

Multiple Agency Fiscal Note Summary

Bill Number: 2402 HB	Title: Ethics enforcement
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Estimated Cash Receipts

Agency Name	2011-13		2013-15		2015-17	
	GF- State	Total	GF- State	Total	GF- State	Total
Office of Attorney General	0	(292,672)	0	(585,344)	0	(585,344)
Total \$	0	(292,672)	0	(585,344)	0	(585,344)

Estimated Expenditures

Agency Name	2011-13			2013-15			2015-17		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Commission on Judicial Conduct	.0	0	0	.0	0	0	.0	0	0
Public Disclosure Commission	Fiscal note not available								
Office of Attorney General	(1.2)	0	(292,672)	(2.4)	0	(585,344)	(2.4)	0	(585,344)
Total	(1.2)	\$0	\$(292,672)	(2.4)	\$0	\$(585,344)	(2.4)	\$0	\$(585,344)

Estimated Capital Budget Impact

NONE

Prepared by: Cherie Berthon, OFM	Phone: 360-902-0659	Date Published: Preliminary 1/23/2012
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 30708

Individual State Agency Fiscal Note

Bill Number: 2402 HB	Title: Ethics enforcement	Agency: 050-Commission On Judicial Conduct
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Part I: Estimates

No Fiscal Impact

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: Marsha Reilly	Phone: 360-786-7135	Date: 01/16/2012
Agency Preparation: Reiko Callner	Phone: (360) 753-4585	Date: 01/17/2012
Agency Approval: Reiko Callner	Phone: (360) 753-4585	Date: 01/17/2012
OFM Review: Monica Jenkins	Phone: (360) 902-0561	Date: 01/18/2012

Request # 01-1

Part II: Narrative Explanation

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

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

This bill would not have any operational or fiscal impact on the Commission on Judicial Conduct.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None

Individual State Agency Fiscal Note

Bill Number: 2402 HB	Title: Ethics enforcement	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
Legal Services Revolving Account-State 405-1		(292,672)	(292,672)	(585,344)	(585,344)
Total \$		(292,672)	(292,672)	(585,344)	(585,344)

Estimated Expenditures from:

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	0.0	(2.4)	(1.2)	(2.4)	(2.4)
Account					
Legal Services Revolving Account-State 405-1	0	(292,672)	(292,672)	(585,344)	(585,344)
Total \$	0	(292,672)	(292,672)	(585,344)	(585,344)

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: Marsha Reilly	Phone: 360-786-7135	Date: 01/16/2012
Agency Preparation: Cam Comfort	Phone: (360) 664-9429	Date: 01/20/2012
Agency Approval: Sarian Scott	Phone: (360) 586-2104	Date: 01/20/2012
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 01/20/2012

Request # 12-028-1

Part II: Narrative Explanation

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

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

Section 1 amends RCW 42.52.010 to add a definition for “commission” and delete the definition of “ethics boards”.

Section 2 amends RCW 42.52.320 to provide that the Public Disclosure Commission (PDC) shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature, statewide elected officials and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education. References in the statute to the Legislative Ethics Board (LEB) are changed to refer to the PDC.

Section 3 amends RCW 42.52.360 to change references to the Executive Ethics Board (EEB) to refer to the PDC.

Section 4 amends RCW 42.52.390 to change references to the ethics board to refer to the PDC and the commission on judicial conduct.

Section 5 amends RCW 42.52.400 to change references to the ethics board to refer to the “appropriate commission.”

Section 6 amends RCW 42.52.410 to change references to the ethics board to refer to the “appropriate commission.”

Section 7 amends RCW 42.52.420 to change references to the ethics board to refer to the “appropriate commission.”

Section 8 amends RCW 42.52.425 to change references to board and the ethics board to refer to each commission.

Section 9 amends RCW 42.52.430 to change references to the ethics board to refer to the commission.

Section 10 amends RCW 42.52.440 to change a reference to the ethics board’s order to refer to the commission’s order.

Section 11 amends RCW 42.52.540 to change one references to the appropriate ethics board to refer to the appropriate commission, and references to the appropriate ethics board to refer to PDC.

Section 12 amends RCW 42.52.460 to change references to the ethics board to refer to the commission.

Section 13 amends RCW 42.52.470 to change references to the ethics board to refer to the commission.

Section 14 amends RCW 42.52.480 to change a reference to the ethics board to refer to the PDC or Commission on Judicial Conduct.

Section 15 amends RCW 42.52.490 to change references to the ethics board to refer to the commission.

Section 16 amends RCW 42.52.500 to change references to the ethics board to refer to the commission.

Section 17 amends RCW 42.52.510 to change a reference to the ethics board to refer to the “appropriate commission.”

Section 18 amends RCW 42.52.530 to change a reference to the ethics board to refer to a "commission".

Section 19 amends RCW 42.52.540 to change a reference to the ethics board to refer to “commission.”

Section 20 is a new section providing that on July 1, 2012, complaints under the investigation by the LEB or the EEB under this chapter are transferred to the PDC created in RCW 42.17A.100. All files, including but not limited to minutes of meetings, investigative files, records of proceedings, exhibits, and expense records, shall be transferred to PDC and the PDC shall assume full jurisdiction over all pending complaints, investigations, and proceedings.

Section 21 amends RCW 9.95.003 to change a reference to the EEB to refer to the PDC.

Section 22 amends RCW 42.17A.100 to increase the number of members on the PDC to seven (7) from five (5).

Section 23 amends RCW 42.17A.705 to delete references to the EEB, the Higher Education Coordinating Board, and the LEB.

Section 24 amends RCW 42.40.020 to change a reference to the EEB to refer to the PDC.

