

Office of the  
Attorney General







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

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

September 20, 2022

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

Dear Mr. Schumacher:

Enclosed please find the 2023-25 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 priorities this year have two main themes: Public Safety and At Risk Communities.

**Public Safety**

The AGO is coordinating a statewide response to the urgent problem of missing and murdered indigenous women and people (MMIWP) by leading the MMIWP Task Force. The Task Force continues to meet and has two recommendations included in the AGO request. The first is to continue the Task Force through June 30, 2025. The other is to create a Cold Case Investigation Unit (CCIU) within the AGO with a focus on MMIWP cold cases. Consistent with the Task Force's recommendations, the AGO seeks funding for a CCIU that can offer assistance to law enforcement agencies with jurisdiction over unsolved cold cases involving MMIWP and an extension of the MMIWP Task Force.

We request state funding to support the prosecution of Sexually Violent Predators (SVP) for the AGO. SVPs are violent sex offenders who, because of a mental abnormality and/or personality disorder, are proven likely to engage in predatory acts of sexual violence if released. Currently, the funding allocated for this falls far short of the costs and resources needed to perform this important work.

At the first Organized Retail Crime Task Force (ORCTF) meeting on June 7, law enforcement and many others expressed a need for additional resources to investigate these sophisticated multijurisdictional crimes that involve groups of individuals stealing products in order to resell them for a profit. Washington retailers lost \$2.7 billion to organized retail crime in 2021. Investing in these resources will help workers and Washington's economy.

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*State v. Burbank, Collins, and Rankine* is the prosecution of three police officers accused of criminally causing the death of Manuel Ellis. Mr. Ellis died in the custody of Tacoma Police officers on March 3, 2020. In June 2020, Governor Inslee asked the AGO to review the investigation for criminal charges and prosecute any charges that were warranted. Criminal charges were filed against Burbank, Collins, and Rankine in May 2021 and trial is expected to begin in January 2023

### **At Risk Communities**

The AGO honors the service of military families and those in our armed forces by working to meet their civil legal needs through our Office of Military and Veteran Legal Assistance (OMVLA), established by bipartisan legislation in 2017 (House Bill 1055). OMVLA receives requests for pro bono legal assistance and refers requests to registered volunteer attorneys who offer assistance. Washington's veterans and military families continue to face a tremendous unmet need for low-cost legal services, and requests for legal services continue to increase.

The Governor's five-year plan to transform and improve the behavioral health system includes the development of six new community mental health facilities during the 2023-25 Biennium. The AGO will be responsible for representing the facilities when petitioning for civil commitment, from pre-filing to commitment and review hearings ordered by the court.

Additional priorities in the 2023-25 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, federal spending authority, and two technical corrections. 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., High Capacity Firearm Magazine Litigation, Tobacco Diligent Enforcement, College System Benefits Litigation, *Maverick Gambling, et al. v. Gambling Commission, et al., Zimmerly, et al. v. CRGC, et al., Pakootas v. Teck Cominco Metals Ltd.,* Quendall Terminals Litigation, and Statewide Defense Litigation);
- Funding to support increased workload (Increased Criminal Litigation, Office of the Insurance Commissioner Legal Services, Office of the State Treasurer Legal Services, Department of Children, Youth, and Families Legal Representation Transition, Concerning Child Abuse Allegations, Counsel for Children and Youth, Employment Security Legal Services, Washington State Patrol Legal Services, Pollution Liability Insurance Agency (PLIA) Legal Services, and Nooksack and Lake Roosevelt Watersheds);

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- Legal Infrastructure (Legal Matter Management and AGO Law Clerk Program);
- Spending authority for Medicaid Fraud Control (MFC), Sexual Assault Kit Initiative (SAKI), and the Mobile and Manufactured Home Dispute Resolution Account; and
- Two technical correction requests:
  - Relating to the Washington Climate Commitment Act, Senate Bill 5126; and
  - Relating to Law Enforcement Data, Senate Bill 5259.

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,



BOB FERGUSON  
Attorney General

RWF/jlg

Encl.



# OFFICE OF THE ATTORNEY GENERAL

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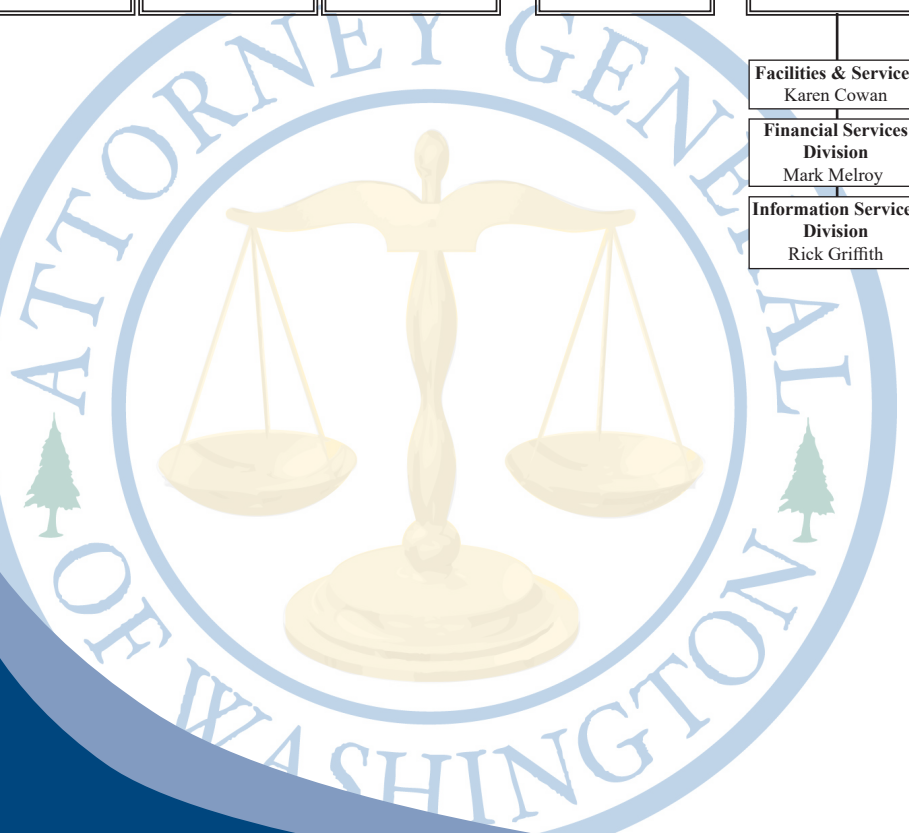
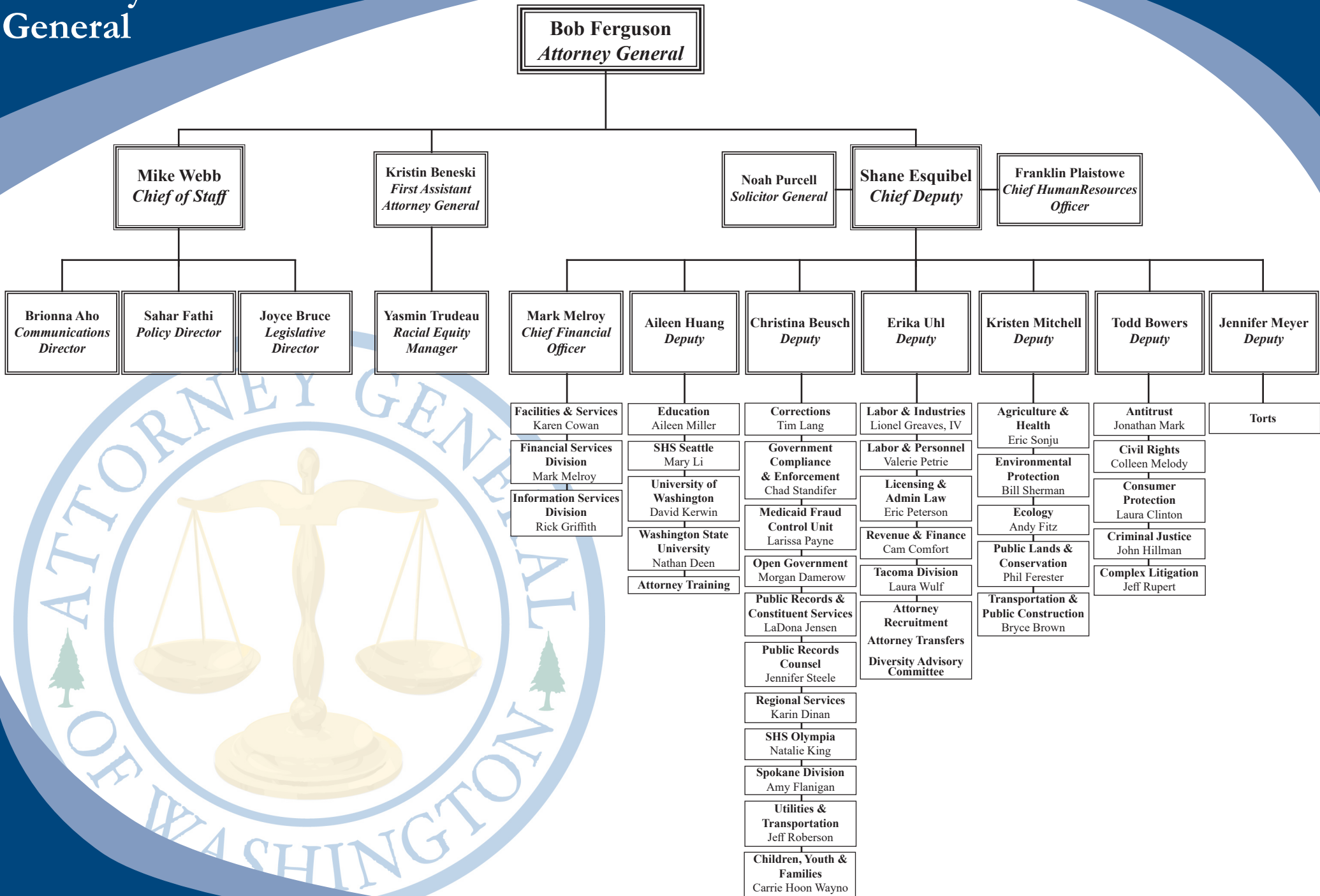
OVERVIEW







# Office of the Attorney General





As of 9/20/2022

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## A002 Civil Commitment of Sexually Violent Predators

**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.

002535 -				
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.				
Biennium	Period	Actual	Target	
			Min	Max
2021-23	A2		85	95
2021-23	A1	67	85	95
2019-21	A2	0	85	85
2019-21	A1	33	85	95

Performance Measure Status: Draft

*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.*

Date Measured: 6/30/2023

Comment: 85% SCC commitment or recommitments per biennium, reported annually.

As of 9/20/2022



### A003 Criminal Investigation and Prosecution

**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.

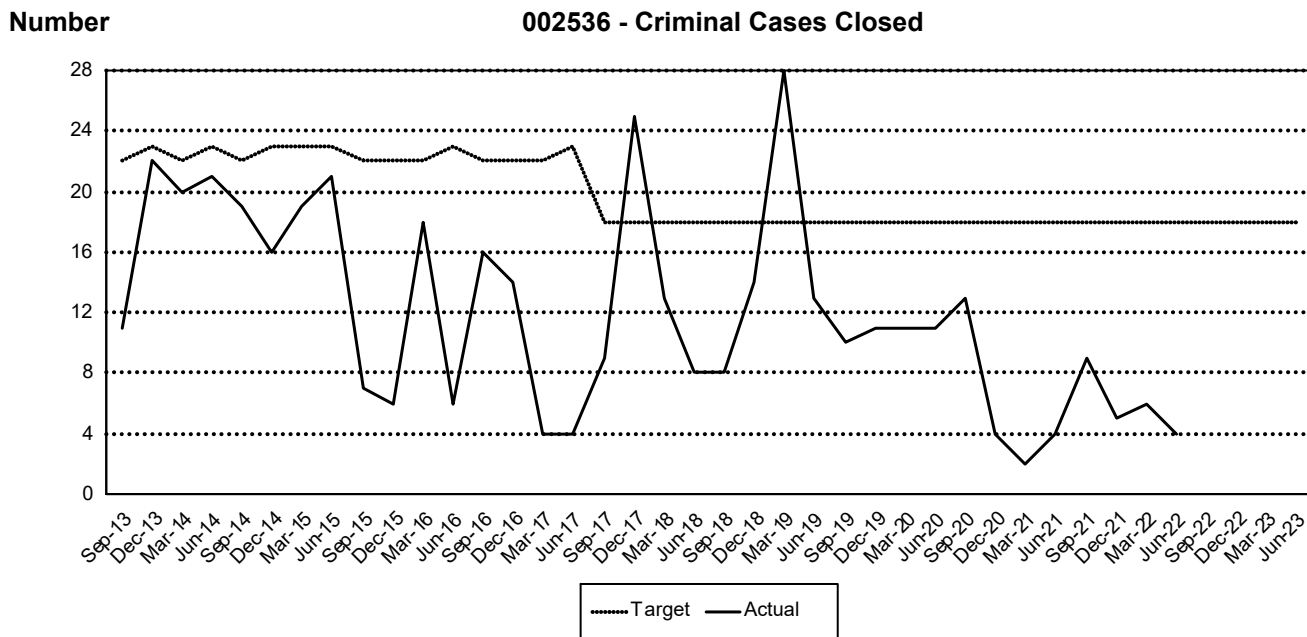
As of 9/20/2022

<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>			
Biennium	Period	Actual	Target
2021-23	Q8		18
2021-23	Q7		18
2021-23	Q6		18
2021-23	Q5		18
2021-23	Q4	4	18
2021-23	Q3	6	18
2021-23	Q2	5	18
2021-23	Q1	9	18
2019-21	Q8	4	18
2019-21	Q7	2	18
2019-21	Q6	4	18
2019-21	Q5	13	18
2019-21	Q4	11	18
2019-21	Q3	11	18
2019-21	Q2	11	18
2019-21	Q1	10	18
Performance Measure Status: Draft			
<p><i>AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.</i></p>			

*Date Measured: 6/30/2023*

*Comment: 18 criminal cases closed or investigation reviews completed per FY, reported quarterly.*

As of 9/20/2022



## A004 Enforcement of Anti-Trust Laws

**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

As of 9/20/2022

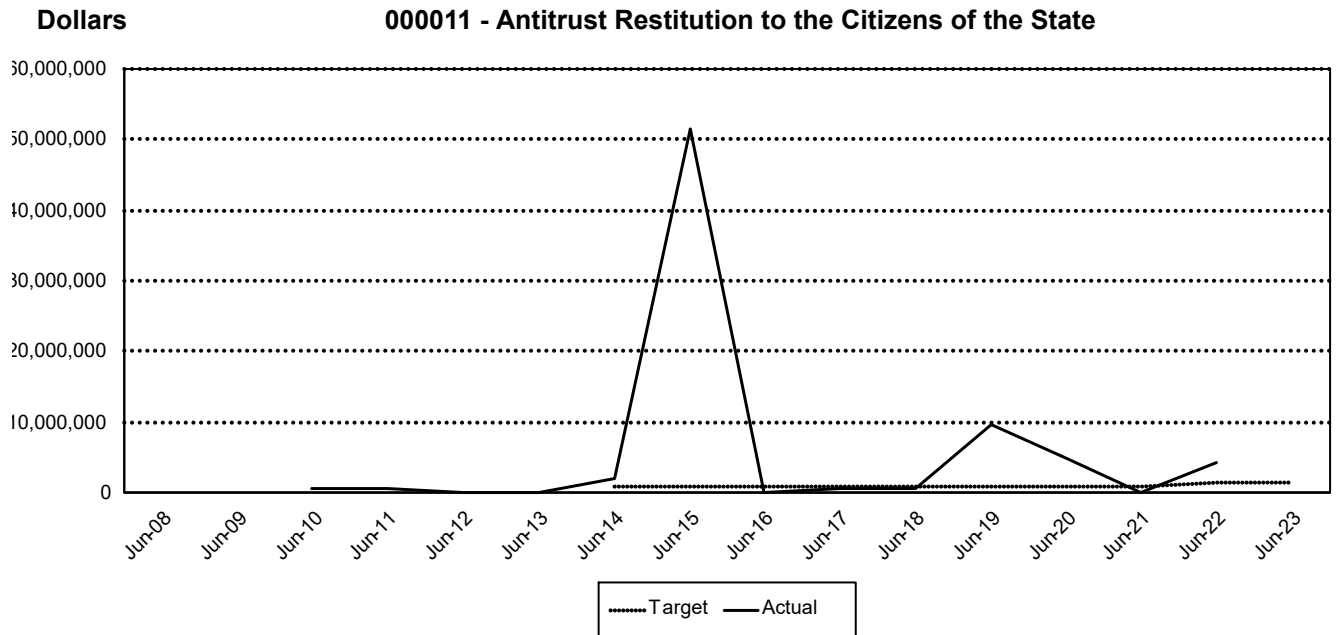
**000011 - The AGO's Antitrust Division (ANT) enforces antitrust laws, protects consumers from illegal and harmful practices, and ensures a fair, efficient, and competitive marketplace for businesses. Active investigations can result in enforcement actions/litigation that prevent monopolies, price-fixing, 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
2021-23	A2		\$1,400,000
2021-23	A1	\$4,195,904	\$1,400,000
2019-21	A2	\$0	\$700,000
2019-21	A1	\$4,755,227	\$700,000

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

Date Measured: 6/30/2023

Comment: \$1,400,000 in Antitrust related restitution to the citizens of the State per biennium, reported annually.





As of 9/20/2022

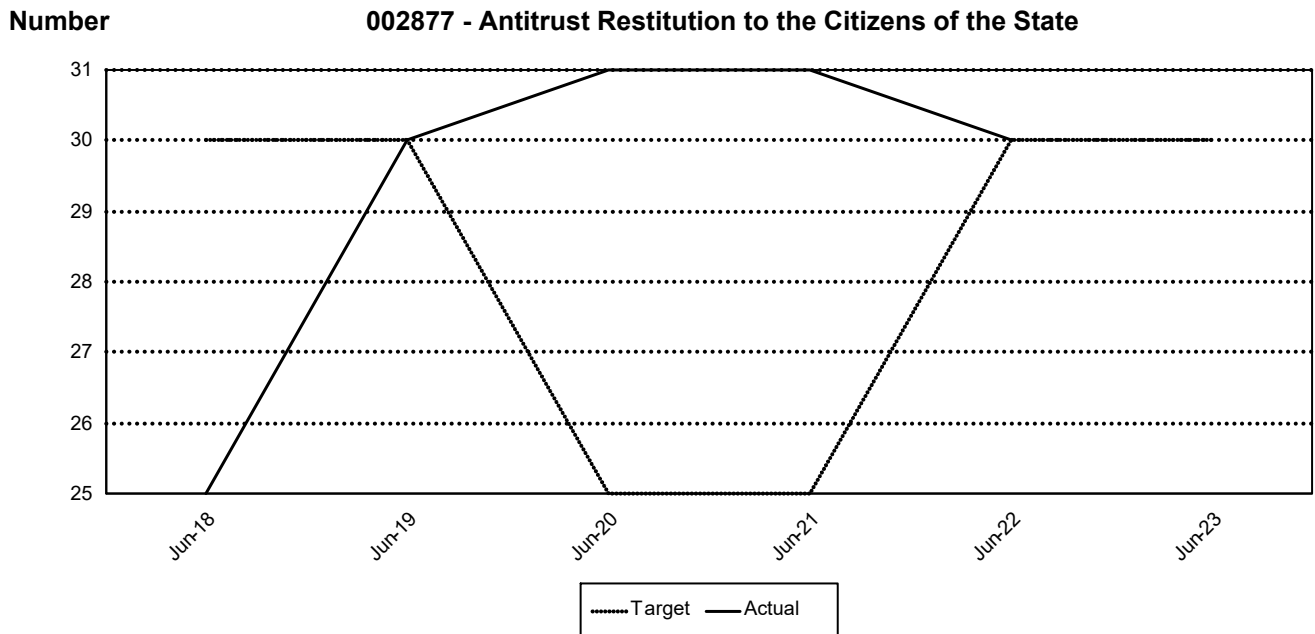
**002877 - The AGO's Antitrust Division (ANT) enforces antitrust laws, protects consumers from illegal and harmful practices, and ensures a fair, efficient, and competitive marketplace for businesses. Active investigations can result in enforcement actions/litigation that prevent monopolies, price-fixing, 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
2021-23	A2		30
2021-23	A1	30	30
2019-21	A2	31	25
2019-21	A1	31	25

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

Date Measured: 6/30/2023

Comment: 30 active investigations per FY, reported annually



**A005 Enforcement of Consumer Protection Laws**

Statewide Result Area: **Prosperous Economy**

Statewide Strategy: **Provide consumer protection**

*As of 9/20/2022*

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**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 Tenant Act.

As of 9/20/2022

**002534 -**

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.

Biennium	Period	Actual	Target
2021-23	A2		\$11,000,000
2021-23	A1	\$61,994,515	\$11,000,000
2019-21	A2	\$33,320,263	\$5,500,000
2019-21	A1	\$44,302,499	\$5,500,000

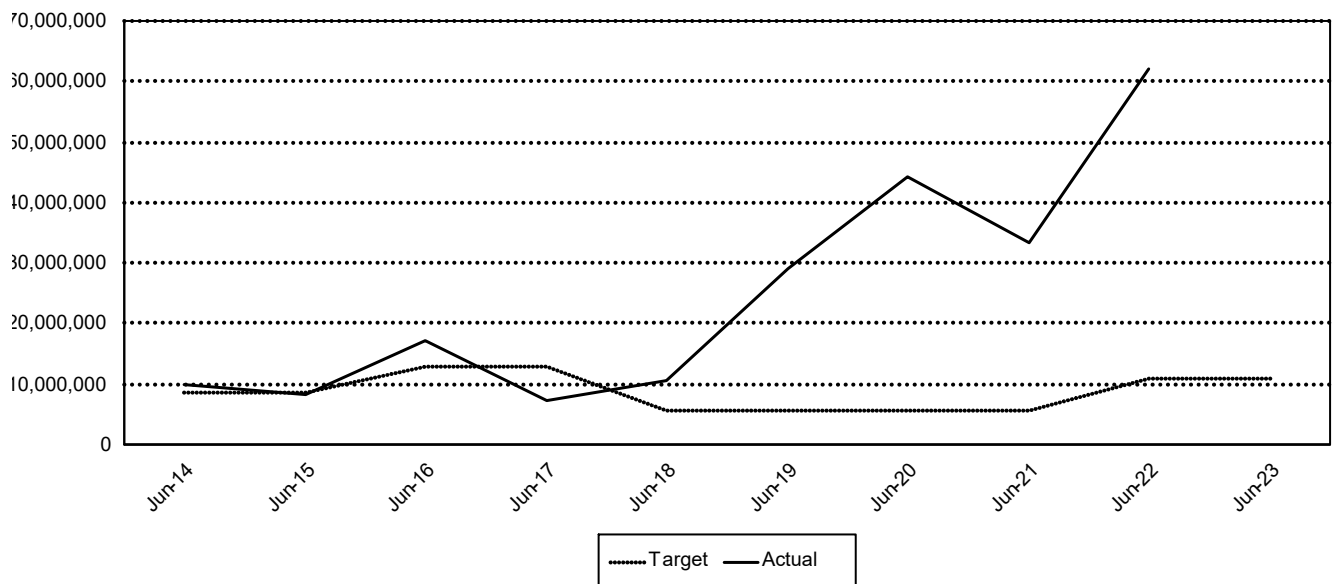
Performance Measure Status: Draft

*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.*

Date Measured: 6/30/2023

Comment: \$11,000,000 returned to consumers through CPR litigation and informal complaint resolution and Lemon Law arbitrations per biennium, reported annually.

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



*As of 9/20/2022*

## **A007 Homicide Investigation Tracking System**

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**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.

As of 9/20/2022

**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.**

Biennium	Period	Actual	Target
2021-23	Q8		254
2021-23	Q7		254
2021-23	Q6		254
2021-23	Q5		254
2021-23	Q4	205	254
2021-23	Q3	268	254
2021-23	Q2	236	254
2021-23	Q1	240	254
2019-21	Q8	216	253
2019-21	Q7	179	253
2019-21	Q6	168	253
2019-21	Q5	245	253
2019-21	Q4	252	253
2019-21	Q3	274	253
2019-21	Q2	215	253
2019-21	Q1	212	253

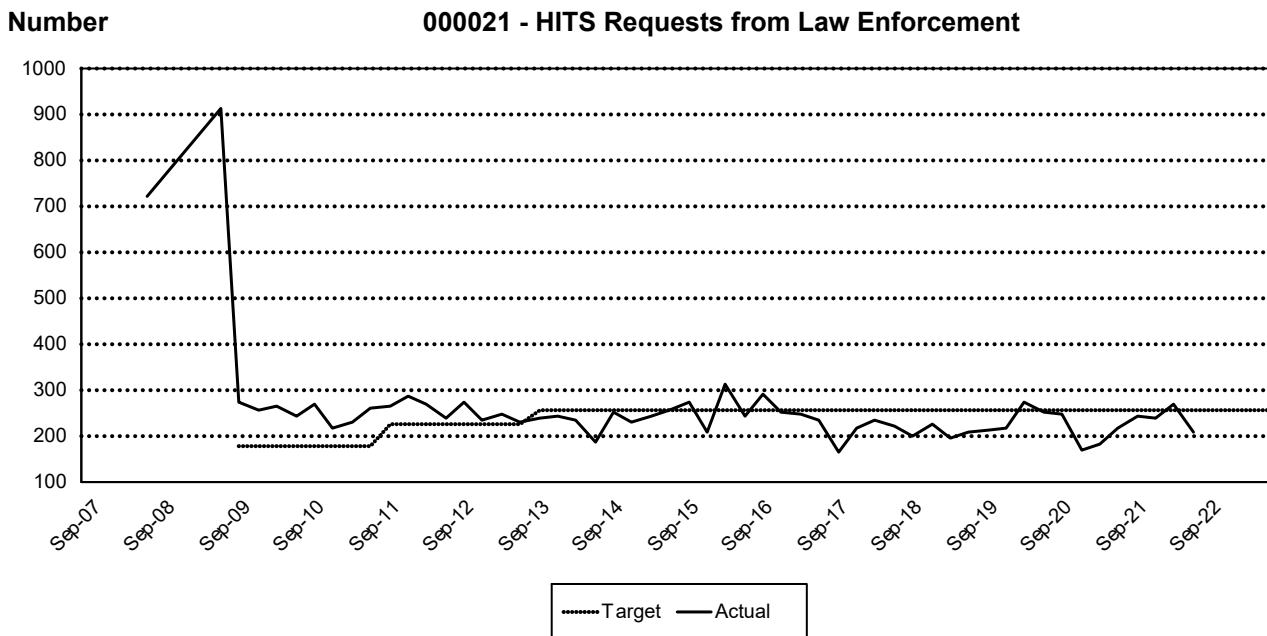
Performance Measure Status: Draft

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.

Date Measured: 6/30/2023

Comment: 2,026 biennial requests for HITS data by local, state, and federal law enforcement agencies per biennium, reported quarterly.

As of 9/20/2022



## A006 Executive Ethics Board

**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.

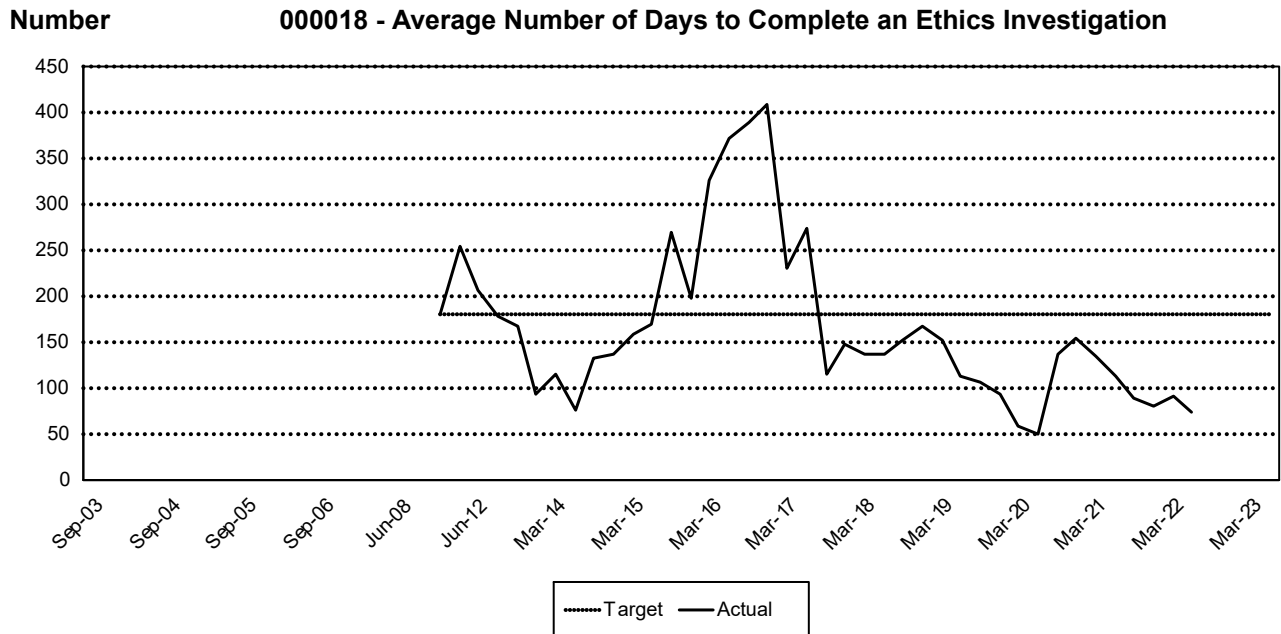
As of 9/20/2022

<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>				
Biennium	Period	Actual	Target	
2021-23	Q8		180	
2021-23	Q7		180	
2021-23	Q6		180	
2021-23	Q5		180	
2021-23	Q4	74	180	
2021-23	Q3	90	180	
2021-23	Q2	79	180	
2021-23	Q1	89	180	
2019-21	Q8	112	180	
2019-21	Q7	133	180	
2019-21	Q6	154	180	
2019-21	Q5	137	180	
2019-21	Q4	48	180	
2019-21	Q3	57	180	
2019-21	Q2	93	180	
2019-21	Q1	105	180	
Performance Measure Status: Draft				
<i>AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services. .</i>				

*Date Measured: 6/30/2023*

*Comment: Average of 180 days to complete an ethics investigation, reported quarterly.*

As of 9/20/2022



## A008 Investigation and Defense of Tort Lawsuits

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

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

### Expected Results

The AGO’s Torts Division protects taxpayers by vigorously defending tort claims and lawsuits against the state, state agencies, boards, commissions, and officers and employees acting within the scope of their employment. Torts consists of experienced litigators and trained legal professionals who provide high quality and efficient legal service to the state. Torts promotes government efficiency by employing concerted efforts to resolve claims and lawsuits at the earliest possible stages through the early resolution program, motions practice, direct negotiation and mediated settlement. Torts maintains a high rate of litigation success with many lawsuits dismissed with zero payout. Torts also maintains a high rate of case appeal litigation success.



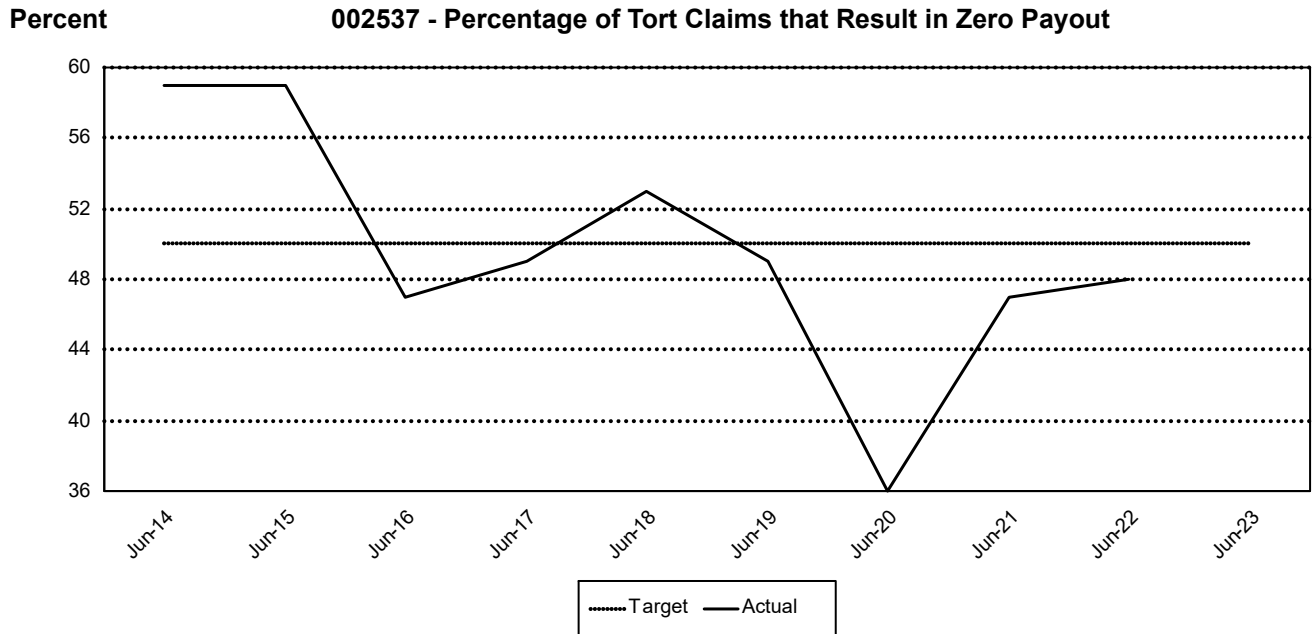
As of 9/20/2022

<p><b>002537 -</b></p> <p>The AGO's Torts Division protects taxpayers by vigorously defending tort claims and lawsuits against the state, state agencies, boards, commissions, and officers and employees acting within the scope of their employment. The AGO Torts Division consists of experienced litigators and trained legal professionals who provide high quality and efficient legal services to the state. The provided legal services promotes government efficiency by employing concerted efforts to resolve claims and lawsuits at the earliest possible stages through the early resolution program, motions practice, direct negotiation and mediated settlement. The AGO Torts Division maintains a high rate of litigation success (including case appeal litigation) with many lawsuits dismissed with zero payout.</p>			
Biennium	Period	Actual	Target
2021-23	A2		50%
2021-23	A1	48%	50%
2019-21	A2	47%	50%
2019-21	A1	36%	50%
<p>Performance Measure Status: Draft</p> <p><i>AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management.</i></p>			

*Date Measured: 6/30/2023*

*Comment: 50% of tort claims to result in zero payout, reported annually.*

As of 9/20/2022



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

**Statewide Result Area:** Healthy and Safe Communities

**Statewide Strategy:** Provide access to health care

### Expected Results

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.

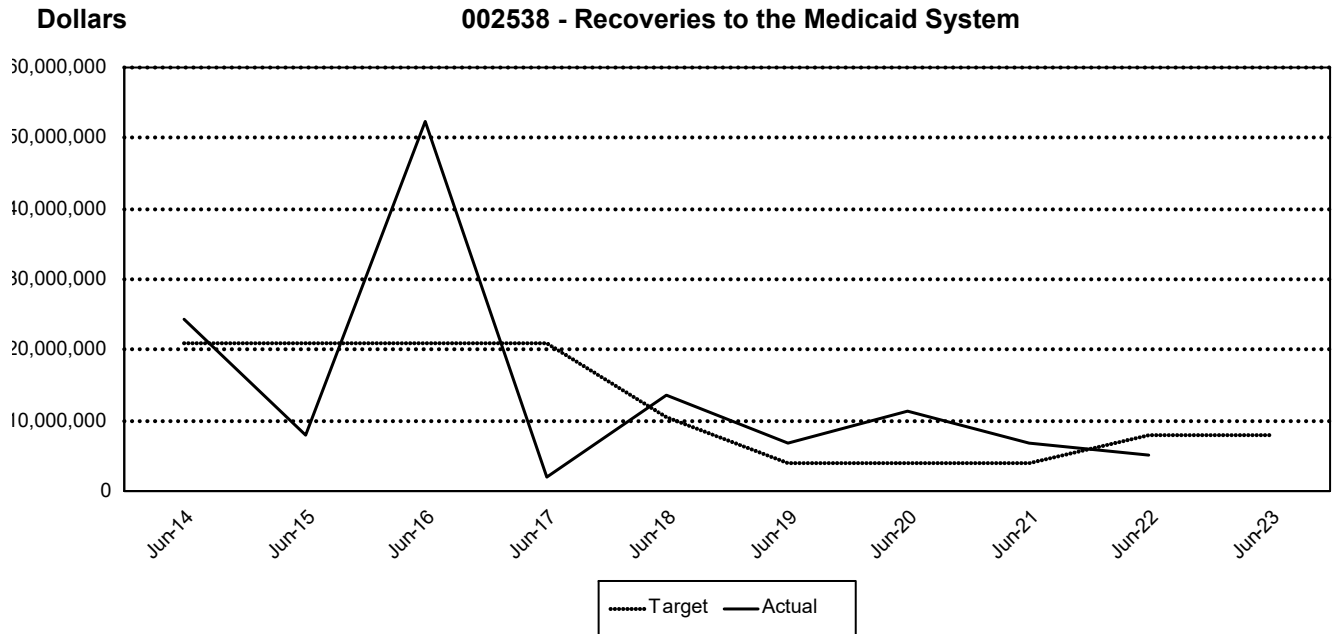
As of 9/20/2022

<b>002538 -</b>			
<p>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.</p>			
Biennium	Period	Actual	Target
2021-23	A2		\$8,000,000
2021-23	A1	\$5,075,048	\$8,000,000
2019-21	A2	\$6,723,135	\$4,000,000
2019-21	A1	\$11,199,418	\$4,000,000
Performance Measure Status: Draft			
<p><i>AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers. 2-4-2: Combat health care fraud.</i></p>			

*Date Measured: 6/30/2023*

*Comment: \$8,000,000 of biennial recoveries to the Medicaid System, reported annually.*

As of 9/20/2022



**A010 Legal Services to State Agencies**

**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.

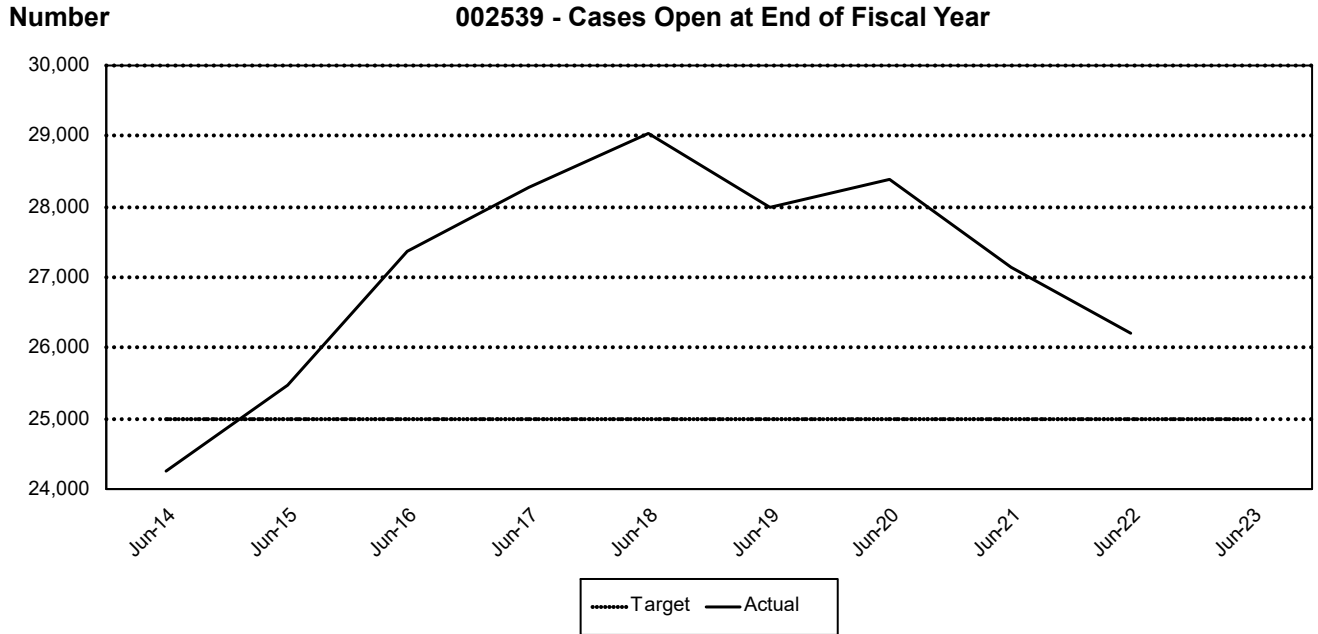
As of 9/20/2022

<b>002539 -</b>			
<p>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&amp;I to promote fair labor practices, DSHS to protect children and other vulnerable populations from abuse and neglect.</p>			
Biennium	Period	Actual	Target
2021-23	A2		25,000
2021-23	A1	26,205	25,000
2019-21	A2	27,153	25,000
2019-21	A1	28,393	25,000
Performance Measure Status: Draft			
<p><i>AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.</i></p>			

*Date Measured: 6/30/2023*

*Comment: 25,000 open cases at the end of each FY, reported annually.*

As of 9/20/2022



## A011 Representing Ratepayers

**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.

As of 9/20/2022

**002531 -**  
**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 \$150 million over the past four years and will continue to save Washingtonians money on utility rates.**

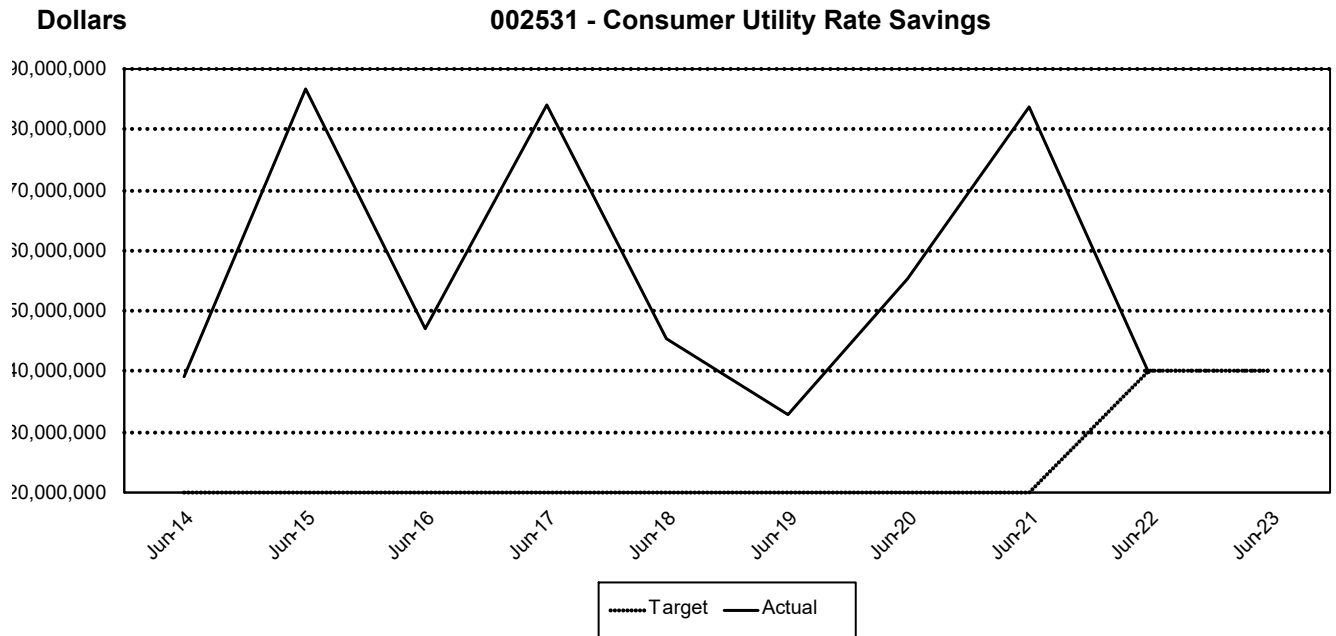
Biennium	Period	Actual	Target
2021-23	A2		\$40,000,000
2021-23	A1	\$39,900,000	\$40,000,000
2019-21	A2	\$83,700,000	\$20,000,000
2019-21	A1	\$55,200,000	\$20,000,000

Performance Measure Status: Draft

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

Date Measured: 6/30/2023

Comment: \$40,000,000 of consumer utility rate savings per biennium, reported annually.



