

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure
-------------------------------	---------------------------------

## Estimated Cash Receipts

Agency Name	2005-07		2007-09		2009-11	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Labor and Industries	0	(26,392)	0	(26,392)	0	(26,392)
Department of Social and Health Services	Non-zero but indeterminate cost. Please see discussion."					
<b>Total \$</b>	0	(26,392)	0	(26,392)	0	(26,392)

Local Gov. Courts *						
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.					
Local Gov. Total						

## Estimated Expenditures

\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

Agency Name	2005-07			2007-09			2009-11		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Office of Administrator for the Courts	.0	0	0	.0	0	0	.0	0	0
Public Disclosure Commission	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.5	103,700	103,700	.5	97,200	97,200	.5	97,200	97,200
Human Rights Commission	.0	0	0	.0	0	0	.0	0	0
Department of Revenue	.0	0	0	.0	0	0	.0	0	0
Office of Minority and Women's Business Enterprises	.0	0	0	.0	0	0	.0	0	0
Board of Accountancy	.0	0	0	.0	0	0	.0	0	0
Board of Industrial Insurance Appeals	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.0	132	37,500	.0	132	37,500	.0	132	37,500
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Health	1.5	293,000	293,000	1.5	292,000	292,000	1.5	290,000	290,000
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.3	24,951	41,585	.0	0	0	.0	0	0
Department of Natural Resources	.4	18,700	55,000	.3	12,000	35,400	.0	0	0
Employment Security Department	.0	0	3,643	.0	0	0	.0	0	0
<b>Total</b>	2.7	\$440,483	\$534,428	2.3	\$401,332	\$462,100	2.0	\$387,332	\$424,700

Local Gov. Courts *									
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Total									

--	--	--	--	--	--	--	--	--	--

<b>Prepared by:</b> Robin Campbell, OFM	<b>Phone:</b> 360-902-0575	<b>Date Published:</b> Final 3/24/2005
---	-------------------------------	---

\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID: 11726

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 055-Office of Administrator for Courts
-------------------------------	---------------------------------	--

## Part I: Estimates

☒ **No Fiscal Impact**

*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 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.

Legislative Contact:	Phone:	Date: 03/04/2005
Agency Preparation: Julia Appel	Phone: (360) 705-5229	Date: 03/07/2005
Agency Approval: Jeff Hall	Phone: 360-357-2131	Date: 03/07/2005
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/07/2005

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 082-Public Disclosure Commission
-------------------------------	---------------------------------	---

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Doug Ellis	Phone: 360-664-2735	Date: 03/07/2005
Agency Approval: Vicki Rippie	Phone: 360586-4838	Date: 03/07/2005
OFM Review: Doug Jenkins	Phone: 360-902-0563	Date: 03/07/2005

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.

No Fiscal Impact anticipated.

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.

No Cash Receipts Impact anticipated.

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.

No Expenditure Impact anticipated.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

No Capital Budget Impact anticipated.

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.

No rule changes anticipated.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 100-Office of Attorney General
-------------------------------	---------------------------------	---

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Linda Moran	Phone: 360 753-2619	Date: 03/09/2005
Agency Approval: John Fricke	Phone: 360 753-2516	Date: 03/09/2005
OFM Review: Robin Campbell	Phone: 360-902-0575	Date: 03/09/2005

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.

The substitute bill makes a number of changes to the original bill:

- Removes the provisions in the original bill relating to the attorney-client privilege.
- Changes the terms used regarding provision of partial responses to large requests as portions of the request are completed.
- Prohibits denying a request solely because the request is "overbroad"
- Removes the authority for the State Auditor to audit copying costs
- Makes changes in how agencies may charge for portions of requests and require deposits
- Allows an agency to cease fulfilling a request if a completed portion of the request is not picked up
- Changes the lower limit of the fine (does not increase over time) for violations, but not the upper limit

These changes are not expected to result in a fiscal impact to the AGO. As was the case with the original version of the bill, the AGO expects to handle these new activities within existing resources.

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.

The AGO does not see a fiscal impact for this bill. The AGO currently provides client advice and litigation support to state agencies regarding the Public Records law. It is anticipated there may be some additional requests for client advice and the need to promulgate model rules developed under this bill. There also may be some litigation support if a challenge to this law is filed. However, the AGO expects to handle this work within existing resources.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

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.

The AGO is granted authority under this bill to adopt model rules for public disclosure. This model rule will address the following topics: providing the fullest assistance to requestors, indexing public records, fulfilling large requests in the most timely manner, fulfilling requests for electronic records, and other issues as determined by the Attorney General. The intent of developing these model rules is for the AGO to assist state agencies and local governments adopt clear and consistent procedures for handling requests in an efficient manner.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 105-Office of Financial Management
-------------------------------	---------------------------------	---

## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

FUND					
Total \$					

### Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
<b>Fund</b>					
General Fund-State 001-1	55,100	48,600	103,700	97,200	97,200
Total \$	55,100	48,600	103,700	97,200	97,200

*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: 03/04/2005
Agency Preparation: Brad Killman	Phone: 360-902-0659	Date: 03/08/2005
Agency Approval: Aaron Butcher	Phone: 360-902-0406	Date: 03/08/2005
OFM Review: Robin Campbell	Phone: 360-902-0575	Date: 03/08/2005



## 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 42.17.270 to require public records be promptly made available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records on the basis that the request is overbroad.

### 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.

We believe the amendment in Section 1 that states, "agencies cannot deny a request for identifiable public records on the basis that the request is overbroad" will cause an additional workload. In order to manage the increased workload, we estimate an additional 1/2 FTE will be needed.

