

**Office of the  
Attorney General**





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

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

September 13, 2023

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

Dear Mr. Schumacher:

Enclosed please find the 2024 Supplemental 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 Serving the State.

**Public Safety**

For the past six years the AGO helped lead the Sexual Assault Kit Initiative (SAKI) to address untested and under-tested Sexual Assault Kits in Washington. Our experience from this project, coupled with the evidence produced by testing these kits, has made significant accomplishments related to sexual assault kit testing and has been vital in solving sexual assault cases statewide and bringing justice to victims of serious crimes. Our federal grant funding ends on September 2024 and I am seeking to continue this important work and to capitalize on the momentum and achievements realized under the federal funding. There are almost 1,800 unsolved sexual assault cases in the Homicide Investigation Tracking System (HITS) database. This request will enhance resolution of these cases and help provide justice and closure for victims' families and communities throughout the state.

**Serving the State**

Additional priorities in the 2024 Supplemental Budget Request are focused on serving and meeting the legal needs of the state and its residents by allowing us to mitigate risk and protect tax dollars. These needs arise directly from new emergent issues including legislative mandates, significant litigation, caseload-related and other workload increases, and federal spending authority. These items include:

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- Funding to defend the State and recover resources (e.g., Firearm Litigation, Tobacco Diligent Enforcement, Voter Rights Litigation, Private Detention Facilities Litigation, and Office of the Superintendent of Public Instruction Litigation);
- Funding to support increased workload (Fish and Wildlife Legal Services, Gambling Commission Legal Services, Ecology Legal Services, Energy Facility Site Evaluation Council Legal Services, and Leadership Board Legal Services);
- Legal Infrastructure (relocation of the Wenatchee office);
- Spending authority for Sexual Assault Kit Initiative (SAKI), Child Rescue Account, Foreclosure Compliance Program, and the Mobile and Manufactured Home Dispute Resolution Account.

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

Encl.



# OFFICE OF THE ATTORNEY GENERAL

## 2024 Supplemental Budget Request

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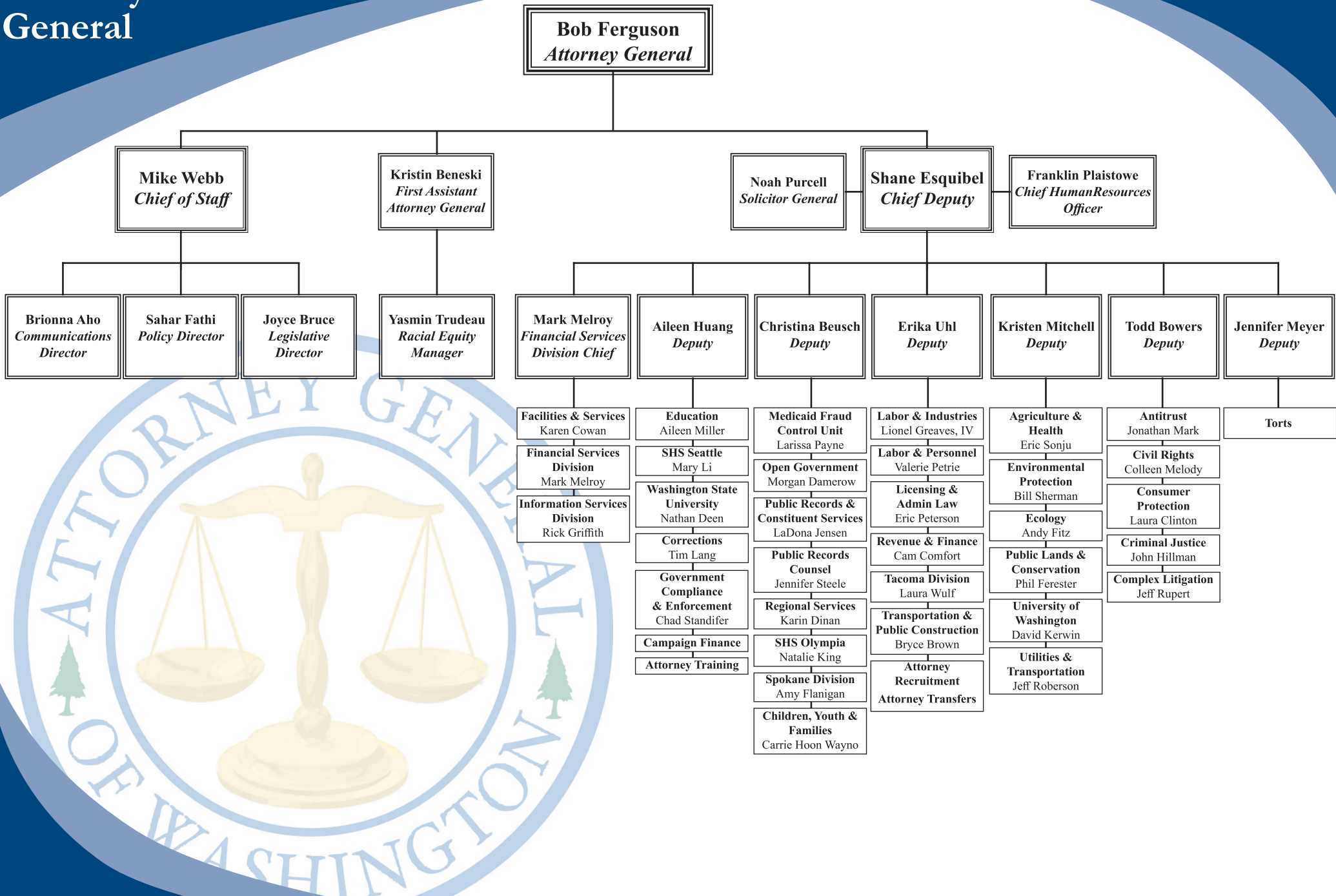
OVERVIEW



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# Office of the Attorney General



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Dollars in Thousands

**ACT001 - Agency Activity Inventory  
100 - Office of Attorney General  
2024 First Supplemental Budget Session  
2024 - 2024 Supplemental**

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Appropriation Period: 2023-25    Sort By: Activity

**A002    Civil Commitment of Sexually Violent Predators**

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

Account	FY 2024	FY 2025	Biennial Total
<b>FTE</b>	33.7	37.7	35.7
<b>001 General Fund</b>			
001-1 State	\$7,726	\$8,781	\$16,507
001-2 Federal	\$0	\$(21)	\$(21)
<b>001 Account Total</b>	<b>\$7,726</b>	<b>\$8,760</b>	<b>\$16,486</b>

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

**Expected Results**

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

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	Target
			Min	Max
2021-23	A3	100	85	95
	A2	67	85	95
2019-21	A3	0	85	85
	A2	33	85	95
Performance Measure Status: Approved				

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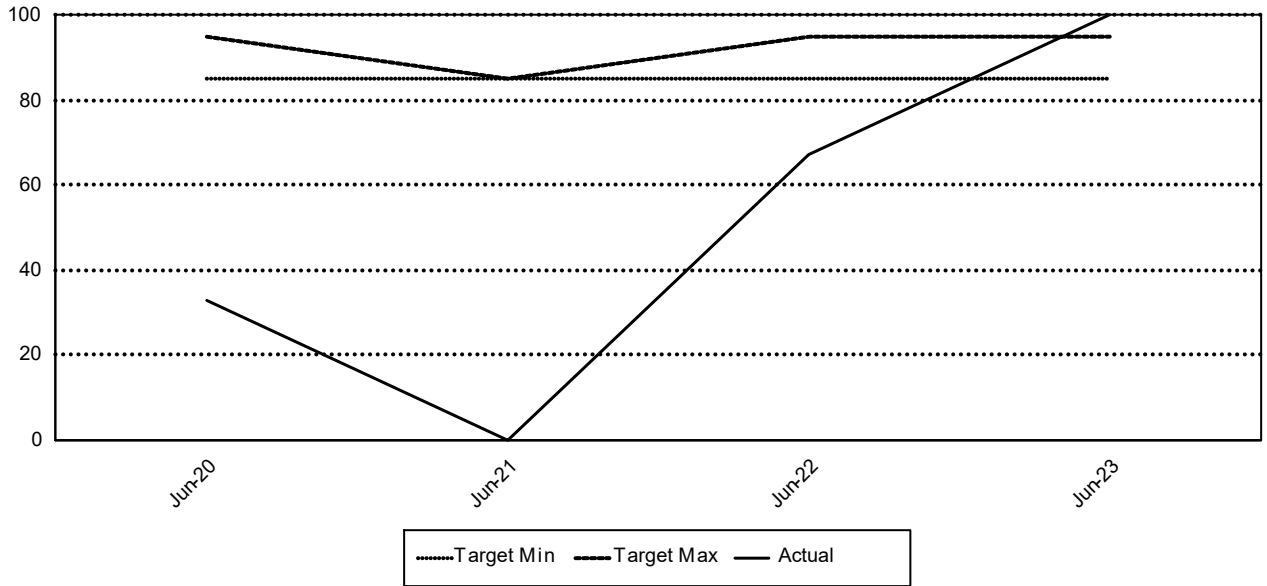
*Dollars in Thousands*

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*Appropriation Period: 2023-25    Sort By: Activity*

**Number**

**002535 - Total Successful Commitments**



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**A001    Administration**

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	51.2	51.8	51.5
<b>19P Child Rescue Fund</b>			
19P-1 State	\$40	\$40	\$80
<b>001 General Fund</b>			
001-1 State	\$13,552	\$11,430	\$24,982
001-2 Federal	\$1,676	\$1,909	\$3,585
<b>001 Account Total</b>	<b>\$15,228</b>	<b>\$13,339</b>	<b>\$28,567</b>
<b>405 Legal Services Revolving Account</b>			
405-1 State	\$8,629	\$13,861	\$22,490
<b>441 Local Government Archives Account</b>			
441-1 State	\$555	\$562	\$1,117
<b>828 Tobacco Prevention/Control Account</b>			
828-1 State	\$8	\$7	\$15

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

**Expected Results**

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

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*Appropriation Period: 2023-25    Sort By: Activity*

**A003    Criminal Investigation and Prosecution**

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	21.1	35.0	28.1
<b>141 Federal Seizure Account</b>			
141-6 Non-Appropriated	\$0	\$1,119	\$1,119
<b>001 General Fund</b>			
001-1 State	\$6,011	\$6,936	\$12,947
001-2 Federal	\$1,123	\$1,077	\$2,200
<b>001 Account Total</b>	<b>\$7,134</b>	<b>\$8,013</b>	<b>\$15,147</b>

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

**Statewide Strategy:    Enforce the law**

**Expected Results**

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

**ACT001 - Agency Activity Inventory**  
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*Dollars in Thousands*

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*Appropriation Period: 2023-25    Sort By: Activity*

<b>002536</b>				
<p>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.</p>				
Biennium	Period	Actual	Target	
2021-23	Q8	2	18	
	Q7	5	18	
	Q6	2	18	
	Q5	7	18	
	Q4	4	18	
	Q3	6	18	
	Q2	5	18	
	Q1	9	18	
2019-21	Q8	4	18	
	Q7	2	18	
	Q6	4	18	
	Q5	13	18	
	Q4	11	18	
	Q3	11	18	
	Q2	11	18	
	Q1	10	18	
Performance Measure Status: Approved				

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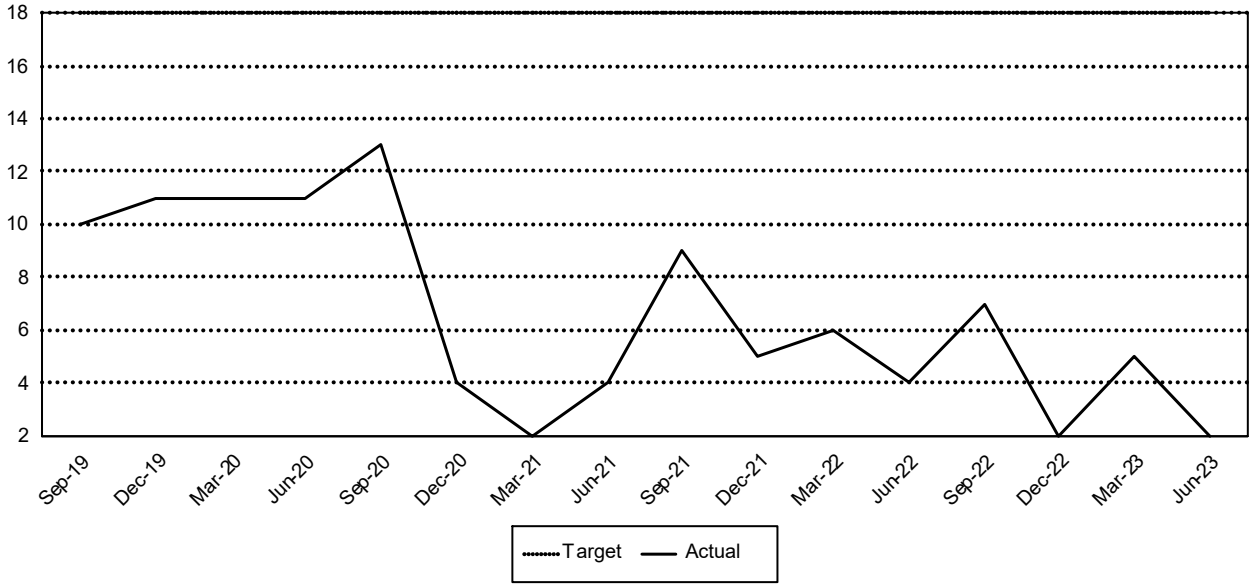
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*Appropriation Period: 2023-25    Sort By: Activity*

**Number**

**002536 - Criminal Cases Closed**





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*Dollars in Thousands*

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*Appropriation Period: 2023-25    Sort By: Activity*

**A004    Enforcement of Anti-Trust Laws**

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	24.0	24.0	24.0
<b>424 Anti-Trust Revolving Account</b>			
424-6 Non-Appropriated	\$6,268	\$6,286	\$12,554

**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



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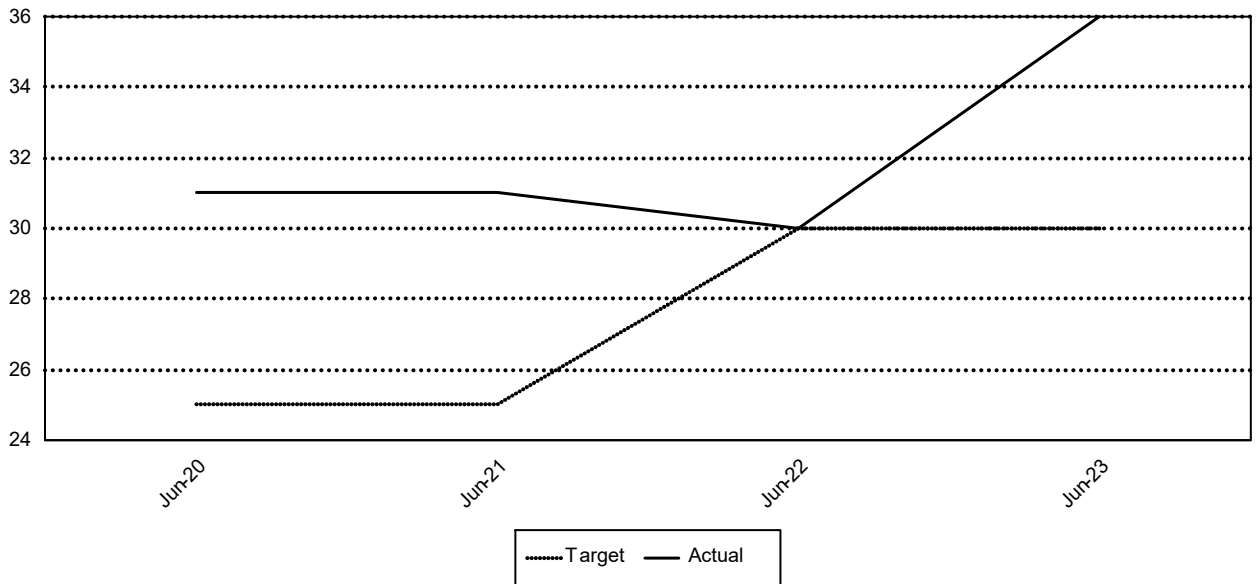
**002877 The AGO's Antitrust Division (ANT) enforces antitrust laws, protects consumers from illegal and harmful practices, and ensures a fair, efficient, and competitive marketplace for businesses. Active investigations can result in enforcement actions/litigation that prevent monopolies, price-fixing, 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	A3	36	30
	A2	30	30
2019-21	A3	31	25
	A2	31	25

Performance Measure Status: Approved

**Number**

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



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**A005    Enforcement of Consumer Protection Laws**

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	117.3	117.3	117.3
<b>17L Foreclosure Fairness Account</b>			
17L-6 Non-Appropriated	\$224	\$226	\$450
<b>001 General Fund</b>			
001-1 State	\$4,989	\$6,477	\$11,466
<b>12F Man/Mobile Home Dispute Resolution</b>			
12F-1 State	\$250	\$250	\$500
12F-6 Non-Appropriated	\$846	\$814	\$1,660
<b>12F Account Total</b>	<b>\$1,096</b>	<b>\$1,064</b>	<b>\$2,160</b>
<b>154 New Motor Vehicle Arbitration Acct</b>			
154-1 State	\$944	\$945	\$1,889
<b>25V WA St ATG Charitable Asset Prtn Acc</b>			
25V-6 Non-Appropriated	\$672	\$672	\$1,344

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

**Expected Results**

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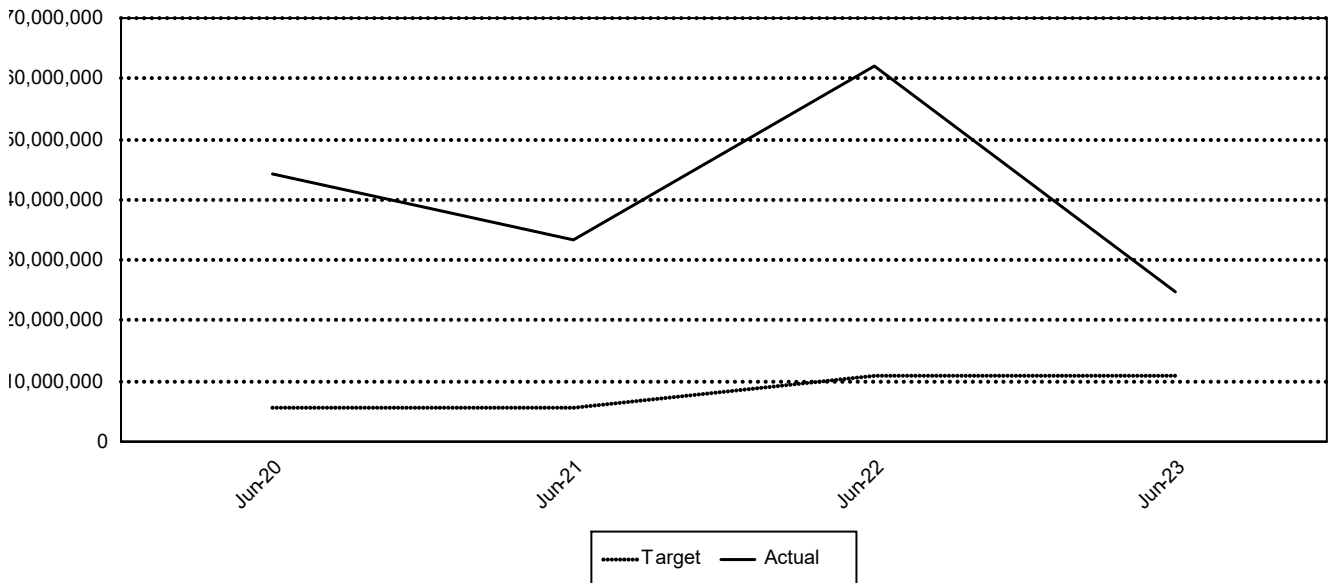
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*Appropriation Period: 2023-25    Sort By: Activity*

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.

