

Multiple Agency Fiscal Note Summary

Bill Number: 5171 SB	Title: Consumer products/gender
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Office of Attorney General	12.3	4,036,000	4,036,000	4,036,000	6.3	2,041,500	2,041,500	2,041,500	.6	198,500	198,500	198,500
Total \$	12.3	4,036,000	4,036,000	4,036,000	6.3	2,041,500	2,041,500	2,041,500	0.6	198,500	198,500	198,500

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Cheri Keller, OFM	Phone: (360) 584-2207	Date Published: Final
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Judicial Impact Fiscal Note

Bill Number: 5171 SB	Title: Consumer products/gender	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note for Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact: Joe McKittrick	Phone: 3607867287	Date: 01/12/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/16/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/16/2023
OFM Review: Steven Puvogel	Phone: (360) 701-6459	Date: 01/19/2023

178,386.00

Request # 029-1

Form FN (Rev 1/00)

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Bill # 5171 SB

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This bill amends and adds a new section to RCW 19.86 expanding the consumer protection chapter.

Section 1 prohibits price differences in goods that are substantially similar but priced differently based on the gender of whom the goods are marketed.

Section 2 creates a civil penalty for violations of this statute.

II. B - Cash Receipts Impact

Indeterminate, because the increased number of filings and judgments is unknown. Impact is expected to be minimal.

Section 2(5) would provide for civil penalties for violations, which differ for each violation:

*\$10,000 for the first violation

*\$1,000 for each subsequent violation

Penalties imposed may not exceed \$100,000.

II. C - Expenditures

Indeterminate, but impact is expected to be minimal to the Administrative Office of the Courts or the courts.

ADMINISTRATIVE OFFICE OF THE COURTS

Current court business processes in the case management systems are available for civil cases filed for violating the provisions of this bill.

COUNTIES/CITIES

Section 1(3) authorizes the Attorney General for another type of action (petition a court for an order to enjoin and restrain the continuance of the violations) that could result in additional civil case filings. The number of increased filings is not known.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditure By Object or Purpose (County)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Expenditure By Object or Purpose (City)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

178,386.00

Form FN (Rev 1/00)

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

Individual State Agency Fiscal Note

Bill Number: 5171 SB	Title: Consumer products/gender	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	12.8	11.8	12.3	6.3	0.6
Account					
General Fund-State 001-1	2,118,000	1,918,000	4,036,000	2,041,500	198,500
Total \$	2,118,000	1,918,000	4,036,000	2,041,500	198,500

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Joe McKittrick	Phone: 3607867287	Date: 01/12/2023
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 01/16/2023
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 01/16/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/16/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 – New Section added to chapter 19.86 RCW – Prohibits sellers from charging different prices for any two goods that are substantially similar but priced different based on the gender of those to whom the goods are marketed and intended. Includes list of exceptions. Permits cause of action to restrain or enjoin prohibited actions by the Attorney General’s Office and allow for injunctions. This section also includes several definitions.

Section 2 – Amends RCW 19.86.140 – Adds civil penalties for violations of Section 1. Also does not limit liability under chapter 40.60 or any other laws.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Indeterminate. It is unknown how many violations may take place involving civil penalties.

The Attorney General’s Office Consumer Protection Division collects civil penalties and deposits them into General Fund State.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

This bill is assumed effective 90 days after the end of the 2023 legislative session.

Location of staffing housed is assumed to be in a Seattle office building.

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

Agency administration support FTE are included in the tables, for every 1.0 FTE Assistant Attorney General (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA), and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a representative classification.

The Attorney General’s Office (AGO) Consumer Protection Division (CPR) activities are funded with General Fund-State dollars. There is no appropriate client agency to bill for legal services.

1. The AGO CPR Division has reviewed this bill and determined the following impact related to the enactment of this bill

CPR assumes that enforcement to ensure compliance with the bill will be a priority for the AGO during the first three years after enactment. CPR assumes that litigation will be necessary to enforce industry compliance. CPR also assumes that industry compliance will increase as a result of litigation enforcement efforts.