The substitute bill changes the language from a "rolling release" requirement to a "partial or installment basis" as records become available. We believe this makes the workload more manageable because we can incrementally provide the records to the requestor.

## Part III: Expenditure Detail

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

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
A-Salaries and Wages	33,000	33,000	66,000	66,000	66,000
B-Employee Benefits	10,200	10,200	20,400	20,400	20,400
C-Personal Service Contracts					
E-Goods and Services	4,800	4,800	9,600	9,600	9,600
G-Travel	600	600	1,200	1,200	1,200
J-Capital Outlays	6,500		6,500		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
<b>Total:</b>	\$55,100	\$48,600	\$103,700	\$97,200	\$97,200

### 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 2006	FY 2007	2005-07	2007-09	2009-11
Communications Officer	66,000	0.5	0.5	0.5	0.5	0.5
<b>Total FTE's</b>		0.5	0.5	0.5	0.5	0.5

## Part IV: Capital Budget Impact

**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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 120-Human Rights Commission
-------------------------------	---------------------------------	--

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Renee Knight	Phone: 360-753-6777	Date: 03/07/2005
Agency Approval: Marc Brenman	Phone: (360) 753-2558	Date: 03/07/2005
OFM Review: Tom Lineham	Phone: 360-902-0543	Date: 03/07/2005

# Department of Revenue Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 140-Department of Revenue
-------------------------------	---------------------------------	--

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Lorrie Brown	Phone: 360-570-6081	Date: 03/23/2005
Agency Approval: Don Gutmann	Phone: 360-570-6073	Date: 03/23/2005
OFM Review: Doug Jenkins	Phone: 360-902-0563	Date: 03/24/2005

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.

Note: This fiscal note reflects SHB 1758.

This is an act relating to public disclosure.

Section 1 amends RCW 42.17.270 to allow an agency to make requested and disclosed public records available to the requester as they become available rather than waiting for the entire body of requested records to become available before disclosing them to the requester. An agency cannot deny a request on the basis that the request is "overbroad."

Section 2 provides that an agency can charge a deposit of up to 10 percent of the costs of copying a set of requested documents.

Section 3 requires that each public agency appoint and maintain an individual to serve as the point of contact for requests and disclosure of public records.

Section 4 modifies RCW 42.17.250 to require that a public agency's plan for managing public records and requests for records include the name and other information about the single point of contact required under Section 3. Further amendments require the State Attorney General to adopt a model rule to provide guidance for agency programs regarding managing and responding to requests for public records.

Section 5 amends RCW 42.17.340 to provide that a person may bring action in the superior court in the county in which she or he resides against an agency for failure to legally comply with the provisions of the state public disclosure act. The section also provides for a penalty of up to \$500 a day for not complying with the public disclosure law provisions.

The bill would take effect 90 days after the end of the session in which it passed.

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.

CURRENTLY REPORTING TAXPAYERS (Impact for taxpayers who are known or estimated to be currently paying the tax in question)

There is no revenue impact.

TOTAL REVENUE IMPACT:

State Government (cash basis, \$000): None.

Local Government, if applicable (cash basis, \$000): None

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.

After further review the Department has determined that this legislation will not result in additional administrative expenditures for the agency.

The Department does not anticipate incurring any costs associated with the implementation of this legislation. The Department will absorb any incidental costs incurred.

**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

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 147-Off of Minority & Women's Business
-------------------------------	---------------------------------	---

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Tammi Hazlitt	Phone: 360-753-9691	Date: 03/07/2005
Agency Approval: Carolyn Crowson	Phone: 360-753-9679	Date: 03/07/2005
OFM Review: Deborah Feinstein	Phone: 360-902-0614	Date: 03/07/2005

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 165-State Board of Accountancy
-------------------------------	---------------------------------	---

## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

<b>FUND</b>					
<b>Total \$</b>					

### Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
<b>Fund</b>					
<b>Total \$</b>					

*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: 03/04/2005
Agency Preparation: Cheryl Sexton	Phone: 360 664-9194	Date: 03/07/2005
Agency Approval: Sandra Shoemaker	Phone: 360-664-9192	Date: 03/07/2005
OFM Review: Deborah Feinstein	Phone: 360-902-0614	Date: 03/07/2005



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.

It is difficult to gage what the ultimate impact would be, as the potential impact would be in whatever rules were eventually adopted regarding time to respond to requests. If the rules remained flexible, dependent upon the circumstances and the agency's resources to comply, then there would be no fiscal impact.

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

III. A - Expenditures by Object Or Purpose

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years					
Total:					

Part IV: Capital Budget Impact

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.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 190-Board of Indust Insurance Appeals
-------------------------------	---------------------------------	---

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Ruth Martyn	Phone: 360-753-2790	Date: 03/09/2005
Agency Approval: Bob Liston	Phone: 360-753-6823	Date: 03/09/2005
OFM Review: Deborah Feinstein	Phone: 360-902-0614	Date: 03/09/2005

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 215-Utilities and Transportation Comm
-------------------------------	---------------------------------	--

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Michael Young	Phone: 360-664-1155	Date: 03/09/2005
Agency Approval: Debra Wilhelmi	Phone: 360-664-1205	Date: 03/10/2005
OFM Review: Deborah Feinstein	Phone: 360-902-0614	Date: 03/10/2005

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.*

Sec. 1 - Directs agencies to provide requested information on an installment basis, as the information is assembled; prohibits agencies from denying a request as overbroad.

This provision will impose additional work and expense on the agency, because it will be required to fulfill any request, including those that are unreasonably broad. We anticipate this workload would be absorbed.

