$45,000 per fiscal year thereafter.

**Workload assumptions by FTE:**

MHD staff are listed below along with their primary duties.

1.0 FTE Program Specialist (PS) 5: Provides day-to-day program oversight including working with landlords and tenants to resolve the most complex complaints and assisting staff with more complex negotiations. Ensures consistency in handling complaints and outcomes. Handles escalated negotiations. Provides guidance to staff in providing program services. Implements program procedures and best practices. Reviews complaints that cannot be resolved through negotiation and determines if referral to AAG is warranted.

1.0 FTE Program Specialist 3: Reviews new complaints and determines if the issues fall under the Act. Facilitates resolution of complex complaints between landlords and tenants, which includes requesting information necessary to understand the complaint, determining the issues that need to be resolved, and facilitating communication between the parties. Works with Program Specialist 2 to facilitate negotiations between landlords and tenants. A MHD program lead worker is a resource to Program Specialist 2 and Program Coordinator in providing MHD services within established procedures

1.0 FTE Program Specialist 2: Facilitates resolution of routine complaints between landlords and tenants, which includes requesting information necessary to understand the complaint, determine the issues that need to be resolved. Facilitates communication between the parties.

1.0 FTE Program Coordinator: Intakes complaints by tenants and landlords regarding possible violations of the Act. Performs data entry to track complaints and resolutions. Answers telephone calls for MHD and monitors the email inbox. Responds to basic inquiries regarding MHD and status of complaints by phone and by email.

0.25 FTE Program Specialist 2: Translates complaints submitted in Spanish. Assists with facilitating complaints with landlords or tenants who speak Spanish. Answers telephone calls in Spanish. Assists with outreach and education in Spanish.

0.5 FTE AAG: Analyzes complaints and information to determine possible violations of the Act. Reviews complaint files to determine whether a notice of violation or notice of non-violation is appropriate and drafts the notices accordingly. Represents MHD before OAH, superior court, and appellate courts. Provides legal advice to MHD and AGO leadership on legal issues relating to RCW 59.20 and 59.30. Reviews outreach and education materials and content for legal issues. Assists AGO policy and legislative team on issues relating to manufactured housing arising from stakeholders or the legislature.

0.5 FTE AGO Investigator/Analyst: Assists MHD staff and AAG by interviewing witnesses and potential witnesses; and making site visits to observe and photograph the condition of premises, boundaries, common areas, and other physical attributes of manufacturing housing parks that relate, or could relate, to complaints or violations of the Act. Conducts other investigative tasks as assigned by the AAG.

0.25 FTE WMS Manager: Oversees process improvements. Manages overlap of technology and other resources shared with other Consumer Protection (CP) Division programs. Identifies training needs for staff and implements training. Assists Program Specialist 5 with most complex complaints. Identifies areas where legal advice is required to ensure legal advice is followed consistently within MHD and in interactions with stakeholders. Engages with stakeholders on significant issues. Oversees MHD budget. Develops proactive outreach and education.

The MHD's complaint volume is increasing.

New complaints in 2019: 374

New complaints in 2020 (as of 7/6/20): 243



The MHD’s litigation volume has remained consistent over the years, but has been lower in 2020 due to vacancy of AAG FTE. We assume litigation volume to increase once we fill the AAG vacancy effective August 17, 2020.

**Workforce Assumptions:**

AGO is not needing additional FTE but increasing the expenditure authority to cover all costs for the current staffing level and operating costs. Currently MHD’s staffing costs are \$982,000 per biennium, the request for additional spending authority of \$95,000 per biennium will cover these costs.

**How is your proposal impacting equity in the state?**

The manufactured/mobile home landlord/tenant relationship is unique because the tenants own their homes but rent the land. When a tenant is evicted, the tenant must relocate his or her entire home, not just personal belongings, and this leads to unequal bargaining positions between landlords and tenants. RCW 59.30.010. The Legislature’s stated purpose for MHD “is to provide manufactured/mobile home community landlords and tenants with a cost-effective and time-efficient process to resolve disputes regarding alleged violations of the manufactured/mobile home landlord-tenant act.

Enforcement is statewide.