<b>002534</b>				
<p>The AGO's Consumer Protection Division's (CPR) activities are expected to foster a fair, competitive and non-deceptive marketplace, prevent consumer harm, promote voluntary compliance with economic regulation by businesses, and resolve disputes between buyers and sellers in the marketplace. CPR is expected to recover a portion of operational costs through its litigation activity. CPR is expected to promote timely and effective new motor vehicle warranty service through mandatory arbitration, and foster compliance with the Manufactured Housing Landlord Tenant Act.</p>				
Biennium	Period	Actual	Target	
2021-23	A3	\$24,763,319	\$11,000,000	
	A2	\$61,994,515	\$11,000,000	
2019-21	A3	\$33,320,263	\$5,500,000	
	A2	\$44,302,499	\$5,500,000	
Performance Measure Status: Approved				

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



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**A007    Homicide Investigation Tracking System**

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	6.7	6.7	6.7
<b>001 General Fund</b>			
001-1 State	\$889	\$1,612	\$2,501

**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.

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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	224	254
	Q7	212	254
	Q6	233	254
	Q5	214	254
	Q4	205	254
	Q3	268	254
	Q2	236	254
	Q1	240	254
2019-21	Q8	216	253
	Q7	179	253
	Q6	168	253
	Q5	245	253
	Q4	252	253
	Q3	274	253
	Q2	215	253
	Q1	212	253

Performance Measure Status: Approved





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**A006    Executive Ethics Board**

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	4.0	4.0	4.0
<b>405 Legal Services Revolving Account</b>			
405-1 State	\$556	\$582	\$1,138

**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.

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<b>000018</b>				
<p>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.</p>				
Biennium	Period	Actual	Target	
2021-23	Q8	103	180	
	Q7	84	180	
	Q6	70	180	
	Q5	84	180	
	Q4	74	180	
	Q3	90	180	
	Q2	79	180	
	Q1	89	180	
2019-21	Q8	112	180	
	Q7	133	180	
	Q6	154	180	
	Q5	137	180	
	Q4	48	180	
	Q3	57	180	
	Q2	93	180	
	Q1	105	180	
Performance Measure Status: Approved				

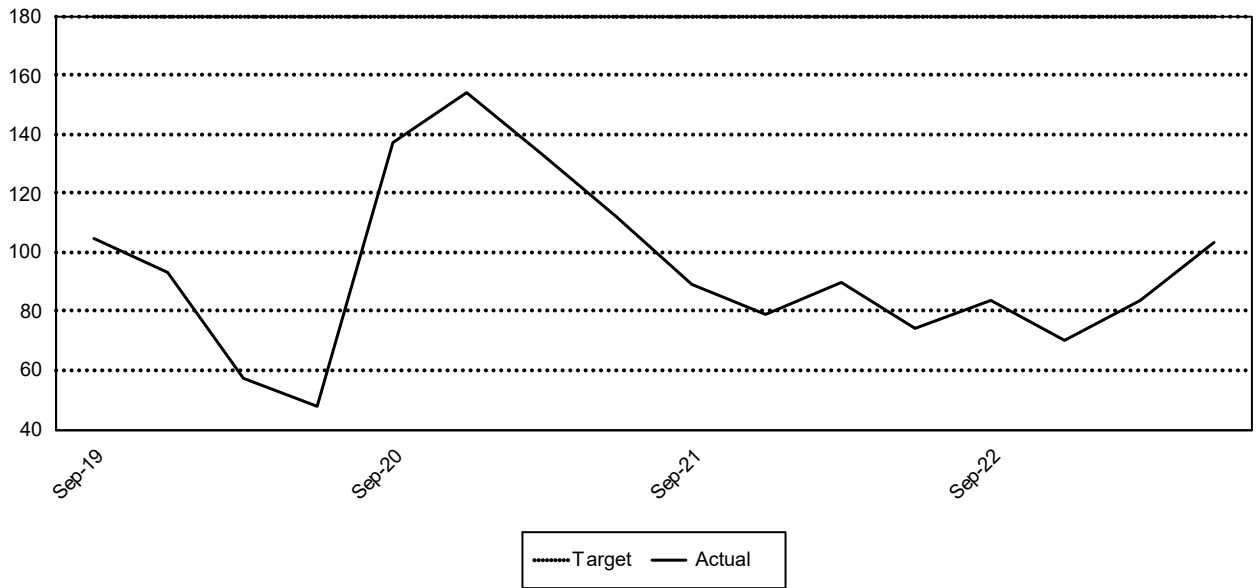
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**Number                      000018 - Average Number of Days to Complete an Ethics Investigation**



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**A008    Investigation and Defense of Tort Lawsuits**

The AGO’s Torts Division protects taxpayers by providing high quality and effective legal defense to the state in tort claims and lawsuits. Torts improves government efficiency by measuring the speed with which lawsuits resolve, and measuring success in resolving cases through early resolution. Torts also tracks “zero-payout cases” and appellate outcomes. Torts maintains a high rate of case appeal litigation success.

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	186.0	186.0	186.0

**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 services 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.



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*Appropriation Period: 2023-25    Sort By: Activity*

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

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	64.0	64.0	64.0
<b>141 Federal Seizure Account</b>			
141-6 Non-Appropriated	\$1,953	\$738	\$2,691
<b>001 General Fund</b>			
001-2 Federal	\$9,275	\$9,177	\$18,452
<b>19A Medicaid Fraud Penalty Account</b>			
19A-1 State	\$3,275	\$3,309	\$6,584

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

**Expected Results**

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2024 - 2024 Supplemental**

*Dollars in Thousands*

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*Appropriation Period: 2023-25    Sort By: Activity*

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

<b>002538</b>			
<p>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	A3	\$45,673,400	\$8,000,000
	A2	\$5,075,048	\$8,000,000
2019-21	A3	\$6,723,135	\$4,000,000
	A2	\$11,199,418	\$4,000,000
Performance Measure Status: Approved			





**ACT001 - Agency Activity Inventory  
100 - Office of Attorney General  
2024 - 2024 Supplemental**

*Dollars in Thousands*

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*Appropriation Period: 2023-25    Sort By: Activity*

**A010    Legal Services to State Agencies**

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	997.0	988.2	992.6
<b>141 Federal Seizure Account</b>			
141-6 Non-Appropriated	\$0	\$96	\$96
<b>001 General Fund</b>			
001-1 State	\$8,700	\$4,096	\$12,796
<b>405 Legal Services Revolving Account</b>			
405-1 State	\$192,111	\$189,717	\$381,828
<b>828 Tobacco Prevention/Control Account</b>			
828-1 State	\$129	\$130	\$259

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

**Expected Results**

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2024 - 2024 Supplemental**

*Dollars in Thousands*

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*Appropriation Period: 2023-25    Sort By: Activity*

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.

<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.</p> <p>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	A3	26,679	25,000
	A2	26,205	25,000
2019-21	A3	27,153	25,000
	A2	28,393	25,000
Performance Measure Status: Approved			

**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2024 - 2024 Supplemental**

Dollars in Thousands

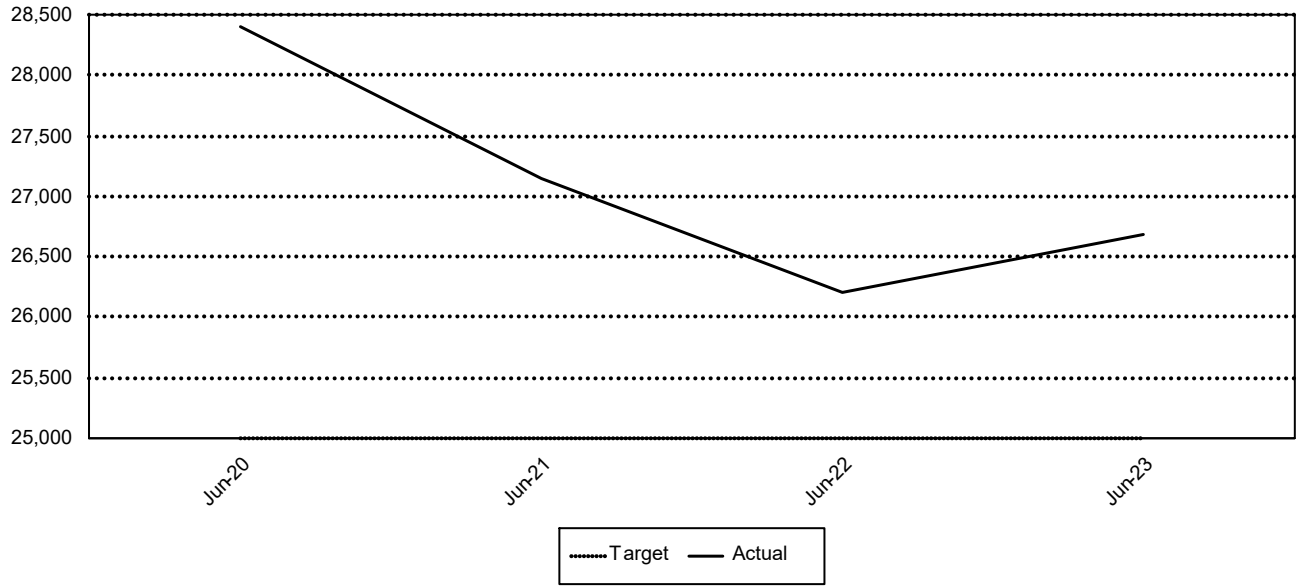
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Appropriation Period: 2023-25    Sort By: Activity

**Number**

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



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2024 - 2024 Supplemental**

*Dollars in Thousands*

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*Appropriation Period: 2023-25    Sort By: Activity*

**A011    Representing Ratepayers**

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE</b>	10.1	10.1	10.1
<b>111 Public Service Revolving Account</b>			
111-1 State	\$2,347	\$2,370	\$4,717

**Statewide Result Area: Prosperous Economy**

**Statewide Strategy: Provide consumer protection**

**Expected Results**

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

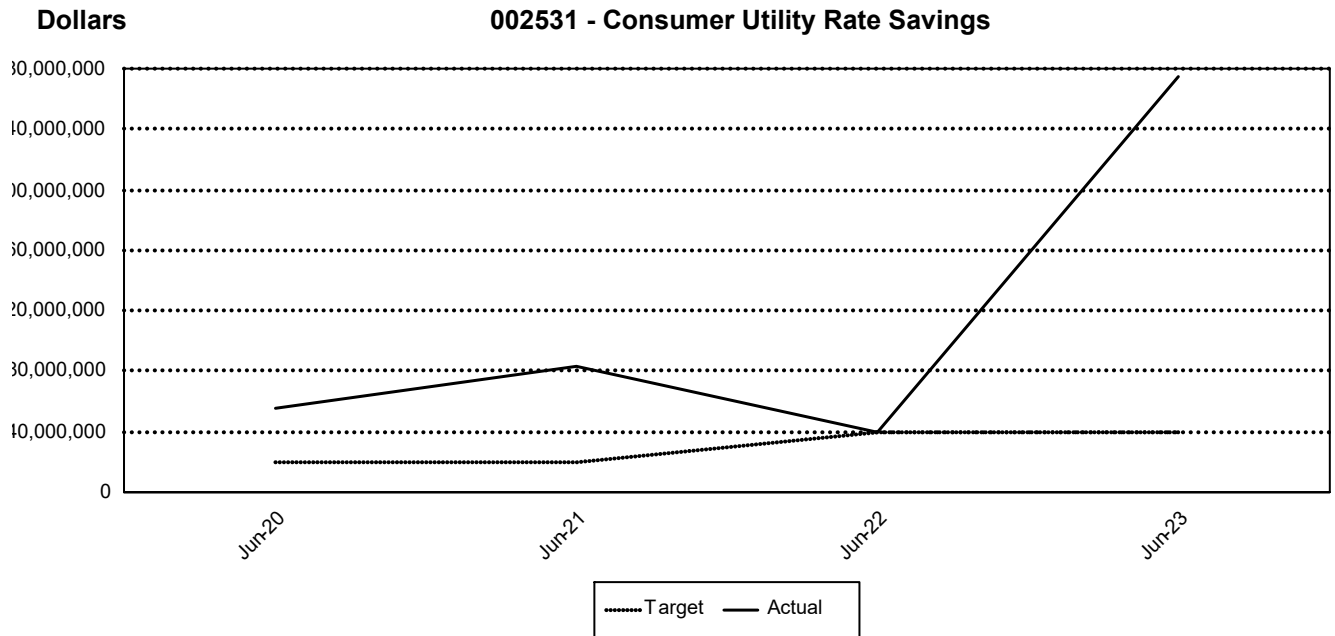
**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2024 - 2024 Supplemental**

*Dollars in Thousands*

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*Appropriation Period: 2023-25 Sort By: Activity*

<b>002531</b>				
<p>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.</p>				
Biennium	Period	Actual	Target	
2021-23	A3	\$274,900,000	\$40,000,000	
	A2	\$39,900,000	\$40,000,000	
2019-21	A3	\$83,700,000	\$20,000,000	
	A2	\$55,200,000	\$20,000,000	
Performance Measure Status: Approved				



**ACT001 - Agency Activity Inventory**  
**100 - Office of Attorney General**  
**2024 - 2024 Supplemental**

*Dollars in Thousands*

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*Appropriation Period: 2023-25    Sort By: Activity*

**A012    Victims Advocacy**

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

<b>Account</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>19P Child Rescue Fund</b>			
19P-1 State	\$60	\$60	\$120
<b>405 Legal Services Revolving Account</b>			
405-1 State	\$17	\$73	\$90

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

**Statewide Strategy:    Protect and support victims of crime**

**Expected Results**

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

**Grand Total**

	<b>FY 2024</b>	<b>FY 2025</b>	<b>Biennial Total</b>
<b>FTE's</b>	1,515.1	1,524.8	1,520.0
<b>GFS</b>	\$41,867	\$39,332	\$81,199
<b>Other</b>	\$230,958	\$233,999	\$464,957
<b>Total</b>	\$272,825	\$273,331	\$546,156

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Dollars in Thousands

**ABS033 Performance Measure Incremental Estimates  
100 Office of Attorney General  
2024 First Supplemental Budget Session  
2024 - 2024 Supplemental**

**Activity:**

CB	T0PL	No measures linked to activity
CB	T0PL	No measures linked to decision package
ML	RJ	No measures linked to activity
ML	RJ	No measures linked to decision package
ML	RK	No measures linked to activity
ML	RL	No measures linked to activity
ML	RM	No measures linked to activity
ML	RN	No measures linked to activity
ML	RQ	No measures linked to activity
PL	RA	No measures linked to activity
PL	RC	No measures linked to activity
PL	RD	No measures linked to activity
PL	RE	No measures linked to activity
PL	RF	No measures linked to activity
PL	RH	No measures linked to activity
PL	RT	No measures linked to activity

**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	RK	Firearm Lawsuits	0	0	0	0
ML	RL	Voter Rights Litigation	0	1	0	0
ML	RM	Private Detention Facilities	0	0	0	0
ML	RN	OSPI Litigation	0	0	0	0
PL	RC	DFW Legal Services	0	0	0	0
PL	RD	GMB Legal Services	0	0	0	0
PL	RE	Ecology Legal Services	0	0	0	0
PL	RF	EFSEC Legal Services	0	0	0	0
PL	RH	Leadership Board Legal Services	0	0	0	0



**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2024 - 2024 Supplemental**  
*Dollars in Thousands*

PL	RT	Tobacco Diligent Enforcement	0	0	0	0
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AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

<b>Output Measures</b>	<b>002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution</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	RQ	Manufactured Housing Dispute	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.

<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>
PL	RA	Permanent SAKI Unit	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
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**ABS033 Performance Measure Incremental Estimates**  
**100 Office of Attorney General**  
**2024 - 2024 Supplemental**  
*Dollars in Thousands*

**Activity: A001 Administration**

ML 9Z  
 ML RJ

No measures linked to decision package  
 No measures linked to decision package

**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	RK	Firearm Lawsuits	0	0	0	0
ML	RM	Private Detention Facilities	0	0	0	0
PL	RT	Tobacco Diligent Enforcement	0	0	0	0

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

**Activity: A003 Criminal Investigation and Prosecution**

ML 9Z

No measures linked to decision package

**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	RL	Voter Rights Litigation	0	1	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>
PL	RA	Permanent SAKI Unit	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**  
**2024 - 2024 Supplemental**  
*Dollars in Thousands*

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

ML 9Z

No measures linked to decision package

**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	RQ	Manufactured Housing Dispute	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**  
**2024 - 2024 Supplemental**  
*Dollars in Thousands*

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

ML 9Z

No measures linked to decision package

**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	RN	OSPI Litigation	0	0	0	0
PL	RC	DFW Legal Services	0	0	0	0
PL	RD	GMB Legal Services	0	0	0	0
PL	RE	Ecology Legal Services	0	0	0	0
PL	RF	EFSEC Legal Services	0	0	0	0
PL	RH	Leadership Board Legal Services	0	0	0	0

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

**Activity: A011 Representing Ratepayers**

ML 9Z

No measures linked to decision package

**Activity: A012 Victims Advocacy**

ML 9Z  
ML 9Z

No measures linked to activity  
No measures linked to decision package

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**2024 Supplemental Budget  
Activity Inventory Indirect Cost Allocation Approach**

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

**Date:** Sept 12, 2023

**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>	9.8%	24,420	27,769	52,189
<b>A002 - Civil Commitment of Sexually Violent Predators</b>	3.1%	7,726	8,760	16,486
<b>A003 - Criminal Investigation and Prosecution</b>	2.8%	7,134	8,013	15,147
<b>A004 - Enforcement of Anti-Trust Laws</b>	2.4%	6,268	6,286	12,554
<b>A005 - Enforcement of Consumer Protection Laws</b>	1.0%	2,712	2,681	5,393
<b>A006 - Executive Ethics Board</b>	0.2%	556	582	1,138
<b>A007 - Homicide Investigation Tracking System</b>	0.5%	889	1,612	2,501
<b>A008 - Investigation and Defense of Tort Lawsuits</b>	0.2%	580	580	1,160
<b>A009 - Investigation and Prosection of Medicaid Fraud and Resident Abuse</b>	5.2%	14,503	13,224	27,727
<b>A010 - Legal Services to State Agencies</b>	74.0%	200,940	194,039	394,979
<b>A011 - Representing Ratepayers</b>	0.9%	2,347	2,370	4,717
<b>A012 - Victims Advocacy</b>	0.0%	17	73	90
<b>TOTALS</b>	<b>100.0%</b>	<b>268,092</b>	<b>265,989</b>	<b>534,081</b>

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## AGO STRATEGIC PLAN 2022-2024

### SERVE THE STATE

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

#### FY 2022-24 Goals:

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.

#### FY 2022-24 Goals:

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.

#### FY 2022-24 Goals:

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.

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RECOMMENDATION  
SUMMARY



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Dollars in Thousands

**ABS024 Recommendation Summary  
Office of Attorney General  
2024 First Supplemental Budget Session  
2024 - Version Roll Up**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	1,500.2	76,091	459,753	535,844
<b>2023-25 Current Biennium Total</b>	<b>1,500.2</b>	<b>76,091</b>	<b>459,753</b>	<b>535,844</b>
<b>Total Carry Forward Level</b>	<b>1,500.2</b>	<b>76,091</b>	<b>459,753</b>	<b>535,844</b>
Percent Change from Current Biennium	.0%	.0%	.0%	.0%
<b>Maintenance – Other Changes</b>				
MLRJ Wenatchee Office Relocation	0.0	0	1,318	1,318
MLRK Firearm Lawsuits	5.9	2,246	0	2,246
MLRL Voter Rights Litigation	0.3	117	0	117
MLRM Private Detention Facilities	1.7	591	0	591
MLRN OSPI Litigation	1.6	0	465	465
MLRP Child Rescue Account Authority	0.0	0	120	120
MLRQ Manufactured Housing Dispute	0.5	0	500	500
MLRR SAKI Grant Authority	0.0	0	621	621
MLRS Foreclosure Compliance Program	0.0	0	150	150
<b>Maintenance – Other Total</b>	<b>10.0</b>	<b>2,954</b>	<b>3,174</b>	<b>6,128</b>
<b>Total Maintenance Level</b>	<b>1,510.2</b>	<b>79,045</b>	<b>462,927</b>	<b>541,972</b>
Percent Change from Current Biennium	.7%	3.9%	.7%	1.1%
<b>Policy – Other Changes</b>				
PL RA Permanent SAKI Unit	2.7	801	0	801
PL RC DFW Legal Services	1.9	0	587	587
PL RD GMB Legal Services	1.9	0	587	587
PL RE Ecology Legal Services	1.2	0	371	371
PL RF EFSEC Legal Services	1.3	0	410	410
PL RH Leadership Board Legal Services	0.3	0	75	75
PL RT Tobacco Diligent Enforcement	0.6	1,353	0	1,353
<b>Policy – Other Total</b>	<b>9.8</b>	<b>2,154</b>	<b>2,030</b>	<b>4,184</b>
<b>Subtotal - Policy Level Changes</b>	<b>9.8</b>	<b>2,154</b>	<b>2,030</b>	<b>4,184</b>
<b>2023-25 Total Policy Level</b>	<b>1,520.0</b>	<b>81,199</b>	<b>464,957</b>	<b>546,156</b>
Percent Change from Current Biennium	1.3%	6.7%	1.1%	1.9%

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2024 - Version Roll Up**  
*Dollars in Thousands*

**ML RJ Wenatchee Office Relocation**

The Attorney General's Office (AGO) is seeking to relocate its Wenatchee office because the building owner has provided notice that they will not renew the lease, which expires in October of 2024. The building owner recently confirmed that they want the AGO to move as soon as possible and made it clear that they would not agree to a hold over. 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 RK Firearm Lawsuits**

The State is currently facing eight separate active lawsuits relating to firearm regulations. While the Legislature previously provided funding for gun litigation in the 2023-25 biennial budget, supplemental funding is sought due to the proliferation of cases, the need for historical experts and analysis in each of them.