Sec. 3 - Requires the agency to designate a public records officer.

Consistent with current practice.

Sec. 4(3) - Requires AG to develop model public records rule.

No fiscal effect, because agencies are not required to adopt the model rule. If agencies were required to adopt the model rule, we would have the costs of a minor rule making.

Sec. 5(4) - Increases penalties to \$500.

We do not expect any fiscal effect from this change, as we have never been penalized for failing to comply with the public records act.

Sec. 5(6) - Puts one-year limit on lawsuits alleging agency violation of public records act.

We do not expect a fiscal effect.

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

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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 227-Wa St Criminal Justice Train Comm
-------------------------------	---------------------------------	---

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Brian Elliott	Phone: 360-486-2436	Date: 03/07/2005
Agency Approval: Brian Elliott	Phone: 360-486-2436	Date: 03/07/2005
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/07/2005

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 235-Department of Labor and Industries
-------------------------------	---------------------------------	---

## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

FUND	FY 2006	FY 2007	2005-07	2007-09	2009-11
Accident Account-State 608-1	(6,598)	(6,598)	(13,196)	(13,196)	(13,196)
Medical Aid Account-State 609-1	(6,598)	(6,598)	(13,196)	(13,196)	(13,196)
<b>Total \$</b>	(13,196)	(13,196)	(26,392)	(26,392)	(26,392)

### Estimated Expenditures from:

Fund	FY 2006	FY 2007	2005-07	2007-09	2009-11
General Fund-State 001-1	66	66	132	132	132
Public Safety and Education Account-State 02V-1	156	156	312	312	312
Asbestos Account-State 03B-1	4	4	8	8	8
Electrical License Account-State 095-1	151	151	302	302	302
Worker and Community Right-to-Know Account-State 163-1	13	13	26	26	26
Public Works Administration Account-State 234-1	15	15	30	30	30
Accident Account-State 608-1	8,034	8,034	16,068	16,068	16,068
Medical Aid Account-State 609-1	10,288	10,288	20,576	20,576	20,576
Plumbing Certificate Account-State 885-1	8	8	16	16	16
Pressure Systems Safety Account-State 892-1	15	15	30	30	30
<b>Total \$</b>	18,750	18,750	37,500	37,500	37,500

*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: 03/04/2005
Agency Preparation: Joseph Molenda	Phone: 360-902-4544	Date: 03/15/2005
Agency Approval: Chris P Freed	Phone: 360-902-6698	Date: 03/15/2005
OFM Review: Deborah Feinstein	Phone: 360-902-0614	Date: 03/23/2005

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.

see attached revision of 03/15/05

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.

see attached

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.

see attached

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Personal Service Contracts					
E-Goods and Services	18,750	18,750	37,500	37,500	37,500
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
Total:	\$18,750	\$18,750	\$37,500	\$37,500	\$37,500

Part IV: Capital Budget Impact

see attached

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.

see attached



## **Part II: Explanation**

This bill permits agencies to charge an installment payment of up to 10 percent of the estimated cost of a large records request, to charge for each request installment as it is provided, and to cancel the balance of a large request, if the requestor does not pick up an installment. This bill also increases the maximum penalty for improper withholding of public records from \$100 to \$500 and restores discretionary authority to the court in the assessment of these penalties.

### **II. A – Brief Description of What the Measure Does that Has Fiscal Impact**

This bill will result in less revenue received for disclosure requests and greater penalties paid by Labor & Industries (L&I).

#### **Section 2:**

This section adds language permitting a public agency to require a deposit installment payment of up to 10 percent of the total estimated cost for a large records request. It also allows the agency to charge for each installment as it is provided, and to cancel the remainder of the request, if the requestor does not pick up an installment.

#### **Section 5:**

This section increases the maximum penalty amount from \$100 to \$500 that can be assessed against the department for improper withholding of public records and/or information.

### **II. B – Cash Receipt Impact**

#### **Section 2:**

This bill does not define “large” request. The agency assumes “large” to be a request with duplication costs of \$100 or more. If each installment billing is limited to 10 percent of the total estimated cost, 10 billings would be required for each complete “large request.” The department assumes an average of five (5) billings per “large request”, or 50 percent of requests will be completed.

Previously (L&I) would receive a request, estimate costs for copying, then submit an estimated billing (pre-billing) to the requestor. If this estimated “pre-bill” was paid in advance, the request would proceed; if not, the request would be canceled. When the request was fulfilled, the agency would submit a “clean-up” billing or refund. The clean-up billing or refund would adjust for any over-payment or under-payment. Because of the 10 percent maximum ceiling on installment charges, this bill will potentially reduce the total amount of accounts receivable, as 90 percent less money will be received up front for large requests, and the remaining payments will disappear for any requests that are stopped - either because the requestor decides not to pursue or fails to make an installment.

Reduction of Cash Receipts is calculated as follows:

Currently:

The total “pre-billing” for 161 “large” requests in the two-year period 2003-2004 was \$31,488. Adjustments made on final billings was a reduction of (\$5,096). Total cash receipts for 161 “large” requests in the two year period 2003-2004 = \$26,392 (\$31,488 - \$5,096 = \$26,392).

With this bill:

Using the same 161 “large” requests and the assumption of 50 percent request completion, it is estimated the department will have a \$13,196 reduction in cash receipts. (Current cash receipts \$26,392 X 50 percent request completions assumption = \$13,196)

## **II. C – Expenditures**

The costs of additional billings needed to implement the “installment” billing process allowed in section 2 of the bill would be minimal and can be absorbed within current appropriation levels.