**Strategic and Performance Outcomes**

**Strategic Framework:**

**Results Washington:** Increasing MHD’s EA will further the Results Washington goals.

Goal – Prosperous Economy: By facilitating complaints between manufactured housing tenants and landlords MHD helps avoid evictions, preserves affordable housing, and prevents homelessness. Many manufactured housing tenants are lower income and depend on a rented lot for a place to live and to protect their manufactured/mobile home asset.

Goal – Efficient, Effective, and Accountable Government: MHD is dedicated to ensuring that manufactured housing tenants and landlords are able to resolve disputes that may otherwise result in eviction from parks. By increasing the MHD’s EA, the State can continue to provide this cost-effective program to avoid evictions and meet the expectations of MHD’s stakeholders.

**AGO Strategic Plan:** Increasing the MHD’s EA fits within the AGO’s Strategic Plan:

Strategic Goal 2-4 Protect All Washington Consumers

Strategic Objective 2-4-1 Enforce the laws that protect consumers and improve consumer awareness.

The Act affords important consumer protections designed to avoid evictions. In addition to negotiating resolutions to disputes between tenants and landlords, issuing notices of violation, and enforcing the Act, MHD provides outreach and education to tenants and landlords regarding the program and provides referrals to services for those issues that are outside MHD’s parameters.

**Activity:**

Activity	Fund	FY2023	FY2023	FY2024	FY2025
A005 - Enforcement of Consumer Protection Laws	12F-6	47,000	48,000	47,000	48,000
<b>TOTAL</b>		<b>47,000</b>	<b>48,000</b>	<b>47,000</b>	<b>48,000</b>

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$0	\$0	\$0	\$0

**Performance Outcomes:**

Incremental impact for this Performance Measure is indeterminate.

**Other Collateral Connections**

**State Workforce Impacts:**

NA

**Intergovernmental:**

NA

**State Facilities Impacts:**

NA

**Changes from Current Law:**

NA

**Puget Sound Recovery:**

NA

**Legal or Administrative Mandates:**

NA

**Stakeholder Response:**

There is no known opposition to this request at this time. This request does not increase the fee landlords and tenants pay to the account or exceed the 12F fund balance, we do not anticipate opposition.

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$26	\$27	\$53	\$26	\$27	\$53
Obj. B	\$7	\$8	\$15	\$7	\$8	\$15
Obj. E	\$7	\$8	\$15	\$7	\$8	\$15
Obj. G	\$4	\$3	\$7	\$4	\$3	\$7
Obj. J	\$3	\$2	\$5	\$3	\$2	\$5

**Agency Contact Information**

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Tab D

REVENUE







Dollars in Thousands

**ABS 029 Summarized Revenue by Account and Source  
Office of Attorney General  
Agency Level  
2021-23 Regular Budget Session  
2123 - 2021-23 Biennial**

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2022	FY2023	FY2022	FY2023	FY2022	FY2023	
<b>001 - General Fund</b>							
0316 - Dept of Justice - F							
L0 - SAKI Federal Expenditure Authority	596	1,058	0	0			
Total - 0316 - Dept of Justice - F	596	1,058	0	0	596	1,058	1,654
0393 - Health & Human Svc - F							
8L - Lease Adjustments	56	33	0	0			
LN - MFCD Federal Expenditure Authority	336	1,966	0	0			
Total - 0393 - Health & Human Svc - F	392	1,999	0	0	392	1,999	2,391
<b>001 - General Fund - Federal</b>	<b>988</b>	<b>3,057</b>			<b>988</b>	<b>3,057</b>	<b>4,045</b>
<b>Total - 001 - General Fund</b>	<b>988</b>	<b>3,057</b>			<b>988</b>	<b>3,057</b>	<b>4,045</b>
<b>405 - Legal Serv Rev Acct</b>							
0420 - Charges for Services - S							
8L - Lease Adjustments	(95)	(149)	0	0			
LC - Pandemic UI Litigation and Advice	1,424	0	0	0			
LD - USDOE Hanford Litigation	800	800	0	0			
LF - Adult Protective Svc Legal Support	0	0	787	787			
LG - Pakootas v. Teck Litigation	763	571	0	0			
LH - Long Term Service and Support	153	428	0	0			
LI - Labor Relations Support	245	245	0	0			
Total - 0420 - Charges for Services - S	3,290	1,895	787	787	4,077	2,682	6,759
<b>405 - Legal Serv Rev Acct - State</b>	<b>3,290</b>	<b>1,895</b>	<b>787</b>	<b>787</b>	<b>4,077</b>	<b>2,682</b>	<b>6,759</b>
<b>Total - 405 - Legal Serv Rev Acct</b>	<b>3,290</b>	<b>1,895</b>	<b>787</b>	<b>787</b>	<b>4,077</b>	<b>2,682</b>	<b>6,759</b>
<b>Agency: 100 ATG - State</b>	<b>3,290</b>	<b>1,895</b>	<b>787</b>	<b>787</b>	<b>4,077</b>	<b>2,682</b>	<b>6,759</b>
<b>Agency: 100 ATG - Federal</b>	<b>988</b>	<b>3,057</b>			<b>988</b>	<b>3,057</b>	<b>4,045</b>
<b>Total - Agency: 100 ATG</b>	<b>4,278</b>	<b>4,952</b>	<b>787</b>	<b>787</b>	<b>5,065</b>	<b>5,739</b>	<b>10,804</b>