**ML RL Voter Rights Litigation**

The State was sued under the Voting Rights Act (VRA), alleging that the most recent legislative redistricting adopted a district in the Yakima area that diluted Latino voting power. On August 10, 2023 the Court found the State liable and gave the State until February 7, 2024, to adopt remedial maps. The Attorney General's Office (AGO) Complex Litigation (COM) requests funding to implement this order, including associated legal work and funding of experts.

**ML RM Private Detention Facilities**

The GEO Group, which operates the Northwest Detention Center, filed a lawsuit challenging recently enacted Second Substitute House Bill 1470 during the 2023 Legislative Session, which allows several state agencies to regulate private detention facilities and also allows lawsuits against such facilities for violating various aspects of the new law. Defending this lawsuit will involve significant work not currently funded.

**ML RN OSPI Litigation**

This request is to fund defense of two lawsuits and one administrative appeal against the Office of the Superintendent of Public Instruction (OSPI). This request will provide funding for resources needed to continue defending Washington's statutory implementation of Individuals with Disabilities Education Act (IDEA) and OSPI's oversight of Northwest School of Innovative Learning (NWSOIL).

**ML RP Child Rescue Account Authority**

The Attorney General's Office is requesting an increase in expenditure authority for the Child Rescue Account to more efficiently payout grant amounts to Children's Advocacy Centers of Washington.

**ML RQ Manufactured Housing Dispute**

The Manufactured Housing Dispute Resolution Program (MHD) requires additional EA to effectively enforce the Manufactured Housing/Mobile Home Landlord-Tenant Act, RCW 59.20 (MHLTA). Specifically, additional funding is needed in order to provide dispute resolution services for constituents; add enforcement staff; and to develop, update, and distribute educational materials pursuant to RCW 59.30. In addition, MHD expects a significant increase in costs to defend notices issued and to update its complaint database.

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2024 - Version Roll Up**  
*Dollars in Thousands*

**ML RR SAKI Grant 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.

**ML RS Foreclosure Compliance Program**

The Attorney General's Office (AGO) has a statutory obligation to enforce the Foreclosure Fairness Act (Act), RCW 61.24, and does this through the Foreclosure Compliance Program (FCP). FCP resolves consumer complaints from borrowers, housing counselors, and others who contend that a bank or servicer has violated provisions of the Act; and files litigation to enforce the Act. Given the economic downturn, the AGO projects increased foreclosures and will require General Fund State (GF-S) to meet its obligation to enforce the Act and protect vulnerable borrowers. The Foreclosure Fairness Account (FFA) does not have sufficient revenue to support the increased costs.

**PL RA Permanent SAKI Unit**

The Attorney General's Office (AGO) requests funding for a permanent Sexual Assault Kit Initiative (SAKI) unit which would be an extension within the already existing Criminal Justice Division. For the past six years, the SAKI Unit, that is presently grant funded and set to end in September of 2024, has made significant accomplishments related to sexual assault kit testing and subsequent investigations and has been vital in solving sexual assault cases statewide and bringing justice to victims of serious crimes. Creating a permanent unit, the AGO can continue, and expand on, our already significant accomplishments—solving more cases and bringing justice to more victims.

**PL RC DFW Legal Services**

Washington Department of Fish and Wildlife (WDFW) recently expanded its Hydraulic Project Approvals (HPA) Civil Enforcement program. It is working to adopt new fish screening rules and anticipates more Federal Energy Regulatory Commission (FERC) relicensing requests needing significant legal support. WDFW is involved in more complex habitat restoration projects, all of which have increased legal workload. WDFW litigation has been on a consistent upward trend and WDFW are in full supports this request.

**PL RD GMB Legal Services**

The Washington State Gambling Commission (the Commission) is requesting additional funding for legal services, as its current allocation is insufficient to meet its day-to-day needs. Over the past several years, the Commission has seen a marked increase in its need for advice and litigation legal services. The Commission has significantly overspent its legal services allocation for the 2017-19, 2019-21, and 2021-23 Biennia.

**PL RE Ecology Legal Services**

The Washington Department of Ecology (Ecology) has an ongoing and increasing need for the Attorney General's Office (AGO) legal services related to the Clean Water Act and Water Pollution Control Act, as its current allocation is insufficient to meet the increased day-to-day legal service needs. Over the past several years, Ecology has seen a marked increase in its need for advice and litigation legal services.

**PL RF EFSEC Legal Services**

**ABS024 Recommendation Summary**  
**Office of Attorney General**  
**2024 - Version Roll Up**  
*Dollars in Thousands*

The Washington Energy Facility Site Evaluation Council (EFSEC) is requesting funding for legal services within the Central Service Model (CSM). Over the past several years, EFSEC has seen a marked increase in its need for advice and litigation legal services to provide a "one-stop" siting process for major energy facilities in the State of Washington. EFSEC coordinates all evaluation and licensing steps for siting certain energy facilities in Washington. EFSEC specifies the conditions of construction and operation. EFSEC currently does not have a legal services allocation in the CSM.

**PL RH Leadership Board Legal Services**

The Washington State Leadership Board (WSLB) is requesting funding for legal services within the Central Service Model. WSLB has seen an increase in its need for general advice and policy review. WSLB specializes in delivering equity-focused leadership programs for the State of Washington. It is best known for bestowing official honors on behalf of the state, such as the Washingtonian of the Year. WSLB currently does not have a legal services allocation in the Central Service Model.

**PL RT Tobacco Diligent Enforcement**

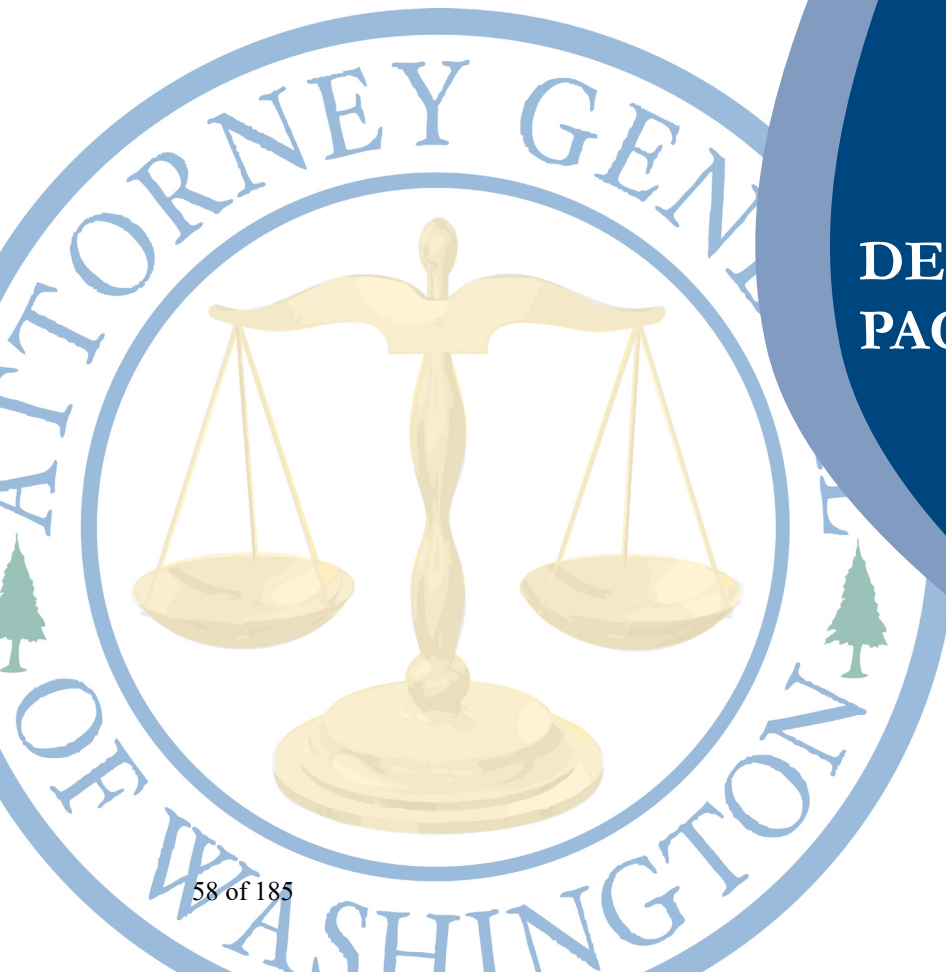
The Attorney General's Office (AGO) seeks additional funding to diligently enforce tobacco escrow requirements. Under the Master Settlement Agreement (MSA) with the major tobacco companies, millions of dollars per year are withheld from the State and placed into a Disputed Payments Account. The State 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 or even hundreds of millions of dollars from its future MSA payments.



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**DECISION  
PACKAGES**



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**2024 Supplemental BUDGET REQUEST**  
**Office of the Attorney General**

**Decision Package Summary**

<b>ML Priority</b>			
<b>Type</b>	<b>Rec Sum</b>	<b>DP Title</b>	<b>Priority</b>
ML	RJ	Wenachee Office Relocation	
ML	RK	Firearm Lawsuits	
ML	RL	Voter Rights Litigation	
ML	RM	Private Detention Facilities	
ML	RN	OSPI Litigation	
ML	RP	Child Rescue Account Authority	
ML	RQ	Manufactured Housing Dispute	
ML	RR	SAKI Grant Authority	
ML	RS	Foreclosure Compliance Program	

<b>PL Priority</b>			
<b>Type</b>	<b>Rec Sum</b>	<b>DP Title</b>	<b>Priority</b>
PL	RA	Permanent SAKI Unit	
PL	RT	Tobacco Diligent Enforcement	
PL	RC	DFW Legal Services	
PL	RD	GMB Legal Services	

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## Agency Recommendation Summary

The Attorney General’s Office (AGO) is seeking to relocate its Wenatchee office because the building owner has provided notice that they will not renew the lease, which expires in October of 2024. The building owner recently confirmed that they want the AGO to move as soon as possible and made it clear that they would not agree to a hold over. 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>Staffing</b>						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 405 - 1	\$1,318	\$0	\$1,318	\$0	\$0	\$0
Total Expenditures	\$1,318	\$0	\$1,318	\$0	\$0	\$0
<b>Revenue</b>						
405 - 0420	\$1,318	\$0	\$1,318	\$0	\$0	\$0
Total Revenue	\$1,318	\$0	\$1,318	\$0	\$0	\$0

## 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. Many of these functions provide service to the underprivileged and underserved communities in the area.

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 will not renew the AGO's lease as they need the space for their own operations. The building owner recently confirmed that they want the AGO to move as soon as possible with no possibility of a holdover of any length.

The AGO needs to have an office in Wenatchee for the foreseeable future. The AGO understands the costs associated with moving and would not be requesting this move if the Lessor would allow us to remain in the current building.

In addition to needing a new space as mentioned above, the RSD-WEN team has grown from 11 positions to 19 positions since March 2020 and needs additional space to accommodate the additional staff. 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. Three touchdown workspaces are sufficient to meet this need.

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 and model at this location.

## Assumptions and Calculations

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

The relocation is the result of the current building owner being unwilling 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)	\$1,200,000
C. IT Infrastructure	\$28,500
D. Furniture Relocation Costs	\$8,500
E. Building Security and Access Systems	\$40,000
F. Moving Vendor and Supplies	\$6,600
Total	\$1,318,000

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. Current lump sum bid from contractor is \$1.2M.
- 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. Furniture Relocation Costs: We will need to surplus any furniture we do not keep which will require moving it to Olympia.
- E. 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.
- F. 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 2024 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 (\$91,812 - \$79,547)

Lease assumptions above are not included in the \$1,318,000 request. Lease costs for the new Wenatchee building are included in the AGO's 2023-25 biennial budget Lease Adjustments Decision Package.

Parking Assumptions:

We are looking for at least 20 parking stalls to be included in the lease at no additional cost.

**Workforce Assumptions:**

None.

## 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 workspace 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 in FY 2024 and \$106,574 in FY 2025 for monthly lease and parking costs in the 2023-25 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 were included in the AGO’s 2023-25 biennial budget Lease Adjustments Decision Package.

Activity and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A0001 - Administration	405-1	1,318			
<b>TOTAL</b>		<b>1,318</b>	-	-	-

### **Performance Outcomes:**

The AGO submits this request to sustain the current level of legal services to communities in the Wenatchee area without any disruption. The approval of this request will not result in incremental changes to agency performance measures.



## Equity Impacts

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

If we do not have a presence in Wenatchee, people would have to travel to Spokane or Yakima to gain access which would be a hardship for many at-risk constituents. Despite our best efforts to proactively plan this facility transition, recent interruption to the process have created a timeline for the project (lease ending October 2024) that the AGO may be left without a facility in this expansive region to serve these constituents if the project is not funded and expedited.

### **Disproportional Impact Considerations:**

Wenatchee is an underserved community and maintaining our access to our services in the community is vital.

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

The new Wenatchee office will be accessible to members of the public who need to visit the office for a variety of reasons.

## 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.

### **HEAL Act Agencies Supplemental Questions**

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	\$1,318	\$0	\$1,318	\$0	\$0	\$0

## Agency Contact Information

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## Agency Recommendation Summary

The State is currently facing eight separate active lawsuits relating to firearm regulations. While the Legislature previously provided funding for gun litigation in the 2023-25 biennial budget, supplemental funding is sought due to the proliferation of cases, the need for historical experts and analysis in each of them.

## 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	5.9	5.9	5.9	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$1,112	\$1,134	\$2,246	\$0	\$0	\$0
Total Expenditures	\$1,112	\$1,134	\$2,246	\$0	\$0	\$0

## Decision Package Description

The State is currently facing eight separate active lawsuits relating to firearm regulations. These cases rely heavily on expert discovery on the use and functionality of the firearms at issue, as well as a historical analysis of firearm regulations.

### Assault Weapons Cases

House Bill 1240 (2023) restricts the manufacturing, sale, importation, and distribution of assault weapons, with some exceptions. Since the bill was signed, three lawsuits have been brought seeking to declare the law unconstitutional: *Banta, et al. v. Ferguson, et al.* (E.D. Washington); *Hartford, et al. v. Ferguson, et al.* (W.D. Washington); and *Guardian Arms, et al. v. State of Washington, et al.* (Thurston County Superior Court). Plaintiffs in each case include a mix of individual plaintiffs, gun sellers, and firearm advocacy groups. Plaintiffs have all sought preliminary relief; to date, our office has successfully defended against these requests in *Hartford* and *Guardian Arms*, and we are awaiting a ruling on Plaintiffs’ Motion for Preliminary Injunction in *Banta*, which was heard on August 18, 2023.

Discovery in these cases—primarily expert discovery—is in its infancy. Discovery in each should extend into spring or summer of 2024. Following discovery, it is possible that these cases will be resolved on summary judgment. If not, these cases will be going to trial starting in July 2024, when *Hartford v. Ferguson* is set to begin an eight-day bench trial. It is highly likely that this case will be appealed to the Ninth Circuit.

### Large Capacity Magazine Cases

Senate Bill 5078 (2022) prohibits the manufacture, distribution, import, and sale of large-capacity firearm magazines, with limited exemptions. Two separate lawsuits have been brought challenging its constitutionality: *Sullivan, et al. v. Ferguson, et al.* (W.D. Washington) and *Brumback, et al. v. Ferguson, et al.* (E.D. Washington). As with the assault weapons cases, the plaintiffs include individuals, gun sellers, and advocacy groups.

*Sullivan* is by far the more advanced of the two—discovery has closed and the parties are currently briefing summary judgment, with briefing to be completed by October 16, 2023. In the event this case is not resolved on summary judgment, there is no trial date currently set. Should the case go to trial, we anticipate trial will take around six days, as happened in a recent Large Capacity Magazine case in Oregon federal court.

*Brumback* remains in a preliminary posture. The Court heard oral argument on Plaintiffs’ Motion for Preliminary Injunction in November 2022, and has yet to rule. Once the Court rules, we will proceed to discovery—again, primarily expert discovery. In the event this case does not resolve on summary judgment, we would anticipate a trial lasting around six days. It is highly likely that these cases will be appealed to the Ninth Circuit.

### Other Cases

*Mitchell, et al. v. Atkins, et al.* (W.D. Washington): The voters passed Initiative 1639 in November 2018. I-1639, in relevant part, restricts the ability of individuals under the age of 21 from purchasing a semi-automatic rifle. Shortly after the law went into effect, a lawsuit was filed

challenging the age restriction provision as a violation of the Second Amendment as well as a provision requiring enhanced background checks that prohibits sales to non-Washington residents as a violation of the dormant Commerce Clause. We successfully defended this case in the Western District of Washington under the pre-*Bruen* standard and the case was appealed to the Ninth Circuit. While the case was up on appeal the *Bruen* decision was issued and we successfully requested the case be remanded to the district court to allow us to further supplement the record.

Currently our expert disclosures, discovery, and dispositive motions work will be completed by the end of 2023. We believe it is likely that the case will be resolved on summary judgment. However, if not the case will proceed to trial March 11, 2024, for a five day bench trial. It is highly likely that this case will be appealed to the Ninth Circuit.

*Silent Majority Foundation, et al. v. Jay Inslee, et al* (Thurston County Superior Court): HB 1705 (2022) bans the possession of unserialized ghost guns. Plaintiffs, including individuals and the Silent Majority Foundation, have challenged the possession ban under Washington's Constitution. Plaintiffs' Motion for Preliminary Injunction was denied in March 2023. More recently, the case was ordered transferred from Stevens County Superior Court to Thurston County Superior Court. Plaintiffs have sought appellate review of that transfer, and the case is currently stayed pending the outcome of that request. Once the venue issue is finally resolved, we will proceed to discovery and ultimately motion practice and potentially trial.

*National Shooting Sports Foundation v. Ferguson* (E.D. Washington): The Firearm Industry Responsibility & Gun Violence Victims' Access to Justice Act (2023) requires gun industry participants to take reasonable precautions to ensure their products do not end up in the wrong hands and likewise forbids gun industry participants from knowingly contributing to a public nuisance. Plaintiff has challenged the law, asserting various constitutional theories, including preemption, a dormant Commerce Clause challenge, a First Amendment challenge, and a Second Amendment challenge, among others. Plaintiff moved for a preliminary injunction and the State moved to dismiss. Both motions were heard on August 18, 2023. It is highly likely that this case will be appealed to the Ninth Circuit.

## Assumptions and Calculations

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

The Legislature previously provided \$1,002,000 for gun litigation in the 2023-25 biennial budget. Supplemental funding is sought for an additional 2.5 Assistant Attorney General (AAG), 1.5 Paralegal 2 (PL2), 1.0 Paralegal (PL1) and direct costs of \$200,000 for experts in both FY 2024 and 2025.

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

The eight pending cases are at various points in the litigation continuum, but any or all of these could go to trial. If the cases are resolved on motion practice, appeals are likely in each of them. Due to this proliferation of work, there will be substantial additional attorney and professional staff time as well as continued expert bills. The Legislature previously provided \$1,002,000 for gun litigation in the 2023-25 biennial budget. AGO requests supplemental funding in the amount of \$2,246,000 for an additional 2.5 AAGs, 1.5 PL2, 1 PL1 and direct costs of \$200,000 for experts in both FY 2024 and 2025.

### **Workforce Assumptions:**

FTE detail is provided, Dollars in thousands:

FTE		FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
AAG	FTE	2.5	2.5			N
	Object A & B	433	455			
PL1	FTE	1.0	1.0			N
	Object A & B	99	102			
PL2	FTE	1.5	1.5			N
	Object A & B	162	166			
MA5	FTE	1.0	1.0			N
	Object A & B	99	102			
<b>TOTAL FTE</b>		<b>6.0</b>	<b>6.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>		<b>793</b>	<b>825</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 and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A001 - Administration	001-1	1,112	1,134		
<b>TOTAL</b>		<b>1,112</b>	<b>1,134</b>	<b>-</b>	<b>-</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
2539 Cases open at end of fiscal year	001-1	1,112	1,134		
<b>TOTAL</b>		<b>-</b>	<b>-</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:

Increase based on assumption all current active cases are closed.

## Equity Impacts

### Community outreach and engagement:

N/A

### Disproportional Impact Considerations:

N/A

### Target Populations or Communities:

The laws at issue seek to reduce gun violence. “Gun violence impacts all communities in Washington. Black, Indigenous, and people of color are much more likely than white Washingtonians to be killed by a gun.” See, Governor Inslee’s December 2022 Policy Brief, p. 2, [Firearm Violence Policy Brief \(wa.gov\)](https://www.wa.gov/policy-briefs/firearm-violence-policy-brief).

