

Multiple Agency Fiscal Note Summary

Bill Number: 1614 2S HB PL	Title: Impaired driving
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Estimated Cash Receipts

Agency Name	2017-19		2019-21		2021-23	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Licensing	0	(69,200)	0	(69,200)	0	(69,200)
Department of Health	0	9,200	0	10,120	0	11,155
Total \$	0	(60,000)	0	(59,080)	0	(58,045)

Local Gov. Courts *	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Loc School dist-SPI						
Local Gov. Other **		300,000				
Local Gov. Total		300,000				

Estimated Expenditures

Agency Name	2017-19			2019-21			2021-23		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Traffic Safety Commission	.5	0	108,806	.5	0	110,960	.0	0	0
Department of Licensing	.1	0	116,800	.0	0	0	.0	0	0
Department of Health	.3	0	88,000	.2	0	32,000	.2	0	32,000
Total	0.9	\$0	\$313,606	0.7	\$0	\$142,960	0.2	\$0	\$32,000

Local Gov. Courts *									
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: Jim Albert, OFM	Phone: (360) 902-0419	Date Published: Final 5/ 9/2017
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 48982

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 1614 2S HB PL	Title: Impaired driving	Agency: 055-Administrative 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:

COUNTY	FY 2018	FY 2019	2017-19	2019-21	2021-23
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2018	FY 2019	2017-19	2019-21	2021-23
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$					

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.

Contact	Phone:	Date: 04/25/2017
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 05/04/2017
Agency Approval: Sam Knutson	Phone: 360-704-5528	Date: 05/04/2017
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 05/04/2017

Request # 1614 2SHBP-2

Part II: Narrative Explanation

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

Please see attached Judicial Impact Note (JIN).

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<u>State</u>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Total \$					

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

<u>County</u>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Total \$					

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

<u>City</u>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Total \$					

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would impose a requirement that in order to vacate a record of conviction for an impaired driving related prior offense, ten years must have elapsed since the arrest for the prior offense.

The bill would require a law enforcement officer to make a warrantless arrest and hold a person suspected of impaired driving in custody when the arresting officer has knowledge that the person is charged with or awaiting arraignment on another offense related to impaired driving.

The bill would create a medical exemption to the requirement that an ignition interlock device restriction is tolled during the time that a person does not have an ignition interlock device on their vehicle.

The bill would require 180 consecutive violation-free days prior to release of an ignition interlock restriction.

The bill would amend the exceptions to the standard penalties for a second impaired driving offense.

The bill would make revisions to the statutes regarding the admissibility of tests for blood and breath alcohol concentration in an impaired driving investigation.

The bill would require courts to notify the Department of Licensing (DOL) of any person who willfully fails to appear after having been notified of a traffic related-criminal complaint.

The bill would allow ignition interlock companies to retain \$0.25 of the \$20 monthly payments that are made by ignition interlock device users to offset the companies' administrative costs for collecting the payments and remittance of payments to DOL.

Section 13 would amend RCW 46.61.5054 to add an additional fifty dollars to the two hundred dollar fee assessed as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520 or 46.61.522. The additional fee must be distributed to the highway safety fund to be used solely for funding Washington traffic safety commission grants to organizations within counties targeted for programs to reduce driving under the influence of alcohol or drugs.

For the purposes of this judicial impact note, over three years, an average of 20,099 cases would have been eligible for the additional \$50 charge. The maximum potential revenue would be \$1,004,950. However, not all DUI fees are paid. For purposes of this judicial impact note a 78% collection rate (based on traffic infraction data) is used. Therefore, the potential additional revenue that would be collected is \$783,861 ($\$1,004,950 \times 78\%$).

Individual State Agency Fiscal Note

Bill Number: 1614 2S HB PL	Title: Impaired driving	Agency: 225-Washington State Patrol
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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.

Legislative Contact:	Phone:	Date: 04/25/2017
Agency Preparation: Yvonne Stevens	Phone: 360-596-4042	Date: 04/26/2017
Agency Approval: Mary Thygesen	Phone: 360 596-4046	Date: 04/26/2017
OFM Review: Kathy Cody	Phone: (360) 902-9822	Date: 04/28/2017

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 as passed differs from previous versions as follows. It adds certification requirements for forensic phlebotomists and makes the certification transferable between law enforcement agencies. It increases the additional fee imposed under RCW 46.61.5054 and makes changes to distribution of the fee. These changes do not change our previous assumptions. The changes to current law are identified below.

Section 2(2)(c) adds language to RCW 9.96.060 to clarify that a conviction for driving under the influence, physical control while under the influence, and operating a railroad, etc. while intoxicated, may not be vacated if less than ten years has elapsed since the date of the arrest for the offense.