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As of 9/20/2022

<b><u>Parameter</u></b>	<b><u>Entered As</u></b>
Budget Period	2023-25
Agency	100
Program	*
Status Preference	Non-Approved
Usage Type	*
Event	No Event
Data Table Biennium	2023-25
Include Expected Results Text	Y
Include Trend Line	Y
Include Data Table	Y
Chart Type	Line
User Group	







Dollars in Thousands

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2023-25 Regular Budget Session
2125 - 2023-25 Biennial Budget

Activity:

Table with 3 columns: Activity Code (e.g., CB, CL), Activity Name (e.g., T0PL, 0ST1, 1733), and Description (e.g., No measures linked to activity, No measures linked to decision package).

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2125 - 2023-25 Biennial Budget**

*Dollars in Thousands*

CL	CNAR	No measures linked to decision package
CL	CWRP	No measures linked to activity
CL	CWRP	No measures linked to decision package
CL	CYDC	No measures linked to activity
CL	CYDC	No measures linked to decision package
CL	DTD5	No measures linked to activity
CL	DTD5	No measures linked to decision package
CL	DTST	No measures linked to activity
CL	DTST	No measures linked to decision package
CL	ESD1	No measures linked to activity
CL	ESD1	No measures linked to decision package
CL	FSEZ	No measures linked to activity
CL	FSEZ	No measures linked to decision package
CL	JSTF	No measures linked to activity
CL	JSTF	No measures linked to decision package
CL	KSVP	No measures linked to activity
CL	KSVP	No measures linked to decision package
CL	LAWE	No measures linked to activity
CL	LAWE	No measures linked to decision package
CL	LC	No measures linked to activity
CL	LC	No measures linked to decision package
CL	LCF1	No measures linked to activity
CL	LCF1	No measures linked to decision package
CL	LD	No measures linked to activity
CL	LD	No measures linked to decision package
CL	LG	No measures linked to activity
CL	LG	No measures linked to decision package
CL	LH	No measures linked to activity
CL	LH	No measures linked to decision package
CL	MC	No measures linked to activity
CL	MC	No measures linked to decision package
CL	ME	No measures linked to activity
CL	ME	No measures linked to decision package
CL	MF	No measures linked to activity
CL	MF	No measures linked to decision package
CL	MG	No measures linked to activity
CL	MG	No measures linked to decision package
CL	MH	No measures linked to activity

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2125 - 2023-25 Biennial Budget**

*Dollars in Thousands*

CL	MH	No measures linked to decision package
CL	MI	No measures linked to activity
CL	MI	No measures linked to decision package
CL	MJ	No measures linked to activity
CL	MJ	No measures linked to decision package
CL	MMIW	No measures linked to activity
CL	MMIW	No measures linked to decision package
CL	MP	No measures linked to activity
CL	MP	No measures linked to decision package
CL	MQ	No measures linked to activity
CL	MQ	No measures linked to decision package
CL	MR	No measures linked to activity
CL	MR	No measures linked to decision package
CL	MS	No measures linked to activity
CL	MS	No measures linked to decision package
CL	PFM	No measures linked to activity
CL	PFM	No measures linked to decision package
CL	PSYC	No measures linked to activity
CL	PSYC	No measures linked to decision package
CL	PUFS	No measures linked to activity
CL	PUFS	No measures linked to decision package
CL	S23A	No measures linked to activity
CL	S23A	No measures linked to decision package
CL	SAKI	No measures linked to activity
CL	SAKI	No measures linked to decision package
CL	SVPK	No measures linked to activity
CL	SVPK	No measures linked to decision package
CL	TIPL	No measures linked to activity
CL	TIPL	No measures linked to decision package
CL	USFC	No measures linked to activity
CL	USFC	No measures linked to decision package
CL	VRAD	No measures linked to activity
CL	VRAD	No measures linked to decision package
CL	VSAC	No measures linked to activity
CL	VSAC	No measures linked to decision package
CL	WAHK	No measures linked to activity
CL	WAHK	No measures linked to decision package
ML	NB	No measures linked to activity

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2125 - 2023-25 Biennial Budget**

*Dollars in Thousands*

ML	NC	No measures linked to activity
ML	ND	No measures linked to activity
ML	NE	No measures linked to activity
ML	NF	No measures linked to activity
ML	NG	No measures linked to activity
ML	NH	No measures linked to activity
ML	NJ	No measures linked to activity
ML	NK	No measures linked to activity
ML	NL	No measures linked to activity
ML	NR	No measures linked to activity
ML	NS	No measures linked to activity
ML	NT	No measures linked to activity
ML	NU	No measures linked to activity
ML	NW	No measures linked to activity
PL	PB	No measures linked to activity
PL	PC	No measures linked to activity
PL	PD	No measures linked to activity
PL	PF	No measures linked to activity
PL	PG	No measures linked to activity
PL	PH	No measures linked to activity
PL	PJ	No measures linked to activity
PL	PK	No measures linked to activity
PL	PL	No measures linked to activity
PL	PN	No measures linked to activity
PL	PP	No measures linked to activity
PL	PQ	No measures linked to activity

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

			<u><b>FY 2024</b></u>	<u><b>FY 2025</b></u>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>
ML	NB	State v. Burbank, Collins, and Ra	0	0	0	0
ML	ND	Nooksack & Lake Roosevelt Watershed	0	0	0	0
ML	NG	High Capacity Gun Magazine Lawsuits	0	0	0	0
PL	PD	Organized Retail Crime Task Force	0	0	0	0
PL	PL	PLIA Additional Legal Services	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2125 - 2023-25 Biennial Budget**

*Dollars in Thousands*

PL	PQ	AGO Law Clerk Program	0	0	0	0
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AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

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

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ML	NC	Maverick v. Gambling Commission	0	0	0	0
ML	NF	Zimmerly, et al. v. CRGC et al.	0	0	0	0
ML	NH	ESD Legal Services	0	0	0	0
ML	NJ	Counsel for Children and Youth	0	0	0	0
ML	NK	Concerning Child Abuse Allegations	0	0	0	0
ML	NL	WSP Advice and Litigation Services	0	0	0	0
ML	NS	Technical Correction	0	0	0	0
ML	NU	College System Benefits Litigation	0	0	0	0
PL	PG	MMIWP Extension	0	0	0	0
PL	PH	Community Mental Health	0	0	0	0
PL	PJ	DCYF Legal Rep Transition	0	0	0	0
PL	PK	Military & Veteran Legal Assistance	0	0	0	0
PL	PN	OIC Legal Services	0	0	0	0
PL	PP	State Treasurer Legal Services	0	0	0	0

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

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

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ML	NR	Manufactured Housing Authority	0	0	0	0

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2125 - 2023-25 Biennial Budget**

*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 2024</b></u>	<u><b>FY 2025</b></u>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>
ML	NE	Pakootas v. Teck Metals Ltd.		0	0	0	0
ML	NT	Quendall Terminals Litigation		0	0	0	0
ML	NW	: Legal Matter Management		0	0	0	0
PL	PB	MMIWP COLD CASE UNIT		0	0	0	0
PL	PC	SVP Unit Resources		0	0	0	0
PL	PF	Criminal Litigation Resources		0	0	0	0

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

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

ML 9Z

No measures linked to decision package

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2125 - 2023-25 Biennial Budget**  
*Dollars in Thousands*

**Activity: A001 Administration**

ML 9Z

No measures linked to decision package

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

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
PL	PL	PLIA Additional Legal Services	0	0	0	0

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

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

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ML	NC	Maverick v. Gambling Commission	0	0	0	0
ML	NS	Technical Correction	0	0	0	0
PL	PG	MMIWP Extension	0	0	0	0
PL	PK	Military & Veteran Legal Assistance	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**  
**2125 - 2023-25 Biennial Budget**

*Dollars in Thousands*

**Activity: A003 Criminal Investigation and Prosecution**

ML 9Z

No measures linked to decision package

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

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ML	NB	State v. Burbank, Collins, and Ra	0	0	0	0
PL	PD	Organized Retail Crime Task Force	0	0	0	0

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

**Output Measures 002536 Criminal Cases Closed**

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ML	NE	Pakootas v. Teck Metals Ltd.	0	0	0	0
ML	NT	Quendall Terminals Litigation	0	0	0	0
PL	PB	MMIWP COLD CASE UNIT	0	0	0	0
PL	PC	SVP Unit Resources	0	0	0	0
PL	PF	Criminal Litigation Resources	0	0	0	0

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

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

ML 9Z

No measures linked to decision package

**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2125 - 2023-25 Biennial Budget**  
*Dollars in Thousands*

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

ML 9Z

No measures linked to decision package

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

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ML	NR	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 th  
 protect consumers and improve consumer awareness.

**Activity: A007 Homicide Investigation Tracking System**

ML 9Z

No measures linked to decision package

**Activity: A006 Executive Ethics Board**

ML 9Z

No measures linked to decision package

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

ML 9Z

No measures linked to decision package

**ABS033 Performance Measure Incremental Estimates  
100 Office of Attorney General  
2125 - 2023-25 Biennial Budget**

*Dollars in Thousands*

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

ML 9Z

No measures linked to decision package

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

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ML	ND	Nooksack & Lake Roosevelt Watershed	0	0	0	0
PL	PQ	AGO Law Clerk Program	0	0	0	0

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

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

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ML	NF	Zimmerly, et al. v. CRGC et al.	0	0	0	0
ML	NJ	Counsel for Children and Youth	0	0	0	0
ML	NK	Concerning Child Abuse Allegations	0	0	0	0
ML	NL	WSP Advice and Litigation Services	0	0	0	0
ML	NS	Technical Correction	0	0	0	0
ML	NU	College System Benefits Litigation	0	0	0	0
PL	PH	Community Mental Health	0	0	0	0
PL	PJ	DCYF Legal Rep Transition	0	0	0	0
PL	PN	OIC Legal Services	0	0	0	0
PL	PP	State Treasurer Legal Services	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**  
**2125 - 2023-25 Biennial Budget**  
*Dollars in Thousands*

**Activity: A011 Representing Ratepayers**

ML 9Z

No measures linked to decision package

**Output Measures 002536 Criminal Cases Closed**

	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ML NW : Legal Matter Management	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



**2023-25 Biennium  
Activity Inventory Indirect Cost Allocation Approach**

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

**Date:** Sept 15, 2022

**Allocation Method Description:** Total indirect costs were allocated to activities based of 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>	8.2%	14,229	21,225	35,454
<b>A002 - Civil Commitment of Sexually Violent Predators</b>	3.3%	6,995	7,298	14,293
<b>A003 - Criminal Investigation and Prosecution</b>	1.1%	1,772	3,078	4,850
<b>A004 - Enforcement of Anti-Trust Laws</b>	2.7%	5,928	5,874	11,802
<b>A005 - Enforcement of Consumer Protection Laws</b>	3.1%	5,942	7,389	13,331
<b>A006 - Executive Ethics Board</b>	0.3%	556	582	1,138
<b>A007 - Homicide Investigation Tracking System</b>	0.6%	889	1,612	2,501
<b>A008 - Investigation and Defense of Tort Lawsuits</b>	0.3%	580	580	1,160
<b>A009 - Investigation and Prosection of Medicaid Fraud and Resident Abuse</b>	5.8%	13,190	11,752	24,942
<b>A010 - Legal Services to State Agencies</b>	73.7%	164,661	155,116	319,777
<b>A011 - Representing Ratepayers</b>	1.0%	2,178	2,173	4,351
<b>A012 - Victims Advocacy</b>	0.0%	16	72	88
<b>TOTALS</b>	<b>100.0%</b>	<b>216,936</b>	<b>216,751</b>	<b>433,687</b>



## AGO STRATEGIC PLAN 2023-2025

### SERVE THE STATE

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

1. Deliver high quality, timely, and efficient legal services.
2. Improve the lives of Washingtonians by advising our clients in achieving their missions.
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.
5. Improve internal efficiency and effectiveness through the use of technology solutions and data.
6. Support our clients in their efforts to combat racism that impacts the people of the State of Washington.

### PROTECT THE PEOPLE

Protect the legal rights of the people of the State of Washington within our authority.

1. Defend civil rights and stand up for vulnerable Washingtonians.
2. Protect Washington's environment and public health and support its environmental justice goals.
3. Promote good government.
4. Protect all Washington consumers.
5. Strive for greater public safety and justice for all Washington communities.
6. Combat racism that impacts the people of the State of Washington.

### SUPPORT AND VALUE OUR EMPLOYEES

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

1. Enhance our commitment to being an employer of choice by recognizing, celebrating, supporting, and valuing 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 training, tools, and resources to be successful, efficient, and effective.
4. Promote the health, safety, and well-being of all employees.
5. Promote and advance racial equity throughout the workplace.



Tab B



RECOMMENDATION  
SUMMARY





Dollars in Thousands

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2023-25 Regular Budget Session**  
**2125A - 2023-25 Biennial Budget**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	1,398.0	49,935	394,711	444,646
<b>2021-23 Current Biennium Total</b>	<b>1,398.0</b>	<b>49,935</b>	<b>394,711</b>	<b>444,646</b>
CL 001 Adjust to Available Revenue	0.0	0	(2)	(2)
CL 0ST1 Additional Legal Services Treasurer	0.0	0	(218)	(218)
CL 1733 Long Term Care Exemptions	0.0	0	83	83
CL 2076 Transp. Network Companies	5.3	752	21	773
CL 5002 Recycling, Waste & Litter	0.0	0	6	6
CL 5051 Peace & Corrections Officers	0.0	0	(120)	(120)
CL 5097 Paid Leave Coverage	0.0	0	118	118
CL 5126 Climate Commitment Act	0.0	0	(48)	(48)
CL 5141 Environmental Justice Task Force	(0.1)	0	19	19
CL 5172 Overtime Claim Retroactivity	(0.5)	0	(146)	(146)
CL 5259 Law Enforcement Data	0.0	769	0	769
CL 5327 Youth Safety Tip Line	0.0	(527)	0	(527)
CL 5761 Wage and Salary Information	0.0	0	25	25
CL 8L Lease Adjustments	0.0	40	(75)	(35)
CL 92C Archives/Records Management	0.0	(2)	(18)	(20)
CL 92D Audit Services	0.0	0	1	1
CL 92G Administrative Hearings	0.0	0	1	1
CL 92J CTS Central Services	0.0	11	110	121
CL 92K DES Central Services	0.0	0	(9)	(9)
CL 92R OFM Central Services	0.0	(110)	(1,045)	(1,155)
CL 9D Pension and DRS Rate Change	0.0	(12)	(66)	(78)
CL AAG WFSE Assistant AGs	0.0	1,620	10,178	11,798
CL AAGX WFSE Assistant AGs	0.0	(1,179)	(7,516)	(8,695)
CL ACH1 Acute Care Hospitals	0.0	0	6	6
CL CBS Clemency Board Support	0.3	39	0	39
CL CCTF Catalytic Converter Theft	0.0	0	0	0
CL CNAR Contracting Audit and Review	0.0	0	(2)	(2)
CL CWRP Child Welfare Relative Placements	0.3	0	65	65
CL CYDC Counsel - Youth Dependency Cases	2.1	0	551	551
CL DTD5 Guardianships	0.0	0	312	312
CL DTST Domestic Terrorism Study	0.0	(125)	0	(125)
CL E0FS Salaries for Elected Officials	0.0	0	3	3
CL ESD1 ESD Legal Services	0.0	0	(1,679)	(1,679)
CL FSEZ Federal Seizure Authority	0.0	0	(1)	(1)
CL G06 State Employee Benefits	0.0	41	618	659
CL G09 WFSE General Government	0.0	884	3,424	4,308
CL G09X WFSE General Government X	0.0	(778)	(3,212)	(3,990)
CL G6A Rep Employee Health Benefits	0.0	349	1,960	2,309
CL GL9 Non-Rep General Wage Increase	0.0	80	1,110	1,190
CL GLS Updated PEBB Rate	0.0	93	607	700
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	35	208	243
CL JSTF Jail Standards Task Force	0.0	0	(196)	(196)
CL KSVP King County SVP Prosecution	0.0	(1,393)	0	(1,393)
CL L0 SAKI Federal Expenditure Authority	0.0	0	(1,654)	(1,654)

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CL LAWE Law Enforcement Audits	0.0	0	4	4
CL LC Pandemic UI Litigation and Advice	(5.2)	0	(1,424)	(1,424)
CL LCF1 Clean Transportation Fuel Standards	0.0	0	(123)	(123)
CL LD USDOE Hanford Litigation	(2.3)	0	(1,600)	(1,600)
CL LG Pakootas v. Teck Litigation	(1.3)	0	(1,334)	(1,334)
CL LH Long-Term Service and Support	1.3	0	275	275
CL LK Foreclosure Compliance Program	0.0	(150)	0	(150)
CL LM Manufactured Housing Authority	0.0	0	1	1
CL LN MFCD Federal Expenditure Authority	0.0	0	1,630	1,630
CL MA State v. Burbank, Collins, & Rankin	0.0	(700)	0	(700)
CL MC ICWA Legal Compliance	14.1	0	3,445	3,445
CL ME Juvenile Litigation Representation	0.0	0	22	22
CL MF Juvenile Rehabilitation Services	0.0	0	4	4
CL MG Western WA Univ Legal Services	0.0	0	4	4
CL MH Office of Independent Investigation	(0.1)	0	(18)	(18)
CL MI Legal Case Management System	(5.5)	(228)	(1,908)	(2,136)
CL MJ eDiscovery Capacity and Management	1.3	0	473	473
CL MK D.S. v. DCYF	0.0	0	(120)	(120)
CL ML Malone v. DSHS	0.0	0	(150)	(150)
CL MMIW Missing & Murdered Indigenous Women	0.0	(125)	0	(125)
CL MP College System Benefits Litigation	(12.6)	0	(5,497)	(5,497)
CL MQ Charter School Commission Litigatio	(0.9)	0	(238)	(238)
CL MR Federal Funds Adjustment - SAKI	(1.5)	0	(2,943)	(2,943)
CL MS Washington Climate Commitment Act	(0.7)	0	(114)	(114)
CL PFM Paid Family Medical Leave	0.0	0	(121)	(121)
CL PSYC Psychology Compact	0.1	0	17	17
CL PUFs Physical Use of Force Standards	0.0	(301)	0	(301)
CL S23A Fish & Wildlife Enforcement	2.5	0	852	852
CL SAKI Sexual Assault Exam. Advisory Group	0.0	(58)	0	(58)
CL SVPK King County SVP Costs	0.0	(1,910)	0	(1,910)
CL TIPL Youth Tip Line Fund Shift	0.0	0	0	0
CL UR30 Other UARs	0.0	0	(301)	(301)
CL USFC Use of Force Standards	(0.5)	0	(133)	(133)
CL VRAD Palmer v. Hobbs	(4.5)	(1,421)	0	(1,421)
CL VSAC Victims of Sexual Assault	0.0	(25)	0	(25)
CL WAHK Wahkiakum School Dist. Litigation	0.0	(750)	0	(750)
<b>Total Carry Forward Level</b>	<b>1,389.3</b>	<b>44,854</b>	<b>388,833</b>	<b>433,687</b>
Percent Change from Current Biennium	(.6)%	(10.2)%	(1.5)%	(2.5)%
<b>Maintenance – Other Changes</b>				
ML8L Lease Adjustments	0.0	656	2,391	3,047
MLNB State v. Burbank, Collins, and Ra	0.0	700	0	700
MLNC Maverick v. Gambling Commission	1.8	512	0	512
MLND Nooksack & Lake Roosevelt Watershed	2.1	0	580	580
MLNE Pakootas v. Teck Metals Ltd.	0.0	0	700	700
MLNF Zimmerly, et al. v. CRGC et al.	0.7	0	300	300
MLNG High Capacity Gun Magazine Lawsuits	1.9	1,002	0	1,002
MLNH ESD Legal Services	3.5	0	1,020	1,020

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
MLNJ Counsel for Children and Youth	7.8	0	2,234	2,234
MLNK Concerning Child Abuse Allegations	13.0	0	3,704	3,704
MLNL WSP Advice and Litigation Services	2.5	0	772	772
MLNM Wenatchee Office Relocation	0.0	0	479	479
MLNP SAKI Federal Authority	0.0	0	2,200	2,200
MLNQ MFCD Federal Expenditure Authority	0.0	0	1,000	1,000
MLNR Manufactured Housing Authority	0.5	0	300	300
MLNS Technical Correction	0.2	0	48	48
MLNT Quendall Terminals Litigation	4.5	1,438	0	1,438
MLNU College System Benefits Litigation	7.3	0	4,136	4,136
MLNV Tobacco Diligent Enforcement	0.0	1,200	0	1,200
MLNW Legal Matter Management	8.5	917	7,611	8,528
<b>Maintenance – Other Total</b>	<b>54.2</b>	<b>6,425</b>	<b>27,475</b>	<b>33,900</b>
<b>Total Maintenance Level</b>	<b>1,443.5</b>	<b>51,279</b>	<b>416,308</b>	<b>467,587</b>
Percent Change from Current Biennium	3.3%	2.7%	5.5%	5.2%
<b>Policy – Other Changes</b>				
PL PB MMIWP COLD CASE UNIT	6.8	2,272	0	2,272
PL PC SVP Unit Resources	10.0	2,924	0	2,924
PL PD Organized Retail Crime Task Force	10.5	3,020	0	3,020
PL PF Criminal Litigation Resources	5.5	1,874	0	1,874
PL PG MMIWP Extension	1.5	928	0	928
PL PH Community Mental Health	1.8	0	512	512
PL PJ DCYF Legal Rep Transition	8.3	0	2,192	2,192
PL PK Military & Veteran Legal Assistance	1.0	218	0	218
PL PL PLIA Additional Legal Services	1.1	0	338	338
PL PM Statewide Defense Litigation	0.0	500	0	500
PL PN OIC Legal Services	1.8	0	512	512
PL PP State Treasurer Legal Services	0.5	0	162	162
PL PQ AGO Law Clerk Program	22.2	0	3,562	3,562
<b>Policy – Other Total</b>	<b>71.0</b>	<b>11,736</b>	<b>7,278</b>	<b>19,014</b>
<b>Subtotal - Policy Level Changes</b>	<b>71.0</b>	<b>11,736</b>	<b>7,278</b>	<b>19,014</b>
<b>2023-25 Total Policy Level</b>	<b>1,514.4</b>	<b>63,015</b>	<b>423,586</b>	<b>486,601</b>
Percent Change from Current Biennium	8.3%	26.2%	7.3%	9.4%

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

**ML 8L Lease Adjustments**

The Attorney General's Office (AGO) requires an increase in lease funding to cover the expected increases and decreases in annual lease contracts in the 2023-25 Biennium. The required 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 NB State v. Burbank, Collins, and Ra**

The Attorney General's Office (AGO) seeks funding to cover the cost of prosecution of three police officers accused of criminal causing the death of Manuel Ellis. Mr. Ellis died in the custody of Tacoma Police officers on March 3, 2020. In June 2020, Governor Inslee asked the AGO to review the investigation for criminal charges and prosecute any charges that were warranted. Criminal charges were filed against Burbank, Collins, and Rankine in May 2021. Trial is expected to begin in January 2023.

**ML NC Maverick v. Gambling Commission**

The Attorney General's Office (AGO) requests funding to continue defending this federal lawsuit, which challenges the validity of the gaming compacts between Washington State and the 29 federally-recognized tribes in Washington. If the plaintiff wins, the many Tribal-State gaming compacts and compacts amendments could be considered void by the court. That would upend the Class III gaming that tribes have developed over the years, in conjunction with the state in its co-regulatory role, and may create financial hardship for tribes who rely on gaming revenues to fund many government services.

**ML ND Nooksack & Lake Roosevelt Watershed**

The Attorney General's Office (AGO) is requesting additional funding in the 2023-25 biennium related to the adjudications of all water rights in the Nooksack and Lake Roosevelt watersheds. The two adjudications will determine all surface and groundwater rights in their respective watersheds. The Department of Ecology (Ecology) is preparing to commence these adjudications in state court by the end of Fiscal Year (FY) 2023. This request is to fund significant AGO support in preparing filing documents, serving all water users with the filing and lis pendens (a formal notice of a pending legal action), and appearing at numerous evidentiary hearings.

**ML NE Pakootas v. Teck Metals Ltd.**

The Attorney General's Office is requesting \$700,000 in the 2023-25 biennium for continued prosecution of the Pakootas v. Teck Metals Ltd. federal court case. The State of Washington (through the Department of Ecology) and the Confederated Tribes of the Colville Reservation are co-plaintiffs. Teck Metals Ltd. operates a smelter in Trail, British Columbia that has disposed of tox waste in northeast Washington via the Columbia River and the atmosphere. The case concerns the State's and Tribes' claims for natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and (for the State) the Model Toxics Control Act.

**ML NF Zimmerly, et al. v. CRGC et al.**

The Columbia River Gorge Commission (CRGC), a bi-state agency created by an interstate compact between Washington and Oregon, has been sued in the U.S. District Court for the Western District of Washington. This appropriation would permit the Attorney General's Office to represent CRGC in this lawsuit. The CRGC is usually represented by one in-house attorney, but covering this lawsuit is outside of the in-house counsel's expertise and workload capacity.

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

**ML NG High Capacity Gun Magazine Lawsuits**

The Attorney General's Office (AGO) requests funding for the defense of several lawsuits asserting facial challenges to ESSB 5078, the ban on the manufacture, sale, or importing of high capacity firearm magazines. The recent decision by the United State Supreme Court in *New York State Rifle Association, Inc. v. Bruen* will complicate these cases. The defense of these lawsuits will require expert testimony and significant attorney time.

**ML NH ESD Legal Services**

Employment Security Department (ESD) has an ongoing and increasing need for the Attorney General's Office (AGO) legal services. Workloads related to Unemployment Insurance (UI) benefits caseload and increases in tax actions work for the Paid Family and Medical Leave (PFML) and UI programs have and are increasing beyond current funding levels.

**ML NJ Counsel for Children and Youth**

In 2021, the Legislature enacted Second Substitute House Bill 1219 (2SHB), which phases in the appointment of counsel at public expense for children eight years and older in dependency cases and for all children in dependency and termination of parental rights cases upon the filing of a termination petition. The Legislature funded increased DCYF legal services for the first implementation phase; additional funding is needed to fully implement the remaining phases of 2SHB 1219.

**ML NK Concerning Child Abuse Allegations**

The Legislature passed Engrossed Second Substitute House Bill (ES2HB) 1227 that increases the legal standard for the removal of children from their parents at a 72-hour shelter care hearing, requires additional findings, and increases the relative and kin placement standard effective July 1, 2023. This new law also enhances pleading and procedural requirements and requires DCYF to immediately pursue licensure of placements. Thus, the bill will require more legal services to meet new legal requirements in these emergency hearings. Due to budget regulations, funding could not be provided. This request is necessary to implement passed law.

**ML NL WSP Advice and Litigation Services**

Washington State Patrol's (WSP) demand for legal services has increased in recent years and is outpacing the WSP legal services funding. This request is address the increased demand for legal services by WSP and in advance of implementation of a statewide background check system for all firearm transfers that will be administered by WSP. WSP will roll out a "soft launch" the system in July 2023 and the system is expected to be fully operational by January 2024. WSP's implementation and maintenance of this system is expected to cause additional increases in requests for advice and litigation services.

**ML NM Wenatchee Office Relocation**

The Attorney General's Office (AGO) is seeking to relocate its Wenatchee office because the building owner has expressed that they do not want to renew the lease. A slightly larger facility space is needed to accommodate the current and planned growth of this office and to provide regional legal service delivery for a variety of state agencies in Chelan, Okanogan, Douglas, and Grant counties.

**ML NP SAKI Federal Authority**

The Attorney General's Office (AGO) requests an increase to its federal authority to allow the AGO to continue to do the important work of the Federal Sexual Assault Kit Initiative (SAKI) including but not limited to testing backlogged kits, collecting DNA owed by felons, and to further unresolved sexual assault related investigations. There is no impact to State funds.

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

**ML NQ 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.

**ML NR Manufactured Housing Authority**

The Manufactured/Mobile Home Dispute Resolution Program's (MHD) current expenditure authority (EA) is insufficient to provide the services necessary to fulfill its statutory mandate. MHD requires additional EA to retain current staff, cover costs of administrative hearings by the Office of Administrative Hearings (OAH), prepare and distribute educational materials, and provide services to Limited English Proficient (LEP) individuals. The need for LEP services and materials has increased over time and MHD expects to issue more notices of violation and non-violation over the next biennium, which will increase costs for OAH services.

**ML NS Technical Correction**

A technical correction is required for the following two areas. First, in the carry forward level (CFL) for Fiscal Note (FN) for Senate Bill (SB) 5259 - Law Enforcement Data, in General Fund-State (GF-S) \$1,000,000 should be transferred from Fiscal Year 2025 to FY 2024. For FN for SB 5126 – Climate Commitment, in Legal Services Revolving Account in the CFL the reduction of (\$24,000) in both FY 2024 and 2025 should not have happened until the 2025-27 biennium.

**ML NT Quendall Terminals Litigation**

This request is to fund defense of a federal environmental clean-up action at the Quendall Terminals Superfund Site. The Quendall site has suffered significant environmental contamination as the result of private companies' operations that began in approximately 1917. The U.S. Environmental Protection Agency (EPA) has initiated a cleanup action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and has named the State of Washington as a Potentially Responsible Party. This request provides staff and funding to defend the State of Washington in this significant and highly visible environmental cleanup.

**ML NU College System Benefits Litigation**

This request is to fund defense of employee benefit class action lawsuits against the State Board for Community and Technical Colleges (SBCTC) and the State of Washington. The same law firm on behalf of classes of similarly situated part-time college employees filed three lawsuits. Two lawsuits, Wolf v. SBCTC and Rush v. State, allege denial of retirement benefits administered under the SBCTC Retirement Benefit Plan. The third suit, Rush v. State, alleges denial of sick leave benefits as specified under RCW 28B.50.4893. This request will provide funding for resources needed to continue defending Washington State in these three complex lawsuits.

**ML NV Tobacco Diligent Enforcement**

The Attorney General's Office (AGO) seeks additional 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 tens of millions of dollars from its next MSA payment. The requested funding will enable the AGO to continue to fully participate in the upcoming multi-year arbitration.



**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

**ML NW Legal Matter Management**

This request is to continue the project of replacement of the Attorney General's Office (AGO) legal matter management platform (LMMP) that began in late Fiscal Year (FY) 2022 and continues into the future. The Legislature provided funding in the 2021-23 Biennium and this funding is needed to continue the project to completion.

**PL PB MMIWP COLD CASE UNIT**

On June 28, the Missing and Murdered Indigenous Women and People (MMIWP) Task Force unanimously adopted the following recommendation: "The Legislature should establish and fully fund a Cold Case Investigation Unit within the Attorney General's Office (AGO) with a focus on missing and murdered Indigenous women and people cold cases." Consistent with the Task Force's recommendation, the Attorney General's Office seeks funding to establish and fully fund a permanent Cold Case Unit to solve MMIWP cases that are not currently under active investigation. This Unit will honor the request of impacted families and address the crisis of missing and murdered Indigenous women and girls.

**PL PC SVP Unit Resources**

The Attorney General's Office's (AGO) Sexually Violent Predator (SVP) Unit's workload has dramatically increased during the past several years due to a variety of circumstances, including a trial backlog created by the pandemic, as well as the substantial increase in referred SVP cases. During the 2022 Session, the King County Prosecutor's Office received a significant increase in SVP prosecution funding. It is recommended that the Legislature appropriate the AGO's SVP Unit with commensurate funding to add staff and fund expert witnesses needed to address the increased workload of SVP cases in the other 38 Washington counties.

**PL PD Organized Retail Crime Task Force**

The Attorney General's Office (AGO) convened a statewide Organized Retail Crime Task Force (ORCTF). More than 100 individuals attended the first meeting on July 7, including representatives from state, local, and federal law enforcement, small and large businesses, and retail workers. At the meeting, law enforcement and others expressed a need for additional resources to investigate these sophisticated multijurisdictional crimes that involve groups of individuals stealing products in order to resell them for a profit. At least nine state legislatures have made similar investments into organized retail crime task forces, including California. These investments will help workers and Washington's economy.

**PL PF Criminal Litigation Resources**

The Attorney General's Office's (AGO) Criminal Litigation Unit (CLU) is experiencing an increase in prosecution workload caused by the increased complexity of criminal cases received such as murder, rape, aggravated assault, public corruption and fraud. In addition to its prosecutorial duties, since 2013 the CLU is tasked with representing the state when claims for compensation for wrongful conviction are brought pursuant to the Wrongfully Convicted Persons Act (WCPA). The WCPA increased CLU's workload with complex civil trial work akin to tort defense. Resources sufficient to perform this work are needed on an ongoing basis.

**PL PG MMIWP Extension**

The Attorney General's Office (AGO) established the Washington Missing and Murdered Indigenous Women and People (MMIWP) Task Force in 2021. The Task Force is already making progress towards addressing the crisis of missing and murdered indigenous women, girls, and people. The Task Force published its first report on August 1, 2022. The Report received significant media attention. The Report included ten unanimous recommendations from the 23-member Task Force, including a recommendation to extend the Task Force through June 30, 2025.

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

**PL PH Community Mental Health**

This proposal will fund additional legal services for the community based Residential Treatment Facilities housing patients civilly committed for 90 or 180 days being developed by Department of Social and Health Services (DSHS) and Health Care Authority (HCA).

**PL PJ DCYF Legal Rep Transition**

This request is to provide funding to the Attorney General's Office (AGO) for representation in Pacific, Wahkiakum, and Kittitas Counties for new child welfare caseloads as requested by the Department of Children, Youth, and Families (DCYF). Representation was previously provided private attorneys through contracts with the AGO. In all but three counties, DCYF is represented in child dependency and permanency cases by the AGO in local offices. DCYF seeks to complete the transition of representation to support consistency in practice and performance reporting. The AGO requests additional authority to support this transition and provide adequate staffing in these offices.

**PL PK Military & Veteran Legal Assistance**

The Attorney General's Office (AGO) honors the service of military families and those in our armed forces by working to meet their civil legal needs through our Office of Military and Veterans Legal Assistance (OMVLA), established by bipartisan legislation in 2017 (House Bill (HB) 1055). OMVLA receives requests for pro bono legal assistance and refers requests to registered volunteer attorneys who offer assistance. Washington's veterans and military families continue to face a tremendous unmet need for low-cost legal services, and caseloads are increasing. The Legislature funds one FTE to support the OMVLA, and the AGO is requesting additional staff support.

**PL PL PLIA Additional Legal Services**

The Pollution Liability Insurance Agency (PLIA) will be creating and operating a state financial assurance program and dismantling the existing pollution liability insurance program. The PLIA anticipates needing the Attorney General's Office (AGC Assistant Attorneys Generals (AAG) assistance for: rulemaking, advice; drafting contracts and agreements for petroleum underground storage tank owners, operators, contractors, and consultants; coordinating with the Environmental Protection Agency on approval of the program, and possible litigation.

**PL PM Statewide Defense Litigation**

The Attorney General's Office (AGO) is requesting an appropriation to cover costs in defending Washington State in numerous matters that are not directly related or billable to a specific state agency. Examples of these cases include the AGO's defense of the Eviction Resolution Pilot Program legislation and addressing the scope of the State's fiscal responsibility for refunding the legal financial obligations of persons convicted of felony drug possession, a crime the Washington Supreme Court found unconstitutional. The frequency of these cases, which often involve constitutional challenges, is increasing. The AGO seeks funding for the collective defense costs of these cases.

**PL PN OIC Legal Services**

The Office of the Insurance Commissioner (OIC) is requesting additional funding for legal services because the current allocation is insufficient to meet its day-to-day legal needs. OIC is highly likely to significantly overspend its legal services allocation for the 2023-25 Biennium. Over the past several years, OIC has seen a marked increase in litigation, including actions challenging OIC's authority, enforcement matters brought by the agency, and Administrative Procedure Act Petitions for judicial review. Additional funding will allow the Attorney General's Office (AGO) to effectively serve OIC increased legal needs.

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

**PL PP State Treasurer Legal Services**

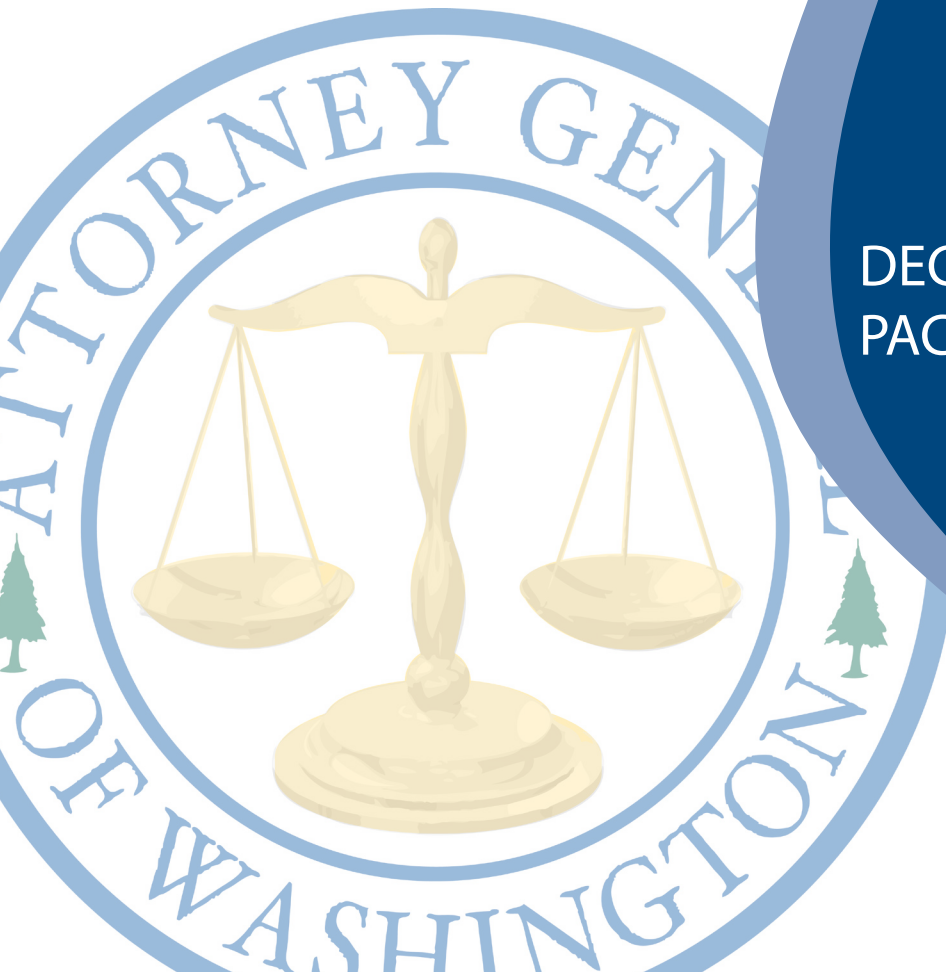
The Office of the State Treasurer (OST) is experiencing a significant increase in its need for legal services from the Attorney General's Office (AGO) pertaining to matters such as capital project finance structures, complex financial questions, cash management requirements, debt limits, and general state revenue questions in an evolving and challenging financial world. Increasing the budget for OST legal services will help ensure that the AGO is able to effectively respond to requests for advice and that OST receives legal advice that is critical to supporting its efforts to maintain the state's excellent credit rating.

**PL PQ AGO Law Clerk Program**

As Washington's largest public law office, the Attorney General's Office (AGO) seeks to pay legal interns to offer a valuable and educational opportunity for law students. The AGO currently offers a volunteer law clerk program. Many law students cannot afford to commit to a summer without compensation, leading to inequitable opportunities for only those affluent enough to do so. Paying law clerks will lead to a more inclusive pool of students and provide an improved pipeline of highly qualified diverse attorneys for the AGO and other public service legal opportunities.

Tab C

DECISION  
PACKAGES





# 2023-25 BIENNIAL BUDGET REQUEST

## Office of the Attorney General

### Decision Package Summary

ML Priority			
Type	Rec Sum	DP Title	Priority
ML	NB	State v. Burbank, Collins and Rankin	N/A
ML	NC	Maverick v. Gambling Commission	N/A
ML	ND	Nooksack & Lake Roosevelt Watershed	N/A
ML	NE	Pakootas v. Teck Metals Ltd.	N/A
ML	NF	Zimmerly et al v. CRGC et al	N/A
ML	NG	High Capacity Gun Magazine Lawsuits	N/A
ML	NH	ESD Legal Services	N/A
ML	NJ	Counsel for Children and Youth	N/A
ML	NK	Concerning Child Abuse Allegations	N/A
ML	NL	WSP Advice and Litigation Services'	N/A
ML	NM	Wenatchee Office Relocation	N/A
ML	NP	SAKI Federal Authority	N/A
ML	NQ	MFCO Federal Expenditure Authority	N/A
ML	NR	Manufactured Housing Authority	N/A
ML	NS	Technical Correction	N/A
ML	NT	Quendell Terminals Litigation	N/A
ML	NU	College Systems Benefits Litigation	N/A
ML	NV	Tobacco Diligent Enforcement	N/A
ML	NW	Legal Matter Management	N/A
ML	8L	Lease Adjustments	N/A
ML	9Z	Recast to Activity	N/A

PL Priority			
Type	Rec Sum	DP Title	Priority
PL	PB	MMIWP Cold Case Unit	1
PL	PC	SVP Unit Resources	2
PL	PD	Organized Retail Crime Task Force	3
PL	PF	Criminal Litigation Task Force	4
PL	PG	MMIWP Extension	5
PL	PH	Community Mental Health	6
PL	PJ	DCYFL Legal Rep Transition	7
PL	PK	Military and Veteran Legal Assistance	8
PL	PL	PLIA Additional Legal Services	9
PL	PM	Statewide Defense Litigation	10
PL	PN	OIC Legal Services	11
PL	PP	State Treasurer Legal Services	12
PL	PQ	AGO Law Clerks Program	13



Dollars in Thousands

**ABS031 Agency DP Priority (PL)**  
**(List only the program Policy Level budget decision packages, in priority order)**  
**100 - Office of Attorney General**  
**2023-25 Regular Budget Session**  
**2125 - 2023-25 Biennial Budget**

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PL-PB	MMIWP COLD CASE UNIT
PL-PC	SVP Unit Resources
PL-PD	Organized Retail Crime Task Force
PL-PF	Criminal Litigation Resources
PL-PG	MMIWP Extension
PL-PH	Community Mental Health
PL-PJ	DCYF Legal Rep Transition
PL-PK	Military & Veteran Legal Assistance
PL-PL	PLIA Additional Legal Services
PL-PM	Statewide Defense Litigation
PL-PN	OIC Legal Services
PL-PP	State Treasurer Legal Services
PL-PQ	AGO Law Clerk Program







## Agency Recommendation Summary

The Attorney General’s Office (AGO) seeks funding to cover the cost of prosecution of three police officers accused of criminally causing the death of Manuel Ellis. Mr. Ellis died in the custody of Tacoma Police officers on March 3, 2020. In June 2020, Governor Inslee asked the AGO to review the investigation for criminal charges and prosecute any charges that were warranted. Criminal charges were filed against Burbank, Collins, and Rankine in May 2021. Trial is expected to begin in January 2023.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$700	\$0	\$700	\$0	\$0	\$0
Total Expenditures	\$700	\$0	\$700	\$0	\$0	\$0

## Decision Package Description

The AGO maintains a small Criminal Litigation Unit (CLU) within its Criminal Justice Division. The CLU has eight assistant attorney generals (AAG) who serve primarily as criminal prosecutors, although they also review claims for compensation under the Wrongly Convicted Persons Act (Chapter 4.100 RCW). These prosecutors handle criminal prosecutions at the request of the Governor or a county prosecutor when there is a conflict of interest, a county needs assistance due to limited resources, or the AGO has expertise and available resources for particular cases.