Section 5 of the bill increases the maximum penalty amount that can be assessed against the department for improper withholding of public records and/or information from \$100 to \$500.

The total dollar amount awarded in records disclosure lawsuits against the department from 1995 to the present was \$125,000 for three penalties. Thus, the average dollar amount awarded per lawsuit from 1995 to 2005 = \$41,667 (\$125,000 divided by 3 = \$41,667).

The range of penalty increase under SHB 1758 will be a minimum of zero to a maximum of 5 times, with a mean of 2.5 times.

The projected average dollar amount awarded per lawsuit under SHB 1758 will be \$104,168 (\$41,667 X 2.5 = \$104,168). Thus, the increase in the average penalty under this bill will be \$104,168 - \$41,667 or \$62,501.

Assuming the same three penalties over a ten-year period, the increase in costs would be \$187,503 (\$62,501 X 3 = \$187,503).

The annual increase will be \$18,750. (\$187,503 divided by 10 years = \$18,750).

## **Part IV: Capital Budget Impact**

None

## **Part V: New Rule Making Required**

This bill would require a rule change in Chapter 296-06-090 WAC.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 240-Department of Licensing
-------------------------------	---------------------------------	--

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Erik Hansen	Phone: 360-902-0120	Date: 03/07/2005
Agency Approval: Larry Dzieza	Phone: 360-902-3633	Date: 03/10/2005
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/10/2005

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 revises public disclosure law. The bill clarifies the exemption for attorney-client privilege. Records must be provided on a “partial” or “installment” basis and agencies shall not be able to deny a request for identifiable public records on the basis that the request is overbroad. The agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. In addition agencies will need to publish in the state register the identity of the agency’s appointed individual to whom members of the public may submit requests for disclosure or inspection of public records. The bill will require the attorney general, by 2/1/06, to adopt a model rule addressing various public disclosure issues.

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

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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 300-Dept of Social and Health Services
-------------------------------	---------------------------------	---

## Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

*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: 03/04/2005
Agency Preparation: Sarian Scott	Phone: (360) 902-7769	Date: 03/07/2005
Agency Approval: Sue Breen	Phone: 360-902-8183	Date: 03/16/2005
OFM Review: Cheri Keller	Phone: 360-902-0553	Date: 03/16/2005

## 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 sets requirements on the release of public records.

Section 1 states that records will be made available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Department of Social and Health Services (DSHS) shall not deny a request for public disclosure request on the basis that the request is overbroad.

Section 2 states that should the requestor not pick up the installment of a records request DSHS is not then obligated to fulfill the balance of the request.

Section 3 states each agency shall appoint and identify an individual whose responsibility is to serve as point of contact for the public when they request public disclosure. This individual will also oversee DSHS compliance with public disclosure.

Section 5, (4) states that it will be at the court's discretion to award an amount no less than five (5) dollars and not to exceed five-hundred (500) dollars for each day that the requestor was denied the right to inspect or copy those records they requested public disclosure of.

Section 5, (6) limits to within one year the time an action can be made against DSHS. The action must be made within one year of the agency's claim of exemption or the last production of a record on an installment basis.

This bill is assumed to take effect July 1st, 2005.

### 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.*

Federal dollars are assumed to be Title XIX.

### 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.*

Indeterminate.

Section 1 states that records will be made available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. DSHS shall not deny a request for public disclosure request on the basis that the request is overbroad.

Section 2 states that should the requestor not pick up the installment of a records request; DSHS is not then obligated to fulfill the balance of the request.

Section 3 states each agency shall appoint and identify an individual whose responsibility is to serve as point of contact for the public when they request public disclosure. This individual will also oversee DSHS compliance with public disclosure.

Section 5, (4) states that it will be at the court's discretion to award an amount no less than five (5) dollars and not to

exceed five-hundred (500) dollars for each day that the requestor was denied the right to inspect or copy those records they requested public disclosure of.

For illustrative purposes, DSHS experience averaged five penalty payouts per Fiscal Year (FY) where the average payout was \$10,000. For purposes of this fiscal note it is assumed the same number of cases are filed and the highend payout is 5 times the current penalty. As such DSHS would need funding estimated at \$250,000 per FY ((5 cases x \$10,000) x 5 = \$250,000).

**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

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 303-Department of Health
-------------------------------	---------------------------------	---

## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

<b>FUND</b>					
<b>Total \$</b>					

### Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	1.5	1.5	1.5	1.5	1.5
<b>Fund</b>					
General Fund-State 001-1	148,000	145,000	293,000	292,000	290,000
<b>Total \$</b>	148,000	145,000	293,000	292,000	290,000

*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: 03/04/2005
Agency Preparation: Ed Baker	Phone: 360-236-4531	Date: 03/09/2005
Agency Approval: Carla Delducco	Phone: (360) 236-3927	Date: 03/10/2005
OFM Review: Elise Greef	Phone: 360-902-0539	Date: 03/11/2005



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.

Sec 3 requires each state agency to appoint and maintain an individual whose responsibility it is to serve as a point of contact with the public and to oversee the agency's compliance with this legislation.

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.

Sec 3: Each agency shall appoint and maintain an individual to act as a central point of contact for people requesting public records and to oversee the agency's compliance with public records disclosure requirements

The quality assurance/compliance work involves rule-making as necessary to meet statutory requirements; assuring that all policies and procedures within the agency (agency, division and program levels) are consistent with current law and updated as necessary; reviewing and assessing work practices across the agency to assure compliance with law, policy and procedures; and providing training to agency staff responsible for public record disclosure required by law. The Department of Health (DOH) currently does not have one person in the agency with which this responsibility lies. DOH feels however, that these responsibilities and associated costs can be managed within existing agency resources.