## Proposed Fee Changes

Not Applicable







Dollars in Thousands

**ABS030 Working Capital Reserve  
 100 Office of Attorney General  
 2021-23 Regular Budget Session  
 2123 - 2021-23 Biennial**

FUND ADMINISTRATOR AGENCY ONLY		RECOMMENDED ENDING FUND BALANCE	
FUND	FUND TITLE	2019-21 Current Biennium	2021-23 Ensuing Biennium
12F	Man/Mobile Home Dispute Resolution	90,000	119,000
154	New Motor Vehicle Arbitration Acct	125,000	150,000
19A	Medicaid Fraud Penalty Account	476,000	354,000
19P	Child Rescue Fund	2,000	3,000
22R	Internet Consumer Access Account	0	0
23U	Compostable Products Revolving Acc	0	0
405	Legal Services Revolving Account	24,000,000	24,000,000
424	Anti-Trust Revolving Account	1,100,000	1,500,000



# Revenue Transfer Reconciliation Statement

Not Applicable



## Federal Fund Estimates-State Match

Not Applicable



## Additional Federal Receipts Reporting Requirements

Not Applicable





## Non-budgeted Local Fund Summary

Not Applicable



# Puget Sound Action Agenda

Not Applicable



## JLARC Audit Response

Not Applicable



Tab E

OTHER REQUIRED  
INFORMATION







**Central Service Fund Splits**  
OFFICE OF THE ATTORNEY GENERAL

All Columns by Agency must equal 100%

Agency	Account and Approp Title	Auditor	AttGen	OAH	Facilities & Services Only	CTS	Debt Services	Workers' Comp	All Other	Risk Mgmt Division	Self Insurance
100-Office of the Attorney General	001-1 General Fund-State	9.52%	9.52%	0.00%	9.52%	9.52%	9.52%	9.52%	9.52%	9.52%	9.52%
100-Office of the Attorney General	111-1 Public Service Revolving Account-State	1.24%	1.24%	0.00%	1.24%	1.24%	1.24%	1.24%	1.24%	1.24%	1.24%
100-Office of the Attorney General	12F-6 Manufactured/Mobile Home Dispute-Non-Appropriated	0.33%	0.33%	11.48%	0.33%	0.33%	0.33%	0.33%	0.33%	0.33%	0.33%
100-Office of the Attorney General	154-1 New Motor Vehicle Arbitration Acct-State	0.51%	0.51%	0.00%	0.51%	0.51%	0.51%	0.51%	0.51%	0.51%	0.51%
100-Office of the Attorney General	17L-6 Foreclosure Fairness Account-Non-Appropriated	0.08%	0.08%	0.00%	0.08%	0.08%	0.08%	0.08%	0.08%	0.08%	0.08%
100-Office of the Attorney General	405-1 Legal Services Revolving Account-State	86.94%	86.94%	88.52%	86.94%	86.94%	86.94%	86.94%	86.94%	86.94%	86.94%
100-Office of the Attorney General	424-6 Anti-Trust Revolving Account-Non-Appropriated	1.01%	1.01%	0.00%	1.01%	1.01%	1.01%	1.01%	1.01%	1.01%	1.01%
100-Office of the Attorney General	441-1 Local Government Archives Account-State	0.30%	0.30%		0.30%	0.30%	0.30%	0.30%	0.30%	0.30%	0.30%
100-Office of the Attorney General	828-1 Tobacco Prevention and Control Acct-State	0.08%	0.08%	0.00%	0.08%	0.08%	0.08%	0.08%	0.08%	0.08%	0.08%
		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



## Attorney General's Office Enterprise Risk Management Update

The following are three major risks that could impact the Attorney General Office's (AGO) ability to achieve its strategic objectives on time. For each risk there are a number of initiatives and activities either completed or underway designed to address the concern.