The CLU has limited availability and resources to prosecute cases at the request of the Governor and county prosecutors. Of the eight available prosecutors, two FTE are dedicated to prosecution of financial fraud cases against state agencies. One is dedicated to human trafficking issues. One FTE is dedicated primarily to reviewing and litigating wrongful conviction claims, although they also handle a criminal caseload. Another FTE supervises the unit and has administrative and supervisory duties in addition to casework. One of the FTE has already been assigned to co-chair *State v. Burbank, Collins, and Rankine* with the SAAG. Other attorneys accordingly absorbed some of their caseload.

At the time that the Governor asked the AGO to review the Death Investigation of Manuel Ellis in June 2020, the CLU was already litigating several complex and resource-consuming prosecutions. This includes a murder case in Grant County, a rape case in Asotin County, an attempted murder case in Clallam County, and a complex wage theft case in King County. All of those cases consume a considerable amount of the limited resources of the CLU. When the Governor asked the AGO to review the death of Manuel Ellis in June 2020, the global pandemic and limited court operations had stalled, and continue to stall, resolution of criminal cases, including the existing major and resource-consuming prosecutions in the CLU caseload.

Due to the limited resources of the CLU, but wanting to fulfill the need for an independent review of the death of Mr. Ellis as requested by the Governor, the AGO hired a Special Assistant Attorney General (SAAG) to assist in reviewing the case and to prosecute the case if criminal charges were filed. Charges were filed against Tacoma Police officers Christopher Burbank, Matthew Collins, and Timothy Rankine in late May 2021, about a month prior to the expiration of the 2019-2021 biennial budget term.

The nature of this particular case (the death of a man while in the custody of Tacoma Police) also causes significant costs in the form of necessary expert witnesses. The State’s burden at trial is to prove the case beyond a reasonable doubt and obtain a unanimous jury verdict. Careful review of the case required the AGO to hire numerous expert witnesses—and may require hiring others—in order to provide the jury with the necessary information to make an informed decision on guilt or innocence. The AGO is presently contracted with numerous medical doctors, an audio file expert, a video file expert, a crime scene re-constructionist, and a police practices/use of force expert. The maximum to be paid on these contracts is presently \$150,000, which costs were not forecasted for the 2021-2023 biennial budget for AGO criminal prosecutions. The AGO’s budget presently lacks the necessary funds to cover the expenses of the SAAG and expert witnesses. This AGO request is a placeholder, as this case is expected to begin in January 2023 and may be over before the 2024 fiscal year begins. However, there is a potential for a continuance or for the case to run longer than expected which would carry the need to fund this case into the 2024 fiscal year.

## Assumptions and Calculations

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

No expansion, reduction, elimination or alteration of a current program or service.

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

The AGO's criminal prosecutions are funded exclusively by General Fund State dollars (GF-State). The AGO's current funding will not cover anticipated costs for prosecution of these three cases.

The AGO requests \$700,000 to cover the cost of a SAAG, expert witnesses, and litigation costs for the criminal cases *State v. Christopher Burbank*, *State v. Matthew Collins*, and *State v. Timothy Rankine*, all filed in Pierce County Superior Court and pending jury trial. Trial is anticipated to occur in October 2022.

These costs are based upon the following assumptions:

\$500,000 for Special Assistant Attorney General. Presently, the AGO has a contract with the SAAG to pay her firm \$350,000 for work on these three cases during the present biennium. To assist in reviewing the case from February 2021 through May 2021, and one month of prosecuting the three defendants in June 2021, the AGO paid the SAAG approximately \$328,000 for five months of work. The SAAG's work was essential to review and charging of the case between February and June 2021. Now that the case is charged and each of the three defendants has an attorney, extensive litigation is anticipated, culminating in a lengthy jury trial (or possibly three jury trials) anticipated to occur before the conclusion of the 2021-23 biennium. Experience and logic lead to the conclusion that the current \$350,000 contract for the SAAG will not cover necessary expenses through trial. The AGO estimates payments of \$500,000 or more for the SAAG during the present biennium.

As noted, the AGO has contracted with necessary experts to consult with and call as witnesses at trial. The max sum of those contracts is \$150,000, some of these contracts may need to be amended for additional costs should the case go to trial as expected. The AGO also anticipates consulting with and hiring additional experts who have expertise in certain medical disciplines. The State has maximum contractual obligations of \$120,000 this biennium for contracted experts, but anticipates a minimum of \$200,000 in payments to experts this biennium due to necessary expert consultation and testimony for these three cases this biennium.

The anticipated expenditures are contractual: the SAAG and consulting/testifying expert witnesses. The AGO is presently committed to \$470,000 in contractual costs to the SAAG and experts. The AGO expects the SAAG to bill \$500,000 or more the 2023-25 biennium for work necessary to the successful prosecution of these cases. Additionally, the AGO expects expert witnesses to bill \$200,000 for work necessary to meet the State's burden of proof in this case.

### **Workforce Assumptions:**

N/A

## Strategic and Performance Outcomes

### **Strategic Framework:**

#### **Results Washington Outcome Measures:**

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

**AGO Strategic Plan:** This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

Goal 1 – Defend the civil rights

and stand up for vulnerable Washingtonians.

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0003 Criminal	001-1	700,000			
<b>Total</b>		<b>700,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

### **Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate

## Equity Impacts

### **Community outreach and engagement:**

The proposal will further equity in our state by ensuring that resources are not a bar to the prosecution of police officers accused of using unnecessary force.

### **Disproportional Impact Considerations:**

N/A

### **Target Populations or Communities:**

This proposal will impact the defense of civil rights and standing up for vulnerable Washingtonians.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

N/A.

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

N/A.

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

*State v. Christopher Burbank, State v. Matthew Collins, and State v. Timothy Rankine*

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. C	\$500	\$0	\$500	\$0	\$0	\$0
Obj. E	\$200	\$0	\$200	\$0	\$0	\$0

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



### Agency Recommendation Summary

The Attorney General’s Office (AGO) requests funding to continue defending this federal lawsuit, which challenges the validity of the gaming compacts between Washington State and the 29 federally-recognized tribes in Washington. If the plaintiff wins, the many Tribal-State gaming compacts and compact amendments could be considered void by the court. That would upend the Class III gaming that tribes have developed over the years, in conjunction with the state in its co-regulatory role, and may create financial hardship for tribes who rely on gaming revenues to fund many government services.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	1.8	1.8	1.8	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$256	\$256	\$512	\$0	\$0	\$0
Total Expenditures	\$256	\$256	\$512	\$0	\$0	\$0

### Decision Package Description

The Attorney General’s Office (AGO) requests funding to defend *Maverick Gaming v. Washington State Gambling Commission, et. al.* lawsuit naming the Governor, the Attorney General, the Gambling Commission Commissioners, Ex-Officios, and Director of the Washington State Gambling Commission.

Maverick Gaming alleges the Tribal-State gaming compacts violate federal law, including the Indian Gaming Regulatory Act (IGRA), and the United States Constitution, because the compacts grant tribes exclusive rights to certain gaming, including sports wagering, while criminalizing those activities for Maverick Gaming. Maverick Gaming is asking the court to void the compacts, vacate and set aside the Secretary of the Department of Interior’s approval of the compacts and compact amendments, and enjoin Washington from 1) continuing to administer the compacts; 2) entering into new compacts that grant exclusive gaming rights to tribes; and 3) enforcing state criminal gaming laws against Maverick.

AGO requests 1.0 Assistant Attorney General (AAG) FTE as well as 0.5 Legal Assistant 3 (LA3) and 0.3 Management Analyst 5 (MA5) as the time spent on this case steadily increases.

## Assumptions and Calculations

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

An additional AAG and 0.5 Legal Assistant 3 is being requested to litigate the Maverick Gaming v. Washington State Gambling Commission lawsuit

### Detailed Assumptions and Calculations:

The AGO is requesting funding for FY 2024 and FY 2025 - 1.0 AAG, 0.5 LA3 and 0.3 MA5 at \$256,000 per fiscal year.

### Workforce Assumptions:

See graphic

FTE		FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? Y / N
AAG	FTE	1.0	1.0			
	Object A & B	153,000	153,000			
LA	FTE	0.5	0.5			
	Object A & B	40,000	40,000			
PL	FTE					
	Object A & B					
INV	FTE					
	Object A & B					
MA5	FTE	0.3	0.3			
	Object A & B	31,000	31,000			
Other (describe)	FTE					
	Object A & B					
<b>TOTAL FTE</b>		<b>1.8</b>	<b>1.8</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>		<b>224,000</b>	<b>224,000</b>	<b>0</b>	<b>0</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

Results Washington: Goal 5: Efficient, effective and accountable Government: Fostering a Lean culture that drives accountability and results for the people of Washington.

AGO Strategic Plan: Priority 1: Serve the State Goal; 1: Deliver High Quality, Timely, and Efficient Legal Services.

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A001 - Administration	001	256,000	256,000		
<b>TOTAL</b>		<b>256,000</b>	<b>256,000</b>	<b>-</b>	<b>-</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

N/A.

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

In litigating this lawsuit, Maverick Gaming makes arguments that, if successful, will likely have a detrimental impact on equity by eroding tribal sovereignty across the state of Washington and possibly nationwide.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

A ruling in favor of Maverick Gaming would likely have significant impact to tribal governments across the State. Long-standing Tribal Compacts for Class III Gaming could be overturned directly and negatively impacting tribal governments and tribal communities that rely on gaming revenue.

The Gambling Commission is in agreement with these legal services needs and fully support the AGO request.

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$169	\$169	<b>\$338</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$55	\$55	<b>\$110</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$30	\$30	<b>\$60</b>	\$0	\$0	<b>\$0</b>
Obj. G	\$2	\$2	<b>\$4</b>	\$0	\$0	<b>\$0</b>

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov





Office of Attorney General  
 2023-25 Regular Budget Session  
 Maintenance Level - ND - Nooksack & Lake Roosevelt Watershed

### Agency Recommendation Summary

The Attorney General’s Office (AGO) is requesting additional funding in the 2023-25 biennium related to the adjudications of all water rights in the Nooksack and Lake Roosevelt watersheds. The two adjudications will determine all surface and groundwater rights in their respective watersheds. The Department of Ecology (Ecology) is preparing to commence these adjudications in state court by the end of Fiscal Year (FY) 2023. This request is to fund significant AGO support in preparing filing documents, serving all water users with the filing and lis pendens (a formal notice of a pending legal action), and appearing at numerous evidentiary hearings.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	2.1	2.1	2.1	2.1	2.1	2.1
<b>Operating Expenditures</b>						
Fund 405 - 1	\$290	\$290	\$580	\$290	\$290	\$580
Total Expenditures	\$290	\$290	\$580	\$290	\$290	\$580
<b>Revenue</b>						
405 - 0420	\$290	\$290	\$580	\$290	\$290	\$580
Total Revenue	\$290	\$290	\$580	\$290	\$290	\$580

## Decision Package Description

The core principle of Washington water law is prior appropriation, where first in time is first in right. Rights to use water are managed for the State of Washington (State) through the Department of Ecology's (Ecology's) permitting system, which dates back to the first 1917 Water Code. The Ecology, however, lacks authority to resolve competition among water users by directly applying prior appropriation. Instead, court adjudication is the statutory tool for quantifying and prioritizing water rights claims. In such an adjudication, Ecology identifies a water source (such as a watershed with a major river and its tributaries and groundwater). Through the Attorney General's Office (AGO), Ecology then files an action in court and joins all pertinent water users into the court process before a local judge. Water users submit their claims, and Ecology gathers extensive information about water use. Again through the AGO, Ecology then makes recommendations to the court and the court issues a final decree listing all rights in order of priority. Water users can negotiate settlement agreements and recommend them to the court for inclusion in the court's decree.

An adjudication decree is a final, comprehensive inventory of rights to use water in the adjudicated watershed. It is highly detailed and provides Ecology and stakeholders accurate information on the key components of each water right – priority date, authorized quantity, time and place of use, and purpose of use. With the certainty of an adjudication decree, a court-appointed water master can regulate use when water supply is inadequate for all users. Following an adjudication, water users have a true valuation of their water quantity that facilitates changes, transfers, and sales of water rights.

Because there have been few such adjudications in the state, however, there is uncertainty concerning water rights in most watersheds around the state. This uncertainty is particularly pronounced in the Nooksack watershed contained in Water Resources Inventory Area (WRIA) 1 and the Lake Roosevelt watershed primarily contained in WRIA 58. In the Nooksack, despite good faith efforts over many years to achieve voluntary water management agreements, disagreements about the legal right to use water have resulted in threats to local agricultural economies and counterproductive competition among different kinds of water uses. Solutions to competing demands for water, fish, farming, and for people are stymied by the lack of a complete inventory and formal court determination of all the rights to use water under the state's laws.

In the Upper Columbia, the state's largest reservoir (Lake Roosevelt) lies between two of the largest Indian Reservations (those of the Spokane and Colville Confederated Tribes). While there are far fewer water users in the state than in other watersheds, there is profound uncertainty: the tribes, federal agencies, and the State all rely upon the same water without any consistent regulation or priority system. Ecology does not know whether tribes withdraw water on the land (or from Lake Roosevelt itself). Tribes presume the Columbia River water to support their reservations, but have no legal documentation of its quantity or purpose to assist with the planning and regulation. The U.S. Bureau of Reclamation holds early state water rights for waters distributed through the Columbia Basin Project, but it is potentially vulnerable to even older tribal claims. This poses profound uncertainty for holders of State-issued water rights and for the future of water use in this area.

In 2019, the Legislature directed Ecology to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist. Through this assessment, Ecology identified the Nooksack and Lake Roosevelt watersheds as priority basins in which to begin this work.

Significantly, in 2019 and 2020, three federally recognized tribal governments in these watersheds: the Lummi Nation, Nooksack Tribe, and Confederated Tribes of the Colville Indian Reservation petitioned Ecology under state law to use the court process for water right adjudication.

Historically, tribes have resisted state court jurisdiction over treaty and reservation water, which has led to many years of litigation over jurisdiction and venue by tribal and federal parties when states pursue adjudication. These petitions demonstrate that these tribes consent to the determination of their priority and quantity of water rights by the State.

The Legislature funded preliminary work to prepare for court filing of both adjudications in the 2021-23 Biennial Operating Budget. This request builds on this prior work to support filing of the adjudications with the courts and begin implementation of the overall process to determine legal water use in the impacted WRIs. The Ecology anticipates filing in court by at the end of Fiscal Year (FY) 2023.

## Assumptions and Calculations

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

This is a case-specific request for funds to cover costs for newly-commenced adjudications of all water rights in the Nooksack and Lake Roosevelt watersheds. The adjudications have not received prior funding.

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

The AGO requests \$580,000 in the 2023-25 biennium to cover costs related to the comprehensive adjudications of all water rights in the Nooksack and Lake Roosevelt watersheds.

The AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG) FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.3 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO's Ecology Division and administration support total FTE assumptions (non-Seattle rate).

- ° FY2024: 1.0 AAG, 0.3 Paralegal 2 (PL2), 0.5 LA 3, and 0.3 MA 5, and each FY thereafter

### **Workforce Assumptions:**

See graphic

FTE	FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
AAG FTE	1.0	1.0	1.0	1.0	Y
Object A & B	153,000	153,000	153,000	153,000	
LA FTE	0.5	0.5	0.5	0.5	Y
Object A & B	40,000	40,000	40,000	40,000	
PL FTE	0.3	0.3	0.3	0.3	Y
Object A & B	30,000	30,000	30,000	30,000	
INV FTE		0.0	0.0	0.0	Y
Object A & B		0	0	0	
MA5 FTE	0.3	0.3	0.3	0.3	Y
Object A & B	30,000	30,000	30,000	30,000	
Other (describe) FTE					
Object A & B					
<b>TOTAL FTE</b>	<b>2.1</b>	<b>2.1</b>	<b>2.1</b>	<b>2.1</b>	
<b>TOTAL A &amp; B</b>	<b>253,000</b>	<b>253,000</b>	<b>253,000</b>	<b>253,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

**AGO Strategic Plan:** This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A010 - Legal Services to State Agencies	405	290,000	290,000	290,000	290,000
<b>TOTAL</b>		<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### Community outreach and engagement:

N/A.

### Disproportional Impact Considerations:

N/A.

### Target Populations or Communities:

Completion of the two adjudications will provide certainty with respect to the priority and quantity of federally reserved water rights held by the Lummi Nation, Nooksack Tribe, and Confederated Tribes of the Colville Indian Reservation, as well as other water rights in the affected basins.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

See graphic

Client	Fund	FY2022	FY2023	FY2024	FY2025
Ecology	405	290,000	290,000	290,000	290,000
<b>TOTAL</b>		<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

This request is made to cover costs related to the comprehensive adjudications of all water rights in the Nooksack and Lake Roosevelt watersheds.

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$190	\$190	\$380	\$190	\$190	\$380
Obj. B	\$63	\$63	\$126	\$63	\$63	\$126
Obj. E	\$35	\$35	\$70	\$35	\$35	\$70
Obj. G	\$2	\$2	\$4	\$2	\$2	\$4

## Agency Contact Information

Edward Giger

(360) 586-2104

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



## Agency Recommendation Summary

The Attorney General’s Office is requesting \$700,000 in the 2023-25 biennium for continued prosecution of the Pakootas v. Teck Metals Ltd. federal court case. The State of Washington (through the Department of Ecology) and the Confederated Tribes of the Colville Reservation are co-plaintiffs. Teck Metals Ltd. operates a smelter in Trail, British Columbia that has disposed of toxic waste in northeast Washington via the Columbia River and the atmosphere. The case concerns the State’s and Tribes’ claims for natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and (for the State) the Model Toxics Control Act.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 405 - 1	\$700	\$0	\$700	\$0	\$0	\$0
Total Expenditures	\$700	\$0	\$700	\$0	\$0	\$0
<b>Revenue</b>						
405 - 0420	\$700	\$0	\$700	\$0	\$0	\$0
Total Revenue	\$700	\$0	\$700	\$0	\$0	\$0

## Decision Package Description

This request supports major environmental litigation against a Canadian smelting corporation. The State and the Confederated Tribes of the Colville Reservation are co-plaintiffs in this case that furthers environmental justice goals. The court has already ruled that the smelting company illegally polluted the Columbia River.

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has designated more than 150 river miles of the Columbia River—from the international border downstream to the Grand Coulee Dam — as the upper Columbia River/Lake Roosevelt site. The primary source of contamination at the site is a metal ore smelting complex operated by the Teck Metals Ltd. (Teck) in Trail, British Columbia. Toxic metals discharged from the Teck smelter into the Columbia River over the past century-plus, including arsenic, zinc, cadmium, lead, copper, and mercury, have impacted upper Columbia River/Lake Roosevelt sediments and aquatic life and habitats. Teck’s pollution also includes widespread soil contamination from more than a century of smokestack emissions, and the site includes uplands in the upper Columbia River Valley near the border impacted by this pollution.

In 2003, individual members of the Confederated Tribes of the Colville Reservation (Colville Tribes), including Joseph Pakootas, filed suit in the Federal District Court for the Eastern District of Washington to enforce an administrative order issued by EPA requiring Teck to investigate contamination at the site. The State, through the Department of Ecology (Ecology), joined the suit shortly thereafter. When it became clear the EPA intended to withdraw its order as part of a negotiation with Teck, the State and the Colville Tribes (which had intervened) amended their complaints to add claims for the recovery of response costs and natural resource damages under CERCLA.

Phases 1 and 2 of the litigation established Teck’s liability for releasing hazardous substances into the Columbia River, and through settlement with the State and judgment to the Colville Tribes, secured response cost monetary awards for the State and Tribes exceeding \$12 million. The Phase 1 and 2 results were affirmed by the Ninth Circuit Court of Appeals in 2018, with the United States Supreme Court declining review.

Phase 3 of the case began in 2021. The State and Colville Tribes are trustees for natural resources under CERCLA, and in Phase 3, the State and Tribes as trustees seek the recovery of natural resource damages under CERCLA. And because in Phase 2 Teck succeeded in arguing that it could not be an “arranger” under CERCLA for the disposal of airborne hazardous substances at the site, the State has alleged a state law cause of action under the Model Toxics Control Act (MTCA) for damages arising from this contamination. Securing judgment for natural resource damages stemming from smelter contamination will support environmental restoration to mitigate losses in the Upper Columbia River region due to decades of contamination from Teck’s smelter.

The State and Colville Tribes have already retained more than a dozen scientific and economist experts to support the natural resource damages claims. A three-week trial is currently scheduled for June 2023. There is uncertainty concerning the case schedule, however, with the potential for a number of costs to be transferred into the next biennium if the case schedule is extended. The budget request will fund the continued prosecution of the case in the next biennium. The Attorney General’s Office (AGO) is estimating \$700,000 to support expert report preparation, research and potential supplemental data acquisition or analysis, expert discovery, trial preparation, and trial costs.

## Assumptions and Calculations

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

This is a case-specific request for funds to cover costs for *Pakootas v. Teck Metals Ltd.* litigation support.

### Detailed Assumptions and Calculations:

The AGO requests \$700,000 to cover expert report preparation, research and potential supplemental data acquisition or analysis, expert discovery, trial preparation, and trial costs for the *Pakootas v. Teck Metals Ltd.*, federal court case.

### Workforce Assumptions:

N/A.

## Strategic and Performance Outcomes

### Strategic Framework:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

**AGO Strategic Plan:** This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0003 - Criminal Investigations and Prosecutions	405-1	700,000			
<b>TOTAL</b>		<b>700,000</b>	-	-	-

Performance Measure	Fund	FY2024	FY2025	FY2026	FY2027
2536 - Criminal Cases Closed	405-1	700,000			
<b>TOTAL</b>		<b>700,000</b>	-	-	-

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002536 - Criminal Cases Closed	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### Community outreach and engagement:

Successful prosecution of this case will result in an award of natural resource damages that by law must be used to restore or replace injured natural resources in the Upper Columbia River region.

### Disproportional Impact Considerations:

N/A.

### Target Populations or Communities:

This is of particular importance to the Colville Tribes, as well as the Spokane Tribe of Indians, which is another statutory trustee for natural resources in the region.



## Other Collateral Connections

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

The AGO is a litigation partner (co-plaintiff) with the Colville Tribes in this case. The AGO substantially coordinates with the Colville Tribes’ outside litigation counsel on the case and is sharing half of most expert witness and other costs. The other statutory trustees for natural resources in the affected area are the United States Department of the Interior and the Spokane Tribe of Indians, who have chosen to not intervene in the litigation, but remain supportive.

**Stakeholder Response:**

There is no known opposition to this request at this time, other than from the defendant.

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

This request is made directly to support litigation efforts related to the *Pakootas v. Teck Metals Ltd.*, federal court case.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. C	\$700	\$0	\$700	\$0	\$0	\$0

## Agency Contact Information

Edward Giger  
 (360) 586-2104  
 edward.giger@atg.wa.gov



## Agency Recommendation Summary

The Columbia River Gorge Commission (CRGC), a bi-state agency created by an interstate compact between Washington and Oregon, has been sued in the U.S. District Court for the Western District of Washington. This appropriation would permit the Attorney General’s Office to represent CRGC in this lawsuit. The CRGC is usually represented by one in-house attorney, but covering this lawsuit is outside of the in-house counsel’s expertise and workload capacity.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	1.4	0.0	0.7	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 405 - 1	\$300	\$0	\$300	\$0	\$0	\$0
Total Expenditures	\$300	\$0	\$300	\$0	\$0	\$0
<b>Revenue</b>						
405 - 0420	\$300	\$0	\$300	\$0	\$0	\$0
Total Revenue	\$300	\$0	\$300	\$0	\$0	\$0

## Decision Package Description

The Attorney General’s Office (AGO) is requesting funding to represent the Columbia River Gorge Commission (CRGC) in a pending lawsuit in the Western District of Washington. The CRGC is a bi-state agency, created by an interstate compact between the States of Washington and Oregon as permitted by federal law. RCW 43.97.015; ORS 196.150; 16 U.S.C. §§ 544-544p.

CRGC has been sued on a number of theories including inadequate public disclosure, constitutional rights violations, and tortious interference with business expectancy. The CRGC’s in-house attorney has represented the Commission without assistance many years; however, three factors led the Commission to request the assistance of the AGO. First, the workload of the CRGC’s in-house attorney is already quite high due to numerous other cases. Second, several of the claims and the necessary trial discovery are outside of the Commission’s in-house counsel’s usual experience. Finally, the states would be responsible for paying any judgment against the Commission pursuant to the interstate compact. The name of the case is Zimmerly v. Columbia River Gorge Commission, et al. and it is currently pending in the United States District Court for the Western District of Washington.

There are currently seven different claims filed, four are related to public records request and the other three are tort claims and will be paid out of the Self-Insurance Liability Program (SILA funds). The AGO determined the following claim split: 60 percent Legal Services Revolving Account (LSRA) billed to CRGC and 40 percent SILA funds billed to Department of Enterprise Services (DES), Risk Management.

## Assumptions and Calculations

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

This is not an expansion or alteration of the current program. Requested funding is to pay for litigation costs.

### Detailed Assumptions and Calculations:

Zimmerly v. CRGC et al. is expected to be moderately complex and the need for 0.5 AAG, 0.25 Legal Assistant 3 and 0.05 Paralegal 2 will be needed to litigate this case. In addition, it is anticipated the expert witness and discovery costs will come in at \$150,000 in FY 2023 and \$100,000 for FY 2024. CRGC Legal Counsel will also be engaged in the case, but costs will be covered by the existing CRGC budget as an in-kind contribution.

### Workforce Assumptions:

See graphic

FTE		FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? Y / N
AAG	FTE	0.5				
	Object A & B	80,000				
LA	FTE	0.3				
	Object A & B	24,000				
PL	FTE	0.5				
	Object A & B	51,000				
INV	FTE					
	Object A & B					
MA5	FTE	0.1				
	Object A & B	15,000				
Other (describe)	FTE					
	Object A & B					
<b>TOTAL FTE</b>		<b>1.4</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>		<b>170,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

Results Washington: This proposal fits within the Mission to “improve state government by approaching complex issues through collaboration, performance management, and continuous improvement.” Here, the CRGC seeks to collaborate with the AGO for appropriate representation in a federal district court lawsuit.

AGO Strategic Plan: This proposal fits within the AGO objective of “proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public.” Providing this service through the AGO proactively manages the risk posed by the lawsuit, especially where the states will be responsible for any judgment.

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 - Legal Services to State Agencies	405	300,000			
<b>TOTAL</b>		<b>300,000</b>	<b>-</b>	<b>-</b>	<b>-</b>

<b>Performance Measures</b>	<b>Incremental Changes 2024</b>	<b>Incremental Changes 2025</b>	<b>Incremental Changes 2026</b>	<b>Incremental Changes 2027</b>
002539 - Cases Open at End of Fiscal Year	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

**Community outreach and engagement:**

Providing adequate tribal representation on the Commission is important to the State of Washington and serves to promote engagement, cooperation, and respect for their sovereign rights and state government’s responsibilities in protecting their treaty rights in the National Scenic Area. This request for funding does not impact any tribal treaty rights directly. In addition, CRGC works with many diverse stakeholders in the National Scenic Area and is planning additional outreach to under-represented communities as part of CRGC Diversity, Equity and Inclusion Action Plan. However, with CRGC’s attention focused on addressing these lawsuits, that leaves less time for CRGC legal counsel and staff to engage more fully with their DEI action plan. Assistance from the AGO will provide more time for CRGC to dedicate to their DEI work.

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

The CRGC works with the four federally recognized Columbia River Treaty Tribes in a government-to government consultation process to protect tribal treaty rights in the Columbia River Gorge National Scenic Area. These four tribes include the Yakama Nation, the Confederated Tribes of the Warm Springs, the Confederated Tribes of the Umatilla Reservation, and the Nez Perce. Two Washington Governor appointed Commission members represent the Warm Springs and the Yakama Nation.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

See graphic

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
460	405	180,000			
179	405	120,000			
<b>TOTAL</b>		<b>300,000</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

Zimmerly v Columbia River Gorge Litigation

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$128	\$0	\$128	\$0	\$0	\$0
Obj. B	\$42	\$0	\$42	\$0	\$0	\$0
Obj. C	\$100	\$0	\$100	\$0	\$0	\$0
Obj. E	\$25	\$0	\$25	\$0	\$0	\$0
Obj. G	\$5	\$0	\$5	\$0	\$0	\$0

## Agency Contact Information

Edward Giger

(360) 586-2104

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



Office of Attorney General  
 2023-25 Regular Budget Session  
 Maintenance Level - NG - High Capacity Gun Magazine Lawsuits

### Agency Recommendation Summary

The Attorney General’s Office (AGO) requests funding for the defense of several lawsuits asserting facial challenges to ESSB 5078, the ban on the manufacture, sale, or importing of high capacity firearm magazines. The recent decision by the United States Supreme Court in *New York State Rifle Association, Inc. v. Bruen* will complicate these cases. The defense of these lawsuits will require expert testimony and significant attorney time.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	2.3	1.4	1.85	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$566	\$436	\$1,002	\$0	\$0	\$0
Total Expenditures	\$566	\$436	\$1,002	\$0	\$0	\$0

### Decision Package Description

Two lawsuits have been filed challenging ESSB 5078. The *Sullivan* case was filed on June 3, 2022 in the Western District of Washington. The *Brumback* case was filed on July 14, 2022 in Yakima County Superior Court, and later was removed to the Eastern District of Washington.

When ESSB 5078 was enacted, the Ninth Circuit’s decision in *Duncan v. Bonta*, 19 F.4th 1087 (9th Cir. 2021) that a similar California statute did not facially violate the Second Amendment controlled.

In June 2022, the United States Supreme Court issued its decision in *New York State Rifle Association, Inc. v. Bruen*, 597 U.S. \_\_\_, 142 S. Ct. 2111 (2022)<sup>1</sup>. The Court held that the government must justify its regulation of firearms by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.

On June 30, 2022, the United States Supreme Court granted certiorari of the Ninth Circuit’s *Duncan* decision, vacated the decision, and remanded the case for further consideration in light of *Bruen*.

While the *Bruen* decision has complicated the defense of the two Washington cases, we believe that ESSB 5078 continues to remain on solid legal footing. We anticipate litigation in defense of ESSB 5078 through at least the Ninth Circuit Court of Appeals. Expert witnesses likely will be needed on the history of firearms regulation in the United States as well as the public health impacts of firearm violence, law enforcement, and contemporary and historical gun violence.

We anticipate 1.5 Assistant Attorney General (AAG) FTE through the end of calendar year 2023, 1.0 Paralegal (PL), and 1.0 Legal Assistant (LA), with that lessening to 1.0 AAG, 0.5 PL, and 0.5 LA while the case is on appeal. We project expert witness fees of \$400,000, and fees of \$80,000 for depositions of Plaintiffs’ expert witnesses. Trial is not yet scheduled.

## Assumptions and Calculations

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

This will increase the AGO’s litigation team until the case has been settled.

### Detailed Assumptions and Calculations:

We anticipate 1.5 AAG FTE through the end of calendar year 2023, 1.0 PL, and 1.0 LA, with that lessening to 1.0 AAG, 0.5 PL, and 0.5 LA while the case is on appeal. We project expert witness fees of \$400,000, and fees of \$80,000 for depositions of Plaintiffs’ expert witnesses.

### Workforce Assumptions:

See graphic

FTE		FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? Y / N
AAG	FTE	0.8	0.5			
	Object A & B	120,000	80,000			
LA	FTE	0.4	0.3			
	Object A & B	36,000	24,000			
PL	FTE	1.0	0.5			
	Object A & B	103,000	51,000			
INV	FTE					
	Object A & B					
MA5	FTE	0.2	0.1			
	Object A & B	22,000	15,000			
Other (describe)	FTE					
	Object A & B					
<b>TOTAL FTE</b>		<b>2.3</b>	<b>1.4</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>		<b>281,000</b>	<b>170,000</b>	<b>0</b>	<b>0</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan: This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”.

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 - Legal Services	001-1	566,000	436,000		
<b>TOTAL</b>		<b>566,000</b>	<b>436,000</b>	<b>-</b>	<b>-</b>



Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

N/A.

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

N/A.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

The Sheriffs and County Prosecutors for King, Kitsap, and Grays Harbor Counties were named as co-defendants for the *Sullivan* case. The Sheriff and County Prosecutor for Yakima County were named as co-defendants for the *Brumback* case.

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

1. *Sullivan, et al. v. Ferguson, et al.*, United States District Court for the Western District of Washington, Case No. 3:22-cv-5403-DGE
1. *Brumback v. Ferguson, et al.*, United States District Court for the Eastern District of Washington, Case No. 1:22-cv-03093-MKD

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$211	\$128	<b>\$339</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$70	\$42	<b>\$112</b>	\$0	\$0	<b>\$0</b>
Obj. C	\$240	\$240	<b>\$480</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$42	\$24	<b>\$66</b>	\$0	\$0	<b>\$0</b>
Obj. G	\$3	\$2	<b>\$5</b>	\$0	\$0	<b>\$0</b>

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



Office of Attorney General  
 2023-25 Regular Budget Session  
 Maintenance Level - NH - ESD Legal Services

### Agency Recommendation Summary

Employment Security Department (ESD) has an ongoing and increasing need for the Attorney General’s Office (AGO) legal services. Workloads related to Unemployment Insurance (UI) benefits caseload and increases in tax actions work for the Paid Family and Medical Leave (PFML) and UI programs have and are increasing beyond current funding levels.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	3.5	3.5	3.5	3.5	3.5	3.5
<b>Operating Expenditures</b>						
Fund 405 - 1	\$510	\$510	\$1,020	\$510	\$510	\$1,020
Total Expenditures	\$510	\$510	\$1,020	\$510	\$510	\$1,020
<b>Revenue</b>						
405 - 0420	\$510	\$510	\$1,020	\$510	\$510	\$1,020
Total Revenue	\$510	\$510	\$1,020	\$510	\$510	\$1,020

## Decision Package Description

### Unemployment Insurance (UI) Benefits Caseloads and Staffing

The significant driver for the Employment Security Department (ESD) workloads over the last few years has been an increase in Unemployment Insurance (UI) benefits cases since the start of the COVID-19 pandemic. Beginning in August 2021, the Attorney General's Office's (AGO) Licensing & Administrative Law (LAL) division hired five project Assistant Attorney General (AAG) positions with a primary emphasis on UI benefits cases. Those positions were originally funded through June 2022, and have since been extended to June 2023. Some of the project AAG positions have transferred to other divisions or positions. Currently one such project AAG position is filled, although LAL is recruiting to refill up to three project AAG positions, through FY 2023. The LAL division anticipates an increase of roughly 20 percent in UI benefits cases in calendar year 2023, based on current projections by the Commissioner's Review Office (CRO). LAL provides representation in court cases throughout the State upon appeals from decisions by CRO, which handles appeals from cases at the Office of Administrative Hearings (OAH). LAL does not typically provide representation in UI benefits cases at CRO or OAH; rather, increased caseloads at those levels signal an anticipated increase in legal services for future court appeals.

2021 CRO UI Benefits Cases	2021 LAL UI Benefits Cases	Anticipated 2023 CRO UI Benefits Cases	Anticipated 2023 LAL UI Benefits Cases
5090	83	6000	97

Additionally, OAH currently has a backlog of approximately 38,000 UI benefits appeals, and since May 2021, ESD has been sending OAH between 150 and 200 appeals per day. This equals approximately 15,000 additional UI benefit cases that will be sent to OAH through calendar year (CY) 2022, and ESD anticipates that it may see an uptick of appeals before the end of the year. Each OAH appeal is currently taking approximately 200 days to complete, putting the bulk of remaining cases requiring AGO representation into FY 2024 and beyond. Court appeals take several months, or longer, depending on the venue to conclude. Additionally, LAL does not anticipate a significant daily decrease in ESD appeals sent to OAH beginning in CY 2023. Assuming relatively steady appeals levels for CY 2023, ESD will send OAH approximately 40,000 UI benefits appeals during the year, triggering future increases in court legal service's needs.

The LAL division thus projects heightened legal services needs through FY 2025, requiring 1.5 AAG FTE.

### UI and the Paid Family and Medical Leave (PFML) Tax Efforts

LAL anticipates that ESD will require legal services relating to tax audit and enforcement actions in FY 2024 and beyond, for both unemployment programs and to enforce the requirements of PFML law. Most legal services relating to tax actions will occur after ESD completes its investigations and issues assessments. When benefits caseloads begin to decrease, it is anticipated that tax enforcement actions will comprise greater time for ESD legal services. LAL will provide representation in complex and significant administrative UI and PFML tax proceedings, and in all court matters involving UI and PFML taxes. Given the complexity of tax cases, as well as the novelty of PFML tax enforcement, LAL anticipates that tax related litigation will require an additional 0.5 AAG FTE during the 2023-25 biennium, and will require up to 2.0 AAG FTE on an ongoing basis.

The estimated cost of this request is \$1,020,000 starting in the 2023-25 biennium from the Legal Services Revolving Fund.

## Assumptions and Calculations

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

This request is for funds to cover costs for ongoing and increasing workloads related to the ESD’s Unemployment Insurance (UI) benefits caseload; and increases in tax actions work for PFML and UI programs.

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

AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one AAG FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.25 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO’s LAL Division and administration support total FTE assumptions (non-Seattle rate).

- FY2024: 2.0 AAG, 1.0 LA 3, and 0.5 MA 5, and \$510,000 in each Fiscal Year (FY) thereafter

### **Workforce Assumptions:**

See graphic

FTE	FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
AAG FTE	2.0	2.0	2.0	2.0	Y
Object A & B	306,000	306,000	306,000	306,000	
LA FTE	1.0	1.0	1.0	1.0	Y
Object A & B	80,000	80,000	80,000	80,000	
PL FTE					
Object A & B					
INV FTE					
Object A & B					
MA5 FTE	0.5	0.5	0.5	0.5	Y
Object A & B	61,000	61,000	61,000	61,000	
Other (describe) FTE					
Object A & B					
<b>TOTAL FTE</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	
<b>TOTAL A &amp; B</b>	<b>447,000</b>	<b>447,000</b>	<b>447,000</b>	<b>447,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports the following portions of the AGO Strategic Plan.

1. Priority – Serve the State

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

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

2. Priority – Protect the People

Goal 3—Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A010 - Legal Services to State Agencies	405	510,000	510,000	510,000	510,000
<b>TOTAL</b>		<b>510,000</b>	<b>510,000</b>	<b>510,000</b>	<b>510,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

Additional legal services staffing for handling unemployment benefits appeals helps to ensure timely resolution of those appeals, for the benefit of all parties, including workers who claim additional benefits for economic security or who seek to avoid overpayment obligations. It also helps to protect the unemployment trust, so that those who are entitled receive benefits.

### **Disproportional Impact Considerations:**

Additional legal services staffing for tax enforcement actions likewise helps to ensure funds are available for those who are entitled to receive benefits, and levels the playing field for employers—all of whom must comply with legal requirements.

### **Target Populations or Communities:**

The increased unemployment benefits caseload was caused by the effects of the Covid-19 pandemic, which impacted all communities.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

See graphic

Client	Fund	FY2024	FY2025	FY2026	FY2027
ESD	405	510,000	510,000	510,000	510,000
<b>TOTAL</b>		<b>510,000</b>	<b>510,000</b>	<b>510,000</b>	<b>510,000</b>

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

No changes in existing statutes, rules, or contracts is necessary for this supplemental funding request.

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

This request is not in response to a legal or administrative mandate. Rather, it seeks funding to continue an existing legislative mandate.

### 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$337	\$337	<b>\$674</b>	\$337	\$337	<b>\$674</b>
Obj. B	\$110	\$110	<b>\$220</b>	\$110	\$110	<b>\$220</b>
Obj. E	\$60	\$60	<b>\$120</b>	\$60	\$60	<b>\$120</b>
Obj. G	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>

### Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov





## Agency Recommendation Summary

In 2021, the Legislature enacted Second Substitute House Bill 1219 (2SHB), which phases in the appointment of counsel at public expense for children eight years and older in dependency cases and for all children in dependency and termination of parental rights cases upon the filing of a termination petition. The Legislature funded increased DCYF legal services for the first implementation phase; additional funding is needed to fully implement the remaining phases of 2SHB 1219.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	5.8	9.8	7.8	24.3	31.6	27.95
<b>Operating Expenditures</b>						
Fund 405 - 1	\$833	\$1,401	\$2,234	\$3,498	\$4,537	\$8,035
Total Expenditures	\$833	\$1,401	\$2,234	\$3,498	\$4,537	\$8,035
<b>Revenue</b>						
405 - 0420	\$833	\$1,401	\$2,234	\$3,498	\$4,537	\$8,035
Total Revenue	\$833	\$1,401	\$2,234	\$3,498	\$4,537	\$8,035

## Decision Package Description

The Legislature appropriated funding for the increased legal services related to implementation of the first phase of 2SHB 1219, a three-county expansion of appointment of counsel for children. Additional funding is necessary for the increased legal services associated with the full implementation of all phases of the enacted law.

In 2021, the Legislature enacted 2SHB 1219, which creates a six-year implementation schedule that provides for appointment of counsel at state public expense for children eight years and older in dependency cases and for all children in dependency and termination of parental rights cases upon the filing of a petition to terminate parental rights. The phases implement representation in at least:

- Three counties beginning July 1, 2022;
- Eight counties beginning January 1, 2023;
- Fifteen counties beginning January 1, 2024;
- Twenty counties beginning January 1, 2025;
- Thirty counties beginning January 1, 2026; and
- Full statewide implementation by January 1, 2027.

Prior to enacting 2SHB 1219, state law already required appointment of counsel at state expense for children who are the subjects of a dependency case six months after there is no remaining parent with parental rights. Dependency courts appoint counsel for children at county expense within their discretion, and this varies statewide. Nine counties appoint counsel at county expense for all children in dependency cases when they are at least twelve years old (Clark, Cowlitz, Grays Harbor, King, Mason, Snohomish, Spokane, Thurston, and Walla Walla) and two counties appoint counsel at county expense for all children in dependency cases who are at least eight years old (Benton and Franklin).

Adding attorneys to a case increases the complexity of that case and the legal issues that will be raised. Each new case in which a child is appointed an attorney increases the legal services required to support the Department of Children, Youth, and Families (DCYF) in that case. Additional attorneys lead to additional motions, arguments, inquiries, and discovery requests. Because the State carries the burden, the State must timely respond to every motion, argument, request, or inquiry made by another attorney in the case, regardless of whether the child's appointed attorney is pursuing an outcome that is different from DCYF. An inability to respond timely to these additional motions and other requests due to insufficient resources will delay permanency for the child, and could result in sanctions to the State. Consequently, this reform necessitates additional resources to prepare for and respond timely to the attorneys' additional motions, inquiries, discovery requests, and arguments, or this well-intentioned reform will result in harm to children who have survived abuse and neglect.