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

Sheriffs and county prosecutors are named as defendants in some of these cases. For instance, 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. *Banta, et al. v. Ferguson, et al.*, United States District Court for the Eastern District of Washington, Case No. 2:23-CV-00112-MKD
2. *Hartford, et al. v. Ferguson, et al.* United States District Court for the Western District of Washington, Case No. 3:23-cv-05364-RJB
3. *Guardian Arms, et al. v. State of Washington, et al.*, Thurston County Superior Court, Case No. 23-2-01761-34
4. *Sullivan, et al. v. Ferguson, et al.*, United States District Court for the Western District of Washington, Case No. 3:22-cv-5403-DGE
5. *Brumback v. Ferguson, et al.*, United States District Court for the Eastern District of Washington, Case No. 1:22-cv-03093-MKD
6. *Mitchell, et al. v. Atkins, et al.*, United States District Court for the Western District of Washington, Case No. 3:19-cv-05106-JCC
7. *Silent Majority Foundation, et al. v. Jay Inslee, et al.*, Court of Appeals, Division III, Case No. 23-2-00092-33
8. *National Shooting Sports Foundation v. Ferguson*, United States District Court for the Eastern District of Washington, Case No. 2:23-cv-00113

### **HEAL Act Agencies Supplemental Questions**

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	\$614	\$633	<b>\$1,247</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$190	\$193	<b>\$383</b>	\$0	\$0	<b>\$0</b>
Obj. C	\$200	\$200	<b>\$400</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$102	\$102	<b>\$204</b>	\$0	\$0	<b>\$0</b>
Obj. G	\$6	\$6	<b>\$12</b>	\$0	\$0	<b>\$0</b>

## Agency Contact Information

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## Agency Recommendation Summary

The State was sued under the Voting Rights Act (VRA), alleging that the most recent legislative redistricting adopted a district in the Yakima area that diluted Latino voting power. On August 10, 2023 the Court found the State liable and gave the State until February 7, 2024, to adopt remedial maps. The Attorney General’s Office (AGO) Complex Litigation (COM) requests funding to implement this order, including associated legal work and funding of experts.

## 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	0.4	0.1	0.25	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$94	\$23	\$117	\$0	\$0	\$0
Total Expenditures	\$94	\$23	\$117	\$0	\$0	\$0

## Decision Package Description

*Soto Palmer v. Hobbs* was initially filed in January 2022, shortly after the Legislature adopted the Redistricting Plan, and is assigned to Judge Robert Lasnik in the Western District of Washington. Separately, the State has defended against the related suit of *Garcia v. Hobbs, et al.*

### *Soto Palmer v. Hobbs*

In *Soto Palmer*, Plaintiffs initially sued Secretary Hobbs, Speaker of the House Jinkins, and Senate Majority Leader Billig. Secretary Hobbs filed a statement declaring that he was taking no position in the case. Jinkins and Billig sought dismissal on the grounds that they were not proper defendants because they could not provide any relief to Plaintiffs. In granting that motion, the Court also granted Secretary Hobbs’ motion to join the State as a party, which Plaintiffs did by filing an Amended Complaint on May 13, 2023. The Court also granted a motion to intervene brought by Legislative District (LD) 15 resident (and Granger mayor) Jose Trevino, Kennewick resident Ismael Campos, and LD 13 State Representative Alex Ybarra, who sought to intervene to defend the maps against Plaintiffs’ VRA challenge. The Commission voted against intervening to defend the maps.

Plaintiffs’ Amended Complaint alleges that the State violated Section 2 of the VRA (and did so with discriminatory intent) by approving a legislative map in which LD 15 “is unlikely to afford Latino voters an equal opportunity to elect their candidates of choice[.]”<sup>[1]</sup>

Following a four-day trial in June 2023, the Court concluded that Plaintiffs had proven a violation of Section 2 of the Voting Rights Act. The Court declined to reach Plaintiffs’ claim of intentional discrimination. In its order, the Court gave the State “an opportunity to adopt revised legislative district maps for the Yakima Valley region pursuant to the process set forth in the Washington State Constitution and state statutes, with the caveat that the revised maps must be fully adopted and enacted by February 7, 2024.” Memorandum of Decision, Docket 218 at 32. Thus, the Legislature and/or Governor will have an opportunity to call a special session to vote on whether to reconstitute the Redistricting Commission pursuant to RCW 44.05.120. If the Legislature votes to reconstitute the Commission, the Commission will have up to sixty days to adopt a revised plan, and the Legislature will have a further 30 days to amend the plan before it becomes law. The Court ordered the parties to “file a joint status report on January 8, 2024, notifying the Court whether a reconvened Commission was able to redraw and transmit to the Legislature a revised map by that date. If the Commission was unable to do so, the parties shall present proposed maps (jointly or separately) with supporting memoranda and exhibits for the Court’s consideration on or before January 15, 2024. Regardless whether the State or the Court adopts the new redistricting plan, it will be transmitted to the Secretary of State on or before March 25, 2024, so that it will be in effect for the 2024 elections.” *Id.*

The Court entered its final judgment on August 11, 2023. Consequently, Intervenor–Defendants have until September 11, 2023, to file their likely Notice of Appeal.

### *Garcia v. Hobbs, et al.*

In *Garcia*, the suit alleges that the Commission violated the Equal Protection Clause by taking voters’ race into account in drafting LD 15, when doing so was not necessary to comply with Section 2 of the VRA. *Garcia* was assigned to a three-judge panel of Judges Robert Lasnik (W.D. Wash.), David Estudillo (W.D. Wash.), and Lawrence VanDyke (9th Circuit.). That case was tried concurrently with *Soto Palmer*. Although the

Court has not yet ruled in *Garcia*, in light of the Court’s ruling in *Soto Palmer*, Mr. Garcia’s claim cannot succeed on the merits and/or is moot. It is likely that Mr. Garcia will attempt to appeal an adverse ruling in his case, although his ability to appeal will likely turn on the outcome of an appeal in *Soto Palmer*.

\*\*\*\*

This request will fund the existing legal team’s work through the biennium, which is estimated to be 0.25 Assistant Attorney General (AAG), 0.08 Paralegal 2 (PL2), and 0.04 Paralegal 1 (PL1) in FY 2024 and 0.08 AAG in FY 2025. This includes work associated with the remedial phase of the case, including legal analysis of potential remedial maps, briefing as ordered by the Court, and other litigation costs. It includes legal work related to appeal, primarily including briefing and preparing for and conducting oral argument. The existing legal team consists of three attorneys, one paralegal, and one legal assistant, working on this matter as part of their regular caseloads.

It also includes direct litigation costs. Expert fees in the amount of \$20,000 for a mapping expert to assist with VRA compliance in the remedial phase plus court costs and other associated costs totaling \$5,000.

[1] Section 2 of the VRA prohibits states from adopting any “standard, practice, or procedure . . . which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color,” including any legislative maps which, “based on the totality of circumstances, . . . are not equally open to participation by members of a class of citizens . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.”

**Assumptions and Calculations**

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

The State has been litigating this case since the 2021-23 biennium under proviso funding from the legislature. The current request seeks to continue funding as the case continues toward its conclusion.

**Detailed Assumptions and Calculations:**

The AGO requires additional funding of \$94,000 in FY 2024 and \$23,000 in FY 2025. This additional funding will support .25 AAG, .08 PL2, .04 PL1 and .08 MA5 in FY 2024 and .08 AAG, .04 PL1 and .02 MA5 in FY 2025. Direct litigation costs totaling \$25,000 includes the cost of expert analysis, court fees, and vendor costs associated with appellate filings. This is based on expert costs of 66.67 hours of work at a contract price of \$300 per hour (66 2/3 x 300 = 20,000) in FY 2024. Court fees and vendor costs: \$5,000 in FY 2024.

Direct Litigation Costs and workload costs are considered one-time costs and will not be required beyond FY 2024.

**Workforce Assumptions:**

FTE detail is provided, Dollars in thousands:

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
AAG FTE	0.25	0.08			N
Object A & B	43	14			
PL1 FTE	0.04	0.04			N
Object A & B	4	4			
PL2 FTE	0.08				N
Object A & B	9				
MA5 FTE	0.08	0.02			N
Object A & B	10	3			
<b>TOTAL FTE</b>	<b>0.5</b>	<b>0.1</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>66</b>	<b>21</b>	<b>0</b>	<b>0</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

#### Results Washington:

Goal 5: Effective, Efficient and Accountable Government.

Sub-Topic: Customer Satisfaction and Confidence

Outcome Measures:

- 1.1 Increase/maintain customer service satisfaction with accuracy, timeliness, and respectfulness.
- 1.3 Increase/maintain timely delivery for state services.

#### AGO Strategic Plan:

- 1. Priority – Serve the State
  - Goal 1 – Deliver high quality, timely, and efficient legal services.
- 2. Priority – Protect the People
  - Goal 1 – Defend the civil rights and stand up for vulnerable Washingtonians.

Activity and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A001-Administration	001-1	94	23		
<b>TOTAL</b>		<b>94</b>	<b>23</b>	-	-

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
2539 Cases open at end of fiscal year	001-1	94	23		
<b>TOTAL</b>				-	-

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
002539 - Cases Open at End of Fiscal Year	0	1	0	0

### Performance Outcomes:

We anticipate to close this case in FY25

## Equity Impacts

### Community outreach and engagement:

N/A

### Disproportional Impact Considerations:

N/A

### Target Populations or Communities:

Ensuring that the State adopts a legally compliant map will directly promote the ability of Latino voters to meaningfully participate in the democratic process.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

In the redistricting process, the Yakama Nation requested to be kept whole in a single legislative district. The Redistricting Commission met that goal by putting the entire Nation in LD 14. This litigation affects the shape of the neighboring district, LD 15. Because creating a VRA-compliant district requires shifting population around, the remedial phase of the litigation will necessarily involve moving the boundaries between LD 14 and LD 15. The AGO will prioritize—and work to ensure the Court prioritizes—respecting the will of the Yakama Nation, and preserving the entire Nation together in a single legislative district.

### **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 necessary to implement Judge Robert Lasnik’s order (and anticipated future order on attorneys’ fees) in *Soto Palmer v. Hobbs*, Case 3:22-cv-05035 (W.D. Washington).

### **HEAL Act Agencies Supplemental Questions**

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	\$48	\$16	\$64	\$0	\$0	\$0
Obj. B	\$14	\$5	\$19	\$0	\$0	\$0
Obj. C	\$25	\$0	\$25	\$0	\$0	\$0
Obj. E	\$7	\$2	\$9	\$0	\$0	\$0

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### Agency Recommendation Summary

The GEO Group, which operates the Northwest Detention Center, filed a lawsuit challenging recently enacted Second Substitute House Bill 1470 during the 2023 Legislative Session, which allows several state agencies to regulate private detention facilities and also allows lawsuits against such facilities for violating various aspects of the new law. Defending this lawsuit will involve significant work not currently funded.

### 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	1.7	1.7	1.7	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$294	\$297	\$591	\$0	\$0	\$0
Total Expenditures	<b>\$294</b>	<b>\$297</b>	<b>\$591</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### Decision Package Description

Second Substitute House Bill 1470 was passed by the legislature during the 2023 Legislative Session. This law provides authority to the Department of Health (DOH), Office of the Attorney General (AGO), and Department of Labor and Industries (L&I) to regulate private detention facilities and allows lawsuits against such facilities for violating various aspects of the new law, including health and workplace safety matters. This law was adopted by the Washington State Legislature in order to protect the health and safety of the people who are employed or detained in private detention centers across the state.

The GEO Group filed a lawsuit against the Governor’s Office (GOV) and the Attorney General’s Office (AGO) this year, arguing that Second Substitute House Bill 1470 violates the U.S. Constitution. The GEO Group operates the Northwest Detention Center, which is the only private, for-profit prison in Washington State.

This request would fund 0.9 Assistant Attorney General (AAG), 0.4 Paralegal (PL), and other professional staff necessary to litigate this case. It is unclear exactly how much work will be involved because the AGO cannot say for certain whether the case will be decided on the pleadings or instead go to trial. It is highly likely that this case will be appealed. The AGO estimates roughly \$10,000 for direct costs, relating to court reporters and transcripts. The AGO’s estimate to defend the lawsuit is approximately 0.9 AAG and 0.4 PL. The AGO assumes two Attorneys working on the case for about 20 percent of the time over two years. The estimated defense cost is \$591,000.



## Assumptions and Calculations

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

N/A.

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

The AGO estimates roughly \$10,000 for direct costs relating to court reporters and transcripts. The AGO estimate regarding hours is approximately 1,664 AAG hours, which assumes two AAGs working on the case for about 20 percent of the time, over two years (two AAGs X 10.4 weeks/year X 40 hours/week X two years equals 1,664 AAG hours or 0.9 AAG). For paralegals, we would estimate roughly 800 PL hours or 0.4 PL. This would cover proceedings in district court and any appeal to the Ninth Circuit. The Legislature previously provided \$26,000 for Private Detention Facilities (2SHB 1470) in the 2023-25 biennial budget. The AGO Solicitor General's Office (SGO) requests supplemental funding in the amount of \$294,000 for FY 2024 and \$297,000 for FY 2025, for an additional 0.9 AAG, 0.4 PL2, and direct costs of \$5,000 for court reporters and transcripts in both FY 2024 and 2025 in order to defend this lawsuit.

### **Workforce Assumptions:**

FTE detail is provided, Dollars in thousands:

FTE		FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
AAG	FTE	0.9	0.9			N
	Object A & B	176	176			
PL	FTE	0.4	0.4			N
	Object A & B	48	49			
MA5	FTE	0.3	0.3			N
	Object A & B	40	41			
<b>TOTAL FTE</b>		<b>1.7</b>	<b>1.7</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>		<b>264</b>	<b>266</b>	<b>0</b>	<b>0</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

Second Substitute House Bill 1470 was passed by the legislature and signed by the Governor on May 11, 2023, so defending it is an important part of defending Washington State’s priorities.

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 and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A003-Criminal Investigation and Prosecution	001-1	294	297		
<b>TOTAL</b>		<b>294</b>	<b>297</b>	<b>-</b>	<b>-</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
PM 2536 - Criminal Cases Closed	001-1	294	297		
<b>TOTAL</b>		<b>294</b>	<b>297</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 increase based on assumption that the case will be closed.

## Equity Impacts

### Community outreach and engagement:

This law was adopted by the Washington State Legislature in order to protect the health and safety of the people who are employed or detained in private detention centers across the state. Defending this bill clearly furthers the equity goals at Washington State.

### Disproportional Impact Considerations:

N/A

### Target Populations or Communities:

The Legislature enacted Second Substitute House Bill 1470 during the 2023 Legislative Session to ensure humane and equitable treatment of detainees in private detention facilities.

## 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:**

This approved decision package would provide funding to handle GEO v. Inslee - 3:23-cv-05626-BHS (W.D. Wa.).

**HEAL Act Agencies Supplemental Questions**

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	\$205	\$207	\$412	\$0	\$0	\$0
Obj. B	\$58	\$59	\$117	\$0	\$0	\$0
Obj. E	\$30	\$30	\$60	\$0	\$0	\$0
Obj. G	\$1	\$1	\$2	\$0	\$0	\$0

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## Agency Recommendation Summary

This request is to fund defense of two lawsuits and one administrative appeal against the Office of the Superintendent of Public Instruction (OSPI). This request will provide funding for resources needed to continue defending Washington’s statutory implementation of Individuals with Disabilities Education Act (IDEA) and OSPI’s oversight of Northwest School of Innovative Learning (NWSOIL).

## 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>Staffing</b>						
FTEs	3.2	0.0	1.6	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 405 - 1	\$465	\$0	\$465	\$0	\$0	\$0
Total Expenditures	<b>\$465</b>	<b>\$0</b>	<b>\$465</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Revenue</b>						
405 - 0420	\$465	\$0	\$465	\$0	\$0	\$0
Total Revenue	<b>\$465</b>	<b>\$0</b>	<b>\$465</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## Decision Package Description

The Office of the Superintendent of Public Instruction (OSPI) works with almost 300 school districts throughout Washington to ensure that all students receive a high-quality public education, including special education as required by the Individuals with Disabilities Education Act (IDEA) and Washington state law. Across those school districts, approximately 143,000 students receive special education services.

In accordance with the IDEA and Washington state law, OSPI “require[s] each school district in the state to insure an appropriate educational opportunity for all children with disabilities between the ages of three and twenty-one.” RCW 28A.155.020. When a student turns 21 during the school year, “the educational program may be continued until the end of that school year.” RCW 28A.155.020. The IDEA requires the provision of special education for students between the ages of 3 and 21, inclusive. 20 U.S.C. § 1412(a)(1)(A). However, the IDEA’s requirement does not extend to students between the ages of 18 and 21, inclusive, if the state does not provide “free public education” to students in that same age range. 20 U.S.C. § 1412(a)(1)(B)(i).

In *N.D. v. Reykdal*, Plaintiffs have filed a putative class action alleging that education services provided in the Community and Technical College system give rise to an obligation to provide special education services to students until they turn 22 years of age. OSPI is defending RCW 28A.155.020 as IDEA compliant.

A Nonpublic Agency is an entity authorized by OSPI to contract with a school district to provide a program of special education services for students whose special education needs cannot be met by their resident school district.

In the Northwest School of Innovative Learning (NWSOIL) actions, OSPI is defending its decision and authority to grant provisional approval that precludes NWSOIL from admitting additional students until it can demonstrate compliance with specified requirements that will help to ensure that the students in their care are receiving the services to which they are entitled in a safe environment.

This package is being presented as a joint request with OSPI, to defend the three cases as they all concern various facets of the Washington’s law designed to provide students with disabilities the educational services to which they are entitled, in a safe environment. For purposes of this package request, failure to mount a robust defense is assumed to lead to significant state financial liability and could impact the health and safety of the vulnerable students served by Nonpublic Agencies.

This request will add 3.2 FTE to address an increased workload for the Attorney General’s Office (AGO). For every 1.0 Assistant Attorney General (AAG), the AGO includes 0.5 Paralegal 1 (PL1) and 0.35 Management Analyst 5 (MA5).

## Assumptions and Calculations

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

This request will support the efforts already underway by the AGO in these cases to ensure that OSPI’s legal position is well presented before the court. The OSPI’s budget for legal services is inadequate to support the costs of the identified litigation; in FY 2023 OSPI’s legal costs increased to \$979,000 largely due to litigation and advice in the special education context, an increase from the \$553,000 billed in FY2022. It is anticipated that FY 2024 costs will be similar to those incurred in FY 2023.

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

OSPI and the AGO requires additional funding of \$465,000 in FY 2024. This additional funding will support 1.3 AAG, 0.7 PL2, 0.8 PL1 and 0.4 MA5 for FY 2024 to provide litigation support.

### **Workforce Assumptions:**

FTE detail is provided, Dollars in thousands:

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
AAG FTE	1.3				N
Object A & B	208				
PL2 FTE	0.7				N
Object A & B	75				
PL1 FTE	0.8				N
Object A & B	72				
MA5 FTE	0.4				N
Object A & B	54				
<b>TOTAL FTE</b>	<b>3.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
<b>TOTAL A &amp; B</b>	<b>409</b>	<b>0</b>	<b>0</b>	<b>0</b>	

## Strategic and Performance Outcomes

### **Strategic Framework:**

This budget request supports the Governor’s Results Washington priorities of:

Goal 1: World-class education: Providing every Washingtonian a world-class education that prepared him or her for a healthy and productive life, including success in job or career, in the community and as a lifelong learner.

Goal 4: Health and safe communities: Fostering the health of Washingtonians from a healthy start to safe and supported future.

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

This budget request supports the following goals in the AGO Strategic Plan:

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

Protect the People, Goal 1: Defend civil rights and stand up for vulnerable Washingtonians

Protect the People, Goal 2: Strive for greater public safety and justice for all Washington communities.

Activity and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 - Legal Services to State Agencies	405	465			
<b>TOTAL</b>		<b>465</b>	<b>-</b>	<b>-</b>	<b>-</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
PM 2539 - Cases Open at End of Fiscal Year	405	465			
<b>TOTAL</b>		<b>465</b>	<b>-</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 impact for this performance measure is indeterminate.

## Equity Impacts

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

N/A

### **Disproportional Impact Considerations:**

N/A

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

NW SOIL serves vulnerable students who cannot be served in the traditional school setting. OSPI’s oversight and corrective action is designed to protect these students and their right to education from qualified individuals in a safe environment.

## Other Collateral Connections

### **Puget Sound Recovery:**

N/A.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

*N.D. v. Reykdal* has the potential to school districts and the scope and extent to which special education services are required between a student's 21st and 22nd birthday.

Client Billing costs are provided, Dollars in thousands:

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
OSPI (350)	405	465			
<b>TOTAL</b>		<b>465</b>	<b>-</b>	<b>-</b>	<b>-</b>

### **Stakeholder Response:**

The client agency, OSPI, supports this request.

### **State Facilities Impacts:**

N/A.

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

N/A.