The central point of contact to receive all public record disclosure requests involves establishing and maintaining an efficient way of receiving, documenting and transmitting over 8,000 requests for records to staff responsible for providing them. This central point of contact is also tasked with the initial act of working with the requester to clarify and narrow the request. This upfront effort reduces workload on the programs responsible for providing the records. DOH currently does not have an individual acting in this capacity. Beginning in FY 2006, DOH assumes that it will require 1.0 FTE of a Health Services Consultant 4 to perform these duties. In addition, DOH assumes that it will also require 0.5 FTE of a Secretary Administrative to assist and provide administrative support. These will be ongoing costs.

## Part III: Expenditure Detail

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

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	1.5	1.5	1.5	1.5	1.5
A-Salaries & Wages	77,000	77,000	154,000	154,000	154,000
B-Employee Benefits	16,000	16,000	32,000	32,000	32,000
C-Personal Serv Contr					
E-Goods and Services	49,000	49,000	98,000	98,000	98,000
G-Travel	1,000	1,000	2,000	2,000	2,000
J-Capital Outlays	3,000		3,000	2,000	
M-Inter Agency Fund Transfers					
N-Grants, Benefits Services					
P-Debt Service					
S-Interagency Reimburesement					
T-Intra-Agency Reimbursement	2,000	2,000	4,000	4,000	4,000
<b>Total:</b>	\$148,000	\$145,000	\$293,000	\$292,000	\$290,000

**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 2006	FY 2007	2005-07	2007-09	2009-11
Health Services Consultant 4	58,656	1.0	1.0	1.0	1.0	1.0
Secretary Administrative	35,808	0.5	0.5	0.5	0.5	0.5
<b>Total FTE's</b>		1.5	1.5	1.5	1.5	1.5

## Part IV: Capital Budget Impact

## 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.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 405-Department of Transportation
-------------------------------	---------------------------------	---

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Marc Mixon	Phone: 360-705-7730	Date: 03/08/2005
Agency Approval: Richard Ybarra	Phone: 360-705-7400	Date: 03/09/2005
OFM Review: Tom Saelid	Phone: 360-902-0562	Date: 03/09/2005

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.

The legislation clarifies certain public records provisions to assist agencies in discharging their duty to maintain open governance and to assist citizens in exercising their right to request and examine the recorded workings of their government.

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.

None.

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.

None.

WSDOT's current internal public disclosure policies and procedures cover the great majority of public disclosure requests received.

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

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 461-Department of Ecology
-------------------------------	---------------------------------	--

## 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:	Phone:	Date: 03/04/2005
Agency Preparation: Janis Moore	Phone: (360) 407-7099	Date: 03/07/2005
Agency Approval: Nancy Stevenson	Phone: (360) 407-7007	Date: 03/07/2005
OFM Review: Ann-Marie Sweeten	Phone: 360-902-0538	Date: 03/08/2005

## 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.*

Sec. 1 RCW 42.17.270 and 1987 c 403 s 4 would each be amended as follows:

Public records would need to be available for inspection and copying, and agencies would be required to, upon request for identifiable public records, make them promptly available to any person. If applicable, records would need to be available on a rolling basis, as records that are part of a larger set of requested records become available and ready for inspection or disclosure. Agencies would not be able to deny a request for identifiable public records on the basis that the request was overbroad. Agencies would be prohibited from distinguishing among persons requesting records, and such persons would not be required to provide information as to the purpose for the request, except to establish whether inspection and copying would violate RCW 42.17.260 (5) (9) or other statute which exempts or prohibits disclosure of specific information or records to certain persons.

In cases of large requests, the agency would be required to provide records in batches, as they are compiled and cleaned, rather than waiting for the whole to be provided, where practicable. This is Ecology's current practice in many cases, and would not have significant impact on the agency.

Section 2 would allow an agency to require a deposit in an amount not to exceed ten percent (10%) of the estimated cost of providing copies for a request. If an agency were to make a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request were not picked up, the agency would not be obligated to fulfill the balance of the request.

Section 4 would make housekeeping changes to add to the list of information that each agency must display and make available for inspection and copying at the central office, for guidance of the public. Information added would be as follows:

1)(f) The identity of the agency's appointed individual to whom members of the public may be directed to submit requests for disclosure or inspection of public records and who is responsible for overseeing the disclosure or inspection of such records. This person's identity could need to be published in the Washington Administrative Code.

Section 4 (3)(a) would also require the Attorney General, by 2/1/06, to adopt by rule, a model rule for state and local agencies to address the following subjects:

- (i) Providing fullest assistance to requestors;
  - (ii) Indexing of public records;
  - (iii) Fulfilling large requests in the most timely manner;
  - (iv) Fulfilling requests for electronic records; and
  - (v) Any other issues pertaining to public disclosure as determined by the attorney general.
- (b) The attorney general, in his or her discretion, may from time to time revise the model rule.

This model rule would be the basis for public disclosure procedures, to which Ecology would need to conform.

Section 5 (4) would be amended to increase the minimum and maximum discretionary award a court can make to any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time. The minimum would not be less than \$5 and not to exceed \$500, for each day that the requestor was denied the right to inspect or copy subject records. Ecology provides or makes available most of its public disclosure in a reasonable amount of time, so it would be rare that we would be assessed a fee.

Subsection (5) would be added as follows: For actions under this section against counties, the venue provisions of RCW 36.01.050 would apply.

Subsection (6) would be added as follows: Actions under this section must be filed within one year of the agency's claim of exemption or the last production of a record on a rolling basis. This would cover situations where statutory exemptions had changed.