## Assumptions and Calculations

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

This request is for funds to cover costs related to implementation of the bill, Counsel for Children and Youth HB 1219 (RCW 13.34.090, 13.34.092, 13.34.100, 2.53.045, 13.34.267, 2.53, and 13.34).

**Detailed Assumptions and Calculations:**

The Attorney General’s Office (AGO) Agency Assumptions:

Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG) FTE, the AGO includes a 0.5 Legal Assistant 3 (LA3) FTE and a 0.25 Management Analyst 5 (MA5) FTE. The MA5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO’s Children, Youth, and Families (CYF) Division and administration support total FTE assumptions.

- FY2024: 3.0 AAG FTE, 0.5 Paralegal 2 (PL2) FTE, 1.5 LA3 FTE, and 0.8 MA5 FTE
- FY2025: 5.0 AAG FTE, 1.0 PL2 FTE, 2.5 LA3 FTE, and 1.3 MA5 FTE
- FY2026: 12.5 AAG FTE, 2.5 PL2 FTE, 6.2 LA3 FTE, and 3.1 MA5 FTE
- FY2027: 16.2 AAG FTE, 3.2 PL2 FTE, 8.1 LA3 FTE, and 4.1 MA5 FTE, and each Fiscal Year (FY) thereafter.

**Assumptions: Number of Children Who Do Not Have Counsel and Will Receive Counsel**

The AGO makes the following assumptions:

Children eight years old and older

- Children ages 8 through 17 in 2,199 total dependency and termination of parental rights cases are not already represented by counsel (provided for at public expense by either the county or the state) and that children in these cases will require appointment of counsel during one of the implementation phases. This is based on the following assumptions:
  - There are 3,836 open dependency and termination cases statewide for children ages 8 through 17. This assumption is based on information received from the Washington State Center for Court Research (WSSCR) of the ages of children for pending dependency and termination cases as of January 2021.
  - The Office of Civil Legal Aid (OCLA) already represents children in 683 cases. This assumption is based on updated information received from OCLA that as of December 2020 OCLA had 683 open cases representing children whose parents’ rights had been terminated at least six months prior. The AGO assumes that 35 percent, or 239, of these cases are children ages 8 through 17. This assumption is based on information received from WSSCR that children ages 8 through 17 account for about 35 percent of active dependency cases statewide.
  - Based on information about local county practices that appoint counsel to children automatically, the AGO assumes that children in the ages and counties below are already represented by counsel. The AGO assumes that these children represent 1,398 total dependency and termination cases where children are already represented by counsel. This assumption is based on information received from WSSCR of the ages of children for pending dependency and termination cases as of January 2021.
    - Ages 12 and older: Clark, Cowlitz, Grays Harbor, King, Mason, Snohomish, Spokane, Thurston, and Walla Walla.
    - Ages eight and older: Benton and Franklin.
  - 3,836 open cases – 239 represented by OCLA – 1,398 represented automatically through county practice = 2,199 cases.
- The number of new cases opened each year are equal to the number of cases that close each year, so that the number of open cases remains constant.
- The number of children in this age category remains the same over time.
- The 2,199 cases requiring appointment of counsel are divided evenly among Washington’s 39 counties. This assumption is necessary because OCLA has not identified the counties included in each phase of implementation. Therefore, the AGO assumes there are an average of 56 cases in each county that require an appointment of counsel that does not currently exist.
  - 2,199 cases divided by 39 counties = 56 cases per county.

Children Birth to seven years old

- Each year there will be 1,142 petitions to terminate parental rights in which children ages zero to seven are the subject. This is the average number of termination of parental rights petitions filed for children ages zero to seven for years 2018-2020, according to information received from WSSCR.
- The 1,142 termination of parental rights petitions are divided evenly among Washington’s 39 counties. This assumption is necessary because OCLA has not identified the counties included in each phase of implementation.
  - 1,142 termination of parental rights petitions divided by 39 counties = 29 termination of parental rights cases per county.
- RCW 13.34.212(3)(a)(i) requires that when a child is ages zero to seven, the child is also appointed counsel in the dependency case when

the child is appointed an attorney in the termination of parental rights case. Because in the assumption above, the AGO has assumed an attorney must be appointed in an additional 29 termination of parental rights cases per county, the AGO also assumes an attorney must be appointed in the underlying dependency cases.

- An attorney for each dependency case in which a termination of parental rights petition is filed = 29 dependency cases per county.

**Assumptions: Workload Associated with Increased Number of Attorneys**

The AGO makes the following assumptions:

- On each case where a child’s attorney will be appointed, there will be five AAG hours and one PL hour per case to prepare for and respond to the child’s attorney’s additional motions, inquiries, discovery requests, and arguments, which will add time to court preparation and appearances.
- 10 percent of cases will require an extraordinary amount of preparation and time: an additional 15 AAG hours and an additional three PL hours per case, totaling 20 AAG hours (5 hours + 15 hours) and four PL hours (1 hour + 3 hours) per case.
- The life of each case is 1.75 years on average. This assumption is based on AGO internal data that the statewide average time a dependency case is in the system is 643 days.
- 15 additional appeals once the children’s representation program is implemented statewide in FY 2027. This assumption adopts the Office of Public Defense’s fiscal note submitted for 2SHB 1219. The percentage of these 15 cases for each FY is based upon the number of counties in the program. The AGO conservatively estimates 20 AAG hours per appeal. These numbers do not account for any additional hours required on appeal in which children join in an appeal initiated by a parent and raise additional legal issues.
- Nine percent of the total workload increase will take place in King County, because staff costs are higher in King County, this assumption takes into account the current percentage of active cases in King County in which counsel is automatically appointed at county expense for children ages 12 and up.

• **SHB 1219 - Appointment of Counsel for Youth in Dependency Proceedings**

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Phase in approach	<b>Dependency and Termination Cases</b>					
3 counties by 7/1/2022	342	342	342	342	342	342
5 additional counties by 1/1/2023		570	570	570	570	570
7 additional counties by 1/1/2024			798	798	798	798
5 additional counties by 1/1/2025				570	570	570
10 additional counties by 1/1/2026					1,140	1,140
9 additional counties by 1/1/2027						1,026
	342	912	1,710	2,280	3,420	4,446

		FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
<b>ALL CASES</b>		<b>Attorney and Paralegal Hours</b>					
5 AAG Hours per new case	5 AAG hrs	1,710.00	4,560.00	8,550.00	11,400.00	17,100.00	22,230.00
1 PL Hours per new case	1 PL hrs	342.00	912.00	1,710.00	2,280.00	3,420.00	4,446.00
Total hours per year per case		<b>2,052.00</b>	<b>5,472.00</b>	<b>10,260.00</b>	<b>13,680.00</b>	<b>20,520.00</b>	<b>26,676.00</b>
<b>EXTRAORDINARY CASES</b>							
Extraordinary cases	10%	34.2	91.20	171.00	228.00	342.00	444.60
15 AAG hours per case	15 AAG hrs	513.00	1,368.00	2,565.00	3,420.00	5,130.00	6,669.00
3 PL Hours per new case	3 PL hrs	102.60	273.60	513.00	684.00	1,026.00	1,333.80
Total hours per year per case		<b>615.60</b>	<b>1,641.60</b>	<b>3,078.00</b>	<b>4,104.00</b>	<b>6,156.00</b>	<b>8,002.80</b>
<b>APPEALS</b>							
20 AAG hours per case	20 AAG hrs	23.08	61.54	115.38	153.85	230.77	300.00
Total hours per year per case		<b>23.08</b>	<b>61.54</b>	<b>115.38</b>	<b>153.85</b>	<b>230.77</b>	<b>300.00</b>
<b>TOTAL</b>		<b>2,690.68</b>	<b>7,175.14</b>	<b>13,453.38</b>	<b>17,937.85</b>	<b>26,906.77</b>	<b>34,978.80</b>

**Workforce Assumptions:**

See graphic

FTE		FY 2024	FY 2025	FY 2026	FY 2027	Ongoing? Y / N
AAG	FTE	3.0	5.0	12.5	16.2	Y
	Object A & B	461,000	769,000	1,922,000	2,491,000	
LA	FTE	1.5	2.5	6.2	8.1	Y
	Object A & B	123,000	203,000	504,000	660,000	
PL	FTE	0.5	1.0	2.5	3.2	Y
	Object A & B	49,000	99,000	247,000	316,000	
MA5	FTE	0.8	1.3	3.1	4.1	Y
	Object A & B	91,000	152,000	381,000	494,000	
<b>TOTAL FTE</b>		<b>5.8</b>	<b>9.8</b>	<b>24.3</b>	<b>31.6</b>	
<b>TOTAL A &amp; B</b>		<b>724,000</b>	<b>1,223,000</b>	<b>3,054,000</b>	<b>3,961,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports the following portions of the AGO Strategic Plan.

1. Priority – Serve the State

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

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

2. Priority – Protect the People

Goal 3—Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 - Legal Services to State Agencies	405	833,000	1,401,000	3,498,000	4,537,000
<b>TOTAL</b>		<b>833,000</b>	<b>1,401,000</b>	<b>3,498,000</b>	<b>4,537,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

N/A.

**Disproportional Impact Considerations:**

Additionally, based on the experience of the AGO in counties where children are appointed counsel in child welfare cases, DCYF requires additional legal resources to ensure courts have adequate information to make important child welfare decisions, and to promote compliance with legal requirements, including provision of discovery to children's counsel and responding to motions from children's counsel. Thus, additional legal resources will support the Legislature's goal of combating disproportionality through the successful implementation of this bill.

**Target Populations or Communities:**

In passing 2SHB 1219, the Legislature found that Black and Indigenous children and youth and other youth of color are more likely to be removed from their parents' care, placed into foster care, and remain in the child welfare system longer than White children. It found that providing counsel to children would help combat this disproportionality.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

County courts are likely to be impacted by the implementation of this bill, but not by this proposal, to the extent it results in more or longer dependency hearings. It is not known if the Administrative Office of the Courts estimates an increase in court costs commensurate with AGO estimates. However, the AGO estimates are based on our experience in counties where this law has already been implemented and continue to support that implementation.

Client	Fund	FY2024	FY2025	FY2026	FY2027
DCYF	405	833,000	1,401,000	3,498,000	4,537,000
<b>TOTAL</b>		<b>833,000</b>	<b>1,401,000</b>	<b>3,498,000</b>	<b>4,537,000</b>

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

No changes in existing statutes, rules, or contracts is necessary for this funding request.

**Legal or Administrative Mandates:**

This request is in response to legislation (RCW 13.34.090, 13.34.092, 13.34.100, 2.53.045, 13.34.267, 2.53, and 13.34) requiring a phased-in expansion of legal counsel for children in child welfare cases.

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$546	\$921	<b>\$1,467</b>	\$2,299	\$2,982	<b>\$5,281</b>
Obj. B	\$179	\$302	<b>\$481</b>	\$754	\$979	<b>\$1,733</b>
Obj. E	\$102	\$168	<b>\$270</b>	\$420	\$544	<b>\$964</b>
Obj. G	\$6	\$10	<b>\$16</b>	\$25	\$32	<b>\$57</b>

## Agency Contact Information

Edward Giger

(360) 586-2104

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



Office of Attorney General  
 2023-25 Regular Budget Session  
 Maintenance Level - NK - Concerning Child Abuse Allegations

### Agency Recommendation Summary

The Legislature passed Engrossed Second Substitute House Bill (ES2HB) 1227 that increases the legal standard for the removal of children from their parents at a 72-hour shelter care hearing, requires additional findings, and increases the relative and kin placement standard effective July 1, 2023. This new law also enhances pleading and procedural requirements and requires DCYF to immediately pursue licensure of placements. Thus, the bill will require more legal services to meet new legal requirements in these emergency hearings. Due to budget regulations, funding could not be provided. This request is necessary to implement passed law.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	14.1	11.8	12.95	11.8	11.8	11.8
<b>Operating Expenditures</b>						
Fund 405 - 1	\$2,024	\$1,680	\$3,704	\$1,680	\$1,680	\$3,360
Total Expenditures	\$2,024	\$1,680	\$3,704	\$1,680	\$1,680	\$3,360
<b>Revenue</b>						
405 - 0420	\$2,024	\$1,680	\$3,704	\$1,680	\$1,680	\$3,360
Total Revenue	\$2,024	\$1,680	\$3,704	\$1,680	\$1,680	\$3,360



## Decision Package Description

The Attorney General's Office (AGO) provides legal advice and representation to the Department of Children, Youth, and Families (DCYF), which protects children from abuse and neglect and, in some circumstances, seeks removal of a child from their parents' homes in order to ensure that the child will be safe while the parents work to reunify with their children. In 2021, the Legislature enacted Engrossed Second Substitute House Bill (ES2HB) 1227, called the "Keeping Families Together Act." The bill makes three primary changes to dependency laws: (1) it raises the standard that DCYF must prove before a child can be removed from their parents' home; (2) it raises the standard that DCYF must prove if it opposes placement with relatives or suitable other persons; and (3) it provides for additional financial support to relative and suitable other placements by prioritizing licensure for these placements as soon as possible after a child is placed with them.

E2SHB 1227 goes into effect on July 1, 2023. Prior to becoming effective, in order to remove a child from their parents, DCYF must prove that remaining in-home "would present a serious threat of substantial harm" to the child. Once the law is effective, the new standard will require DCYF to prove that removal is "necessary to prevent imminent physical harm due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect." DCYF must also demonstrate that "any imminent physical harm to the child outweighs the harm the child will experience as a result of removal" and that prevention services will not eliminate the need for removal.

Once the juvenile court determines that a child must be removed from their home, the law currently includes a preference for placement with a relative or suitable other person unless there is "reasonable cause to believe the health, safety, or welfare the child would be jeopardized" in the relative or suitable other placement. E2SHB 1227 changes this standard as well, requiring proof that placement in foster care and not with a relative or suitable other person is "necessary to prevent imminent physical harm to the child." The new law also requires that the juvenile court consider several other factors about which relative or suitable other placement options are available, what the child's special needs are and whether any available placement options can meet those needs, and whether the placement will be willing to facilitate parent and sibling visits, and will support efforts at reunification.

E2SHB 1227 also requires that if the placement wishes to be licensed, DCYF must begin the licensure process within 10 days and provide regular updates to the court about the status of the placement's application, what barriers to completion exist, and an explanation if the licensing application is denied.

Finally, though the new law may lead to fewer removals overall, it mandates additional dependency petition pleading requirements and procedural notice and discovery requirements. When combined with changes to the relevant legal standards, these reforms will require additional legal resources to provide DCYF staff more legal advice before they file dependency petitions.

E2SHB 1227 changes the legal standard for all future dependency cases. Consequently, we request that increased funding be included in the maintenance budget to help DCYF adopt and implement these reforms.

## Assumptions and Calculations

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

This request is for funds to cover costs related to Child Abuse Allegations HB 1227, passed in the 2021 Legislative Session and effective July 1, 2023.

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

The AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG) FTE, the AGO includes a 0.5 Legal Assistant 3 (LA3) FTE and a 0.25 Management Analyst 5 (MA5) FTE. The MA5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO's Children, Youth, and Families (CYF) Division and administration support total FTE assumptions.

- FY 2024: 7.3 AAG FTE, 1.3 Paralegal 2 (PL2) FTE, 3.7 LA3 FTE, and 1.8 MA5 FTE
- FY 2025: 6.0 AAG FTE, 1.3 PL2 FTE, 3.0 LA3 FTE, and 1.5 MA5 FTE, and each FY thereafter.

**Savings from reduced dependency petition filings:**

1. This bill is not effective until July 1, 2023. Therefore, the AGO assumes that legal services associated with the implementation of the bill will begin in FY 2024.
2. The AGO assumes there will be a reduction in dependency petitions filed seeking involuntary removal of children but that the reduction in legal services resulting from the reduction in removals will be nominal, ranging between one and three percent.
3. DCYF's data indicates that currently 4,860 children are removed from their parents in a year and each dependency petition seeking removal of a child requires an average of 0.25 AAG hours for consultation and preparation. Preparing to litigate and litigating a dependency matter involving a removed child requires an additional 1.25 AAG hours. This is a total of 1.5 AAG hours for each involuntary removal.
4. Since the AGO assumes the law will result in between one and three percent fewer removals, this will result in between 73.5 and 219 fewer AAG hours ( $49 \times 1.5$  and  $146 \times 1.5$ ).
5. Therefore, assumptions include a savings of 145 AAG hours per FY.

**Additional hours from advising and preparing dependency petitions:**

1. DCYF estimates that this law will result in one to three percent fewer children removed from their parents, therefore assumptions will be between 4,714 and 4,811 removals each fiscal year.
2. In FY 2024, the AGO estimates this law will require, on average, one additional AAG hour to advise on each dependency petition seeking removal of a child. This will result in between 4,714 and 4,811 additional AAG hours to advise on dependency petitions seeking removal ( $4,714 \times 1$  and  $4,811 \times 1$ ). Therefore, the AGO assumes an increase of 4,750 AAG hours for this work.
3. Beginning in FY 2025, and each FY thereafter, the AGO estimates this law will require 0.5 additional AAG hours per removal to advise on petition filing and initial removal. When accounting for the anticipated overall reduction in removals, this will result in an increase of between 2,405.5 and 2,357 AAG hours to advise on petition filing and initial removal per FY. The AGO assumes an increase of 2,375 AAG hours in FY 2025 and each FY thereafter.

**Additional hours from preparing for and litigating shelter care hearings:**

1. The AGO assumes that each petition seeking removal of a child from their parent will require a shelter care hearing, for a total of between 4,714 and 4,811 shelter care hearings. Due to additional requirements in the law, the AGO estimates that each shelter care hearing will require, on average, an additional 1.5 AAG hours and an additional 0.5 PL hours to prepare for and litigate the hearing. This results in between 7,216.5 and 7,071 additional AAG hours ( $4,714 \times 1.5$  and  $4,811 \times 1.5$ ) and an increase of between 2,404.5 and 2,357 additional PL hours ( $4,714 \times 0.5$  and  $4,811 \times 0.5$ ) per FY.
2. The AGO assumes an increase of 7,150 AAG hours and 2,375 PL hours per FY to prepare for and litigate shelter care hearings.

**Additional hours from drafting and defending appeals of shelter care orders:**

1. Currently there about 10 appeals of shelter care orders per year. However, because the legal standard for removal and the standard for placement of children in foster care as opposed to relative care will increase, we assume the number of appeals will double for a total of 10 new appeals of shelter care orders per FY.
2. The AGO estimates that each appeal of a shelter care order requires an average of 15 AAG hours. This will result in an additional 150 AAG hours per FY ( $15 \times 10$ ) resulting from appeals of shelter care orders.

**Additional hours from an increase in foster care licensing applications and denials:**

1. Finally, DCYF estimates that, as a result of this law, 1,900 new foster care licensing applications will be filed and that 12 percent of these applications will be denied, resulting in 228 additional foster care license denials ( $0.12 \times 1,900$ ).
2. The AGO assumes 25 percent of the new foster care license denials will be appealed to the Office of Administrative Hearings (OAH), which will create 57 new appeals per year ( $0.25 \times 228$ ).
3. The AGO estimates foster care licensing appeal requires, on average, 20 AAG hours to prepare for and litigate. Therefore, new administrative appeals will result in 1,140 additional AAG hours per year ( $20 \times 57$ ).
4. The AGO estimates 33 percent of the initial orders from OAH will be appealed to the DCYF Board of Appeals, resulting in 19 new petitions for review to the Board of Appeals ( $57 \times 0.33$ ). Each new petition for review will require three additional AAG hours to draft and respond to, resulting in 57 new AAG hours per FY ( $19 \times 3$ ).
5. The AGO estimates that 10 percent of the petitions for review to the DCYF Board of Appeals will be appealed to superior court or the court of appeals, resulting in two additional petitions for review per year ( $1.9 \times 10$ ). The AGO estimates each appeal to superior court or the court of appeals requires 20 AAG hours to draft, prepare, and respond to, resulting in 40 additional AAG hours per FY.

6. The AGO assumes an additional 1,237 AAG hours devoted to licensing work per FY as a result of this law (1,140 + 57 + 40).

In total, in FY 2024, the AGO estimates an additional 13,142 AAG hours and an additional 2,357 PL hours in FY 2024, and in FY 2025 and each FY thereafter we estimate an additional 10,767 AAG hours and PL hours will remain 2,357.

FTE is calculated by total number of hours, divided by 150 billable hours per month, divided by 12 months per year.

**Workforce Assumptions:**

See graphic

AAG	FTE	7.3	6.0	6.0	6.0	Y
	Object A & B	1,118,000	916,000	916,000	916,000	
LA	FTE	3.7	3.0	3.0	3.0	Y
	Object A & B	292,000	239,000	239,000	239,000	
PL	FTE	1.3	1.3	1.3	1.3	Y
	Object A & B	129,000	129,000	129,000	129,000	
MA5	FTE	1.8	1.5	1.5	1.5	Y
	Object A & B	222,000	182,000	182,000	182,000	
<b>TOTAL FTE</b>		<b>14.1</b>	<b>11.8</b>	<b>11.8</b>	<b>11.8</b>	
<b>TOTAL A &amp; B</b>		<b>1,761,000</b>	<b>1,466,000</b>	<b>1,466,000</b>	<b>1,466,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

The AGO Strategic Plan:

This request supports the following portions of the AGO Strategic Plan.

1. Priority – Serve the State

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

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

2. Priority – Protect the People

Goal 3—Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A010 - Legal Services to State Agencies	405	2,024,000	1,680,000	1,680,000	1,680,000
<b>TOTAL</b>		<b>2,024,000</b>	<b>1,680,000</b>	<b>1,680,000</b>	<b>1,680,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### Community outreach and engagement:

This proposal will support the AGO’s efforts to advise DCYF regarding the legal requirements of the new law, thus serving to enhance the effectiveness of the new law. It will also support the AGO’s effort help DCYF staff provide courts with legally adequate evidence to decide whether the changed standards and requirements are met to remove children when necessary to protect their safety, place them with relatives or kin when such a placement can be accomplished, and to provide additional supports available through licensure.

### Disproportional Impact Considerations:

N/A.

### Target Populations or Communities:

The legislative intent of E2SHB 1227, the Keeping Families Together Act, includes a finding that Black and Indigenous children are still disproportionately removed from their families, and the law promotes racial equity in the child welfare system through supporting families to stay together by reducing child removals, increasing placements with relatives and kin when children are removed, and providing additional supports through licensure of those placements

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

No changes in existing statutes, rules, or contracts is necessary for this funding request.

**Intergovernmental:**

This proposal itself does not itself impact other governments. E2SHB 1227 itself, rather than this proposal, may impact county governments in that it is likely to result in more or longer 72-hour shelter care hearings and later interim shelter care hearings. It is not known whether the Administrative Office of the Courts anticipates an increase in the frequency or length of shelter care hearings.

Client	Fund	FY2024	FY2025	FY2026	FY2027
DCYF	405	2,024,000	1,680,000	1,680,000	1,680,000
<b>TOTAL</b>		<b>2,024,000</b>	<b>1,680,000</b>	<b>1,680,000</b>	<b>1,680,000</b>

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A

**Legal or Administrative Mandates:**

This request is in response to a change in the law (RCW 13.34.040, 26.44.056, 26.44.050, 13.34.050, 13.34.062, 13.34.060, 13.34.065, and 13.34.090), increasing and enhancing legal requirements for all 72-hour shelter care hearings and dependency petitions.

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$1,325	\$1,102	<b>\$2,427</b>	\$1,102	\$1,102	<b>\$2,204</b>
Obj. B	\$436	\$363	<b>\$799</b>	\$363	\$363	<b>\$726</b>
Obj. E	\$249	\$203	<b>\$452</b>	\$203	\$203	<b>\$406</b>
Obj. G	\$14	\$12	<b>\$26</b>	\$12	\$12	<b>\$24</b>

**Agency Contact Information**

Edward Giger  
 (360) 586-2104  
 edward.giger@atg.wa.gov



**Agency Recommendation Summary**

Washington State Patrol’s (WSP) demand for legal services has increased in recent years and is outpacing the WSP legal services funding. This request is address the increased demand for legal services by WSP and in advance of implementation of a statewide background check system for all firearm transfers that will be administered by WSP. WSP will roll out a “soft launch” of the system in July 2023 and the system is expected to be fully operational by January 2024. WSP’s implementation and maintenance of this system is expected to cause additional increases in requests for advice and litigation services.

**Fiscal Summary**

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	2.5	2.5	2.5	2.5	2.5	2.5
<b>Operating Expenditures</b>						
Fund 405 - 1	\$386	\$386	\$772	\$386	\$386	\$772
Total Expenditures	<b>\$386</b>	<b>\$386</b>	<b>\$772</b>	<b>\$386</b>	<b>\$386</b>	<b>\$772</b>
<b>Revenue</b>						
405 - 0420	\$386	\$386	\$772	\$386	\$386	\$772
Total Revenue	<b>\$386</b>	<b>\$386</b>	<b>\$772</b>	<b>\$386</b>	<b>\$386</b>	<b>\$772</b>

## Decision Package Description

The Attorney General's Office's (AGO) Criminal Justice Division (CRJ) provides legal advice and representation to two state agencies: the Washington State Patrol (WSP) and the Washington State Criminal Justice Training Commission (CJTC). Two Assistant Attorney Generals (AAG) are allocated to perform this work: one Managing Assistant Attorney General (AAG) and one AAG. The Managing AAG supervises the small unit and is primarily responsible for providing client advice and program-related litigation services to WSP. The AAG is primarily responsible for client advice and representation to CJTC, but also assists with providing advice and program related litigation services to the larger of the two clients, WSP.

The WSP is a large state agency with the second-most commissioned police officers of any police agency in Washington State. In addition to its police officers, WSP also houses and runs the WSP Trooper Academy and the State's Crime Laboratory, Toxicology Laboratory, and the Fire Marshall's Office. WSP also maintains criminal records databases. The work of the WSP is often high-profile and impacts many aspects of the criminal justice system.

In 2020, the Legislature enacted Engrossed Second Substitute House Bill 2467 (E2SHB 2467) to create a centralized single point of contact for dealers to conduct background check firearms sales and transfers within WSP. With this change, all background checks for firearms transfers in the state (including long guns and "other firearms" previously checked through FBI databases) will be processed by WSP. The Legislature also directed the WSP to develop a plan for implementing the new program, and to present the plan to the Legislature and Governor by December 1, 2020.

The WSP plan is to soft launch the program in July 2023 and have it fully operational by January 1, 2024. The amount of legal work from requests for client advice and litigation services related to the new firearms background check system is expected to be much more than current resources can handle. It is expected that an AAG will need to begin providing client advice and litigation services in advance of the first July 2023 rollout for:

- Verifying determination information for a transfer/purchase, i.e., providing a legal opinion on whether an applicant for firearm purchase/transfer is disqualified under state or federal law from firearms possession. RCW 9.41.1135; RCW 43.43.580.
- Advising on firearms statutes from all 50 states and federal laws.
- Litigating appeals where WSP denies a firearms purchase or transfer. RCW 43.43.580(5).

WSP contacted other states that have implemented a similar program and all reported that they have several full time attorneys to assist with legal advice and representation related to firearm background checks.

This work cannot be accommodated with existing resources as the two AAGs presently responsible for providing all client advice and litigation services to CJTC and WSP are already at or above capacity. An additional AAG position is necessary to handle this increased work load. The increased work load is expected to continue after the rollout of the plan and into future biennia because WSP will continue to need legal advice and someone to litigate all of the issues arising from this new law and the program it created.

The estimated cost of this request is \$772,000 per biennium and \$386,000 per Fiscal Year (FY), starting in FY 2024 from the Legal Services Revolving Fund. WSP is the client agency.

## Assumptions and Calculations

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

With the enactment of ESHB 2467 (RCW 43.43.580) requests for and the need of legal services has increased at WSP. Funding was provided in FY 2021 and FY 2022. This request for funds is to cover the ongoing costs related this law and the increases in client advice and program related litigation for the WSP.

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

The AGO requests \$772,000 in the 2023-25 biennium to cover costs related to the client advice and representation for WSP.

AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one AAG FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.25 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO’s Criminal Justice Division and administration support total FTE assumptions (Seattle rate).

- FY 2024: 1.4 AAG, 0.7 LA 3, and 0.4 MA 5, and each FY thereafter.

### **Workforce Assumptions:**

See graphic

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? Y / N
AAG FTE	1.4	1.4	1.4	1.4	Y
Object A & B	229,000	229,000	229,000	229,000	
LA FTE	0.7	0.7	0.7	0.7	Y
Object A & B	69,000	69,000	69,000	69,000	
PL FTE					
Object A & B					
INV FTE					
Object A & B					
MA5 FTE	0.4	0.4	0.4	0.4	Y
Object A & B	43,000	43,000	43,000	43,000	
Other (describe) FTE					
Object A & B					
<b>TOTAL FTE</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	
<b>TOTAL A &amp; B</b>	<b>341,000</b>	<b>341,000</b>	<b>341,000</b>	<b>341,000</b>	



## Strategic and Performance Outcomes

### **Strategic Framework:**

#### **Results Washington Outcome Measures:**

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A010 - Legal Services to State Agencies	405	386,000	386,000	386,000	386,000
<b>TOTAL</b>		<b>386,000</b>	<b>386,000</b>	<b>386,000</b>	<b>386,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### **Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

Recent legislation creating a centralized single point of contact for background checks of firearm sales and transfers within WSP impacts all Washingtonians who attempt to buy, sell, or transfer a firearm. Firearm possession is a protected constitutional right but subject to some regulation. The friction between these two concepts leads to legal questions and litigation. Funding for this request will promote necessary and equitable resolution of legal questions that arise when Washingtonians seek to buy, sell, or transfer a firearm once the new background check system is implemented.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

This proposal will have a statewide impact.

## Other Collateral Connections

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

See graphic

Client	Fund	FY2024	FY2025	FY2026	FY2027
WSP	405	386,000	386,000	386,000	386,000
<b>TOTAL</b>		<b>386,000</b>	<b>386,000</b>	<b>386,000</b>	<b>386,000</b>

**Stakeholder Response:**

The client agency, WSP, supports this request. There is no known opposition to this request.

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

No changes in existing statutes, rules, or contracts is necessary for this supplemental funding request.

**Legal or Administrative Mandates:**

This funding request will continue an existing legislative mandate, RCW 43.43.580 (ESHB 2467 from 2020) and the ongoing need of legal services by WSP.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$259	\$259	<b>\$518</b>	\$259	\$259	<b>\$518</b>
Obj. B	\$82	\$82	<b>\$164</b>	\$82	\$82	<b>\$164</b>
Obj. E	\$43	\$43	<b>\$86</b>	\$43	\$43	<b>\$86</b>
Obj. G	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



## Agency Recommendation Summary

The Attorney General’s Office (AGO) is seeking to relocate its Wenatchee office because the building owner has expressed that they do not want to renew the lease. A slightly larger facility space is needed to accommodate the current and planned growth of this office and to provide regional legal service delivery for a variety of state agencies in Chelan, Okanogan, Douglas, and Grant counties.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Operating Expenditures</b>						
Fund 405 - 1	\$479	\$0	\$479	\$0	\$0	\$0
<b>Total Expenditures</b>	<b>\$479</b>	<b>\$0</b>	<b>\$479</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Revenue</b>						
405 - 0420	\$479	\$0	\$479	\$0	\$0	\$0
<b>Total Revenue</b>	<b>\$479</b>	<b>\$0</b>	<b>\$479</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## Decision Package Description

The Attorney General’s Office (AGO) Regional Services Division in Wenatchee (RSD-WEN) houses 19 employees that perform a variety of work for the state and its citizens. RSD-WEN provides legal services for many clients including the Department of Children, Youth, and Families (DCYF), Department of Labor and Industries (L&I), Department of Social and Health Services (DSHS), Department of Licensing (DOL), Employment Security Department (ESD), and Wenatchee Valley College.

The Lessor expressed at the last renewal that they would like to have the facility rented to a single entity. The AGO has a 90-day cancellation clause in the current lease which expires October 31, 2024. The building where RSD-WEN is located, sold to the entity that occupies the rest of the building, effective January 1, 2022. The Department of Enterprise Services (DES) and AGO representatives have talked with the new landlord and have been informed that they do not intend to renew the AGO's lease as they need the space for their own operations.

The AGO was hoping to remain long-term at the current location and that would be the hope for the new space. The AGO needs to have an office in Wenatchee and would like to find a long-term solution. The AGO understands the costs associated with moving and would not be requesting this move if the option to remain where the building is currently located. The positive impact will be the ability to design efficient space for the staff at the new location. The drawback is the cost and disruption caused by relocation.

It is important to note that RSD-WEN has grown from 11 positions to 19 positions since March 2020. The current office space is challenging. The RSD-WEN office was damaged on February 26, 2022 when a pipe broke in an upstairs tenant’s office. Many of the office spaces do not have ceiling tiles, creating a very loud and disruptive working environment. The building owner has not secured a company to repair the ceiling tiles. In addition, four staff are currently sharing office space. There are only 10 parking spaces available in the current office location. The AGO is not asking to accommodate any future growth as we anticipate being able to handle any additional positions through teleworking schedules. This location is often used by various staff throughout the agency on an as needed basis so we need to ensure we have touchdown space available. Three touchdown workspaces should be sufficient.

This request reflects a move to a more modern approach to space. The transition in the legal field at large is much slower than other industries; however, the AGO is working to reduce the number of files, books, and paper. Since the AGO competes directly with the private sector, the space requested reflects what the market offers legal professionals. This request considers the kind of work setting needed for the type of work performed. There are shared spaces to be used by mobile workers, and collaborative space is built-in to provide common areas to support interactive work. This request factors in our agency's telework policy/model at this location.

As with all AGO offices, the new space will include private and public Wi-Fi. In addition, the agency deployed mobile devices, laptops and surfaces to mobile workers. All RSD-WEN employees have technology that enables mobility. The AGO also utilizes software that allows for soft phones, and cell phones are issued to employees based on degree of need for mobility.

## Assumptions and Calculations

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

The relocation is the result of the current building owner not wanting to renew the lease.

**Detailed Assumptions and Calculations:**

Estimated one-time costs projected for Fiscal Year (FY) 2024:

Description	Cost
A. DES Fees	\$35,000
B. Tenant Improvements (Construction)	\$227,480
C. IT Infrastructure	\$28,500
D. New Furniture Costs	\$133,000
E. Furniture Relocation Costs	\$8,500
F. Building Security and Access Systems	\$40,000
G. Moving Vendor and Supplies	\$6,600
<b>Total</b>	<b>\$479,080</b>

Assumptions:

- A. DES Fees: Based on a 10 year lease plus tenant improvement charges at market value.
- B. Tenant Improvements (Construction): Costs per square foot. Construction of workspaces to meet the AGO's needs.
- C. IT Infrastructure: Installation of CAT-6 wiring, server and hubs in the building interior. The AGO assumes the necessary IT infrastructure to service the building itself is already in place. We may need to buildout a new network closet room.
- D. New Furniture Costs: Current furniture is old and not ergonomically friendly. We will need to replace the majority of the furniture.
- E. Furniture Relocation Costs: We will need to surplus any furniture we do not keep which will require moving it to Olympia.
- F. Building Security and Access Systems: Installation of card reader, cameras, software and other related security measures. We would like a secure transaction window for our public facing business complete with a parcel pass through.
- G. Moving Vendor and Supplies: Assuming a local vendor will move all general agency contents. We will need to move surplus furniture from Wenatchee to Olympia.

**FY 2019 and Beyond:**

**Lease Assumptions:**

Current Lease is \$79,547 per FY or \$6,629 per month. Current office space is 3,695 square feet. (\$21.50 per square foot).

Projected Lease is \$91,812 per FY or \$7,651 per month. Projected office space is 4,136 square feet. (\$22.20 per square foot)

Increase in yearly Lease Cost is \$12,265 (\$79,547-\$91,812)

Lease assumptions above are not included in the \$479,000 request. Lease costs for the new Wenatchee building will be included in the AGO’s Lease Adjustments Decision Package.

**Parking Assumptions:**

We are looking for at least 20 parking stalls to be included in the lease

**Workforce Assumptions:**

N/A.

**Strategic and Performance Outcomes**

**Strategic Framework:**

**Results Washington Outcome Measures:**

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government” by identifying safe and effective office space for the employees of the Wenatchee AGO.

**The AGO Strategic Plan:**

This request is in compliance and supports several key goals identified in the AGO’s Strategic Plan.

Priority - Empower our Employees:

Goal 4 – Ensure employees have the tools and work space they need to be efficient and effective.

Goal 5 – Promote the health, safety and well-being of all employees in the workplace.

Besides the current lease not being renewed, the number of staff has almost doubled in the last three years. The size and configuration of the current office space does not adequately provide staff with a working environment that allows staff to perform their jobs as effectively and efficiently as they can.

**Base Budget:**

The AGO has been funded \$79,548 per FY for monthly lease and parking costs in the 2021-23 biennium. Costs included in this request are estimates specifically to relocate our current Wenatchee building to another building in Wenatchee. Lease costs for the new Wenatchee building are not included in this request, and will be included in the AGO’s Lease Adjustments Decision Package.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0001 - Administration	405	479,000			
<b>TOTAL</b>		<b>479,000</b>	-	-	-

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

A decision has not been made as to the office’s new location. One of the considerations for deciding on the new location of the Wenatchee office is whether the office is accessible to members of the public who need to visit the office for a variety of reasons.

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

N/A.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

N/A.

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

No changes in existing statutes, rules, or contracts is necessary for this funding request.

**Legal or Administrative Mandates:**

N/A.

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. E	\$479	\$0	\$479	\$0	\$0	\$0

## Agency Contact Information

Edward Giger

(360) 586-2104

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





### Agency Recommendation Summary

The Attorney General’s Office (AGO) requests an increase to its federal authority to allow the AGO to continue to do the important work of the Federal Sexual Assault Kit Initiative (SAKI) including but not limited to testing backlogged kits, collecting 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
	2024	2025	2023-25	2026	2027	2025-27
<b>Operating Expenditures</b>						
Fund 001 - 2	\$1,123	\$1,077	<b>\$2,200</b>	\$0	\$0	<b>\$0</b>
Total Expenditures	<b>\$1,123</b>	<b>\$1,077</b>	<b>\$2,200</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Revenue</b>						
001 - 0316	\$1,123	\$1,077	<b>\$2,200</b>	\$0	\$0	<b>\$0</b>
Total Revenue	<b>\$1,123</b>	<b>\$1,077</b>	<b>\$2,200</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 2023-25 biennium of \$2.2 million. 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 \$2.2 million for 2023-25 biennium and this request is to cover these costs.

## 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	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A003 Criminal Investigations and Prosecutions	001-2	1,123,000	1,077,000		
<b>TOTAL</b>		<b>1,123,000</b>	<b>1,077,000</b>	-	-

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002536 - Criminal Cases Closed	0	0	0	0

### **Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

Enforcement of sexual assault is statewide and affects all demographic communities. This proposal will help ensure underserved communities receive the same services as other communities. Most of those cases involve the sexual assault of vulnerable women and sexually exploited youth.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

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.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

N/A.

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

N/A.

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

N/A.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$431	\$424	<b>\$855</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$140	\$138	<b>\$278</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$205	\$165	<b>\$370</b>	\$0	\$0	<b>\$0</b>
Obj. G	\$23	\$22	<b>\$45</b>	\$0	\$0	<b>\$0</b>
Obj. N	\$197	\$179	<b>\$376</b>	\$0	\$0	<b>\$0</b>
Obj. T	\$127	\$149	<b>\$276</b>	\$0	\$0	<b>\$0</b>

## Agency Contact Information

Edward Giger  
 (360) 586-2104  
 edward.giger@atg.wa.gov



## 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
	2024	2025	2023-25	2026	2027	2025-27
<b>Operating Expenditures</b>						
Fund 001 - 2	\$500	\$500	\$1,000	\$500	\$500	\$1,000
Total Expenditures	\$500	\$500	\$1,000	\$500	\$500	\$1,000
<b>Revenue</b>						
001 - 0393	\$500	\$500	\$1,000	\$500	\$500	\$1,000
Total Revenue	\$500	\$500	\$1,000	\$500	\$500	\$1,000

## Decision Package Description

The Attorney General’s Office (AGO) requests an increase to its federal authority of \$1 million in the 2023-25 Biennium Fiscal Year (FY) 2024 by \$500,000 and FY 2025 by \$500,000).

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 are better protections for the Medicaid program and Washington State’s most vulnerable citizens.

Medicaid Fraud Control Division (MFCDD) has recovered over \$40.8 million for Washington’s Medicaid program since 2017-19 biennium. MFCDD 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, MFCDD 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 MFCDD has more staff per capita on national committees than any other MFCDD nationwide and the Director is the Vice President of the national organization. The opioid epidemic has enabled Washington MFCDD 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 Washington MFCDD 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:**

As the need for expert witnesses, court reporters and translation services continue to increase so does the costs for these services. MFCDD requests additional federal expenditure authority to cover these costs. OIG has approved the request for additional funding.

### **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 \$7.68 million per fiscal year, so the additional ask of \$1 million for 2023-25 biennium and on-going will cover MFCDD’s costs.

## 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	FY 2024	FY 2025	FY 2026	FY 2027
A009 Investigation and Prosecution of Medicaid Fraud and Resident Abuse	001-2	500,000	500,000	500,000	500,000

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002538 - Recoveries to the Medicaid System	\$0	\$0	\$0	\$0

### **Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

Recovering money lost to fraud and holding offenders accountable is essential to the integrity of the Medicaid program. The results are better protections for the Medicaid program and Washington State’s most vulnerable citizens.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

Medicaid provider fraud drives up healthcare costs for Washingtonians, harms Medicaid clients and honest providers, and misuses taxpayer’s money.

## Other Collateral Connections

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

N/A.

**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.

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

It is required by federal law to maintain a MFCD 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

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. C	\$200	\$200	\$400	\$200	\$200	\$400
Obj. E	\$300	\$300	\$600	\$300	\$300	\$600

## Agency Contact Information

Edward Giger  
 (360) 586-2104  
 edward.giger@atg.wa.gov



## Agency Recommendation Summary

The Manufactured/Mobile Home Dispute Resolution Program’s (MHD) current expenditure authority (EA) is insufficient to provide the services necessary to fulfill its statutory mandate. MHD requires additional EA to retain current staff, cover costs of administrative hearings by the Office of Administrative Hearings (OAH), prepare and distribute educational materials, and provide services to Limited English Proficient (LEP) individuals. The need for LEP services and materials has increased over time, and MHD expects to issue more notices of violation and non-violation over the next biennium, which will increase costs for OAH services.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	0.5	0.5	0.5	0.5	0.5	0.5
<b>Operating Expenditures</b>						
Fund 12F - 6	\$150	\$150	\$300	\$150	\$150	\$300
Total Expenditures	\$150	\$150	\$300	\$150	\$150	\$300

## Decision Package Description

In 2007, the legislature directed the Attorney General’s Office (AGO) to administer the Manufactured/Mobile Home Dispute Resolution Program (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 MHD, the legislature specifically intended that MHD would work with landlords and tenants to resolve their disputes through negotiation. RCW 59.30.040(3). If the complaint cannot be resolved through negotiation, MHD must issue a notice of violation or non-violation. MHD requires adequate staffing levels in order to fully engage with landlords and tenants to work toward negotiated resolutions of complaints, and quickly move unresolved complaints forward for a notice of violation or notice of non-violation.

Once a notice is issued, the aggrieved party may request a hearing before an administrative law judge. RCW 59.30.040(8). 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 2023-25 biennium than in the previous budget period; currently MHD has several matters under review where notices of violation or non-violation are likely.

MHD must also prepare and distribute educational materials pursuant to RCW 59.30.