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

This proposal is in response to litigation needs in the cases identified below, and in defense of RCW 28A.155.020 and OSPI's authority over NPAs in RCW 28A.300.040:

*N.D. v. Reykdal*,

*BHC Fairfax/NW SOIL v. OSPI*, Thurston County Superior Court,

*BHC Fairfax/NW SOIL v. OSPI*, Office of Administrative Hearings,

### **HEAL Act Agencies Supplemental Questions**

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	\$309	\$0	<b>\$309</b>	\$0	\$0	<b>\$0</b>
Obj. B	\$98	\$0	<b>\$98</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$55	\$0	<b>\$55</b>	\$0	\$0	<b>\$0</b>
Obj. G	\$3	\$0	<b>\$3</b>	\$0	\$0	<b>\$0</b>

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## Agency Recommendation Summary

The Attorney General’s Office is requesting an increase in expenditure authority for the Child Rescue Account to more efficiently payout grant amounts to Children’s Advocacy Centers of Washington.

## 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 19P - 1	\$60	\$60	\$120	\$0	\$0	\$0
Total Expenditures	\$60	\$60	\$120	\$0	\$0	\$0

## Decision Package Description

In 2015, the legislature enacted the Child Rescue Fund under RCW 9.68A.200. The Child Rescue Fund was established to provide additional dedicated resources for law enforcement to investigate and prosecute offenders and for victims to receive necessary services such as mental health treatment.

In establishing this fund, the legislature found that mental health treatment for victims of child pornography is very important because these victims are often re-victimized by their sexually explicit childhood image being repeatedly viewed, traded, printed, or downloaded. The findings further state that “victims of child pornography often experience severe and lasting harm from the permanent memorialization of the crimes committed against them. Child victims endure depression, withdrawal, anger, and other psychological disorders. Victims also experience feelings of guilt and responsibility for the sexual abuse as well as feelings of betrayal, powerlessness, worthlessness, and low self-esteem.” [2015 c 279 § 3]. The legislature furthermore found that “expansion of the internet and computer-related technologies have led to a dramatic increase in the availability of child pornography by simplifying how it can be created, distributed, and collected” and that investigators and prosecutors reported a dramatic increase in the number and violent character of the image being trafficked through the internet.

Per RCW 9.68A.200 (2), the Attorney General’s Office is the administrator who may authorized expenditures from the fund. Offenders who are convicted of Possession of Depiction of Minor Engaged in Sexually Explicit Conduct are assessed a fee of \$1,000 per conviction per RCW 9.68A.107. These fees then are remitted via the state treasurer into the Child Rescue Fund. The AGO has been administering this fund since 2015 and is requesting increased expenditure authority in order to make the disbursement of payments to Child Advocacy Centers more efficiently as they would occur in larger amounts but less frequently. This alleviates the administrative burden on Washington Child Advocacy Centers and the AGO.

## 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 revenue in the account.

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

This will allow the AGO to continue to make the disbursements but in larger amounts and with less frequency alleviating administrative burdens on Washington community organizations and the AGO.

### **Workforce Assumptions:**

There are no FTE impacts for this request.

## Strategic and Performance Outcomes

### **Strategic Framework:**

Results Washington: Goal 4: Healthy and Safe Communities

AGO Strategic Plan: Protect the People

### **Performance Outcomes:**

The AGO requests additional expenditure authority to pay out grants to counties and this has no impact to our performance measures.

## Equity Impacts

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

Per RCW 9.68A.200, 75 percent of the granted funds must go to the Washington Internet Crimes Against Children Taskforce and the remaining 25 percent is grant to Child Advocacy Centers in Washington that protect children from exploitation and sexual abuse and that support victims of exploitation and abuse.

### **Disproportional Impact Considerations:**

N/A

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

Research suggests that children in non-white and Hispanic/Latinx communities are at a higher risk of exploitation, abuse, and maltreatment.

## 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:**

Second Substitute House Bill 1281

**Sec. 3.** A new section is added to chapter 9.68A RCW to read as follows:

- (1) The child rescue fund is created in the custody of the state treasurer. All receipts from fees collected under section 2 of this act must be deposited into the fund.
- (2) Only the attorney general for the state of Washington or the attorney general's designee may authorize expenditures from the fund.
- (3) The attorney general or his or her designee must make any expenditures from the fund according to the following schedule:
  - (a) Twenty-five percent of receipts for grants to child advocacy centers, as defined in RCW 26.44.020; and
  - (b) Seventy-five percent of receipts for grants to the Washington internet crimes against children task force for use in investigations and prosecutions of crimes against children.
- (4) The fund is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

### **HEAL Act Agencies Supplemental Questions**

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. N	\$60	\$60	\$120	\$0	\$0	\$0

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## Agency Recommendation Summary

The Manufactured Housing Dispute Resolution Program (MHD) requires additional EA to effectively enforce the Manufactured Housing/Mobile Home Landlord-Tenant Act, RCW 59.20 (MHLTA). Specifically, additional funding is needed in order to provide dispute resolution services for constituents; add enforcement staff; and to develop, update, and distribute educational materials pursuant to RCW 59.30. In addition, MHD expects a significant increase in costs to defend notices issued and to update its complaint database.

## 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 - 1	\$250	\$250	\$500	\$250	\$250	\$500
Total Expenditures	\$250	\$250	\$500	\$250	\$250	\$500

## Decision Package Description

In 2007, the legislature directed the Attorney General’s Office (AGO) to create and administer the Manufactured Housing Dispute Resolution Program (MHD) under the Manufactured Housing/Mobile Home Landlord-Tenant Act (MHLTA) that would “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. More recently, the [Department of Commerce issued a 2020 Legislative Report](#) confirming the urgent need for these housing communities, the significant diverging positions of tenants and landlords, and the outreach and education needs for this sector. The Report specifically identifies MHD as well-positioned to undertake the outreach needed to serve the community. There are 1,169 Manufactured Housing Communities registered in Washington State that provide over 65,000 rental spaces to Washingtonians. This does not include the hundreds of “RV Parks” across the state that recent case law has incorporated into the MHLTA.

Providing intake and dispute resolution services is critical to fulfilling MHD’s statutory mandate and the legislature’s intent. Insufficient staffing of MHD results in the escalation of issues between landlords and tenants and decreases likelihood of resolving complaints through dispute resolution. MHD complaint volume significantly increased in 2022 with 567 complaints compared to the 411 complaints received in 2021. The number of complaints projected for 2023 is 600. The average number of days a complaint is open has increased from 73 days in 2022 to 113 days in 2023.

Additional Assistant Attorney General (AAG) resources are needed to keep up with MHD’s demand for services necessary to administer MHD effectively. The demand for AAG time is increasing as the law is challenged and refined in response to MHD activity and economic trends. The end of the COVID19 pandemic and emergency orders related to housing has likely contributed to an increase in the volume of MHD complaints. This in turn increases MHD’s need for AAG resources related to consultations, enforcement actions, and defending enforcement actions.

An aggrieved party to a notice of violation or non-violation may request a hearing before an administrative law judge. RCW 59.30.040(8). MHD does not have discretion to avoid a hearing if requested by one of the parties to the dispute. MHD must have sufficient resources to pay the Office of Administrative Hearings for each hearing requested in addition to the costs of appeals of Office of Administrative Hearings (OAH) decisions to the court. MHD anticipates that there will be more OAH hearings in the 2023-2025 biennium because of the increase in complaints and the current affordable housing crisis and economic downturn and case law expanding applicability of the MHLTA. Manufactured housing is often more affordable than other housing options.

In 2023, MHD had one matter proceed to an Administrative Hearing (Beacon RV) which cost \$55,000. MHD anticipates that there will be more OAH hearings in the 2023-25 biennium because of the increase in complaints, current affordable housing crisis and economic downturn, and case law expanding applicability of the MHLTA. MHD is also actively engaged in outreach activities that will increase awareness of MHD and may contribute to a higher volume of complaints.

MHD also needs additional funding and resources to develop and distribute educational materials. RCW 59.30.040(3). Changes in the law and court rulings regarding the MHLTA require updating and adapting educational materials as well as distribution of those materials to all

manufactured housing communities. MHD must update, produce, and distribute materials to housing communities across Washington state including updating Spanish language materials, and translation in other languages as requested, to align with the updates. As noted, the need for additional outreach and education is identified in the [Department of Commerce's Report](#).

Resolution of disputes through MHD services increases communication between landlord and tenants, educates landlord and tenants about their rights and responsibilities under the MHLTA, and prevents unlawful evictions and rent increases.

MHD is required to maintain a database of complaint information identified in RCW 59.30.030(e)(i-iv) and will need additional funding to update and maintain the database.

If this proposal is not funded, MHD services will be compromised, potentially resulting in the inability to fulfill statutory mandate and legislative intent. This may result in a negative impact on landlords and tenants of manufactured housing communities and affordable housing options in Washington state.

**Assumptions and Calculations**

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

This proposal will increase staffing by .50 AAG and .25 WMS Manager as well as provide funding to update and maintain the mandated complaint database.

- 2019-21 expenditure authority - \$1.152 million
- 2021-23 expenditure authority - \$1.240 million
- 2023 Supplemental GF-State expenditure authority - \$150,000
- 2023-25 expenditure authority - \$1.660 million

**Detailed Assumptions and Calculations:**

MHD requires additional funding of \$250,000. The increase would be for an additional .50 AAG and a .25 WMS Manager. The remainder would be used for development and distribution of educational materials and maintenance of the complaint database.

MHD's complaint volume is increasing, and calls have also increased from a total of 1,350 in 2022 to over 1,000 calls as of July 13, 2023. MHD projects a call volume of over 1,800 for 2023.

- New Complaints in 2021: 411
- New Complaints in 2022: 567
- New Complaints in 2023 as of 7/13/23: 313

MHD has several matters pending review to issue notices of violation or nonviolation. The increased volume of complaints, park sales to new park owners, and changes in the law will result in an increased need for AAG services.

**Workforce Assumptions:**

FTE detail is provided, Dollars in thousands.

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
AAG FTE	0.3	0.3	0.3	0.3	Y
Object A & B	29	32	32	32	
WMS FTE	0.3	0.3	0.3	0.3	Y
Object A & B	28	29	29	29	
<b>TOTAL FTE</b>	<b>0.6</b>	<b>0.6</b>	<b>0.6</b>	<b>0.6</b>	
<b>TOTAL A &amp; B</b>	<b>57</b>	<b>61</b>	<b>61</b>	<b>61</b>	



## Strategic and Performance Outcomes

### Strategic Framework:

Results Washington: Providing the additional funding 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 providing additional funding, the State can continue to provide this cost-effective program to avoid evictions and meet the expectations of Program stakeholders.

AGO 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 MHLTA 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 and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
Activity - A005 Enforcement of Consumer Protection Laws	12-F	250	250	250	250
<b>TOTAL</b>		<b>250</b>	<b>250</b>	<b>250</b>	<b>250</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
PM #2534	12-F	250	250	250	250
<b>TOTAL</b>		<b>250</b>	<b>250</b>	<b>250</b>	<b>250</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 impact for this performance measure is indeterminate.

## Equity Impacts

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

There are approximately 1,169 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 prevent unlawful evictions, 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 and decent 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.

### **HEAL Act Agencies Supplemental Questions**

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	\$55	\$59	<b>\$114</b>	\$55	\$59	<b>\$114</b>
Obj. C	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>
Obj. E	\$193	\$189	<b>\$382</b>	\$193	\$189	<b>\$382</b>

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## Agency Recommendation Summary

The Attorney General’s Office (AGO) requests an increase to its federal authority to allow the AGO to continue to 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	\$300	\$321	\$621	\$0	\$0	\$0
Total Expenditures	\$300	\$321	\$621	\$0	\$0	\$0
<b>Revenue</b>						
001 - 0316	\$300	\$321	\$621	\$0	\$0	\$0
Total Revenue	\$300	\$321	\$621	\$0	\$0	\$0

## Decision Package Description

The Attorney General’s Office (AGO) is looking to increase its federal authority in the 2024 Supplemental Budget Request in FY 2024 from \$1,123,000 to \$1,423,000 and in FY 2025 from \$1,077,000 to \$1,398,000. This request is a no-cost continuance of the Sexual Assault Kit Initiative (SAKI) that began in the 2017-19 Biennium. The request increase in authority totals \$621,000, \$300,000 in FY 2024 and \$321,000 in FY 2025. 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 Washington 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 provided 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.

The SAKI grant funded team includes:

- Two AGO Senior Investigator Analysts who verify offender's convictions, locate offenders and provide the necessary follow up. One located on the eastern side of the state and one located on the western side of the state. The Senior Investigators will continue to provide advice and assistance to law enforcement agencies on investigations that result from CODIS hits. In addition, they will continue to assist our AGO Investigator/Analyst on the collection of data from local law enforcement agencies and prosecutors' offices.
- AGO Investigator/Analyst tracks inventory and follows up on CODIS hits from sexual assault kits as required by statute. The Investigator/Analyst contacts various law enforcement agencies and prosecutors to determine what, if anything, has come of sexual assault kit hits from the project.
- Data Consultant 3 is responsible for data entry, database design, maintenance, analysis, and investigation. This position assists local law enforcement agencies with cold case investigations from CODIS hits with analytical work to help with backlog cases and cold case investigations involving forensic genetic genealogy testing.
- IT App Developer Entry assists with data collection and management, website design, and the ongoing project of upgrading the Homicide Investigative Tracking System. This position pulls statistics for performance measures and manages our case tracking system.
- Data Consultant 2 verifies, locates and contacts offenders; manages data and sends and maintains a record of letters sent, other attempts at contact, samples submitted, and samples that still need to be sought.
- Administrative Assistant 3 works closely with the Data Consultants to assist in sending letters to offenders to request their samples and work with local law enforcement agencies regarding the logistics of collecting those samples. This position also tracks the status and success rates of those letters and assists the SAKI Site Coordinator in creating monthly reports.

## 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 continue to expend the SAKI grant funds 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 \$2.8 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 and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A001 - Administration	001-2	300	321		
<b>TOTAL</b>		<b>300</b>	<b>321</b>	<b>-</b>	<b>-</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
2539 - Cases Open at End of Fiscal Year	001-2	300	321		
<b>TOTAL</b>		<b>300</b>	<b>321</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 impact 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.

**HEAL Act Agencies Supplemental Questions**

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	\$100	\$120	\$220	\$0	\$0	\$0
Obj. B	\$30	\$40	\$70	\$0	\$0	\$0
Obj. E	\$130	\$121	\$251	\$0	\$0	\$0
Obj. G	\$20	\$20	\$40	\$0	\$0	\$0
Obj. T	\$20	\$20	\$40	\$0	\$0	\$0

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### Agency Recommendation Summary

The Attorney General’s Office (AGO) has a statutory obligation to enforce the Foreclosure Fairness Act (Act), RCW 61.24, and does this through the Foreclosure Compliance Program (FCP). FCP resolves consumer complaints from borrowers, housing counselors, and others who contend that a bank or servicer has violated provisions of the Act; and files litigation to enforce the Act. Given the economic downturn, the AGO projects increased foreclosures and will require General Fund State (GF-S) to meet its obligation to enforce the Act and protect vulnerable borrowers. The Foreclosure Fairness Account (FFA) does not have sufficient revenue to support the increased 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 17L - 6	\$75	\$75	\$150	\$75	\$75	\$150
Total Expenditures	\$75	\$75	\$150	\$75	\$75	\$150

### Decision Package Description

The Foreclosure Fairness Act (Act), RCW 61.24, provides important protections for mortgage borrowers. One of its most significant features is homeowner assistance through a foreclosure mediation program. The foreclosure mediation program requires the beneficiary to mediate with the borrower in good faith, and the Foreclosure Compliance Program (FCP) has authority to take enforcement action against beneficiaries who breach the duty to mediate in good faith or fail to exercise due diligence in initiating contact with a borrower prior to foreclosure as required by the Act. FCP also has authority to bring actions against beneficiaries who fail to report recorded notices of trustee sale or make the payment into the Foreclosure Fairness Account (FFA) as required by law.

The Act was passed in 2011 in response to the 2008 economic crisis that resulted in an unprecedented number of foreclosures. The purpose of the Act was to avoid foreclosures by encouraging communications between borrowers and lenders, providing access to housing counselors, and establishing a foreclosure mediation process. Access to housing counselors, mediations, and FCP enforcement were funded through the FFA, which in turn was funded by fees beneficiaries paid for each notice of default (later amended to each notice of trustee sale recorded). The Department of Commerce (Commerce) administers the FFA and provides the levels of funding to recipients set forth in the Act. When the Act was passed in 2011, FCP was to receive the greater of six percent or \$650,000 per biennium for enforcing the Act. In response to declining revenues, in 2016, the Legislature amended the funding levels to provide that the AGO would receive eight percent of the FFA (after \$400,000 is used for the housing counsel referral hotline). Commerce distributes the remaining 92 percent as set forth in the Act. Foreclosures have steadily declined since 2016, and the FFA revenues and cash balance has fallen accordingly. The FCP’s eight percent share of the FFA can no longer fully fund its activities. Due to the dwindling revenues, the Consumer Protection Division (CP) has decreased the number of staff dedicated to FCP activities. Even so, the FCP’s spending authority is inadequate to fund the minimal staff dedicated to enforcing the Act.

FCP anticipates that the current economic downturn caused by inflation may result in a new wave of foreclosures as increasing interest rates may cause borrowers to fall behind on their mortgage payments and face default. The FCP helps reduce the number of avoidable foreclosures by ensuring that beneficiaries comply with their obligations to mediate loan modifications with borrowers in good faith, exercise due diligence in making initial, pre-foreclosure contact with borrowers, and submit payment to the FFA as required by the Act.

## Assumptions and Calculations

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

This proposal does not expand or alter the current program; it is an expenditure authority increase for maintenance level operations.

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

The AGO's spending authority should be increased to this level in the 2023-25 biennium in anticipation of increased foreclosure volume and increased workload stemming from foreclosures. The actual amount of AGO expenditures will be limited by the eight percent limit on AGO funding from the FAA plus the additional requested GF-S. If funding is not provided, the AGO will not be able to meet its obligations under the ACT.

Workload assumptions by FTE:

0.5 FTE Assistant Attorney General (AAG): Reviews complaints from consumers and housing counselors regarding possible violations of the Act. Brings enforcement actions under the Act, for failure to mediate in good faith and failure to make payments into the FFA as required. Considers amicus briefs in third-party cases under the Act. May handle escalated issues arising from housing counselor or consumer complaints.

0.3 FTE Paralegal (PL): Supports AAG. Drafts civil investigative demands and pleadings. Manages discovery. Assists with trial preparation by drafting or preparing witness lists, exhibit lists, and other documents. Assists with expert witnesses including contracts.

0.2 FTE Investigator (Inv): Supports AAG during investigations. Gathers documents, interviews witnesses, and obtains evidence as directed by AAG. Assists with drafting civil investigative demands.

1.0 FTE Program Specialist (PS) 3: Handles all consumer and housing counselor complaints regarding violations or possible violations of the Act. Ensures the bank or lender responds to complaints. Interacts with consumers and housing counselors regarding issues arising from the Act. Answers consumer questions regarding the Act. Refers consumers to housing counselors.

0.5 FTE PS5: Handles escalated complaints from PS3. Meets with lenders regularly and as necessary to maintain efficient channels of communication to resolve consumer and housing counselor complaints. Brings significant issues to the attention of investigator or AAG. Manages complaint data.

### ***Workforce Assumptions:***

This proposal does not expand or alter the current program; it is an expenditure authority increase for maintenance level operations.

## Strategic and Performance Outcomes

### Strategic Framework:

Results Washington: Increasing the FCP’s expenditure authority will lead meet Results Washington goals:

Goal – Prosperous Economy: Foreclosures make Washingtonian’s less financially stable and increase the number of Washingtonians who are facing homelessness. Reducing the number of avoidable foreclosures by enforcing the Act furthers this goal.

Goal – Efficient, Effective, and Accountable Government: By enforcing the Act, the FCP contributes to the responsiveness and effectiveness of the Act to ensure that beneficiaries mediate mortgage loan modifications with struggling homeowners in good faith and exercise due diligence in contacting borrowers prior to foreclosure. The FCP also furthers government accountability by ensuring that beneficiaries will remit the required payment to the FFA for every notice of trustee sale recorded.

AGO Strategic Plan: Increasing the FCP’s spending authority to 8 percent of the FFA fits within the AGO’s Strategic Plan:

Strategic Goal 2-4 Protect All Washington Consumers

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

The Act affords important consumer protections designed to avoid foreclosures. In addition to enforcement actions, the FFA funds consumer resource staff to evaluate complaints quickly in order to refer borrowers to housing counselors so they can take full advantage of the Act by seeking a mortgage loan modification to avoid foreclosure.

Activity and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A005 - Enforcement of Consumer Protection Laws	17L-1	75	75	75	75
<b>TOTAL</b>		<b>75</b>	<b>75</b>	<b>75</b>	<b>75</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
PM #2534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	17L-1	75	75	75	75
<b>TOTAL</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</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 impact for this performance measure is indeterminate.

## Equity Impacts

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

The foreclosure mediation program requires the beneficiary to mediate with the borrower in good faith, and the AGO has authority to take enforcement action against beneficiaries who breach the duty to mediate in good faith or fail to exercise due diligence in initiating contact with a borrower prior to foreclosure as required by the Act.