CPR anticipates AAGs will be needed to investigate potential violations; draw conclusions from investigation; draft Civil Investigative Demand (CID) and discovery requests; engage in settlement negotiations; file lawsuit. Paralegals (PL) will be required to manage voluminous documents, draft CID/discovery requests and manage responses; assist with legal pleadings and research. Investigators (INV) will be needed to interview witnesses; review investigative records; other investigative tasks as assigned.

FY 2024: 5.0 FTE AAG, 2.5 FTE LA, 2.0 FTE INV, 2.0 FTE PL, and \$222,000 for expert costs (\$150,000); depositions to aid in enforcement (\$3,000 each, estimated (est.) 6 depositions = \$18,000); travel expenses for depositions, witness interviews, other (\$3,000); e-document management costs (\$50,000); filing fees and costs (\$1,000).

FY 2025: 5.0 FTE AAG, 2.5 FTE LA, 1.0 FTE INV, 2.0 FTE PL, and \$171,000 for expert costs (\$100,000); depositions to aid in enforcement (\$3,000 each, est. 6 depositions = \$18,000); travel expenses for depositions, witness interviews, other (\$3,000); e-document management costs (\$50,000).

FY 2026: 5.0 FTE AAG, 2.5 FTE LA, 0.5 FTE INV, 2.0 FTE PL, and \$171,000 for expert costs (\$100,000); depositions to aid in enforcement (\$3,000 each, est. 6 depositions = \$18,000); travel expenses for depositions, witness interviews, other (\$3,000); e-document management costs (\$50,000).

FY 2027 and each year thereafter: 0.5 FTE AAG, 0.25 FTE LA, 0.2 FTE INV, 0.2 FTE PL, and \$10,500 for depositions to aid in enforcement (\$3,000 each, est. 3 depositions = \$9,000); travel expenses for depositions, witness interviews, other (\$1,500).

CPR total FTE workload impact for Seattle rate:

FY 2024: \$2,118,000 for 5.0 FTE AAG, 2.5 FTE LA, 2.0 FTE INV, 2.0 FTE PL, and this includes direct litigation costs of \$222,000.

FY 2025: \$1,918,000 for 5.0 FTE AAG, 2.5 FTE LA, 1.0 FTE INV, 2.0 FTE PL, and this includes direct litigation costs of \$171,000.

FY 2026: \$1,843,000 for 5.0 FTE AAG, 2.5 FTE LA, 0.5 FTE INV, 2.0 FTE PL, and this includes direct litigation costs of \$171,000.

FY 2027: \$198,500 for 0.5 FTE AAG, 0.25 FTE LA, 0.2 FTE INV, 0.2 FTE PL, and this includes direct litigation costs of \$10,500, and in each FY thereafter.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	2,118,000	1,918,000	4,036,000	2,041,500	198,500
Total \$			2,118,000	1,918,000	4,036,000	2,041,500	198,500

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	12.8	11.8	12.3	6.3	0.6
A-Salaries and Wages	1,252,000	1,154,000	2,406,000	1,230,000	125,000
B-Employee Benefits	406,000	375,000	781,000	399,000	40,000
C-Professional Service Contracts	222,000	171,000	393,000	181,500	10,500
E-Goods and Other Services	224,000	205,000	429,000	218,000	22,000
G-Travel	14,000	13,000	27,000	13,000	1,000
Total \$	2,118,000	1,918,000	4,036,000	2,041,500	198,500

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General-Seattle	124,635	5.0	5.0	5.0	2.8	0.3
Legal Assistant 3-Seattle	67,044	2.5	2.5	2.5	1.4	0.1
Management Analyst 5	91,524	1.3	1.3	1.3	0.7	0.1
Paralegal 2-Seattle	75,096	2.0	2.0	2.0	1.1	0.1
Senior Investigator-Seattle	98,532	2.0	1.0	1.5	0.4	0.1
Total FTEs		12.8	11.8	12.3	6.3	0.6

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Consumer Protection Division (CPR)	2,118,000	1,918,000	4,036,000	2,041,500	198,500
Total \$	2,118,000	1,918,000	4,036,000	2,041,500	198,500

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.