## **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.*

Section 4 would make housekeeping changes to accommodate additions to the list of information that each agency must display and make available for inspection and copying at the central office, for guidance of the public. Information added is as follows:

1)(f) The identity of the agency's appointed individual to whom members of the public may be directed to submit requests for disclosure or inspection of public records and who is responsible for overseeing the disclosure or inspection of such records. would need to be incorporated into the Washington Administrative Code. Ecology would have to amend a rule to identify the agency public disclosure officer. This would be an expedited rule and Ecology could do with existing resources.

Section 5 (4) would be amended to increase the maximum discretionary award a court could make to any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time. The maximum would be increased from \$100 to \$500, for each day that the requestor was denied the right to inspect or copy subject records. Ecology provides or makes available most of its public disclosure in a reasonable amount of time, so it would be rare that we would be assessed a fee. However we did have one award granted to a requestor in the past 4 years in the amount of \$31,000, part of the settlement included attorney fees and that Ecology improve its procedures to prevent a reoccurrence. On this basis we assume no fiscal impact.

## **Part III: Expenditure Detail**

## **Part IV: Capital Budget Impact**

## **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.*

Section 5 would require the Office of the Attorney General to adopt a model rule for all state and local agencies, as defined in RCW 28 42.17.020, addressing subjects listed in the bill.

This model rule would be the basis for public disclosure procedures with which Ecology would need to conform.

Ecology already has a public disclosure rule. This fiscal note assumes that any amendments required to conform to the model rule could be adopted by expedited rulemaking with existing staff.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 477-Department of Fish and Wildlife
-------------------------------	---------------------------------	--

## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

<b>FUND</b>					
<b>Total \$</b>					

### Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.0	0.6	0.3	0.0	0.0
<b>Fund</b>					
General Fund-State 001-1	0	24,951	24,951	0	0
Wildlife Account-State 104-1	0	16,634	16,634	0	0
<b>Total \$</b>	0	41,585	41,585	0	0

*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: 03/04/2005
Agency Preparation: Carol Turcotte	Phone: 360-902-2253	Date: 03/07/2005
Agency Approval: James Lux	Phone: 360-902-2444	Date: 03/08/2005
OFM Review: Jim Skalski	Phone: 360-902-0654	Date: 03/08/2005



## 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 4 of SHB 1758 requires the Attorney General, by February 1, 2006, to adopt by rule a model rule for state and local agencies addressing the following subjects:

- Providing fullest assistance to requestors;
- Indexing public records;
- Fulfilling large requests in the most timely manner;
- Fulfilling requests for electronic records; and
- Any other issues relating to public disclosure as determined by the Attorney General

The Attorney General may revise the model rule from time-to-time.

HB 1758 implied ongoing public records requests - providing records on a rolling basis as records became available. It was not clear if the intent was to provide records as they were created in the agency. The substitute bill clarifies the language to provide records in installments as they are assembled, not necessarily as they are created.

### 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.*

None.

### 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.*

SHB 1758 would increase WDFW workload due to the need for creation of new public records matrix. However, it clarifies the language to provide records in installments as they are assembled, not necessarily as they are created. Therefore, it is estimated that WDFW would require one-year funding for a .5 FTE of a Forms and Records Analyst in FY07. One-time cost of rules and public hearings, included in goods and services, is also needed.

## Part III: Expenditure Detail

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

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years		0.6	0.3		
A-Salaries and Wages		20,891	20,891		
B-Employee Benefits		6,514	6,514		
C-Personal Service Contracts					
E-Goods and Services		12,780	12,780		
G-Travel		1,120	1,120		
J-Capital Outlays		280	280		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
<b>Total:</b>	\$0	\$41,585	\$41,585	\$0	\$0

**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 2006	FY 2007	2005-07	2007-09	2009-11
Direct Support	26,675		0.1	0.0		
Forms and Records Analyst 2	38,580		0.5	0.3		
<b>Total FTE's</b>			0.6	0.3		0.0

## 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.*

Sec. 4 would require changes to WAC 220-80-020 and WAC 232-12-810-824. One-time cost for changing the rules (\$1,500) and establishing a public hearing (at \$2,500) is needed.

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 490-Department of Natural Resources
-------------------------------	---------------------------------	--

## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

<b>FUND</b>					
<b>Total \$</b>					

### Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.5	0.3	0.4	0.3	0.0
<b>Fund</b>					
All Other Funds-State 000-1	24,600	11,700	36,300	23,400	0
General Fund-State 001-1	12,700	6,000	18,700	12,000	0
<b>Total \$</b>	37,300	17,700	55,000	35,400	0

*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: 03/04/2005
Agency Preparation: Robert Brauer	Phone: 360) 902-1244	Date: 03/10/2005
Agency Approval: Lisa Largent	Phone: 360-902-1093	Date: 03/10/2005
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 03/10/2005

## 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.*

SHB 1758 Fiscal Impact:

The bill amends sections of the public disclosure/open records act.

Section 1 requires that agencies not deny a request for identifiable public records solely on the basis that the request is overbroad.

Section 3 directs the Department of Natural Resources (DNR) to appoint and maintain and publicly identify an individual whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records.

Section 4(3)(a) requires that the attorney general office adopt a new model rule for state agencies related to: (i) providing fullest assistance to requestors; (ii) indexing of public records; (iii) fulfilling large requests in the most timely manner; (iv) fulfilling requests for electronic records; and (v) any other issues pertaining to public disclosure as determined by the attorney general. The requirement to index public records is an area the department has not widely formalized and would require additional staff time to coordinate and develop.

