

Multiple Agency Fiscal Note Summary

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| Bill Number: 5605 SB | Title: State worker liability |
|-----------------------------|--------------------------------------|

Estimated Cash Receipts

| Agency Name | 2011-13 | | 2013-15 | | 2015-17 | |
|--|--|-------|-----------|-------|-----------|-------|
| | GF- State | Total | GF- State | Total | GF- State | Total |
| Department of Social and Health Services | Non-zero but indeterminate cost. Please see discussion." | | | | | |
| Total \$ | 0 | 0 | 0 | 0 | 0 | 0 |

Estimated Expenditures

| Agency Name | 2011-13 | | | 2013-15 | | | 2015-17 | | |
|--|--|----------|-------|---------|----------|-------|---------|----------|-------|
| | FTEs | GF-State | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |
| Office of Attorney General | .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 Corrections | Non-zero but indeterminate cost and/or savings. Please see discussion. | | | | | | | | |
| Total | 0.0 | \$0 | \$0 | 0.0 | \$0 | \$0 | 0.0 | \$0 | \$0 |

Estimated Capital Budget Impact

NONE

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|--|---------------------------------|---------------------------------|
| Prepared by: Matthew Bridges, OFM | Phone: (360) 902-0575 | Date Published: Final |
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 29377

FNS029 Multi Agency rollup

Individual State Agency Fiscal Note

| | | |
|-----------------------------|--------------------------------------|---|
| Bill Number: 5605 SB | Title: State worker liability | Agency: 100-Office of Attorney General |
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Part I: Estimates

☒ No Fiscal Impact

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

Check applicable boxes and follow corresponding instructions:

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

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|---|-----------------------|------------------|
| Legislative Contact: Jennifer Strus | Phone: (360)786-7316 | Date: 02/04/2011 |
| Agency Preparation: Gretchen Leanderson | Phone: 253-597-4434 | Date: 02/10/2011 |
| Agency Approval: Sarian Scott | Phone: (360) 586-2104 | Date: 02/10/2011 |
| OFM Review: Matthew Bridges | Phone: (360) 902-0575 | Date: 02/10/2011 |

Request # 11-143-1

Part II: Narrative Explanation

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

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

Section 1 adds a new section to RCW 43.20A declaring that the legislature finds that the state and its agents should not be liable when state workers exercises reasonable care in protecting public health, safety, and welfare in addressing child and elderly abuse and neglect, and criminal offenders.

Section 2 adds a new section to RCW 43.02A and provides that the state, individuals, or agents involved in the delivery of social and health services through the Department of Social and Health Services are not liable when the individual's decision on a course of action results in a poor outcome provided the person exercised reasonable care and skill in arriving at the judgment to follow the particular course of action.

Section 3 is added to RCW 72.09 declaring that the legislature finds that the state and its agents should not be liable when state workers exercises reasonable care.

Section 4 adds a new section to RCW 72.09 and provides that the state, individuals, or agents involved in the delivery of services through the Department of Corrections are not liable when the individual's decision on a course of action results in a poor outcome provided the person exercised reasonable care and skill in arriving at the judgment to follow the particular course of action.

Section 5 in a new section that provides that nothing in this act may be construed to limit the application of other statutes specifying a liability standard for the state's employees and agents.

This bill is assumed effective July 1, 2011.

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.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

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

None.

Individual State Agency Fiscal Note

| | | |
|-----------------------------|--------------------------------------|---|
| Bill Number: 5605 SB | Title: State worker liability | Agency: 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.

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

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| Legislative Contact: Jennifer Strus | Phone: (360)786-7316 | Date: 02/04/2011 |
| Agency Preparation: Tula Habb | Phone: 360-902-8182 | Date: 02/08/2011 |
| Agency Approval: Ken Brown | Phone: 360-902-7583 | Date: 02/08/2011 |
| OFM Review: Adam Aaseby | Phone: 360-902-0539 | Date: 02/09/2011 |

Request # 11SB6505.1-1

Part II: Narrative Explanation

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

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

Section 1- The state cannot guarantee that staff of the Department of Social and Health Services (DSHS) will protect its clients from harm involving the criminal conduct of others. DSHS staff are expected to perform this difficult work non-negligently and does not intend to immune the state for negligence.

Section 2- The state and DSHS staff are not liable for selecting one of two or more alternative courses of action even though the decision results in a poor outcome if reasonable care and judgment were exercised.

Section 3- pertains the Department of Corrections (DOC).

Section 4- pertains to DOC.

Section 5- nothing in this act is intended to limit the application of other statutes specifying a liability standard for the state’s employees and agents.

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 fiscal impact to DSHS is indeterminate. DSHS could see a decrease or savings in self insurance premiums if the department’s tort liability decreases. However, tort liability savings, if any, can only be determined by the what the courts or juries constitute reasonable care.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

None

Part V: New Rule Making Required

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

None

Individual State Agency Fiscal Note

| | | |
|-----------------------------|--------------------------------------|--|
| Bill Number: 5605 SB | Title: State worker liability | Agency: 310-Department of Corrections |
|-----------------------------|--------------------------------------|--|

Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

☐

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☒

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

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|-------------------------------------|-----------------------|------------------|
| Legislative Contact: Jennifer Strus | Phone: (360)786-7316 | Date: 02/04/2011 |
| Agency Preparation: Cari Tikka | Phone: 360-725-8274 | Date: 02/09/2011 |
| Agency Approval: Susan Lucas | Phone: (360) 725-8277 | Date: 02/09/2011 |
| OFM Review: Adam Aaseby | Phone: 360-902-0539 | Date: 02/09/2011 |

Request # 086-1

Part II: Narrative Explanation

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

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

Section 1 – A new section is added to chapter 43.20A RCW limiting the liability of state workers responsible for addressing child and elderly abuse and neglect and criminal offenders from errors of judgment. The legislature expects state workers to perform their work nonnegligently and finds that the citizens of this state should not be liable when the state worker exercises reasonable care.

Section 2 – A new section is added to chapter 43.20A RCW limiting the liability of state workers, or an agent of the state, who is involved in the delivery of social and health services through the department of social and health services. The state worker or agent is not liable for selecting one of two or more alternative courses of action even if it results in a poor outcome if the person exercised reasonable care and skill in arriving at the judgment to follow the particular course of action.

Section 3 – A new section is added to chapter 72.09 RCW limiting the liability of state workers responsible for addressing child and elderly abuse and neglect and criminal offenders from errors of judgment. The legislature expects state workers to perform their work nonnegligently; however, the legislature finds that the citizens of this state should not be liable when the state worker exercises reasonable care.

Section 4 – A new section is added to chapter 72.09 RCW limiting the liability of state workers, or an agent of the state, who is involved in the delivery of services through the department of corrections. The state worker or agent is not liable for selecting one of two or more alternative courses of action even if it results in a poor outcome if the person exercised reasonable care and skill in arriving at the judgment to follow the particular course of action.

Section 5 – A new section is added making it clear that nothing in this act may be construed to limit the application of other statutes specifying a liability standard for the state's employees and agents.

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 proposed legislation limits liability for specified state workers for errors of judgment. The fiscal impact to the Department of Corrections is indeterminate for this legislation.

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.