## Assumptions and Calculations

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

This proposal is not an alteration of current program services but the need to maintain and provide services to Limited English Proficient (LEP) individuals.

2019-21 expenditure authority - \$1.152 million

2021-23 expenditure authority - \$1.240 million

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

MHD cannot maintain its current staffing levels, provide LEP services, and cover the costs of the Office of Administrative Hearings to defend notices issued without additional EA of \$300,000 per biennium on an on-going basis.



The program's Assistant Attorney General (AAG) is reviewing several matters that will result in issuing notices of violation and notices of non-violation. As MHD fills vacant positions, more matters will be referred to the AAG for review and issuing notices of violation and non-violation.

MHD assumes it will issue 15 notices of violation and notices of non-violation in the 2023-25 biennium. This assumption is based on the current complaint trend and will result in increased direct costs and need for the program to be fully staffed.

MHD experiences a high volume of park-wide complaints. These complaints are likely to result in notices of violation or notice of non-violation. Complaints that result in notices of violation against the parks will require the parks to refund tens of thousands of dollars to tenants. We assume the parks will appeal these notices to OAH and possibly to the courts. (The last such complaint was appealed to the Superior Court and Court of Appeals.) The Program incurred \$22,000 in OAH and superior court transcript costs for this case. Based on past experience, MHD assumes it will incur \$88,000 in OAH and superior court costs in 2023-25 for similar matters.

MHD has experienced challenges to its jurisdiction and anticipates these challenges will continue. MHD incurred \$22,000 in OAH costs for one such matter and may incur increased OAH costs in 2023-25 for similar matters.

MHD must print and distribute updated posters and materials required by RCW 59.30. Printing 1,500 posters costs approximately \$1,500 per fiscal year. Postage for mailing out posters to mobile home communities in Washington State is approximately \$1,500 per fiscal year.

Additional staffing to provide LEP services is necessary to continue to provide services to LEP individuals. MHD requires an additional 0.5 Program Specialist 2 to provide services in Spanish and facilitate services for other languages. The estimated cost for the additional LEP staff is \$46,000 per fiscal year.

-  
Complaint volumes for MHD have increased over the past three years and the 2022 numbers to date are significantly higher than 2021 numbers with LEP complaints increasing as well.

<b>Year</b>	<b>Monthly Average All</b>	<b>Monthly Average LEP</b>
<b>2022</b>	50	5
<b>2021</b>	22	< 1
<b>2020</b>	35	< 1
<b>2019</b>	31	3

**Workforce Assumptions:**

Additional 0.5 FTE of a Program Specialist 2

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? Y / N
AAG FTE					
Object A & B					
LA FTE					
Object A & B					
PL FTE					
Object A & B					
INV FTE					
Object A & B					
MA5 FTE					
Object A & B					
PS 2 FTE	0.5	0.5	0.5	0.5	Y
Object A & B	39,000	39,000	39,000	39,000	
<b>TOTAL FTE</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	
<b>TOTAL A &amp; B</b>	<b>39,000</b>	<b>39,000</b>	<b>39,000</b>	<b>39,000</b>	

**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 MHD’s EA, the State can continue to provide this cost-effective program to avoid evictions and meet the expectations of Program stakeholders.

AGO Strategic Plan: Increasing 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 the MHD parameters.

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
Activity - A005 Enforcement of Consumer Protection Laws	001	150,000	150,000	150,000	150,000
<b>TOTAL</b>		<b>150,000</b>	<b>150,000</b>	<b>150,000</b>	<b>150,000</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
PM #2534	001	150,000	150,000	150,000	150,000
<b>TOTAL</b>		<b>150,000</b>	<b>150,000</b>	<b>150,000</b>	<b>150,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$0	\$0	\$0	\$0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

There are approximately 1,154 registered manufactured housing communities in the state. These communities provide affordable housing to low income individuals as well as individuals on fixed incomes. MHD provides low-cost and time-efficient services to facilitate communication between landlords and tenants to resolve disputes. Resolution of disputes through MHD services helps maintain good landlord-tenant relationships and good communication resulting in preserving manufactured housing communities and affordable housing for Washingtonians. This proposal will also facilitate MHD’s ability to develop and implement recommendations of the 2020 [Manufactured Housing Communities Workgroup Report](#).

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

Communities of color, Indigenous Washingtonians, women, children, seniors, single-parent heads of households, rural communities, LGBTQ, people with disabilities and immigrants and refugees are disproportionately affected by homelessness and rising housing costs. These groups face undue barriers to safe, decent and affordable housing. Migrant and seasonal workers often live in mobile homes.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

N/A.

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

### 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$28	\$28	\$56	\$28	\$28	\$56
Obj. B	\$11	\$11	\$22	\$11	\$11	\$22
Obj. E	\$111	\$111	\$222	\$111	\$111	\$222

### Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



Office of Attorney General  
 2023-25 Regular Budget Session  
 Maintenance Level - NS - Technical Correction

### Agency Recommendation Summary

A technical correction is required for the following two areas. First, in the carry forward level (CFL) for Fiscal Note (FN) for Senate Bill (SB) 5259 - Law Enforcement Data, in General Fund-State (GF-S) \$1,000,000 should be transferred from Fiscal Year (FY) 2025 to FY 2024. For FN for SB 5126 – Climate Commitment, in Legal Services Revolving Account in the CFL the reduction of (\$24,000) in both FY 2024 and 2025 should not have happened until the 2025-27 biennium.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	0.2	0.2	0.2	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$1,000	(\$1,000)	\$0	\$0	\$0	\$0
Fund 405 - 1	\$24	\$24	\$48	\$0	\$0	\$0
Total Expenditures	\$1,024	(\$976)	\$48	\$0	\$0	\$0
<b>Revenue</b>						
405 - 0420	\$24	\$24	\$48	\$0	\$0	\$0
Total Revenue	\$24	\$24	\$48	\$0	\$0	\$0

## Decision Package Description

FN for SB 5259 - Law Enforcement Data was funded in the 2021-23 biennium budget to the Attorney General’s Office (AGO) for \$6,094,000. Currently, in carry forward level (CFL) Fiscal Year (FY) 2024 and 2025 is funded at \$3,047,000 in General Fund – State (GF-S). To implement SB 5259, the AGO requested \$4,047,000 in FY 2024 and \$2,047,000 in FY 2025. The AGO is requesting that \$1,000,000 be moved from FY 2025 to FY 2024.

AGO FN 5259 Current Allocation:	FY 2024	FY 2025
	\$3,047,000	\$3,047,000

AGO FN 5259 Requested Allocation:	FY 2024	FY 2025
	\$4,047,000	\$2,047,000

AGO FN 5259 Requested Adjustment to Current Allocation:	FY 2024	FY 2025
	\$1,000,000	(\$1,000,000)

FN for Senate Bill (SB) 5126 – Climate Commitment was funded in the 2021-23 biennial budget to the AGO for \$170,000. In FY 2022 and 2023, \$85,000 was funded and this amount was needed in FY 2024 and 2025 before reducing to \$61,000 in FY 2026 and each year thereafter. In the 2023-25 CFL, the AGO’s budget was reduced by \$24,000 in both FY 2024 and FY 2025. Which left the remaining amount of \$61,000 in both FY 2024 and FY 2025, when \$85,000 is needed annually to implement SB 5126. The reduction should not have taken place until the 2025-27 biennium.

AGO FN 5126 Current Allocation:	FY 2024	FY 2025
	\$61,000	\$61,000

AGO FN 5126 Requested Allocation:	FY 2024	FY 2025
	\$85,000	\$85,000

AGO FN 5126 Requested Adjustment to Current Allocation:	FY 2024	FY 2025
	\$24,000	\$24,000

**Assumptions and Calculations**

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

The AGO is not requesting an expansion or alteration of the current programs or services but rather corrections to existing funding for SB 5259 - Law Enforcement Data Collection and SB 5126 – Climate Commitment.

**Detailed Assumptions and Calculations:**

N/A/

**Workforce Assumptions:**

See graphic

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? Y / N
AAG FTE	0.1	0.1			
Object A & B	15,000	15,000			
LA FTE	0.1	0.1			
Object A & B	5,000	5,000			
PL FTE					
Object A & B					
INV FTE					
Object A & B					
MA5 FTE					
Object A & B					
Grant&Cntrct Coord FTE					Yes
Object A & B					
<b>TOTAL FTE</b>	<b>0.2</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>20,000</b>	<b>20,000</b>	<b>0</b>	<b>0</b>	

**Strategic and Performance Outcomes**

**Strategic Framework:**

N/A.

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

**Community outreach and engagement:**

N/A.

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

N/A.

## Other Collateral Connections

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

N/A.

**Stakeholder Response:**

N/A.

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$15	\$15	\$30	\$0	\$0	\$0
Obj. B	\$5	\$5	\$10	\$0	\$0	\$0
Obj. C	\$1,000	(\$1,000)	\$0	\$0	\$0	\$0
Obj. E	\$3	\$3	\$6	\$0	\$0	\$0
Obj. G	\$1	\$1	\$2	\$0	\$0	\$0



## Agency Contact Information

Edward Giger

(360) 586-2104

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



## Agency Recommendation Summary

This request is to fund defense of a federal environmental clean-up action at the Quendall Terminals Superfund Site. The Quendall site has suffered significant environmental contamination as the result of private companies’ operations that began in approximately 1917. The U.S. Environmental Protection Agency (EPA) has initiated a cleanup action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and has named the State of Washington as a Potentially Responsible Party. This request provides staff and funding to defend the State of Washington in this significant and highly visible environmental cleanup.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	4.5	4.5	4.5	4.5	4.5	4.5
<b>Operating Expenditures</b>						
Fund 001 - 1	\$749	\$689	\$1,438	\$689	\$689	\$1,378
Total Expenditures	\$749	\$689	\$1,438	\$689	\$689	\$1,378

## Decision Package Description

This request will provide defense funding including a litigation team and an expert consultant. Quendall Terminals (the Site) is a twenty-five acre property located on Lake Washington Boulevard in Renton, Washington. The Site includes privately-owned uplands and tidelands, and the harbor area owned by the State of Washington. Creosote (coal tar product used for preserving wood) was manufactured at the Site between 1916 and 1969, which resulted in significant contamination to both the uplands and the aquatic lands. The U.S. Environmental Protection Agency (EPA) has initiated a cleanup action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The EPA added the Site to the Superfund National Priorities List in 2006.

The Port of Seattle, on behalf of the State of Washington, managed the portion of the Site that is state-owned aquatic lands between 1917 and 1984. Session Laws of 1917, Chapter 93; Session Laws of 1984, Chapter 93. In 1984, the Legislature delegated management of the harbor areas to the Department of Natural Resources. Session Laws of 1984, Chapter 221.

The EPA has named the State of Washington and the Washington State Department of Natural Resources (DNR) as Potentially Responsible Parties (PRPs). Other Potentially Responsible Parties include Burlington Northern Santa Fe Railroad, Puget Sound Energy, Altino Properties, and J.H. Baxter & Co. (collectively, the PRP group). The EPA estimates the costs of cleaning up the aquatic lands portion of the Site to be roughly \$39.9 million. The EPA asserts that the State of Washington has strict liability to the federal government as an owner of the aquatic lands under CERCLA. The EPA is planning to send special notice letter process in the fall of 2022, which will trigger the settlement process. The EPA has been clear that if the State of Washington does not settle its liability on the Site, then it will pursue an enforcement action in federal court.

The AAGs representing DNR have been in communication with the EPA and the PRP Group for several years. There is a need for counsel representing the State of Washington in addition to counsel for DNR. The AGO anticipates that significant attorney, paralegal, and expert time over the coming years will be necessary to defend the State of Washington in this action. Securing funding for the State’s defense will help support environmental remediation and restoration to the site and to the state-owned aquatic lands.

## Assumptions and Calculations

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

This is a case-specific request for funds to cover costs related to the Quendall Terminals-Demand for Payment & Participation.

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

The AGO requests \$1,438,000 in the 2023-25 biennium to cover costs related to the client advice, litigation, and representation to the State of Washington.

The AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one AAG FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.3 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are AGO's Public Lands and Conservation Division (PLC) and administration support total FTE assumptions (Olympia rate).

- Fiscal Year (FY) 2024: 2.0 AAG, 1.0 Paralegal 2 (PL2), 1.0 LA 3, and 0.5 MA 5, and each FY thereafter.

### **Workforce Assumptions:**

See graphic

FTE	FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
AAG FTE	2.0	2.0	2.0	2.0	Y
Object A & B	307,000	307,000	307,000	307,000	
LA FTE	1.0	1.0	1.0	1.0	Y
Object A & B	80,000	80,000	80,000	80,000	
PL FTE	1.0	1.0	1.0	1.0	Y
Object A & B	98,000	98,000	98,000	98,000	
INV FTE					
Object A & B					
MA5 FTE	0.5	0.5	0.5	0.5	Y
Object A & B	61,000	61,000	61,000	61,000	
Other (describe) FTE					
Object A & B					
<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>546,000</b>	<b>546,000</b>	<b>546,000</b>	<b>546,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0003 - Criminal Investigations and Prosecutions	001-1	749,000	689,000	689,000	689,000
<b>TOTAL</b>		<b>749,000</b>	<b>689,000</b>	<b>689,000</b>	<b>689,000</b>

Performance Measure	Fund	FY2024	FY2025	FY 2026	FY2027
2536 - Criminal Cases Closed	001-1	749,000	689,000	689,000	689,000
<b>TOTAL</b>		<b>749,000</b>	<b>689,000</b>	<b>689,000</b>	<b>689,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002536 - Criminal Cases Closed	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

The AGO's proposal requests funding to defend litigation regarding hazardous waste contamination, and will help further the clean-up of significant pollution affecting Washingtonians and the environment in Western Washington.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

Pollution and hazardous waste contamination often disproportionately affects disadvantaged groups, and funding this litigation on behalf of the State will help ensure that the costs of cleaning up that contamination will more appropriately fall on the corporate polluters responsible.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

N/A.

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

No changes in existing statutes, rules, or contracts is necessary for this funding request.

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

This request is related to additional FTEs due to rising workload over the years caused by the Quendall Terminals-Demand for Payment & Participation.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$409	\$409	\$818	\$409	\$409	\$818
Obj. B	\$137	\$137	\$274	\$137	\$137	\$274
Obj. C	\$120	\$60	\$180	\$60	\$60	\$120
Obj. E	\$78	\$78	\$156	\$78	\$78	\$156
Obj. G	\$5	\$5	\$10	\$5	\$5	\$10

## Agency Contact Information

Edward Giger

(360) 586-2104

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



### Agency Recommendation Summary

This request is to fund defense of employee benefit class action lawsuits against the State Board for Community and Technical Colleges (SBCTC) and the State of Washington. The same law firm on behalf of classes of similarly situated part-time college employees filed three lawsuits. Two lawsuits, *Wolf v. SBCTC* and *Rush v. State*, allege denial of retirement benefits administered under the SBCTC Retirement Benefit Plan. The third suit, *Rush v. State*, alleges denial of sick leave benefits as specified under RCW 28B.50.4893. This request will provide funding for resources needed to continue defending Washington State in these three complex lawsuits.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	7.3	7.3	7.3	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 405 - 1	\$2,068	\$2,068	\$4,136	\$0	\$0	\$0
Total Expenditures	\$2,068	\$2,068	\$4,136	\$0	\$0	\$0
<b>Revenue</b>						
405 - 0420	\$2,068	\$2,068	\$4,136	\$0	\$0	\$0
Total Revenue	\$2,068	\$2,068	\$4,136	\$0	\$0	\$0

### Decision Package Description

This request is for 3.0 Assistant Attorneys General (AAG), 2.0 Paralegals (PL), 1.5 Legal Assistants (LA) and \$2.13 million in expert and data management costs in the 2023-25 Biennium. This will provide continued defense funding including a litigation team, expert witnesses and consultants, and a possible data support vendor required to mount a full defense of all three cases. These three cases were the subject of a Decision Package last biennium and the first case (*Wolf v. the State Board for Community and Technical Colleges (SBCTC)*), was the subject of Decision Packages for the biennium before that, all packages were funded. However, the cases have not moved forward at the pace anticipated, in part due to the pandemic, so they are unlikely to be resolved by the end of the current biennium. It is anticipated that most of the funding granted in the 2021-23 Biennium will be unspent. Accordingly, continued funding will be needed in 2023-25, as many of the same issues that drove the last funding requests remain present.

This package is being presented as a joint request defending the three cases as the plaintiffs, *Rush 1*, *Rush 2*, and *Wolf*, engaged the same law firm of Bendich, Stobaugh, and Strong, which is a firm that specializes in benefits-related class action lawsuits and has successfully litigated benefits-related cases against the State in the past. The firm is coordinating the three cases, and discovery from one case will likely be attempted to be used in the other cases. For purposes of this package request, failure to mount a robust defense is assumed to lead to significant state financial liability in all three cases. A successful defense will eliminate those impacts.

Each of the public four-year universities sponsors its own retirement plan, separate and apart from the state employee plans administered by the Department of Retirement Services (DRS). SBCTC sponsors a plan for faculty and exempt staff at the state’s 34 community and technical colleges. Until 2011, all of the college and university retirement plans had an attendant supplemental plan that provided a safety net for retirees whose investments in the regular retirement plan did not perform up to a determined threshold level. The supplemental plans were closed by the legislature in 2011, but employees who entered service before 2011 may still be entitled to seek a supplemental benefit. The issue raised in two of the lawsuits is whether this supplemental plan requires 10 years of continuous full-time equivalent employment or whether the plan requires 10 years of full-time equivalent employment in total. Said another way, if there is a break in employment, does the counting for the 10 year full-time employment requirement start anew or continue when the employee resumes his or her employment.

The *Wolf* case was filed in February 2019. *Wolf* was employed by the Community Colleges of Spokane (CCS) as a part-time instructor from 1993 to 2002 and from 2006 to 2017 and alleges that he had 15.2 years of full-time equivalent employment in total. He claims CCS improperly applied eligibility criteria for his supplemental retirement benefits after he took four years off and that the State, through the SBCTC, illegally changed the retirement benefit plan in violation of the impairment of contract principles set forth in *Bakenhus v. Seattle*, 48 Wn.2d 695 (1958) by requiring 10 years of continuous full-time employment. The State responded to initial discovery and was successful in a motion on the pleadings, leading the plaintiff to re-file and seek his remedy in another manner in late 2019. In early 2020, the parties filed additional motions, but agreed to stay the proceedings pending discussions on the possibility of settlement. The Attorney General’s Office (AGO) worked on

valuing the case and exchanged settlement correspondence with the plaintiffs' counsel. For reasons unknown, plaintiffs failed to respond for an extended period and then responded cursorily when the AGO indicated they wished to get the case back on track. Plaintiffs have made no commitments regarding settlement discussions. The AGO anticipates that trials will be scheduled in calendar year 2023 unless the case is resolved before then. One issue that may have to be resolved is the appropriate statute of limitations, which may have to be resolved by motion or other litigation. The AGO also expects to receive and respond to motions concerning class certification and other motions.

*Rush v. State* (Rush 1-retirement) was filed June 30, 2021. Rush claims that he was employed by Green River College as a part-time instructor from 1991 to the end of 2017 Fall Quarter and then, from 2018 Spring Quarter to 2020. Rush claims that Green River College improperly applied eligibility criteria for his retirement benefits after he took Winter Quarter off in 2018 and the State, through the SBCTC, illegally changed the retirement benefit plan in violation of the impairment of contract principles set forth in *Bakenhus v. Seattle*, 48 Wn.2d 695 (1958) by requiring 10 years of continuous full-time employment. Rush seeks class certification, retirement compensation, damages for willful withholding of wages, attorney's fees, lost investment returns, and interest. This case seems to be similar in many respects to the Wolf case and the putative classes in Rush (retirement) and Wolf appear to be similar. However, there are several distinctions: Rush appears to allege that he did not receive employer contributions to the defined contribution plan for some or all of the time after he resumed employment in 2018. He claims that Green River College required him to "requalify" for employer contributions to the defined contribution plan and seeks class status on this issue as well. Rush also claims he was denied a supplemental retirement benefit, though Rush resumed employment after the supplemental plan was closed in 2011. However, as there has been no motions filed in this case and the complaint is sparsely pled, it is unclear of the exact parameters of Rush's claims. There is currently a trial date of January 23, 2023.

*Rush v. State* (Rush 2-sick leave) was filed in February 2020. Unlike the other two cases, this case involves sick leave and how it is calculated for part-time academic employees. Rush claims that the statutes require that sick leave for part-time academic employees must be proportional to that received by full-time employees. The state's colleges disagree, and argue that the statutes allow colleges and unions to bargain over sick leave accrual rates. Colleges and unions have bargained for years on this topic and part-time faculty accrue sick leave at rates proportional to their teaching commitment in the many union contracts for each college as required by statute. The bargained accrual rate for sick leave for part-time faculty in these union contracts has generally not been proportional to that for full-time faculty as there is no such statutory requirement. In June 2020, the court certified a class consisting of "[a]ll part-time academic employees who did not accrue sick leave in proportion to their full-time equivalency, whether their accrual was not proportionate because of rate of accrual, or accumulation limitations, or in another fashion. The class is limited in time to employees who worked at a college district, a state agency, an education service district, a school district or an institute of higher education within the applicable statute of limitations." In December 2020, the court granted partial summary judgment in favor of the plaintiffs. Specifically, the Superior Court ruled that the class members' sick leave accrual had to be directly proportionate to that of full-time faculty, even though the statute only requires sick leave accrual "in proportion to the individual's teaching commitment." The State attempted to appeal that ruling arguing that it was contrary to RCW 28B.50.489(1) and that colleges and unions can bargain over sick leave accrual rates, but discretionary review was denied. The AGO is continuing with its production of documents to Plaintiffs and anticipate a great deal of partial dispositive motions practice in the future. There currently is a trial date of February 13, 2023.

For these three related cases, the AGO projects \$1.5 million for data management costs and \$632,000 for experts costs in total for the biennium. All three cases will require actuarial and other experts, as well as data consultants, some of whom have been contracted. As the class and putative classes cover a lengthy period of time and 34 community and technical colleges, the management of current and legacy computers systems as well as potential paper files may lead to significant projected data management costs.

SBCTC receives a legal services allocation for routine day-to-day needs for the 34 community and technical colleges. This allocation does not include the costs of complex litigation of the magnitude that these cases require. SBCTC is a small agency and the costs of defending this action is anticipated to be extensive given that settlement has not been reached. Without additional resources, defense of the case will severely impact the SBCTC's operating revenues and will severely hamper the college system's ability to pay for legal services for the biennium.



**Assumptions and Calculations**

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

No funding in base budget. This proposal is to fund extraordinary litigation costs related to employee benefits.

**Detailed Assumptions and Calculations:**

To complete this litigation we need an additional 7.3 FTEs. 3.0 AAGs, 1.5 LAs, 2.0 PLs and 0.8 MAs.

**Workforce Assumptions:**

See graphic

FTE		FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? Y / N
AAG	FTE	3.0	3.0			
	Object A & B	459,000	459,000			
LA	FTE	1.5	1.5			
	Object A & B	120,000	120,000			
PL	FTE	2.0	2.0			
	Object A & B	197,000	197,000			
INV	FTE					
	Object A & B					
MA5	FTE	0.8	0.8			
	Object A & B	91,000	91,000			
Other (describe)	FTE					
	Object A & B					
<b>TOTAL FTE</b>		<b>7.3</b>	<b>7.3</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>		<b>867,000</b>	<b>867,000</b>	<b>0</b>	<b>0</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

World-class Education - These cases challenge employee benefits in the higher education system, seeking a broader interpretation of retirement plan eligibility and sick leave eligibility. The plaintiffs are seeking to apply these new interpretations to a broad class of employees going back over many years. A victory by the plaintiffs would increase the costs of operating the state higher education system.

Efficient, effective & accountable government. A successful result by the plaintiff in any of these cases will divert resources from the priorities established by the legislature in its operating budget.

**AGO Strategic Plan:** This request supports the following portions of the AGO Strategic Plan.

1. Priority – Serve the State

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

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

1. Priority – Protect the People

Goal 3—Promote Good Government

The SBCTC and each of the four-year universities are empowered by statute to provide retirement plans under such rules as they may prescribe. The plaintiff’s challenge in two of these cases seeks to curtail that authority and discretion. Similarly, in the sick leave case, the plaintiffs challenge the way colleges calculate their employee workload. Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 Legal Services to State Agencies	405	2,068,000	2,068,000		
<b>TOTAL</b>		<b>2,068,000</b>	<b>2,068,000</b>	-	-

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
2539 - Cases Open at the End of Fiscal Year	405	2,068,000	2,068,000		
<b>TOTAL</b>		<b>2,068,000</b>	<b>2,068,000</b>	-	-

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

N/A.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

N/A.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

These cases concern benefits, so some impacts on the status quo will occur if the State fails to successfully defend these cases.

### **Intergovernmental:**

These lawsuits impact all 34 community and technical colleges. If the plaintiffs are successful, the colleges likely will have to modify their practices, may have to seek legislative assistance, and certainly will need to seek additional funds. Negative outcomes may also impact other higher education institutions that have similar plans. On behalf of the community and technical college system, the SBCTC agrees with the need for the legal services and fully supports this AGO request.

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
SBCTC	405	2,068,000	2,068,000		
<b>TOTAL</b>		<b>2,068,000</b>	<b>2,068,000</b>	-	-

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

N/A

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

1. Wolf v. State of WA and SBCTC
2. Rush v. State (Rush 1-retirement)
3. Rush v. State (Rush 2-sick leave)

## 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>2024</b>	<b>2025</b>	<b>2023-25</b>	<b>2026</b>	<b>2027</b>	<b>2025-27</b>
Obj. A	\$649	\$649	<b>\$1,298</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$218	\$218	<b>\$436</b>	\$0	\$0	<b>\$0</b>
Obj. C	\$316	\$316	<b>\$632</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$877	\$877	<b>\$1,754</b>	\$0	\$0	<b>\$0</b>
Obj. G	\$8	\$8	<b>\$16</b>	\$0	\$0	<b>\$0</b>

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



Office of Attorney General  
2023-25 Regular Budget Session  
Maintenance Level - NV - Tobacco Diligent Enforcement

### Agency Recommendation Summary

The Attorney General's Office (AGO) seeks additional 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 tens of millions of dollars from its next MSA payment. The requested funding will enable the AGO to continue to fully participate in the upcoming multi-year arbitration.

### Fiscal Summary

<b>Fiscal Summary</b> <i>Dollars in Thousands</i>	<b>Fiscal Years</b>		<b>Biennial</b>	<b>Fiscal Years</b>		<b>Biennial</b>
	<b>2024</b>	<b>2025</b>	<b>2023-25</b>	<b>2026</b>	<b>2027</b>	<b>2025-27</b>
<b>Operating Expenditures</b>						
Fund 001 - 1	\$600	\$600	<b>\$1,200</b>	\$600	\$600	<b>\$1,200</b>
Total Expenditures	<b>\$600</b>	<b>\$600</b>	<b>\$1,200</b>	<b>\$600</b>	<b>\$600</b>	<b>\$1,200</b>

## Decision Package Description

Additional funding is necessary to maintain the program's ability to arbitrate and diligently enforce tobacco escrow requirements. Tens of millions of dollars are at stake.

In the last few years, expert costs and litigation support have increased significantly. Moreover, the new arbitration panel of three judges has turned over. Consequently, the Assistant Attorney General's (AAG's) must spend a significant amount of time to get the new judges informed of all the specificities of the case. As a result, their costs have gone from \$700 per hour to \$1,000 per hour per judge. This new panel is also expecting the lead AAG to attend all of the state's hearings so additional out-of-state travel is anticipated.

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 the recoupment of \$23 million that has been withheld from the State and paid into the DPA. A finding that Washington was not diligent will result in a loss of tens of millions of dollars for each year Washington is found non-diligent. The losses are deducted from the next series of annual MSA payments. Additional resources are required for the ongoing arbitration due to increased prices for travel, arbitrators, and expert witnesses. Also, this arbitration will resolve 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:**

In the last few years, expert costs and litigation support have increased significantly. In addition, the panel of three judges have changed and the AAG's are needing to spend a significant amount of time to get the new judges informed of all the specificities of the case and their costs have gone from \$700 per hour to \$1,000 per hour per judge. This new panel is also expecting the lead AAG to attend all state's hearings so additional out of state travel is anticipated. Additional funding is required to maintain the program's ability to arbitrate and diligently enforce tobacco escrow requirements.

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

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 FTE are included in the tables using a MA5 as a representative classification.

These costs will be ongoing.

### **Workforce Assumptions:**

No changes to the current staffing are needed.

## 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 million 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 million in Fiscal Year (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	FY2022	FY2023	FY2024	FY2025
0001 Administration	001-1	617,000	639,000	1,239,000	1,239,000
<b>TOTAL</b>		<b>617,000</b>	<b>639,000</b>	<b>1,239,000</b>	<b>1,239,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$0	\$0	\$0	\$0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

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 deposits also helps achieve this goal. Enforcing escrow deposits discourages the NPMs from further lowering the retail sales price of their products which would make cigarettes more attractive to youth. The escrow deposits also create a fund for the State to access in the event a released health care claim is attributable to an NPM.

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

Escrow MSA payments are used to help fund education and tobacco prevention programs statewide. Commercial tobacco use disproportionately impacts communities that experience oppression. [According to the CDC:](#)

- In 2020, 16.1 percent of lesbian, gay, or bisexual adults smoked cigarettes – compared with 12.3 percent of heterosexual/straight adults. Use of any commercial tobacco product was also higher among lesbian, gay, or bisexual adults, compared to heterosexual/straight adults (25.1 percent vs 18.8 percent).
- Despite starting to smoke cigarettes later in life, African American people are more likely than other racial and ethnic groups to have related health problems.
- American Indian/Alaskan Native people, compared to the other racial and ethnic groups, have a higher risk of death and disease caused by using commercial tobacco products like cigarettes, smokeless tobacco, and cigars.
- People from some Hispanic ethnic groups suffer from poor health outcomes related to the use of commercial tobacco products like cigarettes, smokeless tobacco, and cigars. For example, cancer, heart disease, and stroke—all of which can be caused by cigarette smoking—are among the five leading causes of death among Hispanic people.



## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **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 million.

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

N/A.

### **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.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. C	\$200	\$200	\$400	\$200	\$200	\$400
Obj. E	\$400	\$400	\$800	\$400	\$400	\$800

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



## Agency Recommendation Summary

This request is to continue the project of replacement of the Attorney General’s Office (AGO) legal matter management platform (LMMP) that began in late Fiscal Year (FY) 2022 and continues into the future. The Legislature provided funding in the 2021-23 Biennium and this funding is needed to continue the project to completion.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	8.5	8.5	8.5	3.5	3.5	3.5
<b>Operating Expenditures</b>						
Fund 001 - 1	\$463	\$454	<b>\$917</b>	\$397	\$397	<b>\$794</b>
Fund 001 - 2	\$201	\$197	<b>\$398</b>	\$173	\$173	<b>\$346</b>
Fund 111 - 1	\$46	\$45	<b>\$91</b>	\$40	\$40	<b>\$80</b>
Fund 19A - 1	\$67	\$66	<b>\$133</b>	\$58	\$57	<b>\$115</b>
Fund 405 - 1	\$3,406	\$3,334	<b>\$6,740</b>	\$2,919	\$2,920	<b>\$5,839</b>
Fund 424 - 6	\$126	\$123	<b>\$249</b>	\$108	\$108	<b>\$216</b>
Total Expenditures	<b>\$4,309</b>	<b>\$4,219</b>	<b>\$8,528</b>	<b>\$3,695</b>	<b>\$3,695</b>	<b>\$7,390</b>
<b>Revenue</b>						
001 - 0393	\$201	\$197	<b>\$398</b>	\$173	\$173	<b>\$346</b>
405 - 0420	\$3,406	\$3,334	<b>\$6,740</b>	\$2,919	\$2,920	<b>\$5,839</b>
Total Revenue	<b>\$3,607</b>	<b>\$3,531</b>	<b>\$7,138</b>	<b>\$3,092</b>	<b>\$3,093</b>	<b>\$6,185</b>

## Decision Package Description

The Attorney General’s Office (AGO) is the largest public law firm in the state. The AGO represents the interests of client agencies and defends all cases and claims brought against state agencies, boards, commissions, state officials, and employees. To maximize the limited resources of both client agencies and the AGO, use of a modern, cloud-based enterprise legal matter management system is needed to properly and securely manage case information and documents, and track cases, client advice, and investigations across the agency. The current system requires an upgrade or replacement as the demands on the system continue to increase.

The AGO has a LMMP which is critical to tracking and managing legal operations across the office. The platform tracks more than 20,000 open legal matters at any given time, and thousands of constituent correspondence. The current system has been stable and reliable, allowing the AGO to meet basic needs when managing the legal matters. However, the current LMMP does not allow for additional collaboration for complex cases such as those that require coordination with multiple state agencies, litigation that lasts several years or social and health related cases that can involve many parties. The current platform is an on-premise platform (not a cloud-based solution), and is severely limited. The current system does not meet the level of collaboration and functionality needed today and requires an upgrade or replacement as the demands on the system continue to increase.

Public law firms are routinely targets of malware and phishing that lead to ransomware. In the last 12 months, several large public law firms across the United State have been targeted by ransomware attacks that have left attorneys without access to documents needed to representing their clients in litigation matters. Moving to a cloud-based SAAS provider helps the AGO to lower the risk posture and increase protections to the state’s data.

The AGO currently has a Maintenance and Support Services (MSS) agreement with Mitratech who is the publisher of the Law Manager software. The MSS agreement includes Error and Malfunction Service support for identified errors or malfunctions in the Software, which materially impairs the overall functionality and operation of the software. The last AGO reported error or malfunction was in 2018, which a software release was provided to correct the issue.

Many of the customizations to Law Manager to meet the specific needs of the AGO, such as Critical Events (docketing), have been developed in-house. These customized features are support internal by ISD. Mitratech maintains an online technical support portal for routine technical support.

As of August 2021, the AGO has not received an “end of support” notice from Mitrtech. In 2016 Mitrtech provided notice to the AGO that they plan to support and service the software indefinitely and there were no plans to sunset the product. Mitrtech has continued to provide software updates and upgrades to customers as needed, the last maintenance release was in June 2020, typically to address compatibility with newer operating systems and database versions or security related concerns.

Mitrtech also provided notice in 2016 that they would no longer be doing commercial development that would normally be geared towards attracting new customers and clarified that no current customers would be required to migrate to the other products they were focusing their development on. They continue to have customers who use Law Manger today, but the AGO is not aware of another large public law firm or other Attorneys General offices across the United States who continues to use Law Manager as their primary Legal Matter Management Platform. Many law offices have migrated to cloud based solutions for improved security, office-wide efficiencies and client collaboration.

These new collaboration tools are needed to ensure legal operations within the AGO in a secure and repeatable manner. The modern features of a LMMP include improved internal and external collaboration (including online legal request intake), legal case document management capabilities, automated workflows throughout the various stages of litigation, outside counsel contract management, tracking of court related deadlines (docketing/calendaring), legal time tracking & billing solutions, access to near real-time reporting data and mobile access from a smartphone or tablet.

The AGO’s legal services divisions’ current LMMP does not allow for collaboration with external stakeholders and was not designed for this functionality. In order to comply with requirements for the practice of law, the AGO must meet stringent standards for protecting confidential information, including various ethical and regulatory compliance requirements. A new cloud-based platform, with advanced security capabilities such as multifactor authentication and other security features, will allow the AGO to provide client agencies and outside stakeholders with improved near real-time information related to the matters the office is representing on their behalf.

In preparation for a court case, the AGO collects a large amount of data, much of it personal and confidential. Exponential growth of information collection fits best with cloud-based “Software as a Service” (SAAS) platforms. These cloud-based SAAS platforms offer a more robust business continuity and data protection solutions that can quickly scale to the AGO’s data retention and data availability needs. The AGO also has legal ethical responsibilities pursuant to the Rules of Professional Conduct (RPCs) that regulate safeguarding client property, even during emergencies or disasters.

Additionally, the current LMMP does not store legal case-related documents and they are stored in a separate system. This requires AGO staff to access data from multiple system locations during the day to perform legal processes and track the status of matters. Due to the nature of this, many inefficiencies will be reduced with a newer and automated LMMP that will strengthen information governance practices and reduce human error data risks. This upgrade will also reduce much of the back-and-forth communications between attorney and clients agencies that typically takes place over email. Further, the LMMP will automate processes for outside counsel that the AGO contracts with on a regular basis. Streamlining these processes will result in reducing time spent on data entry by automating time intensive administrative tasks performed today using the tools in a cloud-based LMMP.

The new LMMP contains the following major components:

**Matter Management:**

Tracks the legal services provided to clients from initiation to completion and optimizes the processes involved in opening new matters. Provides docketing/calendaring tracking of all court-related deadlines, which reduces confusion and reactionary situations based on the many different court schedule requirements. Standardizes legal matter intake and control information collection.

**Legal Hold:**

Manages notices to preserve documents in the event of pending or reasonable anticipation of litigation.

**Legal Case Document Management:**

Case related documents would be stored in a central location with delegated access to those authorized. This solution strengthens the processes and policies in place and better ensures compliance with Legal Rules of Professional Conduct (rules that attorneys are legally required to uphold).

Easy management and access to case-related documents and files. This feature also ensures retention of case-related documents are stored with the matter following federal and state retention rules and expire when scheduled. Many non-legal document management systems expire documents based on document date, not the event-based retention of the matter.

**Outside Counsel Contract and Billing Tracking:**

Automate the execution of contracts, assignments, and other related documents. Provides automated verification of billing expenses in Legal Electronic Data Exchange Standard (LEDES). Provide real-time access to reporting and contract performance metrics.

**Management Reporting:**

Provides standard and *ad hoc* reporting to proactively manage legal expenses and budgets. Quickly identify who is involved in legal matters and in what capacity so that employee resources are used where the greatest needs are identified.

## 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.

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

Project Implementation Costs:

#### **Phase 1: Readiness Assessment and preparedness activities;**

Contracted quality assurance vendor for 24 months beginning July 2022: \$150,000 (\$75,000/FY).

Project Positions are required from July 2022 through June 2024.

2.0 FTE Management Analyst 5 for 24 months: to review existing business processes and create new efficiencies to legal time tracking, legal invoice creation, outside counsel expense tracking following LEDES (Legal Electronic Data Exchange Standard) and other industry standards. Review existing docketing (tracking of court related deadlines and action) practices, integrate automated calendaring into current critical events practices and policies. Explore document management transition plans to ensure retention and use-case scenarios are addressed.

#### **Phase 2: Implementation and Conversion;**

The cost assumptions for SAAS provided, cloud-based LMMP developed from an analysis of Request for Information (RFI) responses provided to the AGO for FY 2023: Implementation/Training: \$450,000 (one-time cost).

Project Positions are required from January 2023 through June 2025 for additional functional requirement implementation and data conversion:

3.0 FTE IT Application Development-Entry to design and develop unique functional requirements that typically would not be included in a cloud-based LMMP. Custom software development workloads, to provide the unique functional requirements not typically included in a LMMP, estimates of software development efforts were done using Agile project estimating techniques.

1.0 FTE IT Architecture - Senior/Specialist to evaluate cloud providers, design architecture, collaborate with OCIO on statewide authentication to legal request portal, security/compliance reviews, and implement the solutions.

1.0 FTE IT Project Management - Journey to provide project management planning, quality assurance, and organizational change management.

1.0 FTE IT Security - Journey for security configuration/monitoring.

1.0 FTE IT Vendor Management - Entry for monitoring technology contracts, service level agreements, and cloud usage-billing reconciliation.

**Phase 3: Ongoing costs required to sustain operations;**

SAAS vendor fees: FY 2024 and in each FY thereafter: \$3,244,150 (including a reduction of \$185,000 in FY 2024 and \$195,000 in FY 2025 for current LMMP expenditures).

Project positions are permanent beginning July 2023 (continuing staff identified in Phase 1 and Phase 2):

1.0 FTE IT Security - Journey for security configuration/monitoring.

1.0 FTE IT Vendor Management - Entry for monitoring technology contracts, service level agreements, and cloud usage-billing reconciliation.

1.0 FTE Management Analyst 5 to act as service owner, which will ensure consistent upkeep of system and policies, and manage evolving business need changes.

FINANCIAL SERVICES: The AGO assumes new work for a Contract Specialist 2 to include, but not limited to assistance with Special Assistant Attorney General (SAAG) business processes, data entry, document tracking, invoicing, quality control and reporting. The AGO Contracts Section is assumed to require 1.0 FTE in FY 2023 for solicitation, and then 0.5 FTE beginning in FY 2024 and in each FY thereafter to maintain the contracts in the system.

**Workforce Assumptions:**

See graphic

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? Y / N
Contract Spec 2 FTE	0.5	0.5	0.5	0.5	Yes
Object A & B	47,000	47,000	47,000	47,000	
Management Anl FTE	1.0	1.0	1.0	1.0	Yes
Object A & B	119,000	119,000	119,000	119,000	
IT Appl Dv-Entry FTE	3.0	3.0			No
Object A & B	366,000	366,000			
IT Arch Sr Spec FTE	1.0	1.0			No
Object A & B	156,000	156,000			
IT Proj Mgmt FTE	1.0	1.0			No
Object A & B	136,000	136,000			
IT Security-Journey FTE	1.0	1.0	1.0	1.0	Yes
Object A & B	130,000	130,000	130,000	130,000	
IT Vendor Mgt-Ent FTE	1.0	1.0	1.0	1.0	Yes
Object A & B	101,000	101,000	101,000	101,000	
<b>TOTAL FTE</b>	<b>8.5</b>	<b>8.5</b>	<b>3.5</b>	<b>3.5</b>	
<b>TOTAL A &amp; B</b>	<b>1,055,000</b>	<b>1,055,000</b>	<b>397,000</b>	<b>397,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

**Results Washington:** Efficient, Effective and Accountable Government

### AGO Strategic Plan:

1-2-1: Improve internal efficiency and effectiveness through the use of technology solutions and data.

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

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.

Explore options to upgrade and improve systems such as the current matter management system, CCTNs, scheduling requests, and Office 365  
 2-3-4 Effectively and efficiently advise and defend the state against claims.

3-4-1 Expand mobility to improve productivity.

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

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

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
0011: Antitrust Restitution to the Citizens of the State 000	424-6	126,000	123,000	108,000	108,000
0021: HITS Requests from Law Enforcement	001-1	23,000	23,000	20,000	20,000
2531: Consumer Utility Rate Savings	111-1	46,000	45,000	40,000	40,000
2533: Total AG Formal and Informal Opinions Issued	405-1	0	114,000	58,000	58,000
2534: Direct Restitution Provided to Consumers Through Litigation and Complaint Resolution	001-1	417,000	408,000	357,000	357,000
2535: Total Successful Commitment and Recommitment Trials	001-1	23,000	23,000	20,000	20,000
2537: Percentage of Tort Claims that Result in Zero Payout	405-1	170,000	167,000	146,000	146,000
2538: Recoveries to the Medicaid System	001-2	201,000	196,000	172,000	173,000
	19A-1	67,000	66,000	58,000	57,000
2539: Cases Open at End of Fiscal Year	405-1	3,236,000	3,054,000	2,716,000	2,716,000
<b>TOTAL</b>		<b>4,309,000</b>	<b>4,219,000</b>	<b>3,695,000</b>	<b>3,695,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002536 - Criminal Cases Closed	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

Funding this request will allow the AGO to continue to provide excellent legal services across all of Washington State.

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

Impact is statewide affecting all AGO offices and divisions, and most state agencies through AGO's billing rates.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

Costs associated with the Legal Services Revolving Account (405) are assumed to be spread to all client agencies through the Central Services Model.

