

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5171 S SB	<b>Title:</b> Consumer products/gender
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## Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	1.6	801,000	801,000	801,000	1.3	558,000	558,000	558,000	1.3	398,000	398,000	398,000
<b>Total \$</b>	<b>1.6</b>	<b>801,000</b>	<b>801,000</b>	<b>801,000</b>	<b>1.3</b>	<b>558,000</b>	<b>558,000</b>	<b>558,000</b>	<b>1.3</b>	<b>398,000</b>	<b>398,000</b>	<b>398,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
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
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

# Estimated Capital Budget Breakout

NONE

<b>Prepared by:</b> Cheri Keller, OFM	<b>Phone:</b> (360) 584-2207	<b>Date Published:</b> Final 2/24/2023
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# Judicial Impact Fiscal Note

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

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**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.

Contact	Phone:	Date: 02/22/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/23/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/23/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/24/2023

184,665.00

Form FN (Rev 1/00)

Request # 222-1

Bill # 5171 S SB

## Part II: Narrative Explanation

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

The substitute bill would remove civil penalties for violations of the statute included in the original bill. There would be no fiscal impact to the Administrative Office of the Courts. Impact to the courts would remain minimal.

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.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

ADMINISTRATIVE OFFICE OF THE COURTS

No fiscal impact. Current court business processes in the case management systems are available for civil cases filed for violating the provisions of this bill.

COUNTIES

Minimal fiscal impact. 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)

NONE

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

NONE

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

NONE

### III. D - FTE Detail

NONE

### III. E - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

184,665.00

Form FN (Rev 1/00)

**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

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

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.9	1.3	1.6	1.3	1.3
<b>Account</b>					
General Fund-State 001-1	442,000	359,000	801,000	558,000	398,000
<b>Total \$</b>	442,000	359,000	801,000	558,000	398,000

### 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:	Phone:	Date: 02/22/2023
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 02/23/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/23/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/24/2023

## 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 (AGO) and allow for injunctions. This section also includes several definitions. Finds that acts or practices covered by this section is an unfair or deceptive act for purposes of applying the consumer protection act.

Section 2 – Section 1 is a new chapter in Title 19 RCW.

### 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.*

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

### 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.*

Attorney General’s Office (AGO) Agency Assumptions:

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

Location of staffing 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. The Management Analyst 5 (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of an MA.

Assumptions for the AGO Consumer Protection Division’s (CPR) Legal Services:

CPR assumes enforcement to ensure compliance will be a priority for the AGO during the first three years after enactment. CPR also assumes that litigation will be necessary to enforce industry compliance. Finally, CPR 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, and other investigative tasks as assigned.

FY 2024: 0.5 AAG, 0.3 LA, 0.5 INV, 0.5 PL, and \$171,000 for expert costs (\$100,000); depositions to aid in enforcement (\$3,000 each estimating six depositions = \$18,000); travel expenses for depositions, witness interviews, other (\$3,000);

e-document management costs (\$50,000); filing fees and costs (\$360).

FY 2025 and FY 2026: 0.5 AAG, 0.3 LA, 0.2 INV, 0.2 PL, and \$171,000 for expert costs (\$100,000); depositions to aid in enforcement (\$3,000 each estimating six 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 AAG, 0.3 LA, 0.2 INV, 0.2 PL, and \$10,500 for depositions to aid in enforcement (\$3,000 each, estimating three depositions = \$9,000); travel expenses for depositions, witness interviews, other (\$1,500).

CPR total FTE workload impact for Seattle rate:

FY 2024: \$442,000 for 0.5 AAG, 0.3 LA, 0.5 INV, 0.5 PL, and this includes direct litigation costs of \$171,000.

FY 2025: \$359,000 for 0.5 AAG, 0.3 LA, 0.2 INV, 0.2 PL, and this includes direct litigation costs of \$171,000.

FY 2026: \$359,000 for 0.5 AAG, 0.3 LA, 0.2 INV, 0.2 PL, and this includes direct litigation costs of \$171,000.

FY 2027 and in each FY thereafter: \$199,000 for 0.5 AAG, 0.3 LA, 0.2 INV, 0.2 PL, and this includes direct litigation costs of \$10,500.

## 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	442,000	359,000	801,000	558,000	398,000
<b>Total \$</b>			442,000	359,000	801,000	558,000	398,000

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.9	1.3	1.6	1.3	1.3
A-Salaries and Wages	177,000	125,000	302,000	250,000	250,000
B-Employee Benefits	58,000	40,000	98,000	80,000	80,000
C-Professional Service Contracts	118,000	118,000	236,000	127,000	18,000
E-Goods and Other Services	84,000	72,000	156,000	94,000	44,000
G-Travel	5,000	4,000	9,000	7,000	6,000
<b>Total \$</b>	442,000	359,000	801,000	558,000	398,000

### 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	0.5	0.5	0.5	0.5	0.5
Legal Assistant 3-Seattle	67,044	0.3	0.3	0.3	0.3	0.3
Management Analyst 5	91,524	0.1	0.1	0.1	0.1	0.1
Paralegal 2-Seattle	75,096	0.5	0.2	0.4	0.2	0.2
Senior Investigator-Seattle	98,532	0.5	0.2	0.4	0.2	0.2
<b>Total FTEs</b>		1.9	1.3	1.6	1.3	1.3

### III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Consumer Protection Division (CPR)	442,000	359,000	801,000	558,000	398,000
<b>Total \$</b>	442,000	359,000	801,000	558,000	398,000

## 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.*