Section 5 increases the penalty for records inappropriately denied.

### 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.*

Expenditures:

Section 4(3)(a)(ii) requires indexing of public records. Indexing public records is an area the department has not widely formalized and would require additional staff time to coordinate and develop before it could be offered to the public. In contrast to a records retention schedule, an accurate index system involves every program and section having a specific detailed listing of their records that the public could review prior to a records request. Ideally, this would enable someone unfamiliar with the records (the public) to have an idea of the records content without having seen it.

The department estimates that .5 FTE at the NR Program coordinator level (step 52F) is required to develop and maintain the indexing requirement of this bill. This position would work with each program, section, division and executive management to determine what records each is creating or receiving from outside. Then these records need to be compiled into consistent indices that will be amended and augmented over time.

Goods and services and travel are based on agency averages for FY04. Administration costs are added at a rate of 22%. The position will require a computer and appropriate software.

## Part III: Expenditure Detail

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

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.5	0.3	0.4	0.3	
A-Salaries and Wages	21,800	10,900	32,700	21,800	
B-Employee Benefits	5,600	2,800	8,400	5,600	
C-Personal Service Contracts					
E-Goods and Services	1,500	700	2,200	1,400	
G-Travel	100	100	200	200	
J-Capital Outlays	1,900		1,900		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Administration	6,400	3,200	9,600	6,400	
<b>Total:</b>	\$37,300	\$17,700	\$55,000	\$35,400	\$0

**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 2006	FY 2007	2005-07	2007-09	2009-11
NR Program Coordinator	43,644	0.5	0.3	0.4	0.3	
<b>Total FTE's</b>		0.5	0.3	0.4	0.3	0.0

## Part IV: Capital Budget Impact

## 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.

Section 4(3)(a) requires new rules related to indexing of records and other administration of the public records process.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure	<b>Agency:</b> 540-Employment Security Department
-------------------------------	---------------------------------	---

## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

<b>FUND</b>					
<b>Total \$</b>					

### Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.1	0.0	0.0	0.0	0.0
<b>Fund</b>					
Unemployment Compensation Administration Account-Federal 119-2	3,643	0	3,643	0	0
<b>Total \$</b>	3,643	0	3,643	0	0

*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: 03/04/2005
Agency Preparation: Pamela Ames	Phone: 360-586-8009	Date: 03/09/2005
Agency Approval: Nancy Muir-Clouse	Phone: 360-902-9486	Date: 03/09/2005
OFM Review: Cheri Keller	Phone: 360-902-0553	Date: 03/09/2005

## 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.*

Identification of Agency "Point of Contact" on Public Records Issues. Section 3 would require each state and local agency to appoint a person to serve as a point of contact for members of the public on public records issues. Section 4 would require, for state agencies only, that such contact person be listed in the Washington Administrative Code.

This section would require the Employment Security Department to go through the rule making process to add the appointed person to the WAC192.15. This would take about 2 weeks of a Forms and Records Analyst 3 staff time.

Increase penalty for noncompliance in responding to Public Disclosure Request. Section 5 amends 42.17.340(4) to increase the penalty for noncompliance for the maximum from \$100 to \$500 per day. The minimum penalty would remain \$5 per day. Action must be filed within one year.

This section would increase the agencies potential risk in the event of a lawsuit if the maximum was awarded by \$328,500 (\$400X365) if just one lawsuit was filed and won in a year.

Based on past history, Employment Security Department is assuming no suits will be filed and won.

### 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

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

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.1		0.0		
A-Salaries and Wages	2,430		2,430		
B-Employee Benefits	658		658		
C-Personal Service Contracts					
E-Goods and Services	551		551		
G-Travel	4		4		
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
<b>Total:</b>	\$3,643	\$0	\$3,643	\$0	\$0

**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 2006	FY 2007	2005-07	2007-09	2009-11
Forms and Records Analyst	43,644	0.1		0.0		
<b>Total FTE's</b>		0.1		0.0		0.0

## Part IV: Capital Budget Impact

## 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.*

Identification of Agency “Point of Contact” on Public Records Issues. Section 3 would require each state and local agency to appoint a person to serve as a point of contact for members of the public on public records issues. Section 4 would require, for state agencies only, that such contact person be listed in the Washington Administrative Code.

This section would require the Employment Security Department to go through the rule making process to add the appointed person to the WAC192.15. This would take about 2 weeks of a Forms and Records Analyst 3 staff time.



# LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

<b>Bill Number:</b> 1758 S HB	<b>Title:</b> Public disclosure
-------------------------------	---------------------------------

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- ☒ Cities:
- ☒ Counties:
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: The number of public records requests; additional staff workload; the number of potential legal proceedings and related expenses that might be incurred.

### Estimated revenue impacts to:

<b>Indeterminate Impact</b>
-----------------------------

### Estimated expenditure impacts to:

<b>Indeterminate Impact</b>
-----------------------------

## Part III: Preparation and Approval

Fiscal Note Analyst: Paul Johnson	Phone: 360-725-5030	Date: 03/07/2005
Leg. Committee Contact:	Phone:	Date: 03/04/2005
Agency Approval: Louise Deng Davis	Phone: (360) 725-5034	Date: 03/10/2005
OFM Review: Robin Campbell	Phone: 360-902-0575	Date: 03/10/2005

## Part IV: Analysis

### A. SUMMARY OF BILL

*Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.*

This bill amends several provisions of the Public Disclosure Act (PDA), impacting local agencies as follows:

Public records may be made available on a partial or installment basis, if applicable, as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies cannot deny a request for identifiable public records solely on the bases that a request is overbroad (Sec. 1).