Section 25 amends RCW 43.15.020 to delete references to the LEB, the Information Services Board, and the Council for Children and Families.

Section 26 is a new section repealing RCW 42.52.310, .340, .350, .380, and .550.

The Attorney General’s Office (AGO) estimates an impact of -0.5 Assistant Attorney General (AAG), -1.0 Investigator (INV), -1.0 Confidential Secretary (CS), -0.2 Board Member (BM), and 0.3 Legal Assistant (LA) at a cost of -\$292,672 in Fiscal Year (FY) 2013 and in each FY thereafter. The AGO estimate zeros out the budget for the EEB of \$386,184 in FY2013 and in each FY thereafter, and includes a cost impact to the PDC for enforcement legal services of 0.5 AAG and 0.3 LS at a cost of \$93,512 per FY starting in FY2013. The increase in staffing is to provide legal services for enforcement.

This bill is assumed effective July 1, 2012.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Funds are assumed to be Legal Service Revolving Account (LSRF) dollars. Legal services costs incurred by the AGO are billed through the revolving fund to the client agency. Total impact is \$292,672 in FY2013, which is the total when you reduce -\$386,184 for the EEB and add \$93,512 for billing PDC.

The client agency is assumed to be PDC. We will bill PDC \$93,512 in FY2013 and each FY thereafter for the legal services that will be rendered to PDC for enforcement.

Please note that these cash receipts represent the AGO authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies fiscal note. Appropriation authority is necessary in the AGO budget.

Eliminating the EEB in the AGO budget should also see impact to all the AGO LSRF client agency budgets so that in total they are reduced by \$386,184 in FY2013 and each FY thereafter. By reducing the agency budgets real dollars are achieved. Reducing on the AGO budget is only billing authority, not real dollars. If other state agencies are not reduced then the PDC will not receive funding for the EEB and will need General Fund State dollars of \$386,184 in FY2013 and each FY thereafter.

Assumptions:

1. We assume the enactment of this bill will result in the EEB budget funding and FTE being reduced out of the AGO budget equal to the EEB AGO budget for FY2013.
2. We assume the budget for the EEB at -1.0 AAG, -1.0 INV, -1.0 CS, and -0.2 BM per FY and -\$386,184 in FY2013 and in each FY thereafter.
3. We assume a cost for legal services provided to the PDC for legal services for enforcement. This amounts to the AGO billing the PDC \$93,512 in FY2013 and in each FY thereafter.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The AGO estimates an impact of -0.5 AAG, -1.0 INV, -1.0 CS, -0.2 BM, and 0.3 LA at a cost of -292,672 in FY2013 and in each FY thereafter. The AGO estimate zeros out the budget for the EEB of \$386,184 in FY2013 and in each FY thereafter, and includes a cost impact to the PDC for enforcement legal services of 0.5 AAG and 0.3 LS at a cost of \$93,512 per FY starting in FY2013.

EEB Assumptions:

1. We assume AGO EEB dollars and FTEs will decrease by -1.0 AAG, -1.0 INV, -1.0 CS, and -0.2 BM and -\$386,184 in FY2013 and in each FY thereafter.
2. We assume the workload will be at least the same, if not more, in future years for EEB staff.
3. In 2010 EEB opened 73 new investigations. This represents an increase of 8% over 2009.
4. EEB completed investigations in 30 cases in 2010, with accusations ranging from using state resources to run private businesses, to taking advantage of vulnerable citizens, to contracting with family members.

Legal Services Impact Assumptions:

1. We assume a legal services workload equivalent of 0.5 AAG and 0.3 LA at a cost of \$93,512 each FY starting in FY2013. Enforcement efforts are much higher now than in past years.
2. Legal service workload is for enforcement.
3. We assume that the extensive case preparation work currently conducted by the EEB Director (who is an AAG) will not be conducted by PDC staff, which will result in additional legal services requirements.
4. We assume no savings to the State of Washington through the enactment of this bill. The PDC does not have staff members who perform similar functions, so they would have to increase staffing and hire investigators.
5. We assume legal service advice will be provided internal to the PDC, and will not require AGO legal services of our LAL division.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years		(2.4)	(1.2)	(2.4)	(2.4)
A-Salaries and Wages		(176,611)	(176,611)	(353,222)	(353,222)
B-Employee Benefits		(49,662)	(49,662)	(99,324)	(99,324)
C-Personal Service Contracts					
E-Goods and Services		(57,659)	(57,659)	(115,318)	(115,318)
G-Travel		(3,140)	(3,140)	(6,280)	(6,280)
J-Capital Outlays		(5,600)	(5,600)	(11,200)	(11,200)
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$0	\$(292,672)	\$(292,672)	\$(585,344)	\$(585,344)

III. B - 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 2012	FY 2013	2011-13	2013-15	2015-17
Assistant Attorney General	82,284		(0.5)	(0.3)	(0.5)	(0.5)
Board Member	1,305		(0.2)	(0.1)	(0.2)	(0.2)
Confidential Secretary	60,540		(1.0)	(0.5)	(1.0)	(1.0)
Investigator	67,688		(1.0)	(0.5)	(1.0)	(1.0)
Legal Assistant	41,316		0.3	0.2	0.3	0.3
Total FTE's	253,133		(2.4)	(1.2)	(2.4)	(2.4)

III. C - Expenditures By Program (optional)

Program	FY 2012	FY 2013	2011-13	2013-15	2015-17
Executive Ethics (ETH)		(386,184)	(386,184)	(772,368)	(772,368)
Government Compliance and Enforcement Division (93,512	93,512	187,024	187,024
Total \$		(292,672)	(292,672)	(585,344)	(585,344)

Part IV: Capital Budget Impact

NONE

None.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None.