### **Disproportional Impact Considerations:**

N/A

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

The Foreclosure Fairness Act (Act), RCW 61.24, provides important protections for mortgage borrowers. One of its most significant features is homeowner assistance through a foreclosure mediation program.

## 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 and none expected. The Act specifically provides that the AGO is to receive 8 percent of the FFA (after the initial \$400,000 is dedicated to the housing counselor referral telephone hotline). Increasing the AGO's expenditure authority will not impact the allocations of other stakeholders.

### **State Facilities Impacts:**

N/A.

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

N/A.

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

N/A.

### **HEAL Act Agencies Supplemental Questions**

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	\$75	\$75	\$150	\$75	\$75	\$150

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## Agency Recommendation Summary

The Attorney General’s Office (AGO) requests funding for a permanent Sexual Assault Kit Initiative (SAKI) unit which would be an extension within the already existing Criminal Justice Division. For the past six years, the SAKI Unit, that is presently grant funded and set to end in September of 2024, has made significant accomplishments related to sexual assault kit testing and subsequent investigations and has been vital in solving sexual assault cases statewide and bringing justice to victims of serious crimes. Creating a permanent unit, the AGO can continue, and expand on, our already significant accomplishments—solving more cases and bringing justice to more victims.

## 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	5.3	2.65	7.0	7.0	7.0
<b>Operating Expenditures</b>						
Fund 001 - 1	\$0	\$801	\$801	\$1,068	\$1,068	\$2,136
Total Expenditures	\$0	\$801	\$801	\$1,068	\$1,068	\$2,136

## Decision Package Description

### Prioritization of Sexual Assault investigations in Washington State.

In 2015, the State Legislature enacted RCW 5.70.040, which requires law enforcement agencies to submit all sexual assault kits for testing within 30 days of receiving them. This set in motion a pattern of action that demonstrates the Legislature’s prioritization of, and focus on, sexual assault crimes and victims.

This prioritization and focus was further enhanced when the Legislature established the Sexual Assault Forensic Examination Best Practices Advisory group (SAFE Group) within the AGO. The purpose of establishing the SAFE Group was to help bring justice to sexual assault survivors, reduce the number of untested sexual assault kits in Washington, and review and implement best practice models for all aspects of sexual assault investigations.

Since its creation, the SAFE Group has made numerous recommendations to the Legislature that have resulted in statutes targeted to help accomplish the above stated goals. For example, the SAFE Group’s 2022 Annual Report to the Legislature and Governor included the following recommendations:

- Enhance Accountability for collection of DNA from individuals who are required to provide their DNA as part of their conviction;
- Provide additional resources for sexual assault prosecutions, including a prosecutor to serve as a resource for local prosecutors across the state for training and other assistance

On October 1, 2017, The Bureau of Justice Assistance in the Department of Justice (BJA) awarded the AGO its first Sexual Assault Kit Initiative (SAKI) grant. Since then, the SAKI Program has been awarded five additional BJA grants. In addition to achieving the goals of the grants, the SAKI Program has been pivotal in advancing the goals of the Legislature and the SAFE Group. [[Welcome to SAKI | SAKI \(wa.gov\)](#)]

### AGO Sexual and Special Assault Unit.

The AGO is seeking a permanent extension of our existing SAKI Program (existing SAKI grants are scheduled to end September 30, 2024).

This would not only continue and build on the momentum and success achieved in Washington State in addressing sexual assault crimes, but also would capitalize on: an already existing SAKI Program team; already existing databases; and already existing relationships with local sexual assault investigators.

### Functions of the Unit



Like the AGO's existing Homicide Investigation Tracking System (HITS) Unit, we would use available data to track sexual assault cases and identify serial sex offenders.

Sex offenses are frequently serial in nature--arguably even more so than murders. The AGO has a substantial database (DNATS) designed for the SAKI Program that tracks the existing backlog of sexual assault kits and cases. This is in addition to the AGO HITS database.

When the existing SAKI grants end, the AGO would not have the funding to update and maintaining the database and the information that has been collected for years. This would be an unfortunate waste of a valuable existing resource.

Offer assistance with "cold" sexually motivated cases, whether SAKI funded or not.

By definition, cold cases are old and unsolved. At the time the crimes occurred, investigative practices and procedures, recordkeeping, evidence storage, and forensic testing generally were different than they are today. Over time, evidence and reports may get lost or damaged, witnesses may disappear or die, investigators may retire, and the character and makeup of geography and locations may change. Additionally, once a case goes cold, it is often left untouched for months or years until someone new has the time and opportunity to pick it up again.

When this happens, new investigators must conduct a new review of often voluminous case files to learn the case afresh. These investigators encounter significant challenges. For example, old records (sometimes handwritten) are often hard to make sense of, and documents that have been collected over the years are frequently disorganized and scattered. In other words, delving into cold cases generally requires a significant commitment of time and labor.

In the SAKI Program's work with "SAKI Purpose Area 1," we have solicited law enforcement agencies to accept funding assistance for forensic genetic genealogy and other advanced DNA testing. A response we commonly receive from such agencies is that they do not have the resources and or personnel available to delve into cold cases to determine whether or not such testing would be appropriate.

A new AGO Sexual and Special Assault Unit could offer assistance early in the case review process, making our contribution even more effective than what we offer now. Our team would examine case files and help review, organize, research, and discuss potential courses of action with local law enforcement agencies. In this way, we could take on some of the work that law enforcement agencies do not have resources to undertake.

Currently, the SAKI Program is assisting with two cold sexually motivated homicides: one in King County and one in Port Orchard. Our team has reviewed the cases and met with investigating detectives to discuss progress, make suggestions, and propose ideas for investigative direction. Our team has also been involved in meetings with forensic scientists and the Federal Bureau of Investigations (FBI) to help move the cases forward. At the request of the City of Port Orchard Police Department, our data consultant is creating a timeline to assist investigating detectives.

With an AGO Sexual and Special Assault Unit, we would not be limited to assisting with only SAKI grant-funded cases. Thus, we could have a much broader reach.

With our follow-up on sexual assault kits and our assistance with forensic genetic genealogy and advanced DNA testing, we already have working relationships with the sexual assault divisions of almost every law enforcement agency in the State. Thus, the initial steps of creating a new investigative unit have already been taken.

Our SAKI Program team staff includes two Data Consultants who are already familiar with various databases that help with investigations and are adept at navigating current technology and digital tools. They have the knowledge necessary to keep up with ever changing modern technological developments to proficiently analyze data.

The members of the current SAKI Program team have proven to be intelligent, creative, and hard workers who have capably pivoted to evolve with ever changing SAKI demands. They are an asset to the AGO, and their work with sexual assault cases should continue.

Continue follow-up on cold cases from backlog sexual assault kit hits.

Further, RCW 5.70.060 requires the AGO to follow up on hits from sexual assault kits collected and tested as required by RCW 5.70.050. This work is accomplished by SAKI funded employees. The requirement under the law will not end when the grant funding ends.

Already existing Forensic Genetic Genealogy experience and expertise.

The SAKI Program team has fielded around 45 requests for financial assistance for forensic genetic genealogy and advanced DNA testing. In the process, we have learned a lot about forensic genetic genealogy and modern advances in various types of DNA testing (hair testing, for example). Forensic genetic genealogy, in particular, is being increasingly utilized to solve serious cold cases.

Building on the knowledge already gained, members of the unit could become trained to do the genealogical research themselves. The FBI offers forensic genetic genealogy training and services at no cost. Our team already has contacts with the FBI and with various labs in the field.

This is a burgeoning field and the knowledge and skills we have gained should be used and fine-tuned indefinitely.

In the alternative, much of the knowledge, skill, data, and connections the SAKI team has compiled will simply cease to be of use as soon as the grants end. Squandering the opportunity to use what the SAKI team has gained to help solve sexual assault cases going forward would be a disservice to the community and to sexual assault victims.

By creating a permanent Sexual and Special Assault Unit, the AGO can continue, and expand on, our already significant accomplishments—solving more cases and bringing justice to more victims.

## Assumptions and Calculations

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

This is an alteration of the current federally grant funded SAKI unit. Staffing will not increase from its current level. The staffing would now be state funded.

The 2019-21 Biennium grant budget was \$3,854,000 and \$4,618,000 in the 2021-23 Biennium.

### Detailed Assumptions and Calculations:

The Sexual and Special Assault Unit requires additional funding of \$801,000 for nine months in FY 2025 and \$1,068,000 in FY 2026 and in each year thereafter. This additional funding will support the following 7 FTE: 2.0 AGO Senior Investigator, 1.0 AGO Investigator, 1.0 Data Consultant 3, 1.0 Data Consultant 2, 1 IT App Developer - Entry, and 1.0 Administrative Assistant 3.

### Workforce Assumptions:

FTE detail is provided, Dollars in thousands:

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
SR INV FTE		1.5	2.0	2.0	Y
Object A & B		207	275	275	
INV FTE		0.8	1.0	1.0	Y
Object A & B		96	127	127	
DC 3 FTE		0.8	1.0	1.0	Y
Object A & B		82	110	110	
DC 2 FTE		0.8	1.0	1.0	Y
Object A & B		68	90	90	
App Dev-Entry FTE		0.8	1.0	1.0	Y
Object A & B		100	133	133	
AA 3 FTE		0.8	1.0	1.0	Y
Object A & B		53	73	73	
<b>TOTAL FTE</b>	<b>0.0</b>	<b>5.3</b>	<b>7.0</b>	<b>7.0</b>	
<b>TOTAL A &amp; B</b>	<b>0</b>	<b>606</b>	<b>808</b>	<b>808</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

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

This request supports the AGO’s Priority to “Protect the People” by working to hold sexual offenders accountable, find justice for victims, and protect potential future victims.

Activity and Performance Measure costs are provide, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A0003 - Criminal Investigations and Prosecutions	001-1		801	1,068	1,068
<b>TOTAL</b>		<b>-</b>	<b>801</b>	<b>1,068</b>	<b>1,068</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
2536 - Criminal Cases Closed	001-1		801	1,068	1,068
<b>TOTAL</b>		<b>-</b>	<b>801</b>	<b>1,068</b>	<b>1,068</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 impact for this performance measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

Such attacks are only compounded for victims who are already members of marginalized groups.

**Disproportional Impact Considerations:**

By helping law enforcement agencies investigate and find corroborating evidence, this Unit will help lessen the difficulties faced by traumatized victims who must shoulder the burden of proving the cases.

**Target Populations or Communities:**

An alarming number of sexual assaults are not reported and not fully investigated. Many victims are women who face an uphill battle of skeptical and adversarial responses to their reporting. Physical evidence in these types of cases is often limited which means the word of the victim often must carry the day. As a result, victims who report are often subjected to aggressive attacks on their credibility and character.

## 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 priorities identified by the legislatively created SAFE task force.

### ***HEAL Act Agencies Supplemental Questions***

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

N/A – the AGO’s budget request to fund a permanent Sexual Assault Kit Initiative (SAKI) unit will not have any environmental harms or benefits and associated health impacts to overburdened communities and vulnerable populations.

2. Please describe any potential significant impacts to Indian tribes’ rights and interest in their tribal lands.

N/A – the AGO’s budget request to fund a permanent SAKI unit will not have significant impacts to Tribes’ rights and interests in their tribal lands.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

N/A

4. Has an [Environmental Justice Assessment](#) been completed? If so, please submit the assessment as an attachment in ABS.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

### 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	\$454	<b>\$454</b>	\$605	\$605	<b>\$1,210</b>
Obj. B	\$0	\$152	<b>\$152</b>	\$203	\$203	<b>\$406</b>
Obj. E	\$0	\$150	<b>\$150</b>	\$200	\$200	<b>\$400</b>
Obj. G	\$0	\$15	<b>\$15</b>	\$20	\$20	<b>\$40</b>
Obj. T	\$0	\$30	<b>\$30</b>	\$40	\$40	<b>\$80</b>

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## 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 or even hundreds of millions of dollars from its future MSA payments.

## 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	1.2	0.6	1.2	1.2	1.2
<b>Operating Expenditures</b>						
Fund 001 - 1	\$589	\$764	\$1,353	\$764	\$764	\$1,528
Total Expenditures	\$589	\$764	\$1,353	\$764	\$764	\$1,528

## Decision Package Description

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

In the last few years, expert and litigation support costs have increased significantly. Moreover, the next arbitration will involve a new panel of three judges. Consequently, the Assistant Attorneys General (AAG’s) must spend a significant amount of time to get the new judges informed of all the specificities of each case. As a result, their costs have gone from \$700 per hour to \$1,000 or more per hour per judge. This new panel will also likely expect 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 Disputed Payment Account funds. Prior proceedings have determined States’ diligence one or three years at a time. Washington is leading an effort to speed up the process by litigating more 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 tobacco companies party to the agreement are known as Participating Manufacturers (PM). The tobacco companies that did not sign MSA are known as Non-Participating Manufacturers (NPM). As part of the settlement, the PM’s 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 obligations imposed on PM’s by the MSA. 43 Settling States resolved the dispute for many of these MSA years with the PM’s 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 the 2003 case began in 2005 and was completed in 2013. The Washington AGO was successful in showing that Washington had enacted the necessary statute and the AGO had diligently enforced the agreement. This resulted in 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 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 2021 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, is ongoing. A contested hearing over Washington’s diligence was held in April and May 2023, with a decision expected in late 2023 or early 2024. The potential revenue for this arbitration is the recoupment of tens of millions that have been withheld from the State and paid into the DPA related to 2006 and 2007. The disputed amount for 2005 was already paid to Washington, but may have to be returned to the PMs if Washington is found not diligent for that year. 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.

Washington and the other Arbitrating States are currently in the early stages of negotiations with the PMs about the structure of the next Arbitration. The PMs have proposed arbitrating 2008 through 2014. Arbitrating seven years at a time has the significant advantage of Washington potentially getting access to more funds from the Disputed Payments Account. However, litigating that many years at a time will take significant resources in terms of attorneys, expert witnesses, and discovery costs.

Additional resources would be required for the next arbitration due to increased prices for travel, arbitrators, and expert witnesses. Also, such an arbitration would resolve whether the State diligently enforced for seven MSA years rather than just one or three years as has been the process for the previous arbitrations. Further, due to the passage of time and retirements, the AGO will likely retain additional expert witnesses instead of being able to rely as heavily 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, a new panel of three judges will have changed and the AAGs would need 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 or more per hour per judge. A new panel would also likely expect the lead AAG to attend all state’s hearings so additional out of state travel is anticipated. The next phase of arbitration would also likely require additional expert witnesses taking on an even greater role, which will require significant funds. 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 is likely to require additional resources as the arbitration is expected to involve whether the State diligently enforced for seven MSA years rather than just one or three years as has been the issue for previous 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 fourth arbitration has begun.

These costs will be ongoing.

**Workforce Assumptions:**

Based on experience with the previous arbitration, the case requires 1.3 AAG s for day-to-day obligations but an additional 1.0 AAG is necessary in the six months leading to the Common Case and then again for at least six months in advance of a Washington specific case. The current 1.0 Paralegal is adequate for the day-to-day, but an additional 1.0 Paralegal will be required six months in advance of the next Common Case and again six months in advance of a Washington specific hearing.

The next Common Case and Washington specific hearing will not occur in 2024, but there is some possibility those hearings will happen in 2025.

FTE detail is provided, Dollars in thousands:

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
AAG FTE		0.5	0.5	0.5	Y
Object A & B		85	85	85	
PL FTE		0.5	0.5	0.5	Y
Object A & B		49	49	49	
MA 5 FTE		0.2	0.2	0.2	Y
Object A & B		22	22	22	
<b>TOTAL FTE</b>	<b>0.0</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>	
<b>TOTAL A &amp; B</b>	<b>0</b>	<b>156</b>	<b>156</b>	<b>156</b>	

## 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 annual withholdings of a portion of Washington’s annual MSA payment should be expected through FY 2027 and are projected to be roughly \$18 million each year. A potential reduction in MSA revenue could occur if the 2005 through 2007 NPM Adjustment award finds Washington non-diligent, and an additional amount could be received if Washington is found diligent. The results of the 2005 through 2007 Arbitration should be known in December 2023. Whether the Independent Auditor will award debits and credits from the 2005 through 2007 Arbitration as part of Washington’s April 2024, annual MSA payment is currently unknown and likely will be a disputed legal point.

Activity and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
0001 Administration	001-1	589	764	764	764
<b>TOTAL</b>		<b>589</b>	<b>764</b>	<b>764</b>	<b>764</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
2539 Cases open at end of fiscal year	001-1	589	764	764	764
<b>TOTAL</b>		<b>-</b>	<b>-</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 impact for this performance measure is indeterminate.

## Equity Impacts

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

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:**

Escrow MSA payments are used to help fund education and tobacco prevention programs statewide. Commercial tobacco use disproportionately impacts historically marginalized communities. 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.

### **Target Populations or 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.

## 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. Washington's annual MSA revenue has exceeded \$125,000,000 in every year since signing the MSA. Defending Washington's right to full payment can only be defended by litigating the NPM Adjustment against the withholdings of our money by the major tobacco companies.

### **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 DPAs that relate to the NPM adjustments. The arbitrations involve these escrowed funds.

### **HEAL Act Agencies Supplemental Questions**

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

The Master Settlement Agreement (MSA) with major tobacco companies does not have direct environmental harms or benefits and their associated health impacts to overburdened communities and vulnerable populations. The MSA payments can have public health benefits to overburdened communities and vulnerable populations because the payments are used to fund education and tobacco prevention programs across the state, and Centers for Disease Control (CDC) data finds that the use of tobacco disproportionately affects communities of color, Indigenous communities, and those who identify as LBGQT+. Prevention and education programs can benefit overburdened communities by increasing awareness of the dangers of using tobacco products and reducing the health risks that come with using tobacco products.

2. Please describe any potential significant impacts to Indian tribes' rights and interest in their tribal lands.

The MSA will not have significant impacts to Tribes' rights or their interests in their lands. Tribes and Indigenous communities may benefit from the education and prevention programs that the MSA funds, as the CDC notes that American Indian/Alaskan Native people have a higher risk of death and disease caused by using tobacco products, compared to other racial and ethnic groups in the United States.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

N/A – this request from the AGO is to continue funding FTE so that the agency can keep up with arbitration and enforcement of the MSA.

4. Has an [Environmental Justice Assessment](#) been completed? If so, please submit the assessment as an attachment in ABS.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

### **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	\$119	<b>\$119</b>	\$119	\$119	<b>\$238</b>
Obj. B	\$0	\$37	<b>\$37</b>	\$37	\$37	<b>\$74</b>
Obj. C	\$100	\$100	<b>\$200</b>	\$100	\$100	<b>\$200</b>
Obj. E	\$250	\$269	<b>\$519</b>	\$269	\$269	<b>\$538</b>
Obj. G	\$20	\$20	<b>\$40</b>	\$20	\$20	<b>\$40</b>
Obj. T	\$219	\$219	<b>\$438</b>	\$219	\$219	<b>\$438</b>

## Agency Contact Information

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## Agency Recommendation Summary

Washington Department of Fish and Wildlife (WDFW) recently expanded its Hydraulic Project Approvals (HPA) Civil Enforcement program. It is working to adopt new fish screening rules and anticipates more Federal Energy Regulatory Commission (FERC) relicensing requests needing significant legal support. WDFW is involved in more complex habitat restoration projects, all of which have increased legal workload. WDFW litigation has been on a consistent upward trend and WDFW are in full supports this request.

## 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	1.9	1.9	1.9	1.9	1.9	1.9
<b>Operating Expenditures</b>						
Fund 405 - 1	\$290	\$297	\$587	\$297	\$297	\$594
Total Expenditures	<b>\$290</b>	<b>\$297</b>	<b>\$587</b>	<b>\$297</b>	<b>\$297</b>	<b>\$594</b>
<b>Revenue</b>						
405 - 0420	\$290	\$297	\$587	\$297	\$297	\$594
Total Revenue	<b>\$290</b>	<b>\$297</b>	<b>\$587</b>	<b>\$297</b>	<b>\$297</b>	<b>\$594</b>

## Decision Package Description

The Public Lands and Conservation Division (PLC) provides legal services to the Department of Fish and Wildlife (WDFW) on a broad array of issues. The attorneys in PLC frequently work on diverse and complex subject matters, including fishing and hunting regulation, habitat protection, regulatory permitting, endangered species, law enforcement, civil forfeiture, land use, real estate, public works and other contracts, administrative procedure, public records, and dam relicensing submitted to the Federal Energy Regulatory Commission (FERC). PLC also collaborates on criminal matters arising from client agency enforcement actions, assisting prosecutors in charging violations of the state Fish and Wildlife Code. The division deals extensively with tribal hunting and fishing issues and cultural resource issues, and many tribes are active participants in consultation on WDFW projects. Legal matters regularly involve complex interactions with local governments, other states, federal agencies, and Indian tribes.