An agency may require a deposit in an amount no greater than 10 percent of the estimated cost of providing copies at request. If an installment of a records request is not picked up, the agency is not obligated to fulfill the balance of the request (Sec. 2).

Each local agency must separately appoint, maintain, and publicly identify a staff person to act as point of contact for public records disclosure requests and to oversee the agency compliance (Sec. 3).

The minimum fee that may be awarded by the court to any person prevailing in a legal proceeding against an agency, when seeking right to inspect public records, is \$5 per day. The maximum fee is increased from \$100 to \$500 per day for each day the person was denied the right to inspect or copy the records (Sec. 5).

Judicial action for public disclosure of records against a county is subject to the venue provisions of RCW 36.01.050. All actions must be filed within one year of the agency's claim of exemption or the last production of a record on a rolling basis (Sec. 5).

#### DIFFERENCES BETWEEN THE ORIGINAL BILL AND THE SUBSTITUTE BILL:

The substitute bill removes the following provisions: The attorney-client privilege exemptions for communications between a public official and public agency attorney are removed. The provision is removed that required agency documentation of copying charges be subject to audit.

The substitute bill adds the following provisions: An agency may charge a 10 percent deposit for copies and require partial payment for copying costs if copies are provided on an installment basis. If the installment request is not picked up, the agency need not complete the request (Sec. 2).

The minimum fee that may be awarded by the court to any person prevailing in a legal proceeding is kept at \$5 per day, rather than \$50 per day in the original bill (Sec. 5).

### B. SUMMARY OF EXPENDITURE IMPACTS

*Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.*

The expenditure impact on local government is indeterminate. There will likely be an overall impact on local government resources due to several changes in this bill. However, the number of future public records requests, and related legal proceedings, are unknown. See discussion below.

#### DISCUSSION:

Several provisions in the bill have the potential for expanding local government staff workload and time in order to comply with PDA requests. In most cases, the potential cost increases cannot be quantified:

##### Public Records Staff:

LGFN assumes that each local agency could separately designate an existing staff person as the point of contact for records requests and to oversee compliance with PDA requirements, and allowing appointment of an employee or official in another agency would result in cost savings but this is unknown. The bill does not require the hiring of a new staff person. These duties are typically handled by existing staff with other assignments. However, depending on the size of the local agency and the volume of records, there may be a need for a full-time staff member to fill this position.

- According to the City of Vancouver, the labor costs associated with Public Disclosure Request for 2004 were \$31,134.85. (This included total copying costs of \$2,612 and estimated labor costs of \$31,135).
- The Shoreline City Clerk's Office estimates it spends approximately 20 hours per week responding to public records requests and copying records. In 2004 192 requests generated 13,773 pages.
- The City Clerk for Kennewick processed 115 requests in 2004.

- The City of Lacey Clerk's Office estimates it spends approximately 8 hours per week responding to records requests.
- Note: Requests for police records and information are generally not included in the totals provide, because police handle their own records or are often county law enforcement under contract. Also, some smaller municipalities surveyed do not require formal public records requests for small requests that can be quickly completed.

#### Increased Court Awards:

The bill increases the maximum amount from \$100 to \$500 per day that may be awarded to the prevailing party in a judgment. Increasing monetary penalties would have a significant increase in local expenditures due to judgments against local agencies. However, there is no data available to estimate how many civil actions will be brought against local agencies, how many violations will be judged to have occurred, and how many judgments this may impact.

#### Court Venue:

LGFN assumes local agencies may incur additional expenses for legal motions brought in outside counties. Travel and staff expenses for counties would increase in cases where a requestor files legal action under the PDA in his or her jurisdiction of residence, or nearest judicial district, rather than in the county where the records are located. The number of future cases and location where they would be filed is unknown.

#### DIFFERENCE IN IMPACT FROM THE ORIGINAL BILL:

The changes in the substitute may have some impact on local expenditures, but they cannot be quantified at this time.

References to the applicability of the attorney-client privilege for certain records are removed. This may result in certain additional records being available for public inspection that would have been exempt. LGFN assumes that increasing the availability of records eligible for public inspection may increase local government staff workload to process these requests. However, there is no available data to quantify the potential impact from processing requests for these particular records and the additional impact on government expenditures.

The substitute bill removes the requirement that documentation for copying costs be maintained in a manner for audit by the State Auditor. LGFN assumes this would result in some cost savings for local agencies that do not already maintain records in this manner, but the impact would likely not be significant.

The substitute bill returns the minimum award that may be levied against local agencies in judicial proceedings to \$5 per day, rather than \$50 per day. LGFN assumes that a lower minimum award amount would result in lower expenditures for local agencies that may incur this penalty. However, there is no data available to estimate the potential number of penalties assessed and the resulting fiscal impact.

#### SOURCES:

LGFN fiscal note for HB 1758 (2005)

LGFN fiscal note for SB 5735 (2005)

Association of Washington Cities

Washington Association of Prosecuting Attorneys

### C. SUMMARY OF REVENUE IMPACTS

*Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.*

The local government revenue impact is indeterminate.

#### Copying Cost Deposit:

LGFN assumes there will be some additional revenue for local agencies, which would be able to collect a copying deposit of up to 10 percent of the estimated cost for providing copies for a request. The bill does not specify whether the deposit is refundable if an entire records request is cancelled, and LGFN assumes it would be retained by the local agency.

#### DIFFERENCE IN IMPACT FROM THE ORIGINAL BILL:

The additional provision authorizing collection of a 10 percent deposit would likely have additional revenue impact, but the overall impact cannot be quantified.