1. Business interruption due to natural disaster or another threat is a risk that could pose a significant impact to the agency's ability to serve our state agency clients. This includes not only our ongoing response to the risks created by the coronavirus pandemic but also preparation for other risks that may appear in addition to those already known.
  - We, like all state agencies, are working through risk management issues on a daily basis in our ongoing response to the coronavirus pandemic. Worker safety is our paramount focus including planning for returning to our buildings and planning around employee work off-site (including courts, other agency facilities, and public settings).
  - Renewed efforts have begun to refresh training and knowledge of Emergency Operation Center responsibilities and disaster response plans. This includes updated planning for inclement weather events and other natural disasters and threats and how our response would change in a remote work posture.
  - Agency Continuity of Operations Plans (COOP), division level COOP and Building Safety Plans are updated on an annual basis. Based on the coronavirus pandemic, we will be fully re-evaluating our COOPs and response plans.
  - Conduct exercises to ensure ongoing awareness and implementation to COOP plans, particularly while the agency employees are largely working remotely. A table top exercise to test the AGO and Division COOPs was conducted with the agency management team during the past biennium. This exercise expanded knowledge and awareness and ensured preparedness of EOC operations and disaster response.
2. The threat of cyber security or network attacks is an issue that faces all state government. Agencies in and out of the state global network have experienced many phishing or malware attacks. The AGO continues to focus on this area in order to protect our Information Technology (IT) infrastructure and data.
  - The AGO prioritizes IT security awareness. The AGO provides mandatory training for employees on IT security. This training addresses physical and technology risk/safety components.
  - As a part of a statewide effort, the AGO has reviewed and updated IT policies. The purpose of the project was to ensure policy language is clear and that all of the policy elements work collectively to ensure that security, data integrity and data privacy are maintained within the agency.
  - The AGO also works collaboratively with the OCIO and CTS to meet all security standards and prevent avert attacks. Table top exercises are held to provide experience and learning opportunities in IT security and safety.
3. A data breach of medical information that is protected by the Health Information Portability and Accountability Act (HIPAA) or other Personal Health Information (PHI) is a serious risk that could result in civil and criminal penalties. In 2010, the AGO established a HIPAA Workgroup that developed policies and practices for handling PHI to assure compliance with the HITECH Act. In addition all AGO employees are required to take HIPAA/HITECH training as well as completing IT Security Awareness training at regular intervals. The AGO conducted a formal HIPAA risk assessment in 2011 and in 2015 and regularly assesses risk in connection with

changes to policy, practices, or incidents. Where a risk is identified the AGO implements mitigation strategies.

- The AGO developed a HIPAA Medical Information Security and Privacy policy that will be completed in conjunction with the IT policy consolidation project.
- All AGO Divisions handling PHI have developed or updated their division business rules for PHI.
- HIPAA training materials are available to all divisions that handle PHI.
- The AGO continues to refine best practices to including developing division checklists and acknowledgement of accountability for employees in those divisions.



**Policy Level Decision Package Prioritization**  
**Policy Enhancements Prioritized**

AGENCY	Code	Title
	100	Attorney General's Office

Priority	DP Code	DP Title	2021-23 Biennium						2023-25 Biennium					
			FY-22			FY-23			FY-24			FY-25		
			NGFS	Other	Total	NGFS	Other	Total	NGFS	Other	Total	NGFS	Other	Total
1	LE	Antitrust Enforcement and Recovery		4,050	4,050		4,050	4,050		4,050	4,050		4,050	4,050
2	LF	Adult Protective Srvc Legal Support		787	787		787	787		787	787		787	787
3	LK	Foreclosure Compliance Program		70	70		80	80		70	70		80	80
4	LM	Manufactured Housing Authority		47	47		48	48		47	47		48	48
			0	4,954	4,954	0	4,965	4,965	0	4,954	4,954	0	4,965	4,965