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
CSM		4,309,000	4,219,000	3,695,000	3,695,000
<b>TOTAL</b>		<b>4,309,000</b>	<b>4,219,000</b>	<b>3,695,000</b>	<b>3,695,000</b>

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

As Washington State's law firm responsible for representing the interests all cases and claims brought against state agencies, boards, commissions, state officials and employees, the legal impact will affect every matter that the AGO is involved with.

**Reference Documents**

- [2023-25 Appendix 5 IT Addendum.docx](#)
- [2023-25 IT Fiscal Estimate Workbook.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?***

Yes

## 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>2024</b>	<b>2025</b>	<b>2023-25</b>	<b>2026</b>	<b>2027</b>	<b>2025-27</b>
Obj. A	\$803	\$803	<b>\$1,606</b>	\$297	\$297	<b>\$594</b>
Obj. B	\$251	\$251	<b>\$502</b>	\$99	\$99	<b>\$198</b>
Obj. C	\$3,125	\$3,035	<b>\$6,160</b>	\$3,244	\$3,244	<b>\$6,488</b>
Obj. E	\$113	\$122	<b>\$235</b>	\$51	\$51	<b>\$102</b>
Obj. G	\$4	\$4	<b>\$8</b>	\$2	\$2	<b>\$4</b>
Obj. J	\$13	\$4	<b>\$17</b>	\$2	\$2	<b>\$4</b>

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov





### Agency Recommendation Summary

The Attorney General's Office (AGO) requires an increase in lease funding to cover the expected increases and decreases in annual lease contracts in the 2023-25 Biennium. The required 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
	2024	2025	2023-25	2026	2027	2025-27
<b>Operating Expenditures</b>						
Fund 001 - 1	\$305	\$351	<b>\$656</b>	\$396	\$442	<b>\$838</b>
Fund 001 - 2	\$1	\$0	<b>\$1</b>	\$3	\$2	<b>\$5</b>
Fund 111 - 1	\$17	\$20	<b>\$37</b>	\$22	\$25	<b>\$47</b>
Fund 12F - 1	\$6	\$7	<b>\$13</b>	\$8	\$9	<b>\$17</b>
Fund 154 - 1	\$7	\$8	<b>\$15</b>	\$8	\$9	<b>\$17</b>
Fund 17L - 1	\$3	\$4	<b>\$7</b>	\$4	\$5	<b>\$9</b>
Fund 19A - 1	\$16	\$24	<b>\$40</b>	\$68	\$70	<b>\$138</b>
Fund 405 - 1	\$924	\$1,257	<b>\$2,181</b>	\$1,709	\$2,083	<b>\$3,792</b>
Fund 424 - 1	\$44	\$50	<b>\$94</b>	\$56	\$63	<b>\$119</b>
<b>Total Expenditures</b>	<b>\$1,323</b>	<b>\$1,721</b>	<b>\$3,044</b>	<b>\$2,274</b>	<b>\$2,708</b>	<b>\$4,982</b>
<b>Revenue</b>						
001 - 0393	\$1	\$3	<b>\$4</b>	\$3	\$2	<b>\$5</b>
405 - 0420	\$924	\$1,257	<b>\$2,181</b>	\$1,709	\$2,083	<b>\$3,792</b>
<b>Total Revenue</b>	<b>\$925</b>	<b>\$1,260</b>	<b>\$2,185</b>	<b>\$1,712</b>	<b>\$2,085</b>	<b>\$3,797</b>

### Decision Package Description

The Attorney General's Office (AGO) request \$1,919,000 to cover the expected increase and decrease in annual lease contracts that will be renewed in the 2023-25 biennium including contractually scheduled rate increases. It also includes projected increases in the 2025-27 biennium in accordance with the Office of Financial Management's (OFM) budget request instructions.

All 2023-25 and 2025-27 increases are either previously established in existing leases, or are projections based on assumed percentage increases provided by OFM Consumer Price Index for all Urban Consumers (CPI-U) calculator.

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 2023-25 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 2027-29 biennium.
- Bristol Court: The current lease agreement expires July 31, 2025. The lease rate is \$87,819 per FM through the end of the 2023-25 biennium.
- Everett: A new lease agreement was reached effective August 2021 through July 31, 2026. The current lease rate is \$28,886 per FM through the end of FY 2026 and FY 2027 is projected using OFM CPI-U calculator.
- 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 (CSM) for office space. The CSM funding allotment for HLB for the 2023-25 biennium is \$65,345.

- Kennewick: The current lease agreement expires February 28, 2024. The lease rate is \$11,883 per FM until February 28, 2024 where a projected increase to \$13,715 will begin in March 2024 based on assumed percentage increases provided by OFM CPI-U calculator through the rest of the 2023-25 biennium.
- Kent: The current lease agreement expires April 30, 2026. The current lease rate is \$228 per FM for the duration of the lease.
- Kitsap County Juvenile Court: The current lease agreement expired March 31, 2021. The AGO is to continue to make the \$200 payment without an active lease based on instructions from an AGO Facilities email dated July 14, 2022.
- Port Angeles: The current lease agreement expires July 31, 2022 and is in the final stages of agreement and about to be signed. The new lease is \$8,359 a month beginning August 1, 2022 and increases four percent annually on August 1 of each year until August 1, 2027.
- Seattle: The current lease began July 1, 2022, ending on June 30, 2033 and includes parking costs as well as the rent for the Seattle 37 floor (previously paid as a separate lease). This lease increases every year on July 1. FY 2024 lease rate is \$634,382, FY 2025 lease rate is \$651,280, FY 2026 lease rate is \$668,734, and FY 2027 lease rate is \$686,632.
- Seattle-37 Floor: Now covered under the Seattle lease through FY 2033.
- Spokane: The current lease agreement expires October 31, 2024. The lease rate is \$46,943 per FM until October 31, 2024 where a projected increase to \$54,177 will begin in November 2024 based on assumed percentage increases provided by OFM CPI-U calculator through the rest of the 2023-25 biennium.
- Tacoma: The current lease agreement expires July 31, 2025. The lease rate is \$95,713 per FM until July 31, 2025 where a projected increase to \$110,951 will begin in August 2025 based on assumed percentage increases provided by OFM CPI-U calculator through the rest of the 2023-25 biennium.
- Tumwater: The current lease agreement expires November 30, 2031. The lease rate is \$281,173 per FM until November 30, 2026 where it will increase to \$302,802 until the lease ends on November 30, 2031.
- Vancouver: The current lease agreement expires March 31 2024. The lease rate is \$22,638 per FM until March 31, 2024 where a projected increase to \$26,126 will begin in April 2024 based on assumed percentage increases provided by OFM CPI-U calculator through the rest of the 2023-25 biennium.
- Warehouse (Facilities): The current lease expires June 30, 2024. The lease rate is \$8,302 per FM until June 30, 2024 where a projected increase to \$9,582 will begin in July 2024 based on assumed percentage increases provided by OFM CPI-U calculator through the rest of the 2023-25 biennium.
- Warehouse (Information Services): The current lease expires June 30, 2024. The lease rate is \$17,440 per FM until June 30, 2024 where a projected increase to \$20,127 will begin in July 2024 based on assumed percentage increases provided by OFM CPI-U calculator through the rest of the 2023-25 biennium.
- Wenatchee: The current lease agreement expires October 31, 2024. The lease rate is \$6,629 per FM. Wenatchee lease rate is expected to increase to \$10,007 in November 2024 based on an assumed increase to \$32.50 per square foot for the rest of the 2023-25 biennium.
- Yakima: The current lease agreement expires July 31, 2025. The lease rate is \$10,273 per FM through the 2023-25 biennium.

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 one shows each facilities cost increase by FY.

## 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.

2019-21: \$28,459,715;  
 2021-23: \$29,652,360;  
 2023-25: \$32,637,693

This request 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>2023-25 Budget Request (Excludes Torts IAA Costs)</b>			
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>TOTAL REQUEST</b>	<b>1,323,000</b>	<b>1,724,000</b>	<b>2,274,000</b>	<b>2,708,000</b>

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 2023 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, 2024, a \$2,474 per FM rate increase to the current lease, resulting in \$17,864 per FM as the new projected lease rate.
- **Bristol Court:** The lease rate is \$87,818 through the end of the biennium. No lease rate adjustment for the 2023-25 biennium.
- **Everett:** The lease rate is \$28,886 through the end of the biennium. No lease rate adjustment for the 2023-25 biennium.
- **Kennewick:** Effective March 1, 2024, a \$1,831 per FM rate increase to the current lease, resulting in \$21,976 per FM as the new projected lease rate.
- **Kent:** The lease rate is \$228 through the end of the biennium. No lease rate adjustment for the 2023-25 biennium.
- **Kitsap County Juvenile Court:** The lease rate is \$200 through the end of the biennium. No lease rate adjustment for the 2023-25 biennium.

- **Port Angeles:** The lease rate is \$8,359 and increases by four percent every year on August first for the next five years of the current lease.
- **Seattle:** Effective July 1, 2022 a new lease agreement was achieved. The new lease rate beginning July 2022 is \$617,818 per FM. The lease rate increases approximately three percent every July until lease expires in 2033.
- **Seattle-37 Floor:** Effective July 1, 2022, 37 floor lease is incorporated into the overall Seattle lease and ceases being separate.
- **Spokane:** Effective November 1, 2024, a 15.4 percent increase to the current monthly lease rate is assumed based off of OFM CPI-U calculator.
- **Tacoma:** No lease rate adjustment is scheduled in the 2023-25 biennia. Effective August 1, 2025, a 15.9 percent increase to the current monthly lease rate is assumed based off of OFM CPI-U calculator.
- **Tumwater:** No lease rate adjustment from the previous biennium through the 2023-25 biennia. Effective December 1, 2026, a 7.7 percent increase to the current monthly lease rate is written into the lease.
- **Vancouver:** Effective April 1, 2024, a 15.4 percent increase to the current monthly lease rate is assumed based off of OFM CPI-U calculator.
- **Warehouse (Facilities):** Effective July 1, 2024, a 15.4 percent increase to the current monthly lease rate is assumed based off of OFM CPI-U calculator.
- **Warehouse (Information Services):** Effective July 1, 2024, a 15.4 percent increase to the current monthly lease rate is assumed based off of OFM CPI-U calculator.
- **Wenatchee:** Effective November 1, 2024, an assumed increase of \$32.50 per square foot takes effect.
- **Yakima:** No change from the \$10,273 lease agreement from previous biennium.

**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.

**Strategic and Performance Outcomes**

**Strategic Framework:**

**Results Washington Outcome Measures:**

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	FY2024	FY2025	FY2026	FY2027
0001 - Administration	001-1	76,000	87,000	98,000	110,000
	001-2	1,000	3,000	3,000	2,000
	405	33,000	89,000	82,000	115,000
0002- Civil Commitment of Sexually Violent Predators	001-1	66,000	75,000	85,000	95,000
0003 - Criminal Investigation and Prosecution	001-1	13,000	15,000	17,000	19,000
	001-2	0	0	0	0
	405	13,000	15,000	17,000	19,000
0004 - Antitrust Restitution to the Citizens of the State	424	44,000	50,000	56,000	63,000
0005 - Enforcement of Consumer Protection Laws	001-1	139,000	161,000	182,000	203,000
	12F	6,000	7,000	8,000	9,000
	17L	3,000	4,000	4,000	5,000
	154	7,000	8,000	8,000	9,000
0006 - Executive Ethics Board	405	0	0	2,000	2,000
0007 - Homicide Investigation Tracking System	001-1	10,000	12,000	14,000	15,000
0009 - Investigation and Prosecution of Medicaid Fraud and Resident Abuse	001-2	0	0	0	0
	19A	16,000	24,000	68,000	70,000
0010 - Legal Services to State Agencies	405	879,000	1,154,000	1,608,000	1,947,000
0011 - Representing Ratepayers	111	17,000	20,000	22,000	25,000
<b>TOTAL</b>		<b>1,323,000</b>	<b>1,724,000</b>	<b>2,274,000</b>	<b>2,708,000</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 Outcomes:**

N/A

## Equity Impacts

### **Community outreach and engagement:**

N/A.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

N/A.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

There are no one-time costs included in this request.

### **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. These lease costs are included in bills to clients in monthly legal services invoices

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

N/A.

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

N/A.

## Reference Documents

[2023-25 DP Lease Adjustment Attachment 1.pdf](#)

[2023-25 DP Lease Adjustment Attachment 2.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
	2024	2025	2023-25	2026	2027	2025-27
Obj. E	\$1,323	\$1,724	<b>\$3,047</b>	\$2,274	\$2,702	<b>\$4,976</b>

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov





Office of Attorney General  
 2023-25 Regular Budget Session  
 Policy Level - PB - MMIWP COLD CASE UNIT

### Agency Recommendation Summary

On June 28, the Missing and Murdered Indigenous Women and People (MMIWP) Task Force unanimously adopted the following recommendation: “The Legislature should establish and fully fund a Cold Case Investigation Unit within the Attorney General’s Office (AGO) with a focus on missing and murdered Indigenous women and people cold cases.” Consistent with the Task Force’s recommendation, the Attorney General’s Office seeks funding to establish and fully fund a permanent Cold Case Unit to solve MMIWP cases that are not currently under active investigation. This Unit will honor the request of impacted families and address the crisis of missing and murdered Indigenous women and girls.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	6.8	6.8	6.8	6.8	6.8	6.8
<b>Operating Expenditures</b>						
Fund 001 - 1	\$1,136	\$1,136	\$2,272	\$1,136	\$1,136	\$2,272
Total Expenditures	\$1,136	\$1,136	\$2,272	\$1,136	\$1,136	\$2,272

## Decision Package Description

In 2021, the Attorney General's Office convened the Missing and Murdered Indigenous Women and People (MMIWP) Task Force. In 2022, the Task Force received funding and support through the Operating Budget. The 23-member Task Force includes tribes and tribal organizations, as well as state and local policy makers, and works closely with family members impacted by the MMIWP crisis.

Consistent with the 2022 Budget Proviso, the Task Force engaged in a formal process of adopting recommendations to the Legislature. The Task Force's Criminal Justice and Public Safety Subcommittee engaged in several discussions about the need for more dedicated resources to solve cold cases. In June, and unanimously adopted the following recommendation:

"The Legislature should establish and fully fund a Cold Case Investigation Unit (CCIU) within the Attorney General's Office with a focus on MMIWP cold cases. The Legislature should provide ongoing funding for CCIU operations and staffing capacity. The Task Force further recommends:

- The CCIU be structured to focus on coordination, collaboration and assistance to jurisdictions that do not have sufficient resources to investigate cold cases;
- The CCIU should be authorized to provide assistance directly to MMIWP families;
- The unit should include an advocate or case navigator whose primary function is to work with and maintain regular, consistent communication with MMIWP families and to convey information between the investigators and families using culturally appropriate and trauma informed practices; and
- The primary objectives of the unit should be to review, offer assistance, and investigate cold cases involving indigenous people across Washington State using a trauma-informed and victim/family centered approach. Metrics of success should include many possible outcomes, defined in partnership with the families in each case to the extent possible, including but not limited to the closing or resolution of the case."

Consistent with the Task Force's recommendation, the AGO seeks funding for a CCIU that can offer assistance to law enforcement agencies with jurisdiction over unsolved cold cases involving MMIWP.

There are more than 2200 unsolved homicides in Washington State. According to data collected by the AGO, Indigenous victims make up nearly five percent of these homicides, while representing less than two percent of the state population. The vast majority are "cold" cases unsolved for years or even decades. Law enforcement officers, particularly from small and tribal jurisdictions, have shared their experiences of the difficulty finding capacity to dedicate to cold cases while working on more recent cases and emergent issues. Further, when cases go cold, family members often continue to search for their loved one using their own resources, without support from law enforcement and other agencies. In 2018, the AGO conducted a survey asking local law enforcement agencies about their cold case needs. 56 law enforcement agencies responded by indicating they would benefit from cold case assistance from the AGO.

The national Center for Disease Control and Prevention reports that homicide is a leading cause of death for Indigenous women and girls.

The AGO has dedicated significant time and resources towards working with MMIWP families to build trust and engagement. If funded, the AGO has the infrastructure to support an investigatory unit to review and assist with the investigation of MMIWP cold cases across the state. The AGO Criminal Justice Division (CRJ), and in particular the Homicide Investigation Tracking System (HITS) Unit, provides resources to law enforcement agencies that request assistance with investigations, including cold cases. The Criminal Litigation Unit regularly prosecutes cases on behalf of counties in need of additional resources. Outside of the HITS Unit, however, CRJ is not currently resourced to MMIWP cold cases. For example, CRJ is not resourced to work with coroners to interview witnesses or pursue new, advanced DNA testing of evidence.

The CCIU will expand resources available to law enforcement, coroners, and other agencies. The CCIU will not assume jurisdiction of these cases, unless that is requested by the local agency, but will add resources to these unsolved cases. The Task Force recognizes that cold cases often involve specialized expertise that may be difficult for families and local investigators to access, and intends the cold case unit to provide this expertise.

If funded, this Unit help address the crisis of missing and murdered Indigenous women.

## Assumptions and Calculations

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

This would be a new program to establish a CCIU within AGO with a focus on MMIWP cold cases.

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

The AGO requests \$2,272,000 in the 2023-25 biennium for additional FTE to establish a CCIU within AGO with a focus on MMIWP cold cases.

The AGO's Agency Assumptions:

Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG) FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.3 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO's CRJ and administration support total FTE assumptions (Seattle rate).

FY 2024: 1.0 FTE AAG, 4.0 FTE Investigator (INV), 1.0 FTE Case Navigator (CN) 0.5 LA 3, and 0.23 MA 5, and each Fiscal Year (FY) thereafter.

### **Workforce Assumptions:**

See graphic

FTE		FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
AAG	FTE	1.0	1.0	1.0	1.0	Y
	Object A & B	160,000	160,000	160,000	160,000	
INV	FTE	4.0	4.0	4.0	4.0	Y
	Object A & B	521,000	521,000	521,000	521,000	
LA	FTE	0.5	0.5	0.5	0.5	Y
	Object A & B	48,000	48,000	48,000	48,000	
PL	FTE		0.0	0.0	0.0	
	Object A & B		0	0	0	
CN	FTE	1.0	1.0	1.0	1.0	Y
	Object A & B	125,000	125,000	125,000	125,000	
MA5	FTE	0.3	0.3	0.3	0.3	Y
	Object A & B	31,000	31,000	31,000	31,000	
<b>TOTAL FTE</b>		<b>6.8</b>	<b>6.8</b>	<b>6.8</b>	<b>6.8</b>	
<b>TOTAL A &amp; B</b>		<b>885,000</b>	<b>885,000</b>	<b>885,000</b>	<b>885,000</b>	

**Strategic and Performance Outcomes**

**Strategic Framework:**

**Results Washington Outcome Measures:**

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

- Goal 1 – Defend the civil rights and stand up for vulnerable Washingtonians.
- Goal 2 – Protect Washington’s environment and public health.
- Goal 3 – Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0003 - Criminal Investigations and Prosecutions	001-1	1,136,000	1,136,000	1,136,000	1,136,000
<b>TOTAL</b>		<b>1,136,000</b>	<b>1,136,000</b>	<b>1,136,000</b>	<b>1,136,000</b>

Performance Measure	Fund	FY2024	FY2025	FY2026	FY2027
2536 - Criminal Cases Closed	001-1	1,136,000	1,136,000	1,136,000	1,136,000
<b>TOTAL</b>		<b>1,136,000</b>	<b>1,136,000</b>	<b>1,136,000</b>	<b>1,136,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002536 - Criminal Cases Closed	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

Due to decades of systemic and institutional racism, Indigenous people in Washington have never received an equitable response from law enforcement or government institutions when loved ones are missing or murdered. The CCIU would investigate unsolved cases with a dedication to understanding and addressing the disparity of violence against Indigenous people and with a trauma-informed and family-centered approach.

### **Disproportional Impact Considerations:**

According to homicide data from HITS, Indigenous people are disproportionately homicide victims, and even more disproportionately homicide victims in unsolved cases. This data likely significantly undercounts the number of Indigenous victims due to reporting practices, racial misclassification, data collection practices, jurisdictional issues, and a lack of trust between tribal communities and law enforcement. The actual disproportionality is likely much more significant.

### **Target Populations or Communities:**

Indigenous women go missing and are murdered at rates higher than any other ethnic group in the United States, and experience far higher rates of sexual violence than other ethnic groups. According to the Urban Indian Health Institute, Washington State has the second highest number of missing and murdered Indigenous women cases in the country, and Seattle had the highest number of cases of any city included in the study.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

N/A.

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

No changes in existing statutes, rules, or contracts is necessary for this funding request.

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

This request is for additional FTE to establish and fully fund a CCIU within AGO based upon the recommendations of MMIWP Task Force. Per their recommendations, CCIU would focus on MMIWP cold cases.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$671	\$671	<b>\$1,342</b>	\$671	\$671	<b>\$1,342</b>
Obj. B	\$214	\$214	<b>\$428</b>	\$214	\$214	<b>\$428</b>
Obj. C	\$100	\$100	<b>\$200</b>	\$100	\$100	<b>\$200</b>
Obj. E	\$143	\$143	<b>\$286</b>	\$143	\$143	<b>\$286</b>
Obj. G	\$8	\$8	<b>\$16</b>	\$8	\$8	<b>\$16</b>

## Agency Contact Information

Edward Giger  
 (360) 586-2104  
 edward.giger@atg.wa.gov



### Agency Recommendation Summary

The Attorney General’s Office’s (AGO) Sexually Violent Predator (SVP) Unit’s workload has dramatically increased during the past several years due to a variety of circumstances, including a trial backlog created by the pandemic, as well as the substantial increase in referred SVP cases. During the 2022 Session, the King County Prosecutor’s Office received a significant increase in SVP prosecution funding. It is recommended that the Legislature appropriate the AGO’s SVP Unit with commensurate funding to add staff and fund expert witnesses needed to address the increased workload of SVP cases in the other 38 Washington counties.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	10.0	10.0	10.0	10.0	10.0	10.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$1,462	\$1,462	\$2,924	\$1,462	\$1,462	\$2,924
Total Expenditures	\$1,462	\$1,462	\$2,924	\$1,462	\$1,462	\$2,924

## Decision Package Description

The Sexually Violent Predator (SVP) Unit's civil commitments in Washington State are among the most heavily litigated of their kind. The Attorney General's Office (AGO) prosecutes SVP matters in every Washington county except King County.

Washington's SVP law allows the State to petition for the civil commitment of violent sex offenders who, because of a mental abnormality and/or personality disorder, have previously committed acts of sexual violence and are proven likely to engage in future predatory acts of sexual violence if released. Consequently, a jury must unanimously conclude that an individual poses a likely danger to the community to qualify as an SVP.

Reasons these cases are intensely litigated include the skill and experience of the SVP-specialist defense bar who handle these cases for the Office of the Public Defense (OPD), and the robust statutory and constitutional protections afforded to alleged and committed SVPs. These protections include the right to a jury trial at each major stage of the commitment (i.e., the initial commitment, proposed conditional release to a less restrictive alternative, and proposed unconditional release), unanimous jury verdicts, and court funded experts to testify on their behalf at each trial. The jury verdict in any of these trials must be unanimous for the individual to remain civilly committed, and these trials commonly last three to five weeks. Preparation for an SVP jury trial typically consists of a three-month period of intense pretrial discovery and litigation.

The COVID-19 pandemic largely closed courts around the state in 2020. When courts began to slowly reopen, it remained difficult to find a courtroom for most SVP cases due to the competition from local criminal case dockets and reduced courtroom space to accommodate social distancing. Consequently, a substantial backlog of SVP trials was created. As of this writing, there are over 30 AGO SVP cases awaiting a trial. The SVP Unit completed six trials in the first half of 2022 with many more still scheduled. The increased trial schedule is now also resulting in a dramatically increased appellate workload for the SVP Unit.

In addition, SVP cases are referred to the AGO from two primary sources: (1) the End of Sentence Review Committee, which reviews the casefiles of sex offenders who are nearing release from prison and refers those identified as possible SVPs; and (2) referrals from law enforcement or other government agency that has information about an offender living in the community who may have committed a Recent Overt Act. Even referrals which the SVP Unit ultimately deems inappropriate for formal case filing require significant investigation, document gathering and attorney review. Not only were neither of these referral sources affected by the pandemic, both sources produced significantly more referrals than the preceding several years. In 2021, 13 new SVP cases were filed, double the number filed in any of the previous three years.

During the 2022 Legislative session, The King County Prosecutor's Office (KCPO) received approximately \$1,900,000 in additional funding per biennium for its SVP Prosecution Unit to address similar needs. That office prosecutes just under 30 percent of the SVP cases in Washington while the AGO prosecutes over 70 percent. The AGO SVP Unit has not received a significant staffing increase since 2013. This package provides funding for one additional trial team, including: three "line attorney" AAGs, a Team Leader Managing AAG to supervise them, and associated support staff in the form of two Paralegals (PL), two Legal Assistants (LA), and one Victim Advocate to connect victims of crime with community resources and assist them through the criminal justice and civil commitment processes.

The estimated cost of this proposal is \$2,924,000 per biennium in General Fund State, as there is no client agency to bill.



## Assumptions and Calculations

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

The program is not expanding but the caseload of SVP cases has increased to include a backlog of cases while courts were closed or reduce in their schedule during the pandemic.

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

The AGO requests \$2,924,000 in the 2023-25 biennium for additional FTE due to a variety of circumstances that have dramatically increased SVP Unit workload.

The AGO's Agency Assumptions:

Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG) FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.25 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO's SVP Unit and administration support total FTE assumptions (Seattle rate).

- Fiscal Year (FY) 2024: 3.0 AAG, 1.0 Managing AAG (MAAG), 2.0 Paralegal 2 (PL 2), 1.0 Victim Advocate (VA), 2.0 LA 3, and 1.0 MA 5, and each FY thereafter.

### **Workforce Assumptions:**

See graphic

FTE	FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
AAG FTE	3.0	3.0	3.0	3.0	Y
Object A & B	480,000	480,000	480,000	480,000	
MAAG FTE	1.0	1.0	1.0	1.0	Y
Object A & B	166,000	166,000	166,000	166,000	
LA FTE	2.0	2.0	2.0	2.0	Y
Object A & B	191,000	191,000	191,000	191,000	
PL FTE	2.0	2.0	2.0	2.0	Y
Object A & B	205,000	205,000	205,000	205,000	
VA FTE	1.0	1.0	1.0	1.0	Y
Object A & B	125,000	125,000	125,000	125,000	
MA5 FTE	1.0	1.0	1.0	1.0	Y
Object A & B	122,000	122,000	122,000	122,000	
<b>TOTAL FTE</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	
<b>TOTAL A &amp; B</b>	<b>1,289,000</b>	<b>1,289,000</b>	<b>1,289,000</b>	<b>1,289,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

#### AGO Strategic Plan:

This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0003 Criminal Investigations and Prosecutions	001-1	1,462,000	1,462,000	1,462,000	1,462,000
<b>TOTAL</b>		<b>1,462,000</b>	<b>1,462,000</b>	<b>1,462,000</b>	<b>1,462,000</b>

Performance Measure	Fund	FY2024	FY2025	FY2026	FY2027
2536 Criminal Cases Closed	001-1	1,462,000	1,462,000	1,462,000	1,462,000
<b>TOTAL</b>		<b>1,462,000</b>	<b>1,462,000</b>	<b>1,462,000</b>	<b>1,462,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002536 - Criminal Cases Closed	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

This proposal provides needed funding for the on-going prosecution of all SVP cases outside of King County. During the last legislative session, the Legislature provided approximately \$1,900,000 in funding to King County for SVP prosecution. The current proposal awards a needed and similarly proportioned funding increase to the AGO to perform similar work in the remaining 38 Washington counties while also taking into account recent increases in overall SVP prosecution workload.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

The funding ensures all communities throughout Washington continue to receive adequate representation in these important cases.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

N/A.

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

No changes in existing statutes, rules, or contracts is necessary for this funding request.

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

This request is related to additional FTE due to rising workload over the years in the SVP Unit and is consistent with the funding provided to King County.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$977	\$977	\$1,954	\$977	\$977	\$1,954
Obj. B	\$312	\$312	\$624	\$312	\$312	\$624
Obj. E	\$164	\$164	\$328	\$164	\$164	\$328
Obj. G	\$9	\$9	\$18	\$9	\$9	\$18

## Agency Contact Information

Edward Giger  
(360) 586-2104  
[edward.giger@atg.wa.gov](mailto:edward.giger@atg.wa.gov)



## Agency Recommendation Summary

The Attorney General’s Office (AGO) convened a statewide Organized Retail Crime Task Force (ORCTF). More than 100 individuals attended the first meeting on July 7, including representatives from state, local, and federal law enforcement, small and large businesses, and retail workers. At the meeting, law enforcement and others expressed a need for additional resources to investigate these sophisticated multijurisdictional crimes that involve groups of individuals stealing products in order to resell them for a profit. At least nine state legislatures have made similar investments into organized retail crime task forces, including California. These investments will help workers and Washington’s economy.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	10.5	10.5	10.5	10.5	10.5	10.5
<b>Operating Expenditures</b>						
Fund 001 - 1	\$1,510	\$1,510	\$3,020	\$1,510	\$1,510	\$3,020
Total Expenditures	\$1,510	\$1,510	\$3,020	\$1,510	\$1,510	\$3,020

## Decision Package Description

An analysis from the Retail Industry Leaders Association estimates Washington retailers lost \$2.7 billion to organized retail crime in 2021. Federal crime statistics show that the value of items stolen from Washington retailers increased by 151 percent from 2019 to 2020. Organized retail crime differs from burglary and larceny — such as shoplifting — in that it is not the result of a single individual breaking the law, but rather part of an organized scheme to defraud retailers or to steal products for resale elsewhere. Organized crime can result in intimidation and violence for employees in those stores. On June 28, the New York Times reported that assaults in retail stores are increasing, and pointed to theft as one of the causes.

Moreover, organized retail crime harms consumer who may inadvertently buy stolen goods on the online marketplace. Even before the recent, well-publicized national shortage, baby formula was one of the most-stolen items from stores, according to the 2020 National Retail Foundation Organized Retail Crime survey. The stolen formula then can appear for sale on online marketplaces. Parents who buy stolen formula on the secondary market may be putting their babies at significant risk if the thieves failed to store it at the appropriate temperature. Additionally, thieves may have manipulated the packaging, such as changing expiration dates.

This request is similar to recent investments in other states. For example:

- In 2022, Governor Newsom proposed, and the California Legislature approved the following investment to “expand and make permanent” California’s Organized Retail Crime Task Force (ORCTF): \$6 million General Fund annually in Fiscal Years (FY) 2024 and 2025, and increasing to \$10.5 million in FY 2026, and \$15 million in FY 2027.
- On June 28, the Arizona Legislature transmitted its budget to the Governor, including a \$1.5 million annual appropriation for FY 2022 and 2023. The funding provides for “operational expenses of the organized retail task force and for hiring one attorney, one paralegal, two investigators and one support staff person within the office of the attorney general and four peace officers who are assigned to the task force to focus specifically on investigating and prosecuting organized retail crime.”
- On July 20, Governor Whitmer signed [a budget](#) that includes a \$3.5 million appropriation for the Michigan Attorney General to hire 6.5 FTE for an Organized Retail Crime Task Force.

The Washington law enforcement agencies have limited resources to tackle this problem. Acting Seattle Police Department Chief Adrian Diaz attended the first the ORCTF meeting and expressed a challenge echoed by other law enforcement leaders and officers during the meeting – his agency is down more than 400 officers, making it a challenge to invest appropriate resources into these cases.

A modest investment in a centralized statewide ORCTF will deter and prevent crimes that harm Washington’s vulnerable retail workers, harm consumers, and cause significant economic harm to our state.

## Assumptions and Calculations

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

This is a request to create a new program and task force, an ORCTF in Washington State.

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

The Attorney General’s Office (AGO) requests \$3,020,000 in the 2023-25 biennium to cover costs related to the creation of ORCTF.

The AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG) FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.3 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO’s Criminal Justice Division (CRJ) and administration support total FTE assumptions (Seattle rate).

- FY2024: 2.0 AAG, 1.0 LA 3, 2.0 Paralegal 2 (PL 2), 4.0 Investigator (INV), 1.0 Data Consultant 4 (DC 4), and 0.5 MA 5, and each FY thereafter.

### **Workforce Assumptions:**

See graphic

FTE	FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
AAG FTE	2.0	2.0	2.0	2.0	Y
Object A & B	320,000	320,000	320,000	320,000	
LA FTE	1.0	1.0	1.0	1.0	Y
Object A & B	96,000	96,000	96,000	96,000	
PL FTE	2.0	2.0	2.0	2.0	Y
Object A & B	205,000	205,000	205,000	205,000	
INV FTE	4.0	4.0	4.0	4.0	Y
Object A & B	521,000	521,000	521,000	521,000	
MA5 FTE	0.5	0.5	0.5	0.5	Y
Object A & B	61,000	61,000	61,000	61,000	
DC4 FTE	1.0	1.0	1.0	1.0	Y
Object A & B	110,000	110,000	110,000	110,000	
<b>TOTAL FTE</b>	<b>10.5</b>	<b>10.5</b>	<b>10.5</b>	<b>10.5</b>	
<b>TOTAL A &amp; B</b>	<b>1,313,000</b>	<b>1,313,000</b>	<b>1,313,000</b>	<b>1,313,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0003 - Criminal Investigations and Prosecutions	001-1	1,510,000	1,510,000	1,510,000	1,510,000
<b>TOTAL</b>		<b>1,510,000</b>	<b>1,510,000</b>	<b>1,510,000</b>	<b>1,510,000</b>

Performance Measure	Fund	FY2024	FY2025	FY2026	FY2027
2536 - Criminal Cases Closed	001-1	1,510,000	1,510,000	1,510,000	1,510,000
<b>TOTAL</b>		<b>1,510,000</b>	<b>1,510,000</b>	<b>1,510,000</b>	<b>1,510,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

Local law enforcement and prosecutors are often required to focus resources on violent crimes at the expense of investigation and prosecution of property crimes such as organized retail theft. Additional resources for AGO investigation and prosecution of these crimes can address some of these gaps.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

The proposal promotes equity in part because communities of color are heavily impacted by organized retail crime in the Puget Sound Region. For example, the Korean American Grocers Association and business owners in the International District are supportive of the Task Force. They report that their neighborhoods have been the target of organized crime rings, resulting in economic loss and growing concern for employee and customer safety. Small businesses often lack the resources to hire loss prevention teams.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

N/A.

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

No changes in existing statutes, rules, or contracts is necessary for this supplemental funding request.

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

N/A.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$990	\$990	<b>\$1,980</b>	\$990	\$990	<b>\$1,980</b>
Obj. B	\$323	\$323	<b>\$646</b>	\$323	\$323	<b>\$646</b>
Obj. E	\$185	\$185	<b>\$370</b>	\$185	\$185	<b>\$370</b>
Obj. G	\$12	\$12	<b>\$24</b>	\$12	\$12	<b>\$24</b>



## Agency Contact Information

Edward Giger

(360) 586-2104

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



## Agency Recommendation Summary

The Attorney General’s Office’s (AGO) Criminal Litigation Unit (CLU) is experiencing an increase in prosecution workload caused by the increased complexity of criminal cases received such as murder, rape, aggravated assault, public corruption and fraud. In addition to its prosecutorial duties, since 2013 the CLU is tasked with representing the state when claims for compensation for wrongful conviction are brought pursuant to the Wrongfully Convicted Persons Act (WCPA). The WCPA increased CLU’s workload with complex civil trial work akin to tort defense. Resources sufficient to perform this work are needed on an ongoing basis.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	5.5	5.5	5.5	5.5	5.5	5.5
<b>Operating Expenditures</b>						
Fund 001 - 1	\$937	\$937	\$1,874	\$937	\$937	\$1,874
Total Expenditures	\$937	\$937	\$1,874	\$937	\$937	\$1,874

## Decision Package Description

The Attorney General’s Office’s (AGO) Criminal Litigation Unit (CLU) prosecutes criminal cases referred to the AGO by any of the 39 county prosecutors or the Governor pursuant to RCW 43.10.232. The CLU is presently staffed by eight prosecutors and two investigators. Of the eight prosecutors, six are dedicated primarily to specific duties. One prosecutor serves as the section chief for the unit and has significant administrative and supervisory duties, supervising seven attorneys, which is above recommended guidelines. Additional management staff is needed. Another prosecutor is dedicated to human trafficking. Two prosecutors are dedicated full-time to prosecution of cases referred from the Department of Labor and Industries (L&I), including fraud and wage theft, and one of those also supervises two investigators tasked with investigation of complex L&I and Department of Revenue (DOR) cases. One prosecutor is dedicated to prosecution of DOR fraud matters. One prosecutor is dedicated to reviewing and defending civil claims for compensation under the Wrongfully Convicted Persons Act (WCPA).

All told, two FTE prosecutors and zero investigators are left available for full-time investigation and prosecution of cases referred to the AGO by county prosecutors or the Governor. This limits the capacity of the AGO to accept and prosecute cases where local county prosecutors have a conflict of interest, does not have the necessary resources to prosecute a case, or would prefer that an Assistant Attorney General (AAG) position with particular expertise prosecute a case; or where the Governor perceives that the AGO is better suited to a particular prosecution. The AGO sometimes has to refuse cases due to limited resources in CLU.

The complexity and seriousness of cases referred to CLU has increased significantly over the years. Additionally, many cases investigated and prosecuted by CLU require an increasing amount of follow-up investigation prior to charging and during the pendency of the case. This occurs for a variety of reasons, including: reduced local law enforcement resources, need to respond to a defense investigation, age of the case, locating witnesses, and complexity and dynamic of the case. Local law enforcement are not always available to assist in the follow-up investigation due to staffing shortages or lack of particular subject matter expertise (sales tax fraud, for example).

Examples of complex cases include the following current and recent prosecutions handled by the AGO at the request of a county prosecutor or the Governor:

- *State v. Burbank, Collins, and Rankine*. A complex, high profile, and resource-consuming prosecution of three police officers charged with murder and manslaughter for the death of a man who was in their custody. CLU hired a Special Assistant Attorney General (SAAG) to co-try this case with an AAG from CLU due to limited resources in CLU.
- *State v. Edward Troyer*. Prosecution of the Pierce County Sheriff for false reporting.
- *State v. Scott Gallina*. Prosecution of a superior court judge for sexual assault of court employees.
- *State v. Abdinjib Ibrahim*. Prosecution of a prison inmate for the attempted murder of a corrections officer.
- *State v. Jeffrey Swanberg*. Prosecution of a superior court judge for domestic violence against his ex-wife.
- *State v. David Nickels*. Complex, lengthy, and resource-consuming murder prosecution.
- *State v. Jackson and Bond*. Prosecution of a complex co-defendant case with 24 wage theft victims and fraud against the state.

These are only some examples of cases very recently or presently handled by CLU, in addition to other cases, including numerous complex fraud cases involving state agency victims or wage theft victims. Although the complexity of criminal prosecutions continue to rise in CLU, the prosecutorial resources of CLU have not increased to match the complexity of these cases and the resources they necessarily consume. CLU has not added an AAG since 2015, and that attorney was added using internal resources from that biennium, i.e., there was no legislative allocation.

CLU often has to repurpose AAGs and investigators dedicated to particular areas of practice to assist with other criminal prosecutions. The AGO also resorted to hiring a SAAG for one case, expending up to \$350,000<sup>[1]</sup> during the 2021-23 biennium to support that prosecution because CLU lacked sufficient AAGs and investigators to appropriately prosecute and investigate the case (*State v. Burbank, Collins, and Rankine*). The lack of sufficient AAGs to handle CLU's criminal caseload is a continuing need and the AGO does not have the fiscal resources to outsource work without additional funding.

Another example of the repurposing of AAGs and investigators due to lack of resources is the work CLU performs under the Wrongfully Convicted Persons Act. In 2013, the AGO was statutorily delegated the responsibility of reviewing claims for compensation for wrongful conviction under Chapter 4.100 RCW. 36 claims have been filed since 2013, most of which the AGO has had to investigate and litigate because the claimant was either not eligible for compensation or the evidence did not show the claimant was "actually innocent" as required by the statute. 15 cases have been appealed. These cases are often akin to tort defense. The task of reviewing and defending these claims was assigned to CLU in 2013, but no additional resources were provided to perform this work. Consequently, attorneys and investigators who are supposed to be working on criminal matters are temporarily repurposed for these cases at the expense of criminal work. Additional FTE are necessary to handle this work load.

Expert witness needs: \$200,000 requested for the 2023-25 biennium to cover expert witness costs on criminal cases. Many of these complex cases require consultation and/or testimony for expert witnesses, which is costly. CLU was funded \$75,000 for the 2021-23 biennium for expert fees and costs. CLU has far outspent this amount due to case needs and expects these costs to continue to rise. For example, in the prosecution of *State v. Burbank, Collins, and Rankine*, the nature of that particular case (the death of a man while in the custody of Tacoma Police) causes significant costs in the form of necessary expert witnesses. The State's burden at trial is to prove the case beyond a reasonable doubt and obtain a unanimous jury verdict. Careful review of the case required AGO to hire numerous expert witnesses—and may require hiring others—in order to provide the jury with the necessary information to make an informed decision on guilt or innocence. In that case alone AGO is presently contracted with numerous medical doctors, an audio file expert, a video file expert, a crime scene re-constructionist, and a police practices/use of force expert. The maximum to be paid on those contracts is presently \$150,000, which costs were not forecasted for the 2021-23 biennial budget for AGO criminal prosecutions. Meaning, AGO's budget presently lacks the necessary funds to cover the expenses of expert witnesses in that case as well as others.

Prosecutor Training: \$25,000 requested for the 2023-25 biennium. The CLU prosecutors are also in need of funding for additional training. The criminal law is complex and prosecutors have special ethical duties above and beyond an attorney who is not a prosecutor. Police use of force, race and policing, search and seizure, required disclosures of potential impeachment evidence, and changes in Washington criminal procedure are burgeoning and important areas of law that prosecutors must know to effectively prosecute and remain up-to-date on changing areas of criminal law. All CLU prosecutors should attend training sponsored by the statewide prosecutors' association.

Investigative needs: One FTE AGO Senior Investigator. CLU does not have a dedicated investigator to support the general criminal prosecution cases or the wrongful conviction person act claims. An investigator is needed to investigate defense claims; locate and interview witnesses; secure evidence and documents; and conduct follow-up investigation as needed.

Finally, CLU needs a Paralegal (PL). Complex criminal cases involve voluminous discovery and dozens of witnesses. CLU has no PL resources for general criminal cases. CLU has one dedicated paralegal allocated to the LNI referrals, which consume almost all of their hours.

<sup>[1]</sup> The AGO is requesting \$700,000 in additional funding for those cases separately.

## Assumptions and Calculations

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

As requests for prosecution increase and at the same time, case complexity has increased, and defending WCPA claims both of which have dramatically increased CLU’s workload during the past several years, CLU needs additional resources to meet these demands.

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

The AGO requests \$1,874,000 in the 2023-25 biennium for additional FTE due to rising workload over the years caused by the increased complexity of criminal cases received such as murder, rape, aggravated assault, public corruption and fraud.

The AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one AAG FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.3 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO’s Criminal Justice Division and administration support total FTE assumptions (Seattle rate).

- Fiscal Year (FY) 2024: 2.0 AAG, 1.0 PL, 1.0 Investigator, 1.0 LA 3, and 0.5 MA 5, and each FY thereafter.

Additionally, funding is needed for increased costs in the below two areas:

- \$100,000 – Per FY for expert fees and costs for criminal prosecutions (\$200,000 per biennium).
- \$25,000 – Per FY for training (\$50,000 per biennium).

### **Workforce Assumptions:**

See graphic

FTE		FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
AAG	FTE	2.0	2.0	2.0	2.0	Y
	Object A & B	320,000	320,000	320,000	320,000	
LA	FTE	1.0	1.0	1.0	1.0	Y
	Object A & B	95,000	95,000	95,000	95,000	
PL	FTE	1.0	1.0	1.0	1.0	Y
	Object A & B	103,000	103,000	103,000	103,000	
INV	FTE	1.0	1.0	1.0	1.0	Y
	Object A & B	130,000	130,000	130,000	130,000	
MA5	FTE	0.5	0.5	0.5	0.5	Y
	Object A & B	61,000	61,000	61,000	61,000	
Other (describe)	FTE					
	Object A & B					
<b>TOTAL FTE</b>		<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	
<b>TOTAL A &amp; B</b>		<b>709,000</b>	<b>709,000</b>	<b>709,000</b>	<b>709,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0003 - Criminal Investigations and Prosecutions	001-1	937,000	937,000	937,000	937,000
<b>TOTAL</b>		<b>937,000</b>	<b>937,000</b>	<b>937,000</b>	<b>937,000</b>

Performance Measure	Fund	FY2024	FY2025	FY2026	FY2027
2536 - Criminal Cases Closed	001-1	937,000	937,000	937,000	937,000
<b>TOTAL</b>		<b>937,000</b>	<b>937,000</b>	<b>937,000</b>	<b>937,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002536 - Criminal Cases Closed	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

This proposal will have a statewide impact as AGO prosecutes criminal cases in all 39 counties. Funding of the proposal will ensure that each criminal case investigated and prosecuted by AGO is investigated and prosecuted based on the facts, the law, and what justice requires in a particular case, and not based on what can be accomplished with limited resources.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

N/A.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

N/A.

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

No changes in existing statutes, rules, or contracts is necessary for this funding request.

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

RCW 43.10.232 provides for AGO investigation and prosecution of criminal cases at the request of a county prosecutor or the Governor. This request is for additional FTE to perform the duties set forth in RCW 43.10.232. The request is due to rising workload caused by the increased complexity of criminal cases received such as murder, rape, aggravated assault, public corruption and fraud.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$536	\$536	<b>\$1,072</b>	\$536	\$536	<b>\$1,072</b>
Obj. B	\$173	\$173	<b>\$346</b>	\$173	\$173	<b>\$346</b>
Obj. C	\$100	\$100	<b>\$200</b>	\$100	\$100	<b>\$200</b>
Obj. E	\$122	\$122	<b>\$244</b>	\$122	\$122	<b>\$244</b>
Obj. G	\$6	\$6	<b>\$12</b>	\$6	\$6	<b>\$12</b>

### Agency Contact Information

Edward Giger  
 (360) 586-2104  
 edward.giger@atg.wa.gov



## Agency Recommendation Summary

The Attorney General’s Office (AGO) established the Washington Missing and Murdered Indigenous Women and People (MMIWP) Task Force in 2021. The Task Force is already making progress towards addressing the crisis of missing and murdered indigenous women, girls, and people. The Task Force published its first report on August 1, 2022. The Report received significant media attention. The Report included ten unanimous recommendations from the 23-member Task Force, including a recommendation to extend the Task Force through June 30, 2025.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	1.5	1.5	1.5	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$464	\$464	\$928	\$0	\$0	\$0
Total Expenditures	\$464	\$464	\$928	\$0	\$0	\$0

## Decision Package Description

This request honors a unanimous recommendation from the 23-member Washington Missing and Murdered Indigenous Women and People (MMIWP) Task Force.

Governor Inslee recognized the MMIWP crisis in his proclamation on April 3, 2019 establishing May 5 as Washington State Missing and Murdered Indigenous Women’s Day, noting the following:

- Indigenous women go missing and are murdered at rates higher than any other ethnic group in the United States;
- Indigenous women are 2.5 more likely to experience sexual assault;
- Nearly half of all Indigenous women have been raped, beaten, or stalked by an intimate partner;
- The National Center for Disease Control notes that homicide is a leading cause of death for Indigenous women and girls;
- An accurate count of how many Indigenous women are affected is difficult, making the scope of the problem uncertain.

In the Fiscal Year (FY) 2022 Supplemental Budget, the Legislature provided \$275,000 for FY 2022 and \$400,000 for FY 2023 to support the Task Force work. This included funding for personnel to support the Task Force, contracts to federally recognized tribes to help facilitate meetings and do other outreach, contract for a data and research team, stipends so individuals with lived experience can fully participate, and costs associated with organizing an MMIWP Summit.

The Task Force for MMIWP is comprised of:

1. One member from each of the four legislative caucuses;
2. Five appointees from federally recognized tribes appointed by the Governor’s Office of Indian Affairs;
3. One member representing the Seattle Indian Health Board;
4. One member representing the NATIVE Project;
5. One member representing Northwest Portland Area Indian Health Board;
6. One member representing the American Indian health commission;
7. Two indigenous women or family members of indigenous women that have experienced gender-based violence;
8. One member representing the Governor's Office of Indian affairs;
9. The chief of the Washington State Patrol or his or her representative;
10. One member representing the Office of the Washington State Office of the Attorney General (AGO);
11. One member representing the Washington Association of Sheriffs and Police Chiefs;
12. One member representing the Washington State Association of Counties;
13. One member representing the Association of Washington Cities;
14. One member representing the Washington Association of Prosecuting Attorneys; and
15. One representative of the Washington Association of Criminal Defense Lawyers.

The Task Force builds on previous state efforts and is in the process of reviewing and analyzing laws and policies to provide recommendations



to the Legislature on previously unaddressed challenges in data collection and reporting practices, prosecutorial trends and practices, prevention and response services, and systemic causes of violence against American Indian and Alaska Native people.

The Task Force transmitted an interim report to the Legislature and Governor on August 1, 2022. The report includes 10 recommendations to address the crisis of violence against American Indian and Alaska Native people. The first of these recommendations is to extend the Task Force through June 30, 2025.

Below is the Task Force's recommendation:

"The Task Force recommends that the Legislature include an amended proviso in the 2023-24 Operating Budget to reauthorize the Task Force for the 2023-25 biennium, require annual reports to the Legislature and Governor, and extend the Task Force through June 30, 2025."

The Task Force quickly determined that fulfilling the full scope of work set out in the proviso and meaningfully addressing the MMIWP crisis will require a sustained effort beyond the timeline provided in the current proviso. The Task Force adopted the following language to support and clarify its recommendation:

"The following factors contribute to the need for additional time for the Task Force to complete its work:

- The Task Force expected appointment of members in July 2021, but official appointments did not occur until October 2021.
- Due to the appointment delay, the MMIWP Task Force could not meet in an official capacity until December 2021.
- The directives of the Task Force work are wide ranging, and with the current meeting schedule, the Task Force will not be able to develop recommendations to address the full scope of the work prior to the June 1, 2023 deadline.
- The AGO anticipates that the data and research component involving an independent contractor will take 12 months or more to complete the full scope of its work.
- The six subcommittees, composed entirely of volunteer Task Force members, meet twice monthly. Adding additional meetings each month to expedite the work would be unsustainable and unreasonable. Addressing the crisis requires time to understand its systemic intricacies, and to develop and assess equitable, sustainable responses and changes that will meaningfully address all of the intersecting issues."

## Assumptions and Calculations

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

This is a case-specific request for funds to cover costs related to the MMIWP Task Force.

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

There is no funding in the AGO’s base budget for costs included in this request. In the 2022 Legislative session, the Legislature appropriated \$275,000 in General Fund-State to the AGO in FY 2022 and \$400,000 in FY 2023. The additional \$125,000 in FY 2023 is for costs associated with an annual summit regarding the MMIWP and a portion of the cost of contracting with a data and research team. The data and research team’s work is expected to take 12 months to complete. The contract will not be executed until August 2022 at the earliest, so there will be costs going into FY 2024.

The AGO is requesting \$464,000 in FY 2024 and \$464,000 in FY 2025. The bulk of this funding will pay for 1.5 Policy Analyst (PA) FTE to spearhead the Task Force’s work.

The AGO Assumptions (Seattle rate):

FY 2024 and FY 2025: 1.5 PA FTE.

Additional costs will include, but are not limited to:

- Costs of contracting with a data and research team through FY 2024
- Contracts to federally recognized tribes to help facilitate meetings (\$5,000 per meeting for quarterly meetings each year, or \$20,000 for the fiscal year) and do other outreach/data analysis as needed (\$10,000 total);
- Interpretation and transcription services for quarterly Task Force meetings (\$6,000 per meeting, or \$24,000 for the fiscal year)
- Stipends so individuals with lived experience can fully participate, improving equity and the Task Force’s work product (\$10,000);
- Costs associated with organizing an annual MMIWP Summit (\$50,000)

### **Workforce Assumptions:**

See graphic

FTE	FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
PA FTE	1.5	1.5			N
Object A & B	165,000	165,000			
<b>TOTAL FTE</b>	<b>1.5</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>165,000</b>	<b>165,000</b>	<b>0</b>	<b>0</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

The AGO Strategic Plan:

This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0001 - Administration	001-1	400,000	400,000	400,000	400,000
<b>TOTAL</b>		<b>400,000</b>	<b>400,000</b>	<b>400,000</b>	<b>400,000</b>

Performance Measure	Fund	FY2024	FY2025	FY2026	FY2027
2539 - Legal Services to State Agencies	001-1	400,000	400,000	400,000	400,000
<b>TOTAL</b>		<b>400,000</b>	<b>400,000</b>	<b>400,000</b>	<b>400,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

Disproportionate physical violence is statewide and affects all Indigenous communities. This proposal will help ensure tribal and urban Indigenous communities receive equitable services. Most of those cases involve the murder and sexual assault of vulnerable Indigenous women and people.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

This funding will allow the AGO to build upon previous state efforts to prevent violence against American Indian and Alaskan Native women and people. Indigenous women go missing and are murdered at rates higher than any other ethnic group in the United States, and experience far higher rates of sexual violence than other ethnic groups. The inequities involve physical violence against women and people in the Indigenous communities.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

No impacts anticipated. The Task Force includes members of five federally-recognized tribes, as well as representatives from the Association of Washington Cities, the Washington Association of Counties, the Governor's Office of Indian Affairs, and the Washington State Patrol. The Task Force works collaboratively to build consensus among Task Force members and community on legislative and other recommendations to address the missing and murdered Indigenous women and people crisis.

### **Stakeholder Response:**

There is no known or expected opposition to this request.

### **State Facilities Impacts:**

N/A.

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

No changes in existing statutes, rules, or contracts is necessary for this funding request.

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

This request is related to the MMIWP Task Force.

## 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>2024</b>	<b>2025</b>	<b>2023-25</b>	<b>2026</b>	<b>2027</b>	<b>2025-27</b>
Obj. A	\$125	\$125	<b>\$250</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$41	\$41	<b>\$82</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$297	\$297	<b>\$594</b>	\$0	\$0	<b>\$0</b>
Obj. G	\$1	\$1	<b>\$2</b>	\$0	\$0	<b>\$0</b>

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



## Agency Recommendation Summary

This proposal will fund additional legal services for the community based Residential Treatment Facilities housing patients civilly committed for 90 or 180 days being developed by Department of Social and Health Services (DSHS) and Health Care Authority (HCA).

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	0.0	3.5	1.75	3.5	3.5	3.5
<b>Operating Expenditures</b>						
Fund 405 - 1	\$0	\$512	\$512	\$512	\$512	\$1,024
Total Expenditures	<b>\$0</b>	<b>\$512</b>	<b>\$512</b>	<b>\$512</b>	<b>\$512</b>	<b>\$1,024</b>
<b>Revenue</b>						
405 - 0420	\$0	\$512	\$512	\$512	\$512	\$1,024
Total Revenue	<b>\$0</b>	<b>\$512</b>	<b>\$512</b>	<b>\$512</b>	<b>\$512</b>	<b>\$1,024</b>

## Decision Package Description

Department of Social and Health Services (DSHS) and Health Care Authority (HCA) are in a joint venture to operate new community mental health “residential treatment facilities” and will need additional legal services for ongoing commitment hearings and advice. The Attorney General’s Office (AGO) will need additional Assistant Attorney General’s (AAG’s) and Legal Assistant’s (LA’s) to provide these additional services. The residential treatment facilities will house patients that are civilly committed for 90 to 180 days and the AGO will be responsible for representing the facilities when petitioning for civil commitment.

DSHS and HCA are developing a 16 bed facility in Thurston County, three 16 bed residential treatment facilities in Clark County and a 16 bed residential treatment facility in Snohomish County. Three of the facilities will be operated by DSHS and the other three facilities will be operated by contractors.

The first facility (Maple Lane Civil RTF) is expected to begin admitting patients in January 2023 and the remaining facilities will follow. These new facilities are being developed pursuant to previous Legislative directive.

This expansion is aligned with the Governor’s five year plan to transform and improve the behavioral health system. Currently, all 90 and 180 days occur in Pierce County for patients civilly committed to Western State Hospital. The RTF expansion roughly correlates with the closing of civil commitment wards at Western State Hospital. The new facilities will serve counties that do not have experience or the court infrastructure developed for these cases. The AGO will need to provide legal support to the agency as they assist the counties in developing processes and procedures to handle these cases. The AGO will also provide advice on contracting, funding and procurement issues related to the RTFs.

Once the facilities start admitting patients, the AGO will provide representation to the facilities as they file the commitment petitions. This will require representation at all stages of the proceedings from pre-filing to the commitment hearings and any review hearings ordered by the court.

The three Clark County facilities will be accepting patients in the first quarter 2025 and the Snohomish facility will begin admissions in the second half of 2024. The AGO is currently not funded for the additional legal resources that will be necessary to cover the advice and the court proceedings that will be necessitated by these facilities.

## Assumptions and Calculations

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

This proposal is an expansion of the current services provided to DSHS by the AGO for the necessary legal support for the new RTFs that are being developed by the Agency. The Legislature directed the creation and operation of these facilities and DSHS and HCA are currently seeking funding for the operation of the facilities. This proposal will provide the legal services to support that operation.

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

The AGO is requesting the following staff to provide the additional legal services requested by DSHS and HCA:

FY 2025 and in each FY thereafter 2.0 AAG and 1.0 LA

MA5 is a representation for agency administrative support

### **Workforce Assumptions:**

See graphic

FTE		FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? Y / N
AAG	FTE		2.0	2.0	2.0	Y
	Object A & B		306,000	306,000	306,000	
LA	FTE		1.0	1.0	1.0	Y
	Object A & B		80,000	80,000	80,000	
PL	FTE					
	Object A & B					
INV	FTE					
	Object A & B					
MA5	FTE		0.5	0.5	0.5	Y
	Object A & B		60,000	60,000	60,000	
Other (describe)	FTE					
	Object A & B					
<b>TOTAL FTE</b>		<b>0.0</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>	
<b>TOTAL A &amp; B</b>		<b>0</b>	<b>446,000</b>	<b>446,000</b>	<b>446,000</b>	

## Strategic and Performance Outcomes

### **Strategic Framework:**

This package aligns with the Governor’s 5-year plan to transform and improve the behavioral health system.

Goal 4. Health and Safe Communities, 42 Behavioral Healthcare System- Community.

This proposal also supports the AGO strategic plan goals to Serve the State and Protect the People. Sufficiently staffing to support this work will ensure that we are able to deliver high quality, timely and efficient legal services. Additionally, it supports the goal to strive for greater public safety to provide quality representation in civil commitment hearings for the commitment of patients who represent a danger to themselves or others.

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 - Legal Services to State Agencies	405		512,000	512,000	512,000
<b>TOTAL</b>		-	<b>512,000</b>	<b>512,000</b>	<b>512,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### **Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

The development of the RTFs will allow our client agencies, DSHS and HCA, to serve patients civilly committed in their home communities.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

N/A.



**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

See graphic

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
300	405		256,000	256,000	256,000
107	405		256,000	256,000	256,000
<b>TOTAL</b>		-	<b>512,000</b>	<b>512,000</b>	<b>512,000</b>

**Stakeholder Response:**

DSHS and HCA are in agreement with our assumptions

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

**Reference Documents**

- [BH\\_State Owned\\_Mixed Use Community Civil 16 Bed Capacity.pdf](#)
- [BH\\_State Owned\\_Mixed Use Community Civil 48 Bed Capacity.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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$0	\$338	<b>\$338</b>	\$338	\$338	<b>\$676</b>
Obj. B	\$0	\$110	<b>\$110</b>	\$110	\$110	<b>\$220</b>
Obj. E	\$0	\$60	<b>\$60</b>	\$60	\$60	<b>\$120</b>
Obj. G	\$0	\$4	<b>\$4</b>	\$4	\$4	<b>\$8</b>

### Agency Contact Information

Edward Giger  
 (360) 586-2104  
 edward.giger@atg.wa.gov



## Agency Recommendation Summary

This request is to provide funding to the Attorney General’s Office (AGO) for representation in Pacific, Wahkiakum, and Kittitas Counties for new child welfare caseloads as requested by the Department of Children, Youth, and Families (DCYF). Representation was previously provided private attorneys through contracts with the AGO. In all but three counties, DCYF is represented in child dependency and permanency cases by the AGO in local offices. DCYF seeks to complete the transition of representation to support consistency in practice and performance reporting. The AGO requests additional authority to support this transition and provide adequate staffing in these offices.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	8.3	8.3	8.3	8.3	8.3	8.3
<b>Operating Expenditures</b>						
Fund 405 - 1	\$1,096	\$1,096	\$2,192	\$1,096	\$1,096	\$2,192
Total Expenditures	\$1,096	\$1,096	\$2,192	\$1,096	\$1,096	\$2,192
<b>Revenue</b>						
405 - 0420	\$1,096	\$1,096	\$2,192	\$1,096	\$1,096	\$2,192
Total Revenue	\$1,096	\$1,096	\$2,192	\$1,096	\$1,096	\$2,192

## Decision Package Description

The Department of Children, Youth, and Families (DCYF) requested that the AGO takes over representation and handle new child welfare caseloads in Pacific, Wahkiakum, and Kittitas Counties to improve statewide consistency in practice and alignment with DCYF policy objectives, achieve federal performance improvement goals, improve communication of legal updates and legal compliance such as changes in court forms and ensure uniform data collection and maintenance. Under contracts with AGO, these counties were historically represented by the local prosecuting attorneys’ offices. Transition to AGO representation ensures DCYF staff in these counties receive the full array of legal support offered by the office, including an emphasis on entering court orders that can also be upheld on appeal, and will increase DCYF access to additional data maintained by the AGO, which is used in DCYF’s reporting on its compliance with federal performance improvement measures.

The DCYF believes a more consistent statewide approach is needed to help it achieve significant system reforms resulting from the enactment of the House Bill (HB) 1194, which changed legal requirements related to parent-child visits in dependency cases, and HB 1227, which will change the standards of removal and for placement with relatives, as well as recent Washington State Supreme Court decisions that clarify and enhance legal requirements in dependency and termination of parental rights cases.

In order to enhance statewide consistency in practice, and to allow for the collection and review of statewide performance data that will aid DCYF in pursuing its goals including achieving timely permanency, DCYF requested that AGO pursue transition representation of these remaining three counties to the local AGO. Additional legal services are required to support this work in the nearby local AGO. This representation by local AGO will remain over time, we request that increased funding be included in the maintenance budget.

## Assumptions and Calculations

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

This proposal will support increased legal services to transition the legal representation of DCYF to AGO in the three remaining counties where it is represented by contracted private attorneys: Pacific, Wahkiakum, and Kittitas.

### Detailed Assumptions and Calculations:

The AGO requests \$2,192,000 in the 2023-25 biennium to support increased legal services to transition the representation of DCYF in the three remaining counties: Pacific, Wahkiakum, and Kittitas.

The AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG) FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.25 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO's Child, Youth, and Families Division (CYF) and administration support total FTE assumptions (non-Seattle rate).

- Fiscal Year (FY) 2024: 3.0 FTE AAG, 2.0 FTE Paralegal 2 (PL), 2.5 FTE LA 3, and 0.75 FTE MA 5, and each FY thereafter.

The local AGO nearest to these areas require increased resources to provide adequate staffing to support this work in light of ongoing position vacancies and turnover that make them less able to take on new work without additional resources. Additionally, staff in nearby offices would also be required to travel to the counties where this work is transitioning to attend hearings and dockets, which also increases the resources required to represent DCYF in these counties. The Washington State Center for Court Research (WSCCR) reports that new dependency filings in Pacific County ranged from 12 to 36 over each of the last five years; termination filings ranged from 5 to 17. The AGO estimates that this range is representative and will continue, and that representation of DCYF in Pacific County will require an additional 1.0 AAG FTE, 1.0 PL FTE and 1.0 LA3 FTE. WSCCR reports that new dependency filings in Wahkiakum County range from one to nine over each of the last five years; termination filings ranged from one to two. The AGO estimates that this range is representative and will continue, and that representation of DCYF in Wahkiakum County will require an additional 1.0 AAG FTE, and .5 LA3 FTE. The WSCCR reports that new dependency filings in Kittitas County ranged from 14 to 40 over each of the last five years; termination filings ranged from 1 to 12. The AGO estimates that this range is representative and will continue, and that representation of DCYF in Kittitas County will require 1.0 AAG FTE, 1.0 PL FTE, and 1.0 LA3 FTE.

### Workforce Assumptions:

See graphic

FTE		FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
AAG	FTE	3.0	3.0	3.0	3.0	Y
	Object A & B	460,000	460,000	460,000	460,000	
LA	FTE	2.5	2.5	2.5	2.5	Y
	Object A & B	200,000	200,000	200,000	200,000	
PL	FTE	2.0	2.0	2.0	2.0	Y
	Object A & B	197,000	197,000	197,000	197,000	
INV	FTE					
	Object A & B					
MA5	FTE	0.8	0.8	0.8	0.8	Y
	Object A & B	91,000	91,000	91,000	91,000	
Other (describe)	FTE					
	Object A & B					
<b>TOTAL FTE</b>		<b>8.3</b>	<b>8.3</b>	<b>8.3</b>	<b>8.3</b>	
<b>TOTAL A &amp; B</b>		<b>948,000</b>	<b>948,000</b>	<b>948,000</b>	<b>948,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports the following portions of the AGO Strategic Plan.

1. Priority – Serve the State

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

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

2. Priority – Protect the People

Goal 3—Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A010 - Legal Services to State Agencies	405	1,096,000	1,096,000	1,096,000	1,096,000
<b>TOTAL</b>		<b>1,096,000</b>	<b>1,096,000</b>	<b>1,096,000</b>	<b>1,096,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

**Community outreach and engagement:**

This impacts racial equity by enhancing our ability to implement the AGO’s anti-racist commitment through our legal representation of DCYF in these additional counties.

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

Through its anti-racist commitment, AGO has committed to recognizing, addressing, and eradicating all forms of racism within the scope of its work and operations. Additional legal services to support transition of legal representation from contracted private attorneys to the AGO in the three remaining counties where the DCYF is represented by contract attorneys promotes greater adherence to the AGO’s anti-racist commitment, as well as legal requirements, and a greater ability to review and report on performance data.

## Other Collateral Connections

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

See graphic

Client	Fund	FY2024	FY2025	FY2026	FY2027
DCYF	405	1,096,000	1,096,000	1,096,000	1,096,000
<b>TOTAL</b>		<b>1,096,000</b>	<b>1,096,000</b>	<b>1,096,000</b>	<b>1,096,000</b>

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

No changes in existing statutes, rules, or contracts is necessary for this funding request.

**Legal or Administrative Mandates:**

This request is in response to an agency request for additional legal services.

### 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$705	\$705	<b>\$1,410</b>	\$705	\$705	<b>\$1,410</b>
Obj. B	\$243	\$243	<b>\$486</b>	\$243	\$243	<b>\$486</b>
Obj. E	\$140	\$140	<b>\$280</b>	\$140	\$140	<b>\$280</b>
Obj. G	\$8	\$8	<b>\$16</b>	\$8	\$8	<b>\$16</b>

### Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



## Agency Recommendation Summary

The Attorney General’s Office (AGO) honors the service of military families and those in our armed forces by working to meet their civil legal needs through our Office of Military and Veterans Legal Assistance (OMVLA), established by bipartisan legislation in 2017 (House Bill (HB) 1055). OMVLA receives requests for pro bono legal assistance and refers requests to registered volunteer attorneys who offer assistance. Washington’s veterans and military families continue to face a tremendous unmet need for low-cost legal services, and caseloads are increasing. The Legislature funds one FTE to support the OMVLA, and the AGO is requesting additional staff support.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	1.0	1.0	1.0	1.0	1.0	1.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$109	\$109	\$218	\$109	\$109	\$218
Total Expenditures	\$109	\$109	\$218	\$109	\$109	\$218

## Decision Package Description

In 2017, the Legislature unanimously adopted House Bill (HB) 1055, concerning pro bono legal services for military service members, veterans, and their families. The Legislation created the Office of Military & Veterans Legal Assistance ([OMVLA](#)), a program that connects low-income veterans and service members with free civil legal aid, and funded one FTE to support the OMVLA’s mission.

The OMVLA’s popularity is growing. The Attorney General’s Office (AGO) has made significant efforts to meet the demand within existing resources, but more support is needed. This year alone, OMVLA has responded to over 175 calls for assistance by providing pro bono attorneys for representation, referring constituents to community organizations, and sharing self-help resources. The program is growing – nearly four times as many Washingtonians called our office this year compared to last year. OMVLA has recruited 88 volunteer attorneys to handle case referrals, and partnered with 50 attorney-centered organizations who are helping to spread the word about OMVLA. The AGO supports two Veterans Law Clerks who help support OMVLA’s work.

Moreover, in 2021, the AGO was awarded a grant from AmeriCorps for three VISTA members to support OMVLA’s mission by conducting outreach to veterans and service members as well as attorney-centered organizations.

Despite these steps – or perhaps because of them – OMVLA’s popularity continues to grow. OMVLA has seen a nearly 400 percent increase in calls compared to last year. The increase is, in part, attributed to the outreach from the AmeriCorps VISTA members. With two of the three years left for the grant, the numbers will continue to grow.

With additional resources the AGO will be able to help hundreds of additional military and veteran families and provide them with the value of millions of dollars in legal services at no cost to them or their families. The AGO requests an additional staffer to coordinate calls for legal assistance and support the increasing caseloads from Washington’s veteran and service member population. Washington veterans continue to experience a tremendous unmet need for pro bono legal services. Additional staff support will provide a tremendous benefit to our state’s veteran and service member population.



## Assumptions and Calculations

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

This is an expansion of a current program created by legislation in 2017. The AGO has always received funding for 1.0 FTE to support OMVLA, and has always provided additional support through existing resources. The previous paragraphs describe the steps the AGO has taken within existing resources to support OMVLA's work, but those resources are no longer adequate to meet the demand for OMVLA's services.

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

The AGO requests \$218,000 in the 2023-25 biennium to cover costs related to OMVLA.

The AGO Agency Assumptions (non-Seattle rate):

- FY 2024: 1.0 FTE Program Specialist 3 (PS 3), and each FY thereafter.

### **Workforce Assumptions:**

See graphic

FTE	FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
PS 3 FTE	1.0	1.0	1.0	1.0	Y
Object A & B	94,000	94,000	94,000	94,000	
<b>TOTAL FTE</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	
<b>TOTAL A &amp; B</b>	<b>94,000</b>	<b>94,000</b>	<b>94,000</b>	<b>94,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government.

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A0001 - Administration	001-1	109,000	109,000	109,000	109,000
<b>TOTAL</b>		<b>109,000</b>	<b>109,000</b>	<b>109,000</b>	<b>109,000</b>

Performance Measure	Fund	FY2024	FY2025	FY2026	FY2027
2539 - Legal Services to State Agencies	001-1	109,000	109,000	109,000	109,000
<b>TOTAL</b>		<b>109,000</b>	<b>109,000</b>	<b>109,000</b>	<b>109,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

This request advances equity and supports Washington's equity goals.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

OMVLA tracks the demographic data of the individuals it serves. The Washingtonians seeking assistance from OMVLA are disproportionately differently abled, affiliated with tribes, and people of color.

The following data is current as of August 5, 2022:

- 9.2 percent of Washingtonians served by OMVLA are affiliated with tribes.
- 25.9 percent of Washingtonians served by OMVLA report having a disability.
- 92.7 percent of Washingtonians served by OMVLA are veterans. 7.3 percent are family members or active duty military.
- 43.8 percent of Washingtonians served by OMVLA are people of color. Additional race/ethnicity data is below.

<b>Race/Ethnicity Category (as set by Census)</b>	<b>Percentage in WA state as of 7/1/21</b>	<b>Percentage of Washingtonians served by OMVLA as of 8/5/22</b>
White	77%	56.2%
Black	4.5%	11.6%
American Indian/Alaska Native	2%	8.7%
Asian	10%	4.4%
Native Hawaiian/Other PI	0.8%	2.9%
Two+ Races/Multiracial	5.2%	7.6%
Latino	13.7%	7.6%

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

No direct impact to agencies. However, the Washington Department of Veterans Affairs and Washington Office of Civil Legal Aid serve on the OMVLA Advisory Committee.

### **Stakeholder Response:**

There is no known or expected opposition to this request.

OMVLA Advisory Committee supports this request. The Advisory Committee individuals and organizations is included below. We anticipate that other groups that advocate on behalf of veterans and low-income Washingtonians will also support this request.

<b>Organization</b>	<b>Name</b>
Amazon	Lloyd Chee
Davis Wright Tremaine	Nicholas Warack
Fairchild Air Force Base	Leo Behan
Joint Base Lewis-McChord	Robert Johnson Andre LeBlanc
LAW Advocates	David Henken
National Veterans Legal Service Program	Mariah Hanley
Northwest Justice Project	Jennifer Budinick
Northwest Region Navy Legal Service Office	Dan Jones Stephen Tenorio Cecilia Welch
Pro Bono Council	Catherine Brown Michael Terasaki (new manager)
State Military Department	LTC Brett Rubio (previous rep: Alex Straub; alexander.m.straub.mil@mail.mil))
Tacoma Pro Bono	Laurie Davenport
United States Attorney's Office, Western District	Heather Costanzo Grady Leupold
United States Coast Guard	Elizabeth Kandiew
USVA Veteran's Justice Outreach Program	Kevin Devine Doug Fender Rhonda Strother
Washington Department of Veterans Affairs	Paul Cruz Isaia Vimoto
Washington Employer Support of the Guard and Reserve	Phil Sanders John Patterson (previous rep)
Washington Office of Civil Legal Aid	Leo Flor
Washington State Bar Association	Paige Hardy
Washington State Bar Association – Pro Bono and Public Service Committee	Diana Singleton Michael Addams
Washington State Bar Association Equity & Justice Specialist	Saleena Salango
Washington State Bar Association, Legal Assistance for Military Personnel Section	Stephen Carpenter (LAMP chair) Eric McDonald (Past LAMP chair) Sharon Powell
WA State Veterans Bar Association	Caesar Kalinowski (past Chair) Gavriel Jacobs (current Chair)

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

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No changes in existing statutes, rules, or contracts is necessary for this funding request.

**Legal or Administrative Mandates:**

This request is related to OMBVA. [RCW 43.10.292](#) enumerates OMBV’s statutory duties:

*The office of military and veteran legal assistance shall:*

*(1) Recruit and train volunteer attorneys and identify service programs willing to perform pro bono services for service members, veterans, and their family members, and create and maintain a registry of the same;*

*(2) Assess and assign requests for pro bono services to volunteer attorneys and service programs registered with the office; and*

*(3) Establish an advisory committee that will include, among others, representatives from legal assistance offices on military installations, the office of civil legal aid, the Washington state bar association's legal assistance to military personnel section, the Washington state veterans bar association, relevant office of military service and support organizations, and organizations involved in coordinating, supporting, and delivering civil legal aid and pro bono legal services in Washington state. The committee shall provide advice and assistance regarding program design, operation, volunteer recruitment and support strategies, service delivery objectives and priorities, and funding*

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$70	\$70	\$140	\$70	\$70	\$140
Obj. B	\$25	\$25	\$50	\$25	\$25	\$50
Obj. E	\$14	\$14	\$28	\$14	\$14	\$28

**Agency Contact Information**

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



### Agency Recommendation Summary

The Pollution Liability Insurance Agency (PLIA) will be creating and operating a state financial assurance program and dismantling the existing pollution liability insurance program. The PLIA anticipates needing the Attorney General’s Office (AGO) Assistant Attorneys Generals (AAG) assistance for: rulemaking, advice; drafting contracts and agreements for petroleum underground storage tank owners, operators, contractors, and consultants; coordinating with the Environmental Protection Agency on approval of the program, and possible litigation.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	1.5	0.7	1.1	0.7	0.7	0.7
<b>Operating Expenditures</b>						
Fund 405 - 1	\$225	\$113	\$338	\$113	\$113	\$226
Total Expenditures	\$225	\$113	\$338	\$113	\$113	\$226
<b>Revenue</b>						
405 - 0420	\$225	\$113	\$338	\$113	\$113	\$226
Total Revenue	\$225	\$113	\$338	\$113	\$113	\$226

### Decision Package Description

The Pollution Liability Insurance Agency (PLIA) will be creating and operating a state financial assurance program. Under this program, the owner or operators of petroleum underground storage tanks may register the tank. If there is a leak of petroleum from the tank, the program will pay eligible costs for cleanup of up to \$2 million dollars, and potentially another \$1 million to address historic releases. The PLIA anticipates seeking cost recovery for addressing historic releases. In addition, PLIA will be dismantling the existing pollution liability insurance program. The PLIA anticipates needing the Attorney General’s Office (AGO) Assistant Attorneys Generals (AAG) assistance for: drafting rulemaking, policies and guidance documents; drafting contracts for petroleum underground storage tank owners and operators; drafting agreements for contractors and consultants providing services under the program; coordinating with the Environmental Protection Agency (EPA) on approval of the program; cost recovery actions which may involve litigation in superior court; negotiation with insurance companies as PLIA cancels existing treaties; and potential litigation as the pollution liability insurance program is terminated.

## Assumptions and Calculations

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

Currently, petroleum underground storage tank financial assurance is provided by private insurance supplemented by state reinsurance under the pollution liability insurance program. Under the legislative proposal, PLIA will be creating a state financial assurance program which will address leaking tanks from a state fund. This will be a significant change in how underground storage tank financial assurance is addressed in Washington. As outlined above, the PLIA will require legal support in altering the current pollution liability insurance program as it ceases to operate and expanding the state financial assurance program as it becomes established, with a transition period where both programs are in effect.

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

The AGO requests \$338,000 in the 2023-25 biennium for additional legal services costs billed to PLIA.

The AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one AAG FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.3 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO’s Ecology Division and administration support total FTE assumptions (non-Seattle rate).

- FY2024: 0.9 AAG, 0.4 LA 3, and 0.2 MA 5.
- FY2025: 0.4 AAG, 0.2 LA 3, and 0.1 MA 5, and each FY thereafter.

### **Workforce Assumptions:**

See graphic

FTE		FY2024	FY2025	FY2026	FY2027	Ongoing ? Y / N
AAG	FTE	0.9	0.4	0.4	0.4	Y
	Object A & B	135,000	67,000	67,000	67,000	
LA	FTE	0.4	0.2	0.2	0.2	Y
	Object A & B	35,000	18,000	18,000	18,000	
PL	FTE					
	Object A & B					
INV	FTE					
	Object A & B					
MA5	FTE	0.2	0.1	0.1	0.1	Y
	Object A & B	26,000	13,000	13,000	13,000	
Other (describe)	FTE					
	Object A & B					
<b>TOTAL FTE</b>		<b>1.5</b>	<b>0.7</b>	<b>0.7</b>	<b>0.7</b>	
<b>TOTAL A &amp; B</b>		<b>196,000</b>	<b>98,000</b>	<b>98,000</b>	<b>98,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

**AGO Strategic Plan:** This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A010 - Legal Services to State Agencies	405	225,000	113,000	113,000	113,000
<b>TOTAL</b>		<b>225,000</b>	<b>113,000</b>	<b>113,000</b>	<b>113,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### Community outreach and engagement:

A component of PLIA’s state financial assurance program, which will be realized with AAG assistance, is to focus on prevention of leaks from petroleum underground storage tanks, efficient responses to any leaks, and to emphasize remediation of petroleum contamination in areas of risk for drinking water impacts or to equitably protect human health and the environment in communities that are marginalized, overburdened, and underserved.

### Disproportional Impact Considerations:

N/A.

### Target Populations or Communities:

N/A.



**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

See graphic

Client	Fund	FY2022	FY2023	FY2024	FY2025
Ecology	405	225,000	113,000	113,000	113,000
<b>TOTAL</b>		<b>225,000</b>	<b>113,000</b>	<b>113,000</b>	<b>113,000</b>

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$148	\$74	\$222	\$74	\$74	\$148
Obj. B	\$48	\$24	\$72	\$24	\$24	\$48
Obj. E	\$28	\$14	\$42	\$14	\$14	\$28
Obj. G	\$1	\$1	\$2	\$1	\$1	\$2

## Agency Contact Information

Edward Giger

(360) 586-2104

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



Office of Attorney General  
 2023-25 Regular Budget Session  
 Policy Level - PM - Statewide Defense Litigation

### Agency Recommendation Summary

The Attorney General’s Office (AGO) is requesting an appropriation to cover costs in defending Washington State in numerous matters that are not directly related or billable to a specific state agency. Examples of these cases include the AGO’s defense of the Eviction Resolution Pilot Program legislation and addressing the scope of the State’s fiscal responsibility for refunding the legal financial obligations of persons convicted of felony drug possession, a crime the Washington Supreme Court found unconstitutional. The frequency of these cases, which often involve constitutional challenges, is increasing. The AGO seeks funding for the collective defense costs of these cases.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Operating Expenditures</b>						
Fund 001 - 1	\$250	\$250	\$500	\$250	\$250	\$500
Total Expenditures	\$250	\$250	\$500	\$250	\$250	\$500

## Decision Package Description

The Attorney General's Office (AGO) is requesting an appropriation to cover costs in defending Washington State in numerous smaller matters that are not directly related or billable to a specific state agency, and would not merit an individual request due to projected low defense costs.

There are several types of cases that commonly fit into this category. The most common is constitutional challenges that are not billable to an agency. The other increasingly common case is a claim against a superior court judge by a disgruntled litigant.

For constitutional challenges that will involve a large number of FTE or litigation costs, the AGO often seeks funding specifically for that case. However, there are an increasing number of constitutional challenges that have low projected costs for the biennium either because there will be limited discovery, the case is likely to be resolved by motion practice, or the case could be large but likely will be on appeal for much of the biennium. Here are examples of a number of these type of cases:

- A group of landlords filed suit challenging the enactment of the Eviction Resolution Pilot Program (ERPP), which prevents landlords from filing unlawful detainer actions based on non-payment of rent and precludes courts from hearing such actions unless the landlord first secures a certification of ERPP participation from a privately operated extrajudicial state contractor as unconstitutional. *Washington Business Properties Association v. Washington State*, Spokane County Superior Court, Case No. 22-2-02393-32.
- Several cases stemming from the Supreme Court's decision in *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021). Blake struck down the former drug possession statute as unconstitutional. After the Blake decision, the Civil Survival Project, and six individual plaintiffs filed suit seeking to recover Legal Financial Obligations (LFO). The case was dismissed and is currently on appeal, which is why there is low projected defense costs. *Civil Survival Project, et al. v. State, et al.*, Ct. App. Div. I Dkt. No. 840151.
- Related to the Blake case, a number of counties filed suit seeking indemnification for the refund of the LFOs and for defense costs for the Civil Survival case. *Benton County, et al. v. State, King County Superior Court*, Case No. 21-2-12147-7 SEA. There are low projected defense costs as the underlying Civil Survival case is on appeal and the Legislature has provided funding that may resolve the LFO issue. The counties have moved for partial summary judgment for defense costs, while the State have moved to stay the case.
- A lawsuit alleged that the State and City of Spokane were neglecting the rights of people experiencing homelessness by not providing shelters beds, threatening them with misdemeanor citations, and destroying personal belongings. *Spokane Homeless Project, et al. v. State*, Spokane County Superior Court, Case No. 21-2-03631-32. The State's motion to dismiss was granted.
- A lawsuit by a pro se case by a law student challenged the constitutionality, facially and as-applied, of Washington's criminal anti-harassment and civil protection order statutes that sought emergency injunctive relief. *Gjovik v State, et al.*, United States District Court for the Western District of Washington, Case No. 2:22-cv-00807-RAJ. The request for injunctive relief was denied, and the State's motion to dismiss was granted.

The other increasingly common case is cases against superior court judges and at times appellate or Supreme Court judges. The types of cases often include disgruntled litigants who think that the remedy for a court decision they disagree with is to sue the judge. For instance, an attorney who represents homeowners in mortgage foreclosures will often sue a judge—once all the judges in Thurston County—on the theory that this will prevent the foreclosure from going forward. Other somewhat common cases against judges are lawsuits that seek to reverse the decision of the judge via a new lawsuit after the litigant has lost their appeal. These cases are almost always resolved via a motion to dismiss, but the litigant will often appeal, where they will lose once again and there is a cost to defend these cases.

None of the above cases was determined by the AGO to merit an individual request for funding this biennium, but collectively these cases and the similar type of cases that will be filed during the biennium take up an increasing amount of the AGO's FTE and can also involve expert costs. This request seeks funding to defend the cases and to pay litigation costs.

## Assumptions and Calculations

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

Complex Litigation Division (COM) and Solicitor General’s Division (SGO) are the main divisions that litigate these types of cases. As the caseload increases so does the need for additional funding. Individually these cases may not equate to a full decision package request but collectively the costs of defending these case is substantial and the funding is needed.

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

As the number of smaller cases increases, so does the funding needs increase to defend these cases. Currently, we are not asking for FTE funding, just expert witness costs.

### **Workforce Assumptions:**

No additional FTE are being requested at this time.

## Strategic and Performance Outcomes

### **Strategic Framework:**

#### **Results Washington Outcome Measures:**

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan: This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

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

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A001 - Administration	001-1	250,000	250,000	250,000	250,000
<b>TOTAL</b>		<b>250,000</b>	<b>250,000</b>	<b>250,000</b>	<b>250,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002536 - Criminal Cases Closed	0	0	0	0

### **Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

N/A.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

N/A.

## Other Collateral Connections

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

N/A.

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. C	\$250	\$250	\$500	\$250	\$250	\$500

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



### Agency Recommendation Summary

The Office of the Insurance Commissioner (OIC) is requesting additional funding for legal services because the current allocation is insufficient to meet its day-to-day legal needs. OIC is highly likely to significantly overspend its legal services allocation for the 2023-25 Biennium. Over the past several years, OIC has seen a marked increase in litigation, including actions challenging OIC’s authority, enforcement matters brought by the agency, and Administrative Procedure Act Petitions for judicial review. Additional funding will allow the Attorney General’s Office (AGO) to effectively serve OIC increased legal needs.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	1.8	1.8	1.8	1.8	1.8	1.8
<b>Operating Expenditures</b>						
Fund 405 - 1	\$256	\$256	\$512	\$256	\$256	\$512
Total Expenditures	\$256	\$256	\$512	\$256	\$256	\$512
<b>Revenue</b>						
405 - 0420	\$256	\$256	\$512	\$256	\$256	\$512
Total Revenue	\$256	\$256	\$512	\$256	\$256	\$512

## Decision Package Description

The Attorney General's Office (AGO) provides client advice and litigation services to the programs of the Office of the Insurance Commissioner (OIC). The AGO's Government Compliance and Enforcement Division (GCE) currently staffs slightly over 1.0 Assistant Attorney General (AAG) FTE to represent OIC. This request will add 1.8 total FTE to address an increased workload for the AGO. We propose to add 1.0 AAG, 0.5 Legal Assistants (LA), and 0.3 Management Analyst 5 (MA5) as a representation for our overhead costs.

OIC oversees Washington's insurance industry, and seeks to protect consumers by ensuring licensing requirements are satisfied for engaging in the business of insurance. OIC's work is particularly complex in nature and wide in scope. The agency regulates over 2,500 companies and over 200,000 licensees who work in the insurance industry. OIC is charged with authorizing insurance companies, and approving the registration of health care service contractors, health maintenance organizations, and other carrier types who transact business in Washington State. It also provides oversight for the corporate and financial activities of those companies.

OIC is also charged with: reviewing insurance contracts and forms submitted by companies for compliance with Washington state and federal laws, case law, and regulations; reviewing companies' rate filings to ensure proposed rates are justified and meet statutory requirements; monitoring company solvency; analyzing company provider network information to ensure health carriers are providing adequate access to medically necessary covered services; reviewing contracts between health carriers and health care providers for compliance with the law; reviewing transactions that will result in a change of control of regulated entities; and reviewing requests by small pharmacies challenging a Pharmacy Benefit Manager's (PBM) decision regarding drug reimbursement costs. GCE provides legal advice to OIC in relation to these various programs. GCE also provides day-to-day advice to OIC on a variety of issues arising from the operations of a state agency, including concerning public records, the interaction between state and federal law, proposed legislation, contracts, and the agency's rulemaking responsibilities.

Finally, OIC also protects Washington consumers by investigating complaints against agents, agencies, insurance licensees, and unlicensed or unauthorized entities. OIC may take enforcement actions arising from these investigations, and the AGO provides litigation support for those actions, which may be appealed to superior court and the state's courts of appeal under the Administrative Procedure Act. The AGO also represents OIC in other litigation initiated in superior court challenging the agency's authority in other contexts.

OIC has begun to see more legal challenges to its rule making and data call authority brought by industry trade groups than ever before. These challenges are resulting in both a greater demand for legal advice related to the OIC's procedures, and the substantive focus of these rules and data calls. In addition, OIC has seen a steady increase the number of complaints filed by the public against the companies and individuals it regulates. This has resulted in more investigations, order enforcement matter actions, and petitions for judicial review which in turn has increased OIC's need for legal advice and litigation support. Although administrative matters are handled internally by OIC, it is seeing more matters that are being aggressively litigated, with complex and extensive discovery, and significant motions practice, for which the OIC staff handling these complex matters are more frequently seeking advice from our office. The OIC plans to continue to hire more staff to handle their increasing, and increasingly complex, administrative caseload, which we anticipate will leading to increasing requests for advice concerning those actions. As the need for legal advice and litigation support increases, OIC's current allocation is insufficient to meet its day-to-day legal needs.

The lead AAG assigned to OIC has represented the agency for many years and has significant expertise with respect to OIC's various programs. Despite working efficiently due to that expertise, the AAG has often worked extraordinary hours over the past few years. While some additional work hours are generally expected of AAGs, current staffing limits the AGO's ability to absorb peak workloads associated with OIC's more significant advice requests, as well as its litigation and appellate work. While the AGO has met all deadlines, due to the increase in OIC's litigation and appellate work, it has sometimes taken longer than OIC would like to respond to certain advice requests because of the number of competing demands. AGO's GCE Division has been forced to assign other AAGs to work on OIC matters. That is a short-term solution and is not sustainable, as it does not address either the shortfall in current funding or the fact that other AAGs must prioritize their own client agency assignments over OIC's legal work. Without additional funding, the AGO may have to retain Special Assistant Attorneys General (SAAGs) (private counsel on contract) due to a lack of staffing and the complexities of OIC's legal work. With this funding, however, the AGO should be able to retain legal work that would otherwise go to SAAGs, achieving substantial savings and greater efficiencies through the further development of expertise in having a second AAG dedicated to serving OIC.



## 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 identified in this request. OIC has experienced an increase in the need for client advice and litigation legal services. OIC is projected to significantly overspend it allotted legal services for the current biennium. OIC cannot continue to absorb this cost, and this request will provide permanent funding for a new position to cover OIC’s increased need for legal services.

### Detailed Assumptions and Calculations:

This request assumes that the demand for increased legal resources will continue indefinitely for a permanent position. Increased direct litigation costs are assumed nominal and are not included in this request. OIC is funded through the Legal Services Revolving Account. This additional funding will support 1.0 AAG FTE. These costs are ongoing and will carry forward into future biennia. One-time costs are not included in this request.

### Workforce Assumptions:

See graphic

FTE		FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? / Y / N
AAG	FTE	1.0	1.0	1.0	1.0	Y
	Object A & B	153,000	153,000	153,000	153,000	
LA	FTE	0.5	0.5	0.5	0.5	Y
	Object A & B	40,000	40,000	40,000	40,000	
PL	FTE					
	Object A & B					
INV	FTE					
	Object A & B					
MA5	FTE	0.3	0.3	0.3	0.3	Y
	Object A & B	31,000	31,000	31,000	31,000	
Other (describe)	FTE					
	Object A & B					
<b>TOTAL FTE</b>		<b>1.8</b>	<b>1.8</b>	<b>1.8</b>	<b>1.8</b>	
<b>TOTAL A &amp; B</b>		<b>224,000</b>	<b>224,000</b>	<b>224,000</b>	<b>224,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

(Results Washington): Goal 4: Health and safe communities: Fostering the health of Washingtonians from a healthy start to safe and supported future.

(AGO Strategic Plan): Priority 1: Serve the State Goal; 1: Deliver High Quality, Timely, and Efficient Legal Services.

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 - Legal Services to State Agencies	405	256,000	256,000	256,000	256,000
<b>TOTAL</b>		<b>256,000</b>	<b>256,000</b>	<b>256,000</b>	<b>256,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

Increased funding will ensure the AGO’s ability to provide comprehensive and timely legal services, thereby assisting OIC in furtherance of that agency’s statewide mission to protect consumers in the insurance industry.

**Disproportional Impact Considerations:**

N/A.

**Target Populations or Communities:**

This proposal will have a statewide impact as it accommodates a sustained increase in legal service needs, both for advice and litigation for OIC.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

See graphic

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
OIC	405	256,000	256,000	256,000	256,000
<b>TOTAL</b>		<b>256,000</b>	<b>256,000</b>	<b>256,000</b>	<b>256,000</b>

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

## 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$169	\$169	<b>\$338</b>	\$169	\$169	<b>\$338</b>
Obj. B	\$55	\$55	<b>\$110</b>	\$55	\$55	<b>\$110</b>
Obj. E	\$30	\$30	<b>\$60</b>	\$30	\$30	<b>\$60</b>
Obj. G	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov



### Agency Recommendation Summary

The Office of the State Treasurer (OST) is experiencing a significant increase in its need for legal services from the Attorney General’s Office (AGO) pertaining to matters such as capital project finance structures, complex financial questions, cash management requirements, debt limits, and general state revenue questions in an evolving and challenging financial world. Increasing the budget for OST legal services will help ensure that the AGO is able to effectively respond to requests for advice and that OST receives legal advice that is critical to supporting its efforts to maintain the state’s excellent credit rating.

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	0.5	0.5	0.5	0.5	0.5	0.5
<b>Operating Expenditures</b>						
Fund 405 - 1	\$81	\$81	\$162	\$81	\$81	\$162
Total Expenditures	\$81	\$81	\$162	\$81	\$81	\$162
<b>Revenue</b>						
405 - 0420	\$81	\$81	\$162	\$81	\$81	\$162
Total Revenue	\$81	\$81	\$162	\$81	\$81	\$162

### Decision Package Description

During the current biennium, the Office of the State Treasurer’s (OST) demand for legal services is exceeding OST’s current funding for such services. Through June 2022, the Attorney General’s Office (AGO) has charged a total of \$332,000 of the allotted \$582,000 for OST legal services in the 2021-23 biennium. In addition, OST expects that this increase in legal services requests will continue and likely increase even further during in the 2023-25 biennium. The legal service allocation after carry forward level for OST is \$591,000. This request would increase the budget for legal services by approximately 27 percent (from \$591,000 to \$753,000) to provide additional funding for the AGO to meet OST’s increasing demand for legal services. The legal advice provided to OST typically involves complex and challenging financial issues, and it is critical in helping OST to comply with its legal and fiduciary obligations and in protecting the State’s funds. Without an increase in funding OST faces increased risk of not meeting its legal and fiducial obligations, which could adversely impact the State’s credit rating. Increasing the legal services provided by AGO also is more cost effective than other options, such as hiring Special Assistant Attorney Generals (SAAG).

The estimated biennial cost of this request is \$162,000 starting in the 2023-25 biennium from the Legal Services Revolving Fund. The Office of the State Treasurer (OST) is the client agency.

## Assumptions and Calculations

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

There is no expansion or alteration to current programs. This request funds ongoing and increasing workloads related to OST.

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

The AGO requests \$162,000 in the 2023-25 biennium to cover costs for ongoing and increasing workloads related to the Office of the State Treasurer.

The AGO Agency Assumptions:

Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG) FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.25 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

Below are the AGO's Revenue Division and administration support total FTE assumptions (non-Seattle rate).

- FY2024: 0.3 AAG, 0.2 LA 3, and 0.1 MA 5, and each Fiscal Year (FY) thereafter.

### **Workforce Assumptions:**

See graphic

FTE	FY2024	FY2025	FY2026	FY2027	Ongoing? Y / N
AAG FTE	0.3	0.3	0.3	0.3	Y
Object A & B	48,000	48,000	48,000	48,000	
LA FTE	0.2	0.2	0.2	0.2	Y
Object A & B	14,000	14,000	14,000	14,000	
PL FTE					
Object A & B					
INV FTE					
Object A & B					
MA5 FTE	0.1	0.1	0.1	0.1	Y
Object A & B	9,000	9,000	9,000	9,000	
Other (describe) FTE					
Object A & B					
<b>TOTAL FTE</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	
<b>TOTAL A &amp; B</b>	<b>71,000</b>	<b>71,000</b>	<b>71,000</b>	<b>71,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports the following portions of the AGO Strategic Plan.

1. Priority – Serve the State  
 Goal 1—Deliver high quality, timely, and efficient legal services.

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

2. Priority – Protect the People  
 Goal 3—Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Activity	Fund	FY2024	FY2025	FY2026	FY2027
A010 - Legal Services to State Agencies	405	81,000	81,000	81,000	81,000
<b>TOTAL</b>		<b>81,000</b>	<b>81,000</b>	<b>81,000</b>	<b>81,000</b>

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	0	0	0

### Performance Outcomes:

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### Community outreach and engagement:

This proposal will have statewide impact by protecting the state’s financial security and stability, which in turn will help ensure that the state’s funds are protected and available to support various equity efforts.

### Disproportional Impact Considerations:

N/A.

### Target Populations or Communities:

N/A.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

See graphic

Client	Fund	FY2024	FY2025	FY2026	FY2027
OST	405	81,000	81,000	81,000	81,000
<b>TOTAL</b>		<b>81,000</b>	<b>81,000</b>	<b>81,000</b>	<b>81,000</b>

**Stakeholder Response:**

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

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

No changes in existing statutes, rules, or contracts is necessary for this funding request.

**Legal or Administrative Mandates:**

This request is not in response to a legal or administrative mandate. Rather, it seeks funding to continue an existing legal obligations.

**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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$54	\$54	\$108	\$54	\$54	\$108
Obj. B	\$17	\$17	\$34	\$17	\$17	\$34
Obj. E	\$9	\$9	\$18	\$9	\$9	\$18
Obj. G	\$1	\$1	\$2	\$1	\$1	\$2

## Agency Contact Information

Edward Giger

(360) 586-2104

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





## Agency Recommendation Summary

As Washington’s largest public law office, the Attorney General’s Office (AGO) seeks to pay legal interns to offer a valuable and educational opportunity for law students. The AGO currently offers a volunteer law clerk program. Many law students cannot afford to commit to a summer without compensation, leading to inequitable opportunities for only those affluent enough to do so. Paying law clerks will lead to a more inclusive pool of students and provide an improved pipeline of highly qualified diverse attorneys for the AGO and other public service legal opportunities.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
<b>Staffing</b>						
FTEs	22.2	22.2	22.2	22.2	22.2	22.2
<b>Operating Expenditures</b>						
Fund 405 - 1	\$1,781	\$1,781	\$3,562	\$1,781	\$1,781	\$3,562
Total Expenditures	\$1,781	\$1,781	\$3,562	\$1,781	\$1,781	\$3,562
<b>Revenue</b>						
405 - 0420	\$1,781	\$1,781	\$3,562	\$1,781	\$1,781	\$3,562
Total Revenue	\$1,781	\$1,781	\$3,562	\$1,781	\$1,781	\$3,562

## Decision Package Description

The Attorney General’s Office (AGO) is seeking to provide compensation to law students who clerk in at the AGO beginning in the 2023-25 Biennium. By paying law clerks, the AGO expects to improve the pool of public service Attorneys and to contravenes the negative socioeconomic and racial impacts of unpaid internships.

### Improve pool of public service Attorneys

Prior to 2010, the AGO paid its law clerks. With the 2008 recession and the accompanying budget limitations, the AGO initially discontinued compensation for employees going in to their second year of law school. Then in 2010, the AGO stopped paying law clerks going into their third year of law school and transitioned to a completely volunteer only program.

Since discontinuing payments, our law clerk applications have steadily declined from receiving 318 applications for our 2013 summer program to 149 applications for summer 2022, though ultimately 49 applicants withdrew, declined our offer or had incomplete applications. In addition, each year we continue to have law clerk applicants withdraw from AGO offers after accepting paying positions from other legal employers.

### Unpaid law clerk program contravenes equity and antiracism commitment

The lack of a paid law clerk program has a negative impact on having a law clerk pool that is diverse, inclusive and equitable. Students who do not have the economic means to take on a volunteer position cannot afford to clerk at the AGO during the summer with no ability to subsidize expenses such as their commute or additional housing, if moving to the area temporarily for a position.

Recent publications have concluded unpaid internships perpetuate inequitable socioeconomic and racial representation. *See* Medina-Perez, Jasmine (2019) Reimagining the Internship to Promote Racial Equity *Stanford Social Innovation Review*. Additionally, Black students begin their careers at a disadvantage when it comes to student loan debt because they take on far greater financial risks and reap fewer benefits from their education than White students as a result of the ever-increasing costs of college and student loans. *See* Fenaba R. Addo, Jason N. Houle, and Daniel Simon, “Young, Black, and (Still) in the Red: Parental Wealth, Race, and Student Loan Debt,” *Race and Social Problems* 8, no. 1 (August 2016): pp. 64-76. *See also*, *Student Loan Advocate, 2021 Legislative Report*, Washington Student Achievement Council (2021). Taking on a volunteer position could limit a student’s ability to pay off student loan debt and/or willingness to forgo an excellent educational opportunity at the AGO because they cannot afford to accept an unpaid clerkship. By resuming the paying of law clerks, the AGO expects to attract a diverse pool of applicants as law clerks. Clerking in our office is one recruitment tool the AGO uses to hire future attorneys, which can also support the pipeline for other public service legal careers.

## Assumptions and Calculations

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

This request for funding will allow the AGO to pay law clerks to improve the pool of public service Attorneys and to break the negative socioeconomic and racial impacts of unpaid internships. The AGO's current Law Clerks are unpaid volunteers.

**Detailed Assumptions and Calculations:**

The AGO requests \$3,562,000 starting in the 2023-25 biennium to pay AGO law clerks. With the funding of this Decision Package, the AGO would pay rising second year (2L) law clerks \$23 per hour and rising third year (3L) law clerks \$24 per hour. The amount above also includes estimated costs for overhead.

According to staff at Seattle University School of Law, most employers, including an increasing amount of public law employers, pay their law clerks. They identified the range of pay to be from \$17 to \$25 per hour with most around \$20/hour. Additional, research of practices in local jurisdictions showed the following:

- King County pays law clerks a salary of \$950 per week;
- The Thurston County Prosecutor's Office shared that their Law Clerk pay range is \$4,758 to \$6344 per month;

Posting for City of Everett Law Clerk stated the city pays \$24/hour

**Assumptions for the AGO to pay law clerks:**

During Fiscal Years (FY) 2020 and 2021, AGO law clerks recorded 26,200 and 28,500 unpaid hours. For cost assumptions, the AGO has estimated that future law clerks will work a total of 30,000 hours per FY. Of the 30,000 hours, the AGO assume 15,000 hours will be rising second year law students (2L) law clerks and 15,000 hours will be rising third year law students (3L) law clerks. Below is a breakout of estimated costs based on the information above:

<b>Estimated Costs</b>	
Rising 3Ls Salaries and Benefits	\$468,000
Rising 2Ls Salaries and Benefits	\$449,000
Total Salary and Benefits per FY	\$917,000
Total Goods/Services per FY	\$229,000
Total Costs per FY	\$1,146,000
Total Costs per Biennium	\$2,292,000
FTE per FY (based on estimate hours)	16.7

**Assumptions for the AGO Financial Services Division (FIS):**

- a. Sixty law clerks paid hourly during Semi-monthly payroll processing
- b. Submit certified semi-monthly timesheets through AGO Timekeeping
- c. Potential of out of state teleworking (Tax SAAG compliance and additional tracking)

FIS needs 2.5 Fiscal Analyst 3 (FA3) positions and a Management Analyst 5 (MA5) based on the assumptions above and to support overhead related costs. The cost for the positions above are estimated at \$392,000 during the FY 2024 and each FY thereafter.

**Assumptions for the AGO Human Resources Office (HRO):**

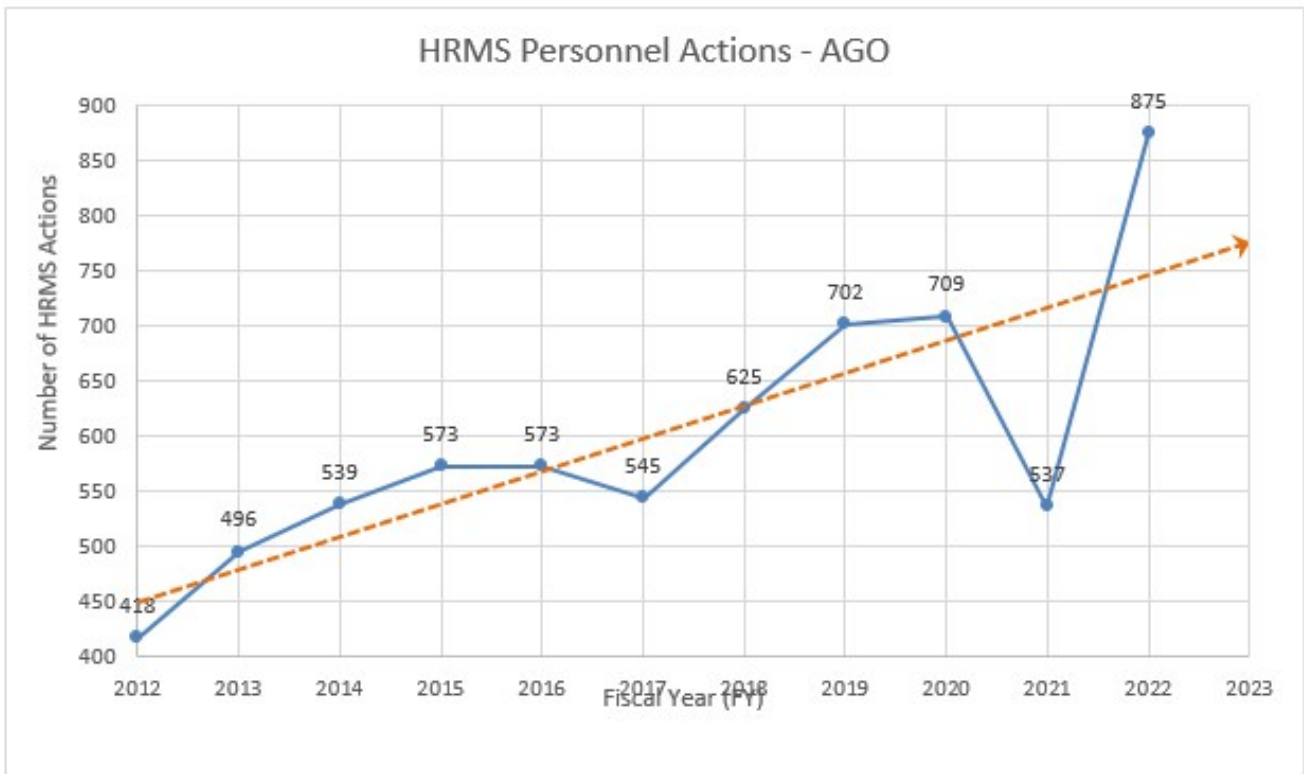
The transition to a paid law clerk program will result in additional work for the HRO in terms of recruitment, onboarding, employee development and steady increase of personnel actions.

To ensure the program has a highly diverse applicant pool of high quality applicants, the HRO needs two Human Resource Consultant 4 (HRC4) positions to design an aggressive law clerk outreach program to yield a robust applicant pool. The recruiter who has been dedicated to the volunteer program also carries a significant workload supporting Assistant Attorney General (AAG) recruitments. Not resourcing this additional program more intentionally will adversely impact the success of the law clerk program as well as negatively affecting AAG recruitment

efforts. Building up the law clerk program and expanding it with the ability to pay is a large task and one that will take effort throughout the years. For example, along with the advertisement for these openings, the recruiters will now have to create requisitions for the associated positions that the law clerks will fill, they will need to monitor actions to initiate recruitments, track applicants and appointments in the statewide recruitment system, and they will need to generate appointment letters for the incumbents. Additionally, these positions will be responsible for the support and oversight of the law clerk development program, which will include training sessions focused on development of foundational skills for law clerks. We anticipate that these positions will engage in outreach activities with the law schools, which are activities we have been unable to perform in recent years. Adding two HRC4s to properly support this program is necessary as our current team cannot absorb this additional workload.

Adding paid law clerks to the office will have significant impacts on the HRO Operations team. Operations will need to gather new hire paperwork, process all related actions, maintain a workable organizational structure, maintain additional files, and regularly verify employees' hours related to medical coverage eligibility. With some law clerks carrying on throughout the year, all of this additional work is going to be more than what can be managed with current resources as this team already has a full workload.

As evidenced in the chart below, AGO HRO personnel actions have been steadily increasing over the last ten years. The impact from this growth has been felt in FIS and HRO with more staff joining the AGO and needing support.



The costs for the two HRC4 positions above are estimated at \$243,000 during FY 2024 and each FY thereafter.

**Total AGO non-Seattle workload impact:**

16.7 Law Clerk FTE, 2.5 FA3, 1.0 MA5, and 2.0 HRC4 at a cost of \$1,781,000 during FY 2024 and each FY thereafter.

**Workforce Assumptions:**

See graphic

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing ? / Y / N
Fiscal Analyst 3	2.5	2.5	2.5	2.5	Y
Object A & B	221,000	221,000	221,000	221,000	
HRC4	2.0	2.0	2.0	2.0	Y
Object A & B	215,000	215,000	215,000	215,000	
Law Clerks	16.7	16.7	16.7	16.7	Y
Object A & B	917,000	917,000	917,000	917,000	
MA5 FTE	1.0	1.0	1.0	1.0	Y
Object A & B	122,000	122,000	122,000	122,000	
<b>TOTAL FTE</b>	<b>22.2</b>	<b>22.2</b>	<b>22.2</b>	<b>22.2</b>	
<b>TOTAL A &amp; B</b>	<b>1,475,000</b>	<b>1,475,000</b>	<b>1,475,000</b>	<b>1,475,000</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington:

This request supports all five goals of Results Washington as the AGO attorneys work in all areas of state government.

#### Goal 1: World Class Education

Law clerks provide assistance with advice and representation to all state educational entities, including the Department of Early Learning, the Office of the Superintendent of Public Instruction, Washington’s community and technical colleges and its four-year universities. Law clerks have assisted representation to the state’s interests in challenging cases related to the funding of basic education.

#### Goal 2: Prosperous Economy

Law clerks assist representation to the Department of Commerce, the Department of Revenue, and the Department of Labor and Industries. Law clerks in Labor & Personnel and our Education divisions assist the AAGs with advice and represent all state agencies and institutions of higher education with matters related to employee and labor issues.

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

The AGO is involved in providing advice and representation to all key state agencies engaged in this work, including the Departments of Ecology, Fish and Wildlife, Parks, Natural Resources, Agriculture as well as the Utilities and Transportation Commission.

#### Goal 4: Healthy and Safe Communities

The AGO supports health and safety in the State. The Medicaid Fraud Unit promotes integrity in the Medicaid program, both in civil and criminal enforcement. The AGO criminal division prosecutes crimes on behalf of county prosecutors and the Governor. The AGO Sexually Violent Predator Unit protects public safety by civilly prosecuting dangerous sexual offenders. The AGO represents the Washington State Patrol, the Department of Health, Health Care Authority, and the Department of Social and Health Services.

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

By paying law clerks, this request will result in the more efficient and effective provision of legal services by reducing dependence on outside counsel, reducing training costs, reducing recruitment costs, and retaining knowledge and expertise for our state agency clients.

**AGO Strategic Plan:**

Every aspect of the AGO’s Strategic Plan is affected by this request.

- 1. Priority – Serve the State:
  - a. Deliver high quality, timely, and efficient legal services.
  - b. Improve the lives of Washingtonians by advising our clients in achieving their missions.
  - c. Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public.
  - d. Protect and enhance the financial health and resources of the Office of the Attorney General including optimizing fund utilization and management.
  - e. Improve internal efficiency and effectiveness through the use of technology solutions and data.
  - f. Support our clients in their efforts to combat racism that impacts the people of the State of Washington.
  
- 1. Priority – Protect the People:
  - a. Defend civil rights and stand up for vulnerable Washingtonians.
  - b. Protect Washington’s environment and public health and support its environmental justice goals.
  - c. Promote good government.
  - d. Protect all Washington consumers.
  - e. Strive for greater public safety and justice for all Washington communities.
  - f. Combat racism that impacts the people of the State of Washington.
  
- 1. Priority – Support and Value Our Employees:
  - a. Enhance our commitment to being an employer of choice by recognizing, celebrating, supporting, and valuing AGO employees.
  - b. Promote diversity, inclusiveness, and equity throughout the organization to recruit and retain a high quality, highly skilled, and highly effective workforce.
  - c. Ensure employees have the training, tools, and resources to be successful, efficient, and effective.
  - d. Promote the health, safety, and well-being of all employees.
  - e. Promote and advance racial equity throughout the workplace.

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
0010 Legal Services to State Agencies	405	1,781,000	1,781,000	1,781,000	1,781,000
<b>TOTAL</b>		<b>1,781,000</b>	<b>1,781,000</b>	<b>1,781,000</b>	<b>1,781,000</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
<b>TOTAL</b>		-	-	-	-

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

**Performance Outcomes:**

Incremental impacts for this Performance Measure is indeterminate.

## Equity Impacts

### **Community outreach and engagement:**

N/A.

### **Disproportional Impact Considerations:**

N/A.

### **Target Populations or Communities:**

The lack of a paid law clerk program has a negative impact on a law clerk applicant pool that is diverse, inclusive and equitable. Students who do not have the economic means to take on a volunteer position cannot afford to clerk at the AGO during the summer with no ability to subsidize expenses such as their commute or additional housing, if moving to the area temporarily for a position. Unpaid clerkships can lead to reinforcing gender, racial and socio-economic inequities.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

Establishment of a law clerk program would provide a deeper pool of applicants with experience working in public service law. It is anticipated that the participants in the program will be competitive applicants for the Attorney General's Office as well as other public organizations with a need lawyers equipped to work in government. The office views this effort as a way to ensure we have a more robust diverse applicant pool in this highly competitive and specialized segment of the labor market which will allow for the office to remain competitive.

### **Intergovernmental:**

Client Billing costs are provided:

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
All Clients	405	1,781,000	1,781,000	1,781,000	1,781,000
<b>TOTAL</b>		<b>1,781,000</b>	<b>1,781,000</b>	<b>1,781,000</b>	<b>1,781,000</b>

All of the costs provided in this Decision Package would impact client agencies and the Central Service Model.

### **Stakeholder Response:**

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

### **State Facilities Impacts:**

N/A.

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

N/A.

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

N/A.

## 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>2024</b>	<b>2025</b>	<b>2023-25</b>	<b>2026</b>	<b>2027</b>	<b>2025-27</b>
Obj. A	\$1,120	\$1,120	<b>\$2,240</b>	\$1,120	\$1,120	<b>\$2,240</b>
Obj. B	\$355	\$355	<b>\$710</b>	\$355	\$355	<b>\$710</b>
Obj. E	\$304	\$304	<b>\$608</b>	\$304	\$304	<b>\$608</b>
Obj. G	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>

## Agency Contact Information

Edward Giger  
(360) 586-2104  
edward.giger@atg.wa.gov





Tab D

REVENUE







**ABS 029 Summarized Revenue by Account and Source**  
**Office of Attorney General**  
**Agency Level**  
**2023-25 Regular Budget Session**  
**2125A - 2023-25 Biennial Budget**

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
<b>001 - General Fund</b>							
0316 - Dept of Justice - F							
NP - SAKI Federal Authority	1,123	1,077	0	0			
Total - 0316 - Dept of Justice - F	1,123	1,077	0	0	1,123	1,077	2,200
0393 - Health & Human Svc - F							
8L - Lease Adjustments	1	3	0	0			
NQ - MFCD Federal Expenditure Authority	500	500	0	0			
NW - Legal Matter Management	201	197	0	0			
Total - 0393 - Health & Human Svc - F	702	700	0	0	702	700	1,402
<b>001 - General Fund - Federal</b>	<b>1,825</b>	<b>1,777</b>			<b>1,825</b>	<b>1,777</b>	<b>3,602</b>
<b>Total - 001 - General Fund</b>	<b>1,825</b>	<b>1,777</b>			<b>1,825</b>	<b>1,777</b>	<b>3,602</b>
<b>405 - Legal Serv Rev Acct</b>							
0420 - Charges for Services - S							
8L - Lease Adjustments	924	1,257	0	0			
ND - Nooksack & Lake Roosevelt Watershed	290	290	0	0			
NE - Pakootas v. Teck Metals Ltd.	700	0	0	0			
NF - Zimmerly, et al. v. CRGC et al.	300	0	0	0			
NH - ESD Legal Services	510	510	0	0			
NJ - Counsel for Children and Youth	833	1,401	0	0			
NK - Concerning Child Abuse Allegations	2,024	1,680	0	0			
NL - WSP Advice and Litigation Services	386	386	0	0			
NM - Wenatchee Office Relocation	479	0	0	0			
NS - Technical Correction	24	24	0	0			
NU - College System Benefits Litigation	2,068	2,068	0	0			
NW - Legal Matter Management	3,406	3,334	0	0			
PH - Community Mental Health	0	0	0	512			
PJ - DCYF Legal Rep Transition	0	0	1,096	1,096			
PL - PLIA Additional Legal Services	0	0	225	113			

**ABS 029 Summarized Revenue by Account and Source**  
**Office of Attorney General**  
**Agency Level**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
PN - OIC Legal Services	0	0	256	256			
PP - State Treasurer Legal Services	0	0	81	81			
PQ - AGO Law Clerk Program	0	0	1,781	1,781			
Total - 0420 - Charges for Services - S	11,944	10,950	3,439	3,839	15,383	14,789	30,172
<b>405 - Legal Serv Rev Acct - State</b>	<b>11,944</b>	<b>10,950</b>	<b>3,439</b>	<b>3,839</b>	<b>15,383</b>	<b>14,789</b>	<b>30,172</b>
<b>Total - 405 - Legal Serv Rev Acct</b>	<b>11,944</b>	<b>10,950</b>	<b>3,439</b>	<b>3,839</b>	<b>15,383</b>	<b>14,789</b>	<b>30,172</b>
<b>Agency: 100 ATG - State</b>	<b>11,944</b>	<b>10,950</b>	<b>3,439</b>	<b>3,839</b>	<b>15,383</b>	<b>14,789</b>	<b>30,172</b>
<b>Agency: 100 ATG - Federal</b>	<b>1,825</b>	<b>1,777</b>			<b>1,825</b>	<b>1,777</b>	<b>3,602</b>
<b>Total - Agency: 100 ATG</b>	<b>13,769</b>	<b>12,727</b>	<b>3,439</b>	<b>3,839</b>	<b>17,208</b>	<b>16,566</b>	<b>33,774</b>
- unknown source title - Z							

**8L - Lease Adjustments**

The Attorney General's Office (AGO) requires an increase in lease funding to cover the expected increases and decreases in annual lease contracts in the 2023-25 Biennium. The required 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.

**8L - Lease Adjustments**

The Attorney General's Office (AGO) requires an increase in lease funding to cover the expected increases and decreases in annual lease contracts in the 2023-25 Biennium. The required 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.

**ND - Nooksack & Lake Roosevelt Watershed**

The Attorney General's Office (AGO) is requesting additional funding in the 2023-25 biennium related to the adjudications of all water rights in the Nooksack and Lake Roosevelt watersheds. The two adjudications will determine all surface and groundwater rights in their respective watersheds. The Department of Ecology (Ecology) is preparing to commence these adjudications in state court by the end of Fiscal Year (FY) 2023. This request is to fund significant AGO support in preparing filing documents, serving all water users with the filing and lis pendens (a formal notice of a pending legal action), and appearing at numerous evidentiary hearings.

**NE - Pakootas v. Teck Metals Ltd.**

**ABS 029 Summarized Revenue by Account and Source**  
**Office of Attorney General**  
**Agency Level**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

The Attorney General's Office is requesting \$700,000 in the 2023-25 biennium for continued prosecution of the Pakootas v. Teck Metals Ltd. federal court case. The State of Washington (through the Department of Ecology) and the Confederated Tribes of the Colville Reservation are co-plaintiffs. Teck Metal Ltd. operates a smelter in Trail, British Columbia that has disposed of toxic waste in northeast Washington via the Columbia River and the atmosphere. This case concerns the State's and Tribes' claims for natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and (for the State) the Model Toxics Control Act.

**NF - Zimmerly, et al. v. CRGC et al.**

The Columbia River Gorge Commission (CRGC), a bi-state agency created by an interstate compact between Washington and Oregon, has been sued in the U.S. District Court for the Western District of Washington. This appropriation would permit the Attorney General's Office to represent CRGC in this lawsuit. The CRGC is usually represented by one in-house attorney, but covering this lawsuit is outside of the in-house counsel's expertise and workload capacity.

**NH - ESD Legal Services**

Employment Security Department (ESD) has an ongoing and increasing need for the Attorney General's Office (AGO) legal services. Workloads related to Unemployment Insurance (UI) benefits caseload and increases in tax actions work for the Paid Family and Medical Leave (PFML) and UI programs have increased and are increasing beyond current funding levels.

**NJ - Counsel for Children and Youth**

In 2021, the Legislature enacted Second Substitute House Bill 1219 (2SHB), which phases in the appointment of counsel at public expense for children eight years and older in dependency cases and for all children in dependency and termination of parental rights cases upon the filing of a termination petition. The Legislature funded increased DCYF legal services for the first implementation phase; additional funding is needed to fully implement the remaining phases of 2SHB 1219.

**NK - Concerning Child Abuse Allegations**

The Legislature passed Engrossed Second Substitute House Bill (ES2HB) 1227 that increases the legal standard for the removal of children from their parents at a 72-hour shelter care hearing, requires additional findings, and increases the relative and kin placement standard effective July 1, 2023. This law also enhances pleading and procedural requirements and requires DCYF to immediately pursue licensure of placements. Thus, the bill will require more legal services to meet new legal requirements in these emergency hearings. Due to budget regulations, funding could not be provided. This request is necessary to implement passed law.

**NL - WSP Advice and Litigation Services**

Washington State Patrol's (WSP) demand for legal services has increased in recent years and is outpacing the WSP legal services funding. This request is to address the increased demand for legal services by WSP and in advance of implementation of a statewide background check system for all firearm transfers that will be administered by WSP. WSP will roll out a "soft launch" of the system in July 2023 and the system is expected to be fully operational by January 2024. WSP's implementation and maintenance of this system is expected to cause additional increases in requests for advice and litigation services.

**ABS 029 Summarized Revenue by Account and Source**  
**Office of Attorney General**  
**Agency Level**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

**NM - Wenatchee Office Relocation**

The Attorney General's Office (AGO) is seeking to relocate its Wenatchee office because the building owner has expressed that they do not want to renew the lease. A slightly larger facility space is needed to accommodate the current and planned growth of this office and to provide regional legal service delivery for a variety of state agencies in Chelan, Okanogan, Douglas, and Grant counties.

**NP - SAKI Federal Authority**

The Attorney General's Office (AGO) requests an increase to its federal authority to allow the AGO to continue to do the important work of the Federal Sexual Assault Kit Initiative (SAKI) including but not limited to testing backlogged kits, collecting DNA owed by felons, and to further unresolved sexual assault related investigations. There is no impact to State funds.

**NQ - 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.

**NS - Technical Correction**

A technical correction is required for the following two areas. First, in the carry forward level (CFL) for Fiscal Note (FN) for Senate Bill (SB) 5259 - Law Enforcement Data, in General Fund-State (GF-S) \$1,000,000 should be transferred from Fiscal Year (FY) 2025 to FY 2024. For FN for SB 5126 – Climate Commitment, in Legal Services Revolving Account in the CFL the reduction of (\$24,000) in both FY 2024 and 2025 should not have happened until the 2025-27 biennium.

**NU - College System Benefits Litigation**

This request is to fund defense of employee benefit class action lawsuits against the State Board for Community and Technical Colleges (SBCTC) and the State of Washington. The same law firm on behalf of classes of similarly situated part-time college employees filed three lawsuits. Two lawsuits, Wolf v. SBCTC and Rush v. State, allege denial of retirement benefits administered under the SBCTC Retirement Benefit Plan. The third suit, Rush v. State, alleges denial of sick leave benefits as specified under RCW 28B.50.4893. This request will provide funding for resources needed to continue defending Washington State in these three complex lawsuits.

**NW - Legal Matter Management**

This request is to continue the project of replacement of the Attorney General's Office (AGO) legal matter management platform (LMMP) that began in late Fiscal Year (FY) 2022 and continues into the future. The Legislature provided funding in the 2021-23 Biennium and this funding is needed to continue the project to completion.

**NW - Legal Matter Management**

**ABS 029 Summarized Revenue by Account and Source**  
**Office of Attorney General**  
**Agency Level**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

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**PH - Community Mental Health**

This proposal will fund additional legal services for the community based Residential Treatment Facilities housing patients civilly committed for 90 or 180 days being developed by Department of Social and Health Services (DSHS) and Health Care Authority (HCA).

**PJ - DCYF Legal Rep Transition**

This request is to provide funding to the Attorney General's Office (AGO) for representation in Pacific, Wahkiakum, and Kittitas Counties for new child welf caseloads as requested by the Department of Children, Youth, and Families (DCYF). Representation was previously provided private attorneys through contracts with the AGO. In all but three counties, DCYF is represented in child dependency and permanency cases by the AGO in local offices. DCYF seeks to complete the transition of representation to support consistency in practice and performance reporting. The AGO requests additional authority to support this transition and provide adequate staffing in these offices.

**PL - PLIA Additional Legal Services**

The Pollution Liability Insurance Agency (PLIA) will be creating and operating a state financial assurance program and dismantling the existing pollution liability insurance program. The PLIA anticipates needing the Attorney General's Office (AGO) Assistant Attorneys Generals (AAG) assistance for: rulemaking, advice; drafting contracts and agreements for petroleum underground storage tank owners, operators, contractors, and consultants; coordination with the Environmental Protection Agency on approval of the program, and possible litigation.

**PN - OIC Legal Services**

The Office of the Insurance Commissioner (OIC) is requesting additional funding for legal services because the current allocation is insufficient to meet its day-to-day legal needs. OIC is highly likely to significantly overspend its legal services allocation for the 2023-25 Biennium. Over the past several years, OIC has seen a marked increase in litigation, including actions challenging OIC's authority, enforcement matters brought by the agency, and Administrative Procedure Act Petitions for judicial review. Additional funding will allow the Attorney General's Office (AGO) to effectively serve OIC increased legal needs.

**PP - State Treasurer Legal Services**

The Office of the State Treasurer (OST) is experiencing a significant increase in its need for legal services from the Attorney General's Office (AGO) pertaining to matters such as capital project finance structures, complex financial questions, cash management requirements, debt limits, and general state revenue questions in an evolving and challenging financial world. Increasing the budget for OST legal services will help ensure that the AGO is able to effectively respond to requests for advice and that OST receives legal advice that is critical to supporting its efforts to maintain the state's excellent credit rating.

**PQ - AGO Law Clerk Program**

**ABS 029 Summarized Revenue by Account and Source**  
**Office of Attorney General**  
**Agency Level**  
**2125A - 2023-25 Biennial Budget**  
*Dollars in Thousands*

As Washington's largest public law office, the Attorney General's Office (AGO) seeks to pay legal interns to offer a valuable and educational opportunity for law students. The AGO currently offers a volunteer law clerk program. Many law students cannot afford to commit to a summer without compensation, leading to inequitable opportunities for only those affluent enough to do so. Paying law clerks will lead to a more inclusive pool of students and provide an improved pipeline of highly qualified diverse attorneys for the AGO and other public service legal opportunities.





## Proposed Fee Changes

Not Applicable





Dollars in Thousands

**ABS030 Working Capital Reserve  
 100 Office of Attorney General  
 2023-25 Regular Budget Session  
 2125A - 2023-25 Biennial Budget**

FUND ADMINISTRATOR AGENCY ONLY		RECOMMENDED ENDING FUND BALANCE	
FUND	FUND TITLE	2021-23 Current Biennium	2023-25 Ensuing Biennium
12F	Man/Mobile Home Dispute Resolution	119	150
154	New Motor Vehicle Arbitration Acct	150	189
19A	Medicaid Fraud Penalty Account	354	850
19P	Child Rescue Fund	3	3
22R	Internet Consumer Access Account	0	0
23U	Compostable Products Revolving Acc	0	0
25V	WA St ATG Charitable Asset Prtn Acc	0	58
405	Legal Services Revolving Account	24,000	24,000
424	Anti-Trust Revolving Account	1,500	1,000



## 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  
2023-25 Biennium

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%



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.** While this includes the AGO's ongoing response to the impact risks from the coronavirus pandemic, the AGO is committed to using the experience of the pandemic to better position the AGO to be responsive to other risks with a disruption to core AGO services. During instances of significant disruption of state operations, the AGO is tasked with ensuring core operations continue while also being called on to provide extraordinary level of legal services to agencies and Executive Branch leadership throughout the response. Additionally, as illustrated in the COVID-19 Pandemic response, the AGO must also be positioned to quickly implement unique measures to support public health and safety interventions.
  - Like all agencies, the AGO centers risk management practices on a daily basis in our ongoing response to the coronavirus pandemic.
  - From an operations perspective, worker safety is our paramount focus including continuing operation of our buildings and planning around best steps to ensure employee and community safety in community settings such as courts, other agency facilities, and public settings.
  - With the insight of the COVID-19 pandemic response, the AGO is undertaking renewed efforts 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. The Office is committed to leveraging the resources developed and deployed during the COVID-19 pandemic response to ensure the AGO is strongly positioned to ensure core operations continue to the fullest extent possible.
  - Conduct excises to ensure ongoing awareness and implementation to COOP plans, particularly in a work environment where employees are in a environment where teams are often a blend of remote and in office employees on a given day. 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. **Similar to all organizations, the office faces a threat of cyber security or network attacks.** 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. **Given the amount of sensitive information the AGO possesses on behalf of its clients, 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, adverse outcomes for the individuals directly impacted with the breach as well as significant negative impacts to community credibility.** 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.









