

Multiple Agency Fiscal Note Summary

Bill Number: 1093 HB	Title: Unmanned aircraft
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Estimated Cash Receipts

NONE

Estimated Expenditures

Agency Name	2015-17			2017-19			2019-21		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

Local Gov. Courts *	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other **	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Impact

NONE

Prepared by: Cheri Keller, OFM	Phone: 360-902-0563	Date Published: Final 1/21/2015
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

ENPID: 38171

FNS029 Multi Agency rollout

Judicial Impact Fiscal Note

Bill Number: 1093 HB	Title: Unmanned aircraft	Agency: 055-Admin Office of the Courts
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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 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: Kirsten Lee	Phone: 360-786-7133	Date: 01/12/2015
Agency Preparation: Kitty Hjelm	Phone: 360-704-5528	Date: 01/14/2015
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/14/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 01/14/2015

Request # 1093 HB-1

Part II: Narrative Explanation

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

This bill would create a new chapter in title 14 RCW [Aeronautics], which sets forth procedures for use of unmanned aircraft systems and personal information acquired from that use.

Sections with potential court impact:

Section 4 is a new section that would prohibit the operation of an unmanned aircraft with the intent to capture any type of personal information of another person for an illicit purpose and not in compliance with federal and state statute.

Section 5 would make a violation of Section 4 a misdemeanor.

Section 6 would establish a civil cause of action for a person to recover damages of \$5,000 against a person operating an unmanned aircraft in violation of the law if the person's privacy is violated.

II. B - Cash Receipts Impact

There are potential fine revenues that may result from the bill. Each misdemeanor crime is subject to up to a \$1,000 fine. The bill would create a new misdemeanor crime (Section 4) and there may be some increase in the number of misdemeanor charges and accompanying fines.

There is no data available to predict the number of fines that might be levied as a result of the bill.

II. C - Expenditures

There are potential expenditure impacts on courts of limited jurisdiction (district and municipal) for hearing additional misdemeanor cases that may result from the bill. There is no data to estimate the number of potential cases. Each additional case would require judicial officer time and support staff time to hear the case.

It is not possible to predict the number and complexity of civil cases that may result from the new cause of action found in Section 6 of the bill. These cases could be heard in any court, but are most likely to be heard in district and some municipal courts.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 1093 HB	Title: Unmanned aircraft	Agency: 405-Department of Transportation
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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:

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- ☐ 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: Kirsten Lee	Phone: 360-786-7133	Date: 01/12/2015
Agency Preparation: Anita Gausepohl	Phone: 360-709-8096	Date: 01/15/2015
Agency Approval: Amy Scarton	Phone: 360-705-7309	Date: 01/15/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 01/15/2015

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 prohibits use of unmanned aircraft equipped with active sensing device in Washington state airspace unless it is authorized by the federal government, or is clearly labeled with the owner and operator contact information and does not have an active sensing device onboard that collects personal information.

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 Washington State Department of Transportation is not named as a regulatory or enforcement agency nor would it levy or collect penalties or fees. There is no fiscal impact to the department.

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.

Individual State Agency Fiscal Note

Bill Number: 1093 HB	Title: Unmanned aircraft	Agency: 461-Department of Ecology
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Part I: Estimates

☒ **No Fiscal Impact**

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- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Kirsten Lee	Phone: 360-786-7133	Date: 01/12/2015
Agency Preparation: Gary Koshi	Phone: 360-407-7222	Date: 01/20/2015
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/20/2015
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 01/20/2015

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.

HB 1093 would add a new chapter to Title 14 RCW relating to the use of unmanned aircraft (commonly referred to as drones). The bill would ban the use of unmanned aircraft with active sensing devices, unless specifically authorized by the federal government. An active sensing device is defined in Section 2 as "a sensing device that is acquiring personal information from its surroundings."

Section 3 of the bill states "Nothing in this chapter may be construed as authorizing the use of, prohibiting the use of, or regulating in any manner the use of an unmanned aircraft by a public agency." Therefore, this bill would not have any impact on the Department of Ecology.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1093 HB	Title: Unmanned aircraft	Agency: 477-Department of Fish and Wildlife
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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.

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- ☐ 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: Kirsten Lee	Phone: 360-786-7133	Date: 01/12/2015
Agency Preparation: Lori Peterson	Phone: 360-902-8404	Date: 01/20/2015
Agency Approval: Catherine Suter	Phone: 360-902-2196	Date: 01/20/2015
OFM Review: Heather Matthews	Phone: (360) 902-0543	Date: 01/21/2015

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.

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.

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 IV: Capital Budget Impact

NONE

Individual State Agency Fiscal Note

Bill Number: 1093 HB	Title: Unmanned aircraft	Agency: 490-Department of Natural Resources
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Part I: Estimates

☒ **No Fiscal Impact**

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Kirsten Lee	Phone: 360-786-7133	Date: 01/12/2015
Agency Preparation: Daniel Howard	Phone: (360) 902-1021	Date: 01/21/2015
Agency Approval: Mary Verner	Phone: (360)902-1684	Date: 01/21/2015
OFM Review: Heather Matthews	Phone: (360) 902-0543	Date: 01/21/2015

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 3: The intent of this bill is to protect personal privacy. Nothing in this chapter may be construed as authorizing the use of, prohibiting the use of, or regulating in any manner the use of an unmanned aircraft by a public agency; therefore there is no fiscal impact to the Department of Natural 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.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1093 HB

Title: Unmanned aircraft

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

Legislation Impacts:

- ☒ Cities: Increased misdemeanor prosecution, defense, jail bed, and law enforcement costs
- ☒ Counties: Increased misdemeanor prosecution, defense, jail bed, and law enforcement costs
- ☐ 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 new misdemeanor charges and potential increased number of warrants are unknown

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Sam Wilson	Phone: 360-725-5040	Date: 01/20/2015
Leg. Committee Contact: Kirsten Lee	Phone: 360-786-7133	Date: 01/12/2015
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 01/20/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 01/20/2015

Part IV: Analysis

A. SUMMARY OF BILL

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

The bill prohibits the unauthorized use of unmanned aircraft equipped with a sensing device in the airspace above private property. The use of unmanned aircraft is permitted in Washington airspace if 1) the aircraft is clearly and conspicuously labeled with the owner's identifying contact information, and 2) the aircraft does not have active sensory devices that are able to collect personal information about any individual without their consent.

Section 5 creates new misdemeanor for the operation of an unmanned aircraft equipped with a sensing device that is not conspicuously labeled with the owner and operator's name and contact information and possesses the ability to collect personal information about any individual without the individual's consent.

As specified by Section 6, individuals whose reasonable expectation of privacy is violated may file suit against the violator for damages caused by the use of an unmanned aircraft equipped with an active sensory device. The individual has the right to recover actual damages or liquidated damages of \$5,000, whichever is greater, as well as attorney's fees.

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 bill would likely result in indeterminate expenditure increases for local jurisdictions for law enforcement, prosecution, defense, and jail bed costs. The number of new misdemeanor charges and potential increased number of warrants resulting from the bill cannot be reasonably estimated.

MISDEMEANOR COSTS:

The bill could result in possible but indeterminate costs for district and municipal prosecutors and public defenders as well as jail costs for new misdemeanor sentences. According to the Administrative Office of the Courts (AOC), there is no data available to estimate the number of potential new cases that would result from the bill.

The new misdemeanor would be punishable by a standard range term of confinement of 0 to 364 days in jail. The cost to defend one misdemeanor is estimated at \$151 for a non-trial case, and \$935 for a trial case (cost based on per case for non-trial, per diem for trial). The cost to prosecute one new misdemeanor charge, using Crime Against Persons as a proxy, is estimated at \$331 excluding appeals. The average weighted cost for a county jail bed is \$88 per night. One misdemeanor sentence could cost from \$0 to \$29,091.

The option for a person whose reasonable expectation to privacy was violated to bring action (civil lawsuit) against the person who committed the violation (Sec. 6) would have no effect on local courts as the bill does not provide an option for indigent defense.

LAW ENFORCEMENT COSTS:

The Washington Association of Sheriffs and Police Chiefs (WASPC) stated that the bill could result in an increased number of search warrant requests. Such requests require time for police officers, prosecutors, and judges, and would result in increased costs.

Washington's law enforcement does not currently use this technology in the way described in the bill and the number of additional warrants that may be requested cannot be estimated.

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.

This legislation would have no impact on local government revenue.

SOURCES:

Washington Association of Sheriffs and Police Chiefs (WASPC)
Administrative Office of the Courts (AOC) Fiscal Note
Local Government Fiscal Note for 1771 HB (2013)
Local Government Fiscal Note for 2178 HB (2014)
Local Government Fiscal Note Program (LFGN) unit cost data