Particular matters of known significant legal workload include the following:

United States v. Oregon: Washington and Oregon are commencing negotiations with Treaty Tribes for the next ten-year management plan, which plan will then be submitted to the federal government for ESA consultation and ultimately get filed as a new consent decree in 2028. This intensive legal workload will extend more than three years.

United States v. Washington: Treaty tribes are asking for significant revisions to the outdated 1985 Puget Sound Salmon Management Plan, a document filed as a consent decree. Negotiations for updates will heavily involve the attorneys and can reasonably be expected to span more than two years of effort.

FERC Relicensing Proceedings: There has been an increase in FERC relicensing matters that involve significant environmental issues and tribal involvement. Numerous historic dam projects were previously allowed without sufficient protections for fish life under current standards. Imposing new fish passage or mitigation obligations on dam operators as part of relicensing can cost millions, making relicensing proceedings extremely contentious, lengthy, and more likely to trigger litigation. WDFW is more heavily involved in these proceedings than in the past, and they require significant legal expertise and attorney time.

Habitat Enforcement: WDFW’s hydraulic project permit program has a new civil enforcement branch, triggered by expanded authority under recent legislation. WDFW’s habitat program is also expanding civil enforcement against fish blockages and improperly screened water diversions. These actions to improve the environment are expected to have significant legal workload for both client advice and litigation.

PLC also provides legal representation to the Fish and Wildlife Commission, a nine-member body appointed by the Governor which oversees management of WDFW and hires the Director. Over the past three years, the changing composition of Commission has increased division between wildlife hunters and those seeking wildlife conservation, leading to recent votes that have triggered multiple lawsuits, generating

significant legal workload.

WDFW’s operating budget has been increased by 40 percent in the past two biennia, resulting in more than 263 new positions for expanded work, including in areas of habitat restoration and biodiversity emphasis. Green energy projects such as solar and wind power have potentially significant impacts on wildlife resources, mandating significant attorney involvement as WDFW participates in the permitting for these projects. State and federal funding continues to increase for salmon habitat restoration projects, including culvert replacements, and projects are becoming more complex, potentially impacting more property rights, and demanding significant legal advice and participation in negotiations.

Funding this request will continue to allow the AGO to deliver timely and appropriate legal services to WDFW and adequately defend WDFW in defensive litigation as well as expand capacity to consider affirmative litigation on regulatory enforcement matters. It is necessary just to keep pace with WDFW’s legal needs.

**Assumptions and Calculations**

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

The PLC budget for the 2019-21 Biennium was \$9,522,000 and in the 2021-23 Biennium \$10,105,000.

The additional staff would increase the 2023-25 Biennium budget by \$587,000 and continue going forward.

**Detailed Assumptions and Calculations:**

PLC requires additional funding of \$290,000 in FY 2024 and \$297,000 in FY 2025 and in each year thereafter. 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. This additional funding will support 1.0 AAG FTE, 0.5 PL1 FTE and 0.35 MA5 FTE.

**Workforce Assumptions:**

FTE detail is provided, dollars in thousands:

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	166	170	170	170	
PL FTE	0.5	0.5	0.5	0.5	Y
Object A & B	48	49	49	49	
MA5 FTE	0.4	0.4	0.4	0.4	Y
Object A & B	44	45	45	45	
<b>TOTAL FTE</b>	<b>1.9</b>	<b>1.9</b>	<b>1.9</b>	<b>1.9</b>	
<b>TOTAL A &amp; B</b>	<b>258</b>	<b>264</b>	<b>264</b>	<b>264</b>	



## Strategic and Performance Outcomes

### Strategic Framework:

**Results Washington:** Expanding our ability to represent WDFW will fulfill two of the Results Washington goals: Healthy and Safe Communities; and Sustainable Energy and Clean Environment.

**AGO Strategic Plan:** Adding an additional FTE to better serve WDFW will meet numerous AGO Strategic Plan Goals, including the following:

#### Serve the State

- Deliver high quality, timely, and efficient legal services. Adding an FTE will improve our ability to provide timely legal services.
- Improve the lives of Washingtonians by advising our clients in achieving their missions. As noted above, WDFW’s mission directly improves the lives of our residents through better environmental protection and restoration, along with sustainable hunting and fishing opportunities.
- Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. Expanding our ability to provide proactive legal advice will better serve WDFW’s risk management efforts. Preventative legal work is often set aside and delayed when high litigation loads demand AAG time. Adding an FTE will thus address this issue.

#### Protect the People

- Protect Washington’s environment and public health and support its environmental justice goals.

#### Support and Value our Employees

Adding an FTE to help balance workload will support and enhance the well-being of all employees, and help prevent burnout.

Activity and Performance Measure costs are provided, dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A0010 Legal Services to State Agencies	405	290	297	297	297
<b>TOTAL</b>		<b>290</b>	<b>297</b>	<b>297</b>	<b>297</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
2539 Cases Open at End of Fiscal Year	405	290	297	297	297
<b>TOTAL</b>		<b>290</b>	<b>297</b>	<b>297</b>	<b>297</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 impact for this performance measure is indeterminate.

## Equity Impacts

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

WDFW is dedicated to preserving, protecting, and perpetuating the state's fish, wildlife, and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities. Much of WDFW's recent growth is in the area of habitat and fish protection. Increasing AAG staffing by one FTE will enhance WDFW's ability to serve its mission and increase protection of the environment.

### **Disproportional Impact Considerations:**

Many lower income communities rely upon hunting, fishing, and shellfishing to supplement their diets with healthy and natural foods.

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

All residents of the state benefit from a healthy ecosystem. Disadvantaged communities oftentimes suffer greater pollution and environmental impacts.

## Other Collateral Connections

### **Puget Sound Recovery:**

Much of WDFW's salmon habitat restoration work directly serves Puget Sound recovery efforts.

### **State Workforce Impacts:**

N/A.

### **Intergovernmental:**

WDFW is the recognized state authority on fish and wildlife issues in Washington, frequently interacting with federal wildlife or fishing management agencies on a variety of issues concerning federal or state laws. Much of WDFW's legal workload also has tribal connotations. Advising WDFW when engaging in co-management relationships with tribes requires extensive legal involvement. Adding an FTE will better enable the division to support WDFW's relations with other agencies and tribes on habitat protection, hunting, and fishing issues.

Client Billing costs are provided, dollars in thousands:

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
477	405	290	297	297	297
<b>TOTAL</b>		<b>290</b>	<b>297</b>	<b>297</b>	<b>297</b>

### **Stakeholder Response:**

Department of Fish and Wildlife are in agreement.

### **State Facilities Impacts:**

N/A.

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

N/A.

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

N/A.

### **HEAL Act Agencies Supplemental Questions**

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

The Department of Fish and Wildlife's (WDFW) efforts in FERC relicensing proceedings and habitat enforcement will likely result in environmental benefits to surrounding communities, including overburdened communities and vulnerable populations.

FERC relicensing proceedings on historic dam projects aim to impose new fish passage and mitigation obligations on dam operators to protect fish life, which previously did not have sufficient protections. The AGO's ability to provide legal expertise and attorney time to FERC relicensing proceedings can result in successful relicensing and protections to fish life, which can increase access to fishing for communities that rely on fish to supplement their diets, particularly communities of color and low-income communities.

Habitat enforcement by WDFW includes expanding civil enforcement against fish blockages and improperly screened water diversions, and a shift towards more conservation principles by the Fish and Wildlife Commission. The AGO's ability to provide legal expertise and attorney time for these matters can result in overall improved and healthier environments, ecosystems, and habitats, which benefits fish, wildlife, and humans.

2. Please describe any potential significant impacts to Indian tribes' rights and interest in their tribal lands.

The AGO is requesting FTE for increased legal services including two matters that WDFW is currently involved in (United States v. Oregon and United States v. Washington) which include Treaty Tribes. These matters have been ongoing for a significant time and Tribes are involved in these matters. The AGO's budget request to adequately fund legal services will not directly have significant impacts to Tribes' rights and interests in their lands. However, the legal advice provided to WDFW on these matters may indirectly impact Tribes' rights and interests in their lands, and will include guidance on required tribal consultation. As a mandated agency under the HEAL Act, WDFW is required to engage and consult with Tribes on these matters and other activities.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

N/A – the AGO is requesting funding that will increase the agency's ability to provide sufficient legal services and expertise to the WDFW in current, on-going matters.

4. Has an [Environmental Justice Assessment](#) been completed? If so, please submit the assessment as an attachment in ABS.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

## 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	\$197	\$203	<b>\$400</b>	\$203	\$203	<b>\$406</b>
Obj. B	\$60	\$61	<b>\$121</b>	\$61	\$61	<b>\$122</b>
Obj. E	\$31	\$31	<b>\$62</b>	\$31	\$31	<b>\$62</b>
Obj. G	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>

## Agency Contact Information

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## Agency Recommendation Summary

The Washington State Gambling Commission (the Commission) is requesting additional funding for legal services, as its current allocation is insufficient to meet its day-to-day needs. Over the past several years, the Commission has seen a marked increase in its need for advice and litigation legal services. The Commission has significantly overspent its legal services allocation for the 2017-19, 2019-21, and 2021-23 Biennia.

## 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	1.9	1.9	1.9	1.9	1.9	1.9
<b>Operating Expenditures</b>						
Fund 405 - 1	\$290	\$297	\$587	\$297	\$297	\$594
Total Expenditures	\$290	\$297	\$587	\$297	\$297	\$594
<b>Revenue</b>						
405 - 0420	\$290	\$297	\$587	\$297	\$297	\$594
Total Revenue	\$290	\$297	\$587	\$297	\$297	\$594

## Decision Package Description

The AGO provides client advice and litigation services to the programs of Washington State Gambling Commission (the Commission). The AGO’s Government Compliance and Enforcement Division (GCE) is currently allocated slightly over one AAG to represent the Commission. Despite steady growth in the volume and complexity of the Commission’s legal work during the past several years, there has been no corresponding increase in the Commission’s legal services funding.

The Commission is a limited-jurisdiction law enforcement agency charged with regulating gambling in Washington. The Commission is overseen by five commissioners appointed by the Governor, and holds regular public meetings to make policy, budget and other decisions. As part of the Commission’s mission it licenses companies and individuals, and takes enforcement actions when necessary as part of its regulatory program. The Commission also collaborates with other law enforcement agencies to keep the criminal element out of gambling. The agency’s work in regulating gambling in Washington is varied. The Commission’s licensing unit reviews applications to ensure licensees meet the required qualifications and do not have a disqualifying criminal history. The agency’s regulation unit investigates complaints, educates licensees through training, and takes enforcement actions when appropriate to ensure compliance with the Gambling Act and its related rules. The Commission also negotiates compacts with federally recognized tribes for Class III gaming, which includes bingo, pull-tabs activities such as lotteries, casino games, house-banked card games, horse racing, pari-mutuel wagering, off-track betting, keno, machine gaming, and sports wagering.

GCE provides legal advice to the Commission in relation to these various programs. GCE also provides day-to-day advice to the Commission on a variety of issues arising from the operations of a state agency, including public records, the interaction between state and federal law, proposed legislation, contracts, and the agency’s rulemaking responsibilities.

The Commission protects Washington consumers by investigating complaints against licensed companies and individuals as well as unlicensed or unauthorized entities. When the Commission takes enforcement actions arising from these investigations, 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 (APA). The AGO also represents the Gambling Commission in other litigation initiated in superior court challenging the agency’s authority in other contexts.

The Commission’s legal workload has steadily increased over the last several years. Currently, the demand for legal services the Commission’s current funding allocation to meet these needs. The Commission has seen a marked increase in litigation, including as a result of enforcement matters brought by the agency to ensure licensees act in compliance with the Gambling Act. The AGO represents the Commission in all contested litigation matters. This work requires one or more AAGs to prosecute administrative cases brought under the APA before the Office of Administrative Hearings (OAH), as well as representation of the Commission in court proceedings. Representing the Commission in APA enforcement matters has become increasingly time-consuming as the matters are often aggressively litigated, with complex and extensive discovery, as well as a significant motions practice. In addition, the Commission acts as the final decision maker in any appeals of OAH decisions. As a result, a separate AAG is necessary during a litigation proceeding to provide advice to the Commissioners as they collectively render a final decision in such administrative cases.

The Commission has also begun to see more challenges to its authority, resulting in a greater demand for advice, as well as for legal representation should such a challenge be brought in state or federal court. The AGO also provides significant legal advice to the Commission during its tribal negotiations with the 29 federally recognized tribes in Washington. These negotiations have grown increasingly complex over the years, as the tribal-state Class III gaming compacts between each tribe and the state outline issues such as: the style of gaming allowed, standards of operation, criminal and civil jurisdiction, state regulation fees and remedies for breach of compact. As a result, tribal negotiations have also resulted in an increase demand for services. Finally, the AGO also provides legal advice to the Commission during its monthly open public meetings.

The lead AAGs assigned to handle the Commission’s advice and litigation have considerable expertise with respect to the Commission’s regulatory authority. Despite working efficiently due to that expertise, these AAGs have often worked extraordinary hours over the past few years. Additionally, it has often been necessary to assign other AAGs to the Commission to help ensure adequate coverage for the Commission’s litigation. While some additional work hours are generally expected of AAGs, current staffing limits the AGO’s ability to absorb peak workloads associated with the Commission’s more significant litigation and advice requests. The short-term solution employed by the AGO 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 the Commission’s legal work. Without additional funding, the AGO may have to retain Special Assistant Attorneys General (SAAGs) (private counsel on contract), at significant additional expense to the Commission, due to a lack of staffing and the complexities of the Commission’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 an additional AAG dedicated to serving the Commission.

This request will add 1.9 FTE to address an increased workload for the Attorney General’s Office (AGO). For every 1.0 Assistant Attorney General (AAG), the AGO includes 0.5 Paralegal 1 (PL1) and 0.35 Management Analyst 5 (MA5).

**Assumptions and Calculations**

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

The Commission has experienced an increase in the need for client advice and litigation legal services and has significantly overspent its allotted legal services for the past several biennium. The Commission cannot continue to absorb this cost, and this request will provide permanent funding for a new position to cover the increased need for legal services.

**Detailed Assumptions and Calculations:**

The Commissions and the AGO requires additional funding of \$290,000 in FY 2024 and \$297,000 in FY 2025 and in each year thereafter. This request assumes that the demand for increased legal resources will continue indefinitely. Increased direct litigation costs are assumed nominal and are not included in this request. This additional funding will support 1.0 AAG, 0.5 PL1 and 0.35 MA5.

**Workforce Assumptions:**

FTE detail is provided, Dollars in thousands:

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	166	170	170	170	
PL FTE	0.5	0.5	0.5	0.5	Y
Object A & B	48	49	49	49	
MA5 FTE	0.4	0.4	0.4	0.4	Y
Object A & B	44	45	45	45	
<b>TOTAL FTE</b>	<b>1.9</b>	<b>1.9</b>	<b>1.9</b>	<b>1.9</b>	
<b>TOTAL A &amp; B</b>	<b>258</b>	<b>264</b>	<b>264</b>	<b>264</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 and Performance Measure costs are provided. Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
Activity - A010 Legal Services to State Agencies	405	290	297	297	297
<b>TOTAL</b>		<b>290</b>	<b>297</b>	<b>297</b>	<b>297</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
PM 2539 Cases Open at End of Fiscal Year	405	290	297	297	297
<b>TOTAL</b>		<b>290</b>	<b>297</b>	<b>297</b>	<b>297</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 impact 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 the Commission in furtherance of that agency's statewide mission to protect the public through the regulation of the gambling 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 the Commission.

## Other Collateral Connections

### Puget Sound Recovery:

N/A.

### State Workforce Impacts:

N/A.

### Intergovernmental:

Client Billing costs are provided, Dollars in thousands:

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
WSGC (117)	405	290	297	297	297
<b>TOTAL</b>		<b>290</b>	<b>297</b>	<b>297</b>	<b>297</b>

### Stakeholder Response:

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The Commission 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.

**HEAL Act Agencies Supplemental Questions**

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

N/A – the AGO’s budget request for additional funding to provide the Washington State Gambling Commission with sufficient legal services for day-to-day needs will not have any environmental harms or benefits and associated health impacts to overburdened communities and vulnerable populations.

2. Please describe any potential significant impacts to Indian tribes’ rights and interest in their tribal lands.

The AGO’s budget request to fund legal services for the Gambling Commission will not directly have significant impacts to Tribes’ rights and interests in their lands. However, the legal advice provided to the Gambling Commission will indirectly impact Tribes’ rights and interests in their lands, and will include guidance on required tribal consultation.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

N/A

4. Has an [Environmental Justice Assessment](#) been completed? If so, please submit the assessment as an attachment in ABS.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

**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	\$197	\$203	<b>\$400</b>	\$203	\$203	<b>\$406</b>
Obj. B	\$60	\$61	<b>\$121</b>	\$61	\$61	<b>\$122</b>
Obj. E	\$31	\$31	<b>\$62</b>	\$31	\$31	<b>\$62</b>
Obj. G	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>

## Agency Contact Information

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## Agency Recommendation Summary

The Washington Department of Ecology (Ecology) has an ongoing and increasing need for the Attorney General’s Office (AGO) legal services related to the Clean Water Act and Water Pollution Control Act, as its current allocation is insufficient to meet the increased day-to-day legal service needs. Over the past several years, Ecology has seen a marked increase in its need for advice and litigation legal 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	0.0	2.3	1.15	1.9	1.9	1.9
<b>Operating Expenditures</b>						
Fund 405 - 1	\$0	\$371	\$371	\$297	\$297	\$594
Total Expenditures	\$0	\$371	\$371	\$297	\$297	\$594
<b>Revenue</b>						
405 - 0420	\$0	\$371	\$371	\$297	\$297	\$594
Total Revenue	\$0	\$371	\$371	\$297	\$297	\$594

## Decision Package Description

The Attorney Generals’ Office (AGO) Ecology Division (ECY) provides legal advice and representation to five state agencies: the Department of Ecology (Ecology); the Pollution Liability Insurance Agency (PLIA); the Energy Facility Site Evaluation Council (EFSEC); the State Conservation Commission (SCC); and the Puget Sound Partnership (PSP).

The division is currently allocated 30 Assistant Attorney General (AAG) positions to serve these five clients. This biennium, however, Ecology has proposed allocating 29.1 legal services FTE among its various regulatory and administrative programs. Collectively, the division’s other client agencies expect another 2.4 AAG capacity. This causes a discrepancy between expected capacity and allocated positions.

On May 25, 2023, the Supreme Court issued a decision in *Sackett v. EPA* that significantly affects the scope of the Clean Water Act and reduces the types of water bodies, including wetlands that are federally protected. This will put the burden on Ecology to regulate activities such as dredging and filling that affect waters that were formerly federally protected, but are now solely protected as “waters of the state” under Chapter 90.48 RCW (the Water Pollution Control Act). Ecology expects an increase in enforcement as a result of this change and is also proposing a state permit program to regulate wetland dredging and filling.

Additionally, Ecology has expanded by 600 FTE in recent years, spurred by numerous new legislative initiatives related to climate change response, toxins in consumer products, environmental justice, and other matters. While ECY has been allocated two new FTE in conjunction with these initiatives, the cumulative effect of Ecology’s growth creates legal services demands beyond the added capacity of these discrete positions (e.g., greater burden in assisting with Public Records Act reviews).

This request will add 2.3 FTE to address an increased workload for the AGO. For every 1.0 AAG, the AGO includes 0.5 Paralegal 1 (PL1), and 0.35 Management Analyst 5 (MA5).

## Assumptions and Calculations

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

Ecology has experienced an increase in the need for client advice and litigation legal services. Ecology cannot continue to absorb this cost, and this request will provide funding for new positions to cover the increased need for legal services related the Clean Water Act and Water Pollution Control Act.

### Detailed Assumptions and Calculations:

ECY requires additional funding \$371,000 in FY 2025 and \$297,000 in FY 2026 and each year thereafter. Increased direct litigation costs are assumed nominal and are not included in this request. This additional funding will support 1.3 AAG, 0.6 PL1, and 0.4 MA5 in FY 2025 and 1.0 AAG, 0.5 PL1 and 0.35 MA5 in FY 2026 and each FY thereafter.

### Workforce Assumptions:

FTE detail is provided, Dollars in thousands:

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
AAG FTE		1.3	1.0	1.0	Y
Object A & B		213	170	170	
PL FTE		0.6	0.5	0.5	Y
Object A & B		62	49	49	
MA5 FTE		0.4	0.4	0.4	Y
Object A & B		56	45	45	
<b>TOTAL FTE</b>	<b>0.0</b>	<b>2.3</b>	<b>1.9</b>	<b>1.9</b>	
<b>TOTAL A &amp; B</b>	<b>0</b>	<b>331</b>	<b>264</b>	<b>264</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

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

AGO Strategic Plan:

This request supports Goal 1 of the AGO’s Priority to “Serve the State”:

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

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

Goal 2 – Protect Washington’s environment and public health and support its environmental justice goals.