Section 3(17)(a)(ii) adds language to the mandatory arrest and keeping in custody until released by a judicial officer on bail, personal recognizance, or court order in RCW 10.31.100. The new language adds individuals currently charged with or awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction when the officer has knowledge of the charge based on a review of the information available at the time of arrest.

Sections 4(6)(a) and 5(7) add language that allows ignition interlock companies to retain twenty-five cents per month of the twenty dollar per month fee they collect on behalf of the Department of Licensing (DOL).

Section 5(3)(e) makes the DOL responsible for the determination that a medical exemption to the period of restriction requirement for an ignition interlock device restriction is reasonable and based on good and substantial evidence.

Section 5(4) changes the required length of time for which an individual must provide a declaration of compliance from their ignition interlock device vendor in order to request removal of an ignition interlock device restriction from four months to one hundred eighty consecutive days.

Section 6 adds additional sentencing guidelines for the courts, including the use of monitoring programs.

Section 7(4)(a)(iii) excludes piercings from the definition of foreign substances that an individual is not allowed to have in their mouth during the observation period prior to an evidentiary breath test.

Section 7(5) clarifies that advanced emergency medical technicians and paramedics must be certified under RCW 18.71, and adds individuals holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, and forensic phlebotomists certified under chapter 18.360 RCW to those identified in RCW 46.61.506 as allowed to collect a blood sample for a blood alcohol or drug test. It also adds language stating that blood samples collected outside the state of Washington for a blood alcohol or drug test may be collected by any person who is authorized by the out-of-state jurisdiction to perform venous blood draws.

Section 6(6) outlines the conditions under which a venous blood sample must be collected by a forensic phlebotomist.

Section 8 and Section 9 adds forensic phlebotomists, as well as the clarifying language on advanced emergency medical technicians and others certified under Title 18 RCW to the list of medical care providers that are

protected from civil and criminal liability or charges of professional misconduct for withdrawing blood for the purpose of a blood test when directed to do so by a law enforcement officer.

Section 10 adds conditions to RCW 46.61.517 that allow for the admissibility of a blood alcohol test refusal into evidence at a subsequent trial.

Section 11 adds clarification language to RCW 46.64.025 regarding Failure to Appear and Failure to Comply.

Section 12(4) adds local account fund transfers to the allowable assistance that a city or county can accept for deposit into its local 24/7 sobriety account.

Section 13(1)(a) increases the additional fee imposed under RCW 46.61.5054 from two hundred dollars to two hundred fifty dollars.

Section 13(3)(c) adds to the examples of possible recipients of grants funded under Section 13(3).

Section 13(4) adds distribution instructions for the fee increase in Section 13(1)(a).

Section 14(11) adds the definition of forensic phlebotomists to RCW 18.360.010.

Sections 15 through 19 address the certification requirements and authority for forensic phlebotomists.

Section 17(6) makes the certification for a forensic phlebotomist transferable between law enforcement agencies.

Section 20 makes Sections 18 and 19 effective July 1, 2017.

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.

There are no cash receipts to the Washington State Patrol (WSP) associated with this bill. The legislation allows ignition interlock companies to retain twenty-five cents of the twenty-dollar fee they collect on behalf of the DOL. We assume that the DOL will address any resulting impacts. The legislation also increases the additional fee imposed by the courts under RCW 46.61.5054. We assume the cash receipts from this increase will be estimated by the Administrative Office of the Courts.

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.

There is a potential for increased overtime costs as a result of the mandatory arrest and booking into the custody of a jail for individuals who are in violation of RCW 46.61.502 or 46.61.504 with a prior offense within ten years, or who are charged with or awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055. The increased cost would result from a potential increase in the number of instances where a trooper had to remain on shift to complete the DUI processing of individuals that would be required to be arrested and taken into custody. We are unable to estimate the number of times that the mandatory arrest requirement will result in increased overtime, but if the impact is significant, we will seek additional funding through the legislative process.

It is not known at this time what, if any impact the addition of forensic phlebotomists to those authorized to withdraw blood for a blood alcohol or drug test may have on the WSP as it is not known how many may be employed to do so or how often they may be asked to do so by WSP troopers.

Additional rulemaking will be required as a result of this legislation. These costs will be absorbed by the agency.

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.

Rulemaking for 448-16-040 WAC will be required to reflect the changes in the legislation related to the administration of the breath test program.

Individual State Agency Fiscal Note

Bill Number: 1614 2S HB PL	Title: Impaired driving	Agency: 228-Traffic Safety Commission
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	0.5	0.5	0.5	0.5	0.0
Account					
Highway Safety Account-State 106-1	54,403	54,403	108,806	110,960	0
Total \$	54,403	54,403	108,806	110,960	0

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

☒

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

☐

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

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 04/25/2017
Agency Preparation: Shelly Baldwin	Phone: 360-725-9889	Date: 05/08/2017
Agency Approval: Shelly Baldwin	Phone: 360-725-9889	Date: 05/08/2017
OFM Review: Kathy Cody	Phone: (360) 902-9822	Date: 05/08/2017

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.

1614 Section 13.1(a) increases the BAC test fee (RCW 46.61.5054) by \$50.

1614 Section 13.3 (c) adds treatment and monitoring for people with 2nd or 3rd DUI pilot projects to the example of how Washington Traffic Safety Commission BAC funding could be used.

1614 13.4 distributes the fee increase funding to Washington Traffic Safety Commission for grants to organizations within counties targeted to programs to reduce driving under the influence of alcohol or drugs. Also it requires a minimum of \$300,000 of the funding for pilot projects in King and Spokane counties for projects for people with 2 or 3 DUIs to receive treatment and monitoring.

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 for Agency 228 - Traffic Safety Commission

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.

In 2017, the Administrative Office of the Court estimated that the \$50 increase in the BAC test fee could generate \$783,861 annually. Typically, a Traffic Safety Commission Program Manager oversees approximately \$950,000 in grant funds each annually. This equates to an increase of a .5 program manager to work with the Washington Impaired Driving Advisory Council and the WTSC Commissioners to develop a system for organizations within counties to apply for this funding and to administer and ensure compliance with the funded projects.

Section 5 (4) states that WTSC should use these funds to provide grants to organizations within counties. Therefore WTSC would seek to award multiple grants. For every grant assigned to a program manager, the following tasks are required:

- Scope project
- Negotiate contracts
- Conduct risk assessment
- Review and verify budget
- Conduct pre-grant meeting
- Document all contacts with grantee
- Provide technical support
- Inventory equipment
- Conduct site visit
- Track and review quarterly reports
- Document course corrections with amendments to the contract
- Review and approve all invoices
- Conduct evaluation
- Document and report on results and outcomes

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	0.5	0.5	0.5	0.5	
A-Salaries and Wages	40,002	40,002	80,004	81,588	
B-Employee Benefits	14,401	14,401	28,802	29,372	
C-Professional Service Contracts					
E-Goods and Other Services					
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					
9-					
Total:	\$54,403	\$54,403	\$108,806	\$110,960	\$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 2018	FY 2019	2017-19	2019-21	2021-23
Program Manager	54,403	0.5	0.5	0.5	0.5	
Total FTE's	54,403	0.5	0.5	0.5	0.5	0.0

Part IV: Capital Budget Impact

No capital budget impacts

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 new rules required for Washington Traffic Safety Commission

Individual State Agency Fiscal Note

Bill Number: 1614 2S HB PL	Title: Impaired driving	Agency: 240-Department of Licensing
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2018	FY 2019	2017-19	2019-21	2021-23
Ignition Interlock Device Revolving Account-State 14V-1	(34,600)	(34,600)	(69,200)	(69,200)	(69,200)
Total \$	(34,600)	(34,600)	(69,200)	(69,200)	(69,200)

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	0.2	0.0	0.1	0.0	0.0
Account					
Ignition Interlock Device Revolving Account-State 14V-1	116,800	0	116,800	0	0
Total \$	116,800	0	116,800	0	0

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

Legislative Contact:	Phone:	Date: 04/25/2017
Agency Preparation: Tim Gallivan	Phone: 360-902-3615	Date: 04/28/2017
Agency Approval: Dan Weeks	Phone: (360) 902-0147	Date: 04/28/2017
OFM Review: Jim Albert	Phone: (360) 902-0419	Date: 05/01/2017

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.

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 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	0.2		0.1		
E-Goods and Other Services	116,800		116,800		
Total:	\$116,800	\$0	\$116,800	\$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 2018	FY 2019	2017-19	2019-21	2021-23
Indirect FTE		0.2		0.1		
Total FTE's		0.2		0.1		0.0

III. C - Expenditures By Program (optional)

Program	FY 2018	FY 2019	2017-19	2019-21	2021-23
Mgmt & Support Services (100)	7,300		7,300		
Information Services (200)	109,500		109,500		
Total \$	116,800		116,800		

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

Agency 240 – Department of Licensing

Bill Number: 1614 E2SHB PL

Bill Title: Impaired driving

Part 1: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts

Account Name	Account	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
Ignition Interlock Device Revolving Acct.	14V	(34,600)	(34,600)	(69,200)	(69,200)	(69,200)
Account Totals		(34,600)	(34,600)	(69,200)	(69,200)	(69,200)

Estimated Expenditures:

	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
FTE Staff Years	0.2	-	0.1	-	-

Account Name	Account	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
Ignition Interlock	14V	116,800	-	116,800	-	-
Account Totals		116,800	-	116,800	-	-

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

Legislative Request: Monica Jenkins	Phone: 360-902-0561	Date: 04/25/17
Agency Preparation: Tim Gallivan	Phone: 360-902-3615	Date: 04/27/17
Agency Approval: Diamatris Winston/Julie Knittle	Phone: 360-902-3644	Date: 04/27/17

Request #	1
Bill #	1614 E2SHB PL

Part 2 – Explanation

2. A – Brief Description on what the measure does and how it has a fiscal impact

Section 4: Amends RCW 46.20.385 to allow Ignition Interlock Device vendors to retain \$0.25 of the \$20.00 fee collected and deposited into the ignition interlock device revolving account.

Section 5: Amends RCW 46.20.720 to require Department of Licensing (DOL) to allow drivers with an Ignition Interlock Device (IID) restriction to obtain a tolling exemption by obtaining a determination from DOL based upon good and substantial evidence, noting an inability to operate an IID due to a medical condition. DOL may charge a reasonable fee for this assessment. In addition, changes the period of time a driver must maintain an IID with no incidents to 180 consecutive days (up from four consecutive months).

Section 6: Amends RCW 46.61.5055 to change the alternative sentencing option for persons with one prior offense in seven years that are found to have a BAC under 0.15 to 4 days in jail and either 180 days of home monitoring or 120 day 24/7 sobriety monitoring. Also changes the alternative sentencing option for persons with one prior offense in seven years that are found to have a BAC over 0.15 to 6 days in jail and either 6 months of home monitoring or a 120 day 24/7 sobriety monitoring program. Also adds language to require persons with one prior offense in seven years, and having a BAC over less than 0.15 to have a mandatory minimum license suspension of one year, with a reinstatement of privileges occurring if the person completes or is enrolled in a 6 month 24/7 sobriety monitoring program.

Section 12: Amends RCW 36.28A.370 to allow cities and counties to accept local account fund transfers to fund 24/7 sobriety programs.

Section 13: Amends RCW 46.61.5054 to increase the existing \$200 fee for all persons convicted of DUI, physical control, vehicular homicide, or vehicular assault to \$250. Also requires \$50 of the fee be deposited into the highway safety fund to be used exclusively for WTSC grants to organizations within counties targeted for programs to reduce impaired driving.

Section 20: Provides an effective date for Sections 18 and 19 of 07/01/2017

2. B - Cash Receipt Impact

This bill will have an impact on cash receipts. DOL assumes that the current level of payments collected by ignition interlock device installers will be maintained; however, DOL assumes all ignition interlock device (IID) companies will retain \$0.25 of the \$20.00 fee to cover the expenses associated with administration costs per Section 3 subsection 6(a) of this bill. The net decrease is estimated to be \$34,600 per fiscal year. Revenue will be deposited into the Ignition Interlock Device Account (Account 14V-1).

Account Name	Account	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
Ignition Interlock Device Revolving Acct.	14V	(34,600)	(34,600)	(69,200)	(69,200)	(69,200)
Account Totals		(34,600)	(34,600)	(69,200)	(69,200)	(69,200)

In addition, Section 4 subsection 3(e) allows DOL to charge a fee to determine if an exemption from the ignition interlock device is granted. Currently, DOL averages 40 medical referrals a month with no fee to the customer. The number of eligible individuals who would meet all

conditions for reinstatement, except the ignition interlock device is unknown but not expected to be material. Without a material increase in the number medical referrals for this exemption, the department does not anticipate imposing a fee at this time.

NOTE: The March 2017 Transportation Revenue forecast of the Ignition Interlock Device Revolving Account (14V) is lower than the November forecast used in the analysis of earlier versions of the legislation.

2. C – Expenditures

Information Services:

Based on the assumed effective date, the bill will require modifications to DOL's legacy information technology systems. The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

What DOL will implement:

- Add new codes for interlock device reinstatement requirements – changing requirements for clean interlock device readings from four consecutive months to 180 consecutive days.
- Add new codes amending reinstatement requirements for alternative sentencing options for home monitoring and/or sobriety monitoring programs.
- Add new letters to support the above changes.
- Amend the IID Vendor invoice batch process.

Cost Category	Description	Rate	2018	2019	2020	2021	2022	2023	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	18,444	22,100	-	-	-	-	-	22,100
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	26,448	10,600	-	-	-	-	-	10,600
PROJECT MANAGER	