Goal 3 – Promote good government.

Activity and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 - Legal Services to State Agencies	405		371	297	297
<b>TOTAL</b>		-	<b>371</b>	<b>297</b>	<b>297</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
PM 2539 - Cases Open at End of Year	405		371	297	297
<b>TOTAL</b>		-	<b>371</b>	<b>297</b>	<b>297</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 impact 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 Ecology in furtherance of that agency’s environmental justice initiatives.

**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 Ecology.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

The client agency, Ecology, supports this request.

**Stakeholder Response:**

The client agency, Ecology, supports this request.

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

**HEAL Act Agencies Supplemental Questions**

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

The expanded scope of the Clean Water Act and Water Pollution Control Act gives the Department of Ecology authority to regulate activities over additional types of bodies of water that were previously under federal authority, potentially expanding Ecology’s activities that will be under the purview of the HEAL Act. The AGO’s role, and this request, would increase funding for additional FTEs to meet Ecology’s day-to-day needs for legal services. An increase in funding for FTEs will not create any direct environmental harms or burdens to overburdened communities and vulnerable populations. The Department of Ecology

is required by the HEAL Act to account for environmental impacts in its decision-making, and potential impacts resulting from legal advice are outside the scope of this request.

2. Please describe any potential significant impacts to Indian tribes’ rights and interest in their tribal lands.

N/A – any impacts on Tribes’ rights and interests would be based on decisions made by the Department of Ecology with their expanded authority under the Clean Water Act and Water Pollution Control Act.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

N/A – this request from the AGO is to increase funding to provide legal services related to the Clean Water Act and the Water Pollution Control Act to the Department of Ecology because the current allocation is insufficient to meet the day-to-day legal services needs after the scope of both laws increased. The AGO does not conduct tribal engagement on behalf of client agencies.

4. Has an [Environmental Justice Assessment](#) been completed? If so, please submit the assessment as an attachment in ABS.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

**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	\$253	<b>\$253</b>	\$203	\$203	<b>\$406</b>
Obj. B	\$0	\$77	<b>\$77</b>	\$61	\$61	<b>\$122</b>
Obj. E	\$0	\$39	<b>\$39</b>	\$31	\$31	<b>\$62</b>
Obj. G	\$0	\$2	<b>\$2</b>	\$2	\$2	<b>\$4</b>

**Agency Contact Information**

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### Agency Recommendation Summary

The Washington Energy Facility Site Evaluation Council (EFSEC) is requesting funding for legal services within the Central Service Model (CSM). Over the past several years, EFSEC has seen a marked increase in its need for advice and litigation legal services to provide a "one-stop" siting process for major energy facilities in the State of Washington. EFSEC coordinates all evaluation and licensing steps for siting certain energy facilities in Washington. EFSEC specifies the conditions of construction and operation. EFSEC currently does not have a legal services allocation in the CSM.

### 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	1.3	1.3	1.3	1.3	1.3	1.3
<b>Operating Expenditures</b>						
Fund 405 - 1	\$202	\$208	\$410	\$208	\$208	\$416
Total Expenditures	\$202	\$208	\$410	\$208	\$208	\$416
<b>Revenue</b>						
405 - 0420	\$202	\$208	\$410	\$208	\$208	\$416
Total Revenue	\$202	\$208	\$410	\$208	\$208	\$416

### Decision Package Description

The Washington Energy Facility Site Evaluation Council (EFSEC) is one of five client agencies served by the Attorney General’s Office (AGO) Ecology Division (ECY), and ECY has been providing legal services to EFSEC and the Utility & Transportation Commission (UTC) has been providing the administrative services. This has now changed and EFSEC is operating as an independent agency. EFSEC’s legal services support, however, is not reflected in the Central Services Model. This package is to institutionalize FTE capacity to serve EFSEC.

ECY provides EFSEC with both general advice and advice on project-specific applications for energy facility siting. EFSEC and ECY concur that 0.7 Assistant Attorney General (AAG) is appropriate for EFSECs anticipated legal services, taking into account an expected increase in applications to EFSEC related to “clean energy” facility siting.

EFSEC provides a "one-stop" siting process for major energy facilities in the State of Washington. EFSEC coordinates all evaluation and licensing steps for siting certain energy facilities in Washington. EFSEC specifies the conditions of construction and operation. If approved, a Site Certification Agreement is issued in lieu of any other individual state or local agency permits. EFSEC also manages an environmental and safety oversight program of facility and site operations.

## Assumptions and Calculations

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

EFSEC has experienced an increase in the need for client advice and litigation legal services and as such were billed by the AGO \$100,000 in the 2021-23 Biennium. EFSEC cannot continue to absorb this cost, and this request will provide permanent funding for a partial new position to cover the increased need for legal services.

### Detailed Assumptions and Calculations:

The AGO requires additional authority of \$202,000 in FY 2024 and \$208,000 in FY 2025 and in each year thereafter. 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. This additional funding will support 0.7 AAG, 0.4 Paralegal 1 (PL1) and 0.2 Management Analyst 5 (MA5).

### Workforce Assumptions:

FTE detail is provided, Dollars in thousands:

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
AAG FTE	0.7	0.7	0.7	0.7	Y
Object A & B	116	119	119	119	
PL FTE	0.4	0.4	0.4	0.4	Y
Object A & B	33	34	34	34	
MA5 FTE	0.2	0.2	0.2	0.2	Y
Object A & B	30	31	31	31	
<b>TOTAL FTE</b>	<b>1.3</b>	<b>1.3</b>	<b>1.3</b>	<b>1.3</b>	
<b>TOTAL A &amp; B</b>	<b>179</b>	<b>184</b>	<b>184</b>	<b>184</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

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

AGO Strategic Plan:

This request supports Goal 1 of the AGO’s Priority to “Serve the State”:

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

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

Goal 2 – Protect Washington’s environment and public health and support its environmental justice goals.

Goal 3 – Promote good government.

Activity and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 - Legal Services to State Agencies	405	202	208	208	208
<b>TOTAL</b>		<b>202</b>	<b>208</b>	<b>208</b>	<b>208</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
PM 2539 - Cases Open at End of Year	405	202	208	208	208
<b>TOTAL</b>		<b>202</b>	<b>208</b>	<b>208</b>	<b>208</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 impact for this performance measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

Increased funding will ensure the AGO’s ability to provide comprehensive legal services, thereby assisting EFSEC in furtherance of that agency’s environmental justice initiatives.

**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 EFSEC.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

Client Billing costs are provided, Dollars in thousands:

Client	Fund	FY 2024	FY 2025	FY 2026	FY 2027
EFSEC (463)	405	202	208	208	208
<b>TOTAL</b>		<b>202</b>	<b>208</b>	<b>208</b>	<b>208</b>

**Stakeholder Response:**

The client agency, EFSEC, supports this request.

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

**HEAL Act Agencies Supplemental Questions**

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

This package from the AGO to institutionalize FTE capacity to fully serve EFSEC will not have an environmental impact. The legal advice the

FTEs provide may impact overburdened communities and vulnerable populations because EFSEC will have dedicated staff from the AGO to provide legal advice that incorporates principles of environmental justice and equity, which would be a benefit to overburdened communities and vulnerable populations. However, that potential impact is outside of the scope of this request.

2. Please describe any potential significant impacts to Indian tribes’ rights and interest in their tribal lands.

This request from the AGO will not have any impacts to Tribal rights or interest in tribal lands, though specific EFSEC projects that the assigned attorney advises on could have impacts on Tribes.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

N/A – this request from the AGO is to increase capacity to provide legal services to EFSEC.

4. Has an [Environmental Justice Assessment](#) been completed? If so, please submit the assessment as an attachment in ABS.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

**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	\$137	\$142	\$279	\$142	\$142	\$284
Obj. B	\$42	\$43	\$85	\$43	\$43	\$86
Obj. E	\$22	\$22	\$44	\$22	\$22	\$44
Obj. G	\$1	\$1	\$2	\$1	\$1	\$2

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### Agency Recommendation Summary

The Washington State Leadership Board (WSLB) is requesting funding for legal services within the Central Service Model. WSLB has seen an increase in its need for general advice and policy review. WSLB specializes in delivering equity-focused leadership programs for the State of Washington. It is best known for bestowing official honors on behalf of the state, such as the Washingtonian of the Year. WSLB currently does not have a legal services allocation in the Central Service Model.

### 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	0.3	0.3	0.3	0.3	0.3	0.3
<b>Operating Expenditures</b>						
Fund 405 - 1	\$37	\$38	\$75	\$38	\$38	\$76
Total Expenditures	\$37	\$38	\$75	\$38	\$38	\$76
<b>Revenue</b>						
405 - 0420	\$37	\$38	\$75	\$38	\$38	\$76
Total Revenue	\$37	\$38	\$75	\$38	\$38	\$76

### Decision Package Description

The Washington State Leadership Board (WSLB) is one of 33 client agencies served by the Attorney General’s Office (AGO) Government Compliance and Enforcement Division (GCE), and GCE has been providing legal services to WSLB along with the Labor and Personnel Division (LPD). WSLB’s legal services support, however, is not reflected in the Central Services Model (CSM).

The WSLB was designated a trustee agency of the Washington State in 2022 pursuant to Senate Bill 5750. The WSLB administers four unique programs for marginalized students: A) Washington World Fellows, an equity-focused global leadership program consisting of two years of college-readiness support and a five-week summer study abroad experience in Viana, Spain; B) Boundless Washington, a statewide leadership development program for Washington State young people with disabilities; C) Compassion Scholars, a program focused on creating life-changing travel experiences to inspire community leaders; and D) Team S.A.M., a sports mentoring program designed to enable eligible non-profits to provide opportunities through grant-based funding for underserved youth to join local sports teams or otherwise participate in sports.

Since WSLB’s designation as a trustee agency in 2022, GCE has provided legal advice to WSLB in relation to these various programs. GCE also provides day-to-day advice to WSLB on a variety of issues arising from the operations of a state agency, including open government laws and contracts. LPD also provides legal services to WSLB in relation to labor and personnel related issues.

## Assumptions and Calculations

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

WSLB was created July 1, 2022 and the need for AGO services such as client advice and programmatic and operational policy review were not known at the time. The AGO billed WSLB approximately \$24,000 in FY 2023. WSLB cannot continue to absorb the growing cost, and this request will provide funding for the increased need of legal services through the CSM.

### Detailed Assumptions and Calculations:

The AGO requires additional authority of \$37,000 in FY 2024 and \$38,000 in FY 2025 and in each year thereafter. This request assumes that the demand for increased legal resources will continue indefinitely. Increased direct litigation costs are assumed nominal and are not included in this request. This additional funding will support 0.1 Assistant Attorneys General (AAG), 0.1 Paralegal 1 (PL1) and 0.1 Management Analyst 5 (MA5).

### Workforce Assumptions:

FTE detail is provided, Dollars in thousands:

FTE	FY 2024	FY 2025	FY 2026	FY 2027	Ongoing Y/N
AAG FTE	0.1	0.1	0.1	0.1	Y
Object A & B	22	22	22	22	
PL 1 FTE	0.1	0.1	0.1	0.1	Y
Object A & B	7	7	7	7	
MA5 FTE	0.1	0.1	0.1	0.1	Y
Object A & B	5	5	5	5	
<b>TOTAL FTE</b>	<b>0.3</b>	<b>0.3</b>	<b>0.3</b>	<b>0.3</b>	
<b>TOTAL A &amp; B</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>	

## Strategic and Performance Outcomes

### Strategic Framework:

Results Washington:

Goal 5: Efficient, Effective and Accountable Government.

AGO Strategic Plan:

This request supports Goal 1 of the AGO's Priority to "Serve the State":

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

Activity and Performance Measure costs are provided, Dollars in thousands:

Activity	Fund	FY 2024	FY 2025	FY 2026	FY 2027
A010 - Legal Services to State Agencies	405	37	38	38	38
<b>TOTAL</b>		<b>37</b>	<b>38</b>	<b>38</b>	<b>38</b>

Performance Measure	Fund	FY 2024	FY 2025	FY 2026	FY 2027
PM 2539 Open Cases at End of Fiscal year	405	37	38	38	38
<b>TOTAL</b>		<b>37</b>	<b>38</b>	<b>38</b>	<b>38</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 impact for this performance measure is indeterminate.

**Equity Impacts**

**Community outreach and engagement:**

Increased funding will ensure the AGO’s ability to provide comprehensive legal services, thereby assisting WSLB in furtherance of the agency’s legacy of recognizing service and cultivating leadership in Washington through educational programs, public service, and international engagement.

**Disproportional Impact Considerations:**

WSLB serves all Washington youth and has programs that focus on disabled and underserved youth.

**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 WSLB.

**Other Collateral Connections**

**Puget Sound Recovery:**

N/A.

**State Workforce Impacts:**

N/A.

**Intergovernmental:**

Client Billing costs are provided, Dollars in thousands:

Leadership Board (083)	405	37	38	38	38
<b>TOTAL</b>		<b>37</b>	<b>38</b>	<b>38</b>	<b>38</b>

**Stakeholder Response:**

The client agency, WSLB, supports this request.

**State Facilities Impacts:**

N/A.

**Changes from Current Law:**

N/A.

**Legal or Administrative Mandates:**

N/A.

**HEAL Act Agencies Supplemental Questions**

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

N/A – the AGO’s budget request for funding to provide the Washington State Leadership Board with legal services for day-to-day needs will not have any environmental harms or benefits and associated health impacts to overburdened communities and vulnerable populations.

2. Please describe any potential significant impacts to Indian tribes’ rights and interest in their tribal lands.

N/A – the AGO’s budget request for funding to provide the Washington State Leadership Board with legal services for day-to-day needs will not have impacts on Tribes’ rights and interests in their tribal lands.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

N/A

4. Has an [Environmental Justice Assessment](#) been completed? If so, please submit the assessment as an attachment in ABS.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A – an Environmental Justice Assessment is not required for this decision package because it does not fall under any of the categories of a significant agency action per the HEAL Act.

**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	\$25	\$26	<b>\$51</b>	\$26	\$26	<b>\$52</b>
Obj. B	\$8	\$8	<b>\$16</b>	\$8	\$8	<b>\$16</b>
Obj. E	\$4	\$4	<b>\$8</b>	\$4	\$4	<b>\$8</b>

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REVENUE



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**ABS 029 Summarized Revenue by Account and Source**  
**Office of Attorney General**  
**Agency Level**  
**2024 First Supplemental Budget Session**  
**2024 - 2024 Supplemental**

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
<b>001 - General Fund</b>							
0316 - Dept of Justice - F							
RR - SAKI Grant Authority	300	321	0	0			
Total - 0316 - Dept of Justice - F	300	321	0	0	300	321	621
<b>001 - General Fund - Federal</b>	<b>300</b>	<b>321</b>			<b>300</b>	<b>321</b>	<b>621</b>
<b>Total - 001 - General Fund</b>	<b>300</b>	<b>321</b>			<b>300</b>	<b>321</b>	<b>621</b>
<b>405 - Legal Serv Rev Acct</b>							
0420 - Charges for Services - S							
RC - DFW Legal Services	0	0	290	297			
RD - GMB Legal Services	0	0	290	297			
RE - Ecology Legal Services	0	0	0	371			
RF - EFSEC Legal Services	0	0	202	208			
RH - Leadership Board Legal Services	0	0	37	38			
RJ - Wenatchee Office Relocation	1,318	0	0	0			
RN - OSPI Litigation	465	0	0	0			
Total - 0420 - Charges for Services - S	1,783	0	819	1,211	2,602	1,211	3,813
<b>405 - Legal Serv Rev Acct - State</b>	<b>1,783</b>		<b>819</b>	<b>1,211</b>	<b>2,602</b>	<b>1,211</b>	<b>3,813</b>
<b>Total - 405 - Legal Serv Rev Acct</b>	<b>1,783</b>		<b>819</b>	<b>1,211</b>	<b>2,602</b>	<b>1,211</b>	<b>3,813</b>
<b>Agency: 100 ATG - State</b>	<b>1,783</b>		<b>819</b>	<b>1,211</b>	<b>2,602</b>	<b>1,211</b>	<b>3,813</b>
<b>Agency: 100 ATG - Federal</b>	<b>300</b>	<b>321</b>			<b>300</b>	<b>321</b>	<b>621</b>
<b>Total - Agency: 100 ATG</b>	<b>2,083</b>	<b>321</b>	<b>819</b>	<b>1,211</b>	<b>2,902</b>	<b>1,532</b>	<b>4,434</b>
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**RC - DFW Legal Services**

**ABS 029 Summarized Revenue by Account and Source**  
**Office of Attorney General**  
**Agency Level**  
**2024 - 2024 Supplemental**  
*Dollars in Thousands*

Washington Department of Fish and Wildlife (WDFW) recently expanded its Hydraulic Project Approvals (HPA) Civil Enforcement program. It is working to adopt new fish screening rules and anticipates more Federal Energy Regulatory Commission (FERC) relicensing requests needing significant legal support. WDFW is involved in more complex habitat restoration projects, all of which have increased legal workload. WDFW litigation has been on a consistent upward trend and WDFW are in full support of this request.

**RD - GMB Legal Services**

The Washington State Gambling Commission (the Commission) is requesting additional funding for legal services, as its current allocation is insufficient to meet its day-to-day needs. Over the past several years, the Commission has seen a marked increase in its need for advice and litigation legal services. The Commission has significantly overspent its legal services allocation for the 2017-19, 2019-21, and 2021-23 Biennia.

**RE - Ecology Legal Services**

The Washington Department of Ecology (Ecology) has an ongoing and increasing need for the Attorney General's Office (AGO) legal services related to the Clean Water Act and Water Pollution Control Act, as its current allocation is insufficient to meet the increased day-to-day legal service needs. Over the past several years, Ecology has seen a marked increase in its need for advice and litigation legal services.

**RF - EFSEC Legal Services**

The Washington Energy Facility Site Evaluation Council (EFSEC) is requesting funding for legal services within the Central Service Model (CSM). Over the past several years, EFSEC has seen a marked increase in its need for advice and litigation legal services to provide a "one-stop" siting process for major energy facilities in the State of Washington. EFSEC coordinates all evaluation and licensing steps for siting certain energy facilities in Washington. EFSEC specifies the conditions of construction and operation. EFSEC currently does not have a legal services allocation in the CSM.

**RH - Leadership Board Legal Services**

The Washington State Leadership Board (WSLB) is requesting funding for legal services within the Central Service Model. WSLB has seen an increase in need for general advice and policy review. WSLB specializes in delivering equity-focused leadership programs for the State of Washington. It is best known for bestowing official honors on behalf of the state, such as the Washingtonian of the Year. WSLB currently does not have a legal services allocation in the Central Service Model.

**RJ - Wenatchee Office Relocation**

The Attorney General's Office (AGO) is seeking to relocate its Wenatchee office because the building owner has provided notice that they will not renew the lease, which expires in October of 2024. The building owner recently confirmed that they want the AGO to move as soon as possible and made it clear that they would not agree to a hold over. 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.

**RN - OSPI Litigation**

This request is to fund defense of two lawsuits and one administrative appeal against the Office of the Superintendent of Public Instruction (OSPI). This request will provide funding for resources needed to continue defending Washington's statutory implementation of Individuals with Disabilities Education Act (IDEA) and OSPI's oversight of Northwest School of Innovative Learning (NWSOIL).

**ABS 029 Summarized Revenue by Account and Source**  
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*Dollars in Thousands*

**RR - SAKI Grant 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.



**ABS 029 Summarized Revenue by Account and Source**  
**Office of Attorney General**  
**Agency Level**  
**2024 - 2024 Supplemental**  
*Dollars in Thousands*

**Report Number: ABS029**

**Input Parameters**

Session	2024 Supplemental
Agency	100
Version	2024
Program	Agency Level
Include Text	Y
For Word	N
Display Parameter Page	Y

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## Proposed Fee Changes

Not Applicable

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## Working Capital Reserve

No Changes to Report

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# Revenue Transfer Reconciliation Statement

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## Federal Fund Estimates-State Match

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# Additional Federal Receipts Reporting Requirements

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## Non-budgeted Local Fund Summary

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# Puget Sound Action Agenda

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## JLARC Audit Response

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**OTHER  
REQUIRED  
INFORMATION**



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Central Service Fund Splits

100-Office of the Attorney General

Save/Update

Runs the big macro to update all fund splits for all services

Reset Fund Splits

All Columns by Agency must equal 100%													
Agency	Program	Subprogram (only used for DSHS in Program 030 and 040)	Account and Approp Title	Auditor	AttGen	OAH	Facilities & Services Only	CTS	Debt Services	Workers' Comp	All Other	Risk Mgmt Division	Self Insurance
<b>Percent Totals (only applies when one agency chosen)</b>				100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
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	86.93%	86.93%	88.52%	86.93%	86.93%	86.93%	86.93%	86.93%	86.93%	86.93%
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%	0.00%	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%

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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.**

The AGO remains committed to continuing to use the experience of the pandemic response 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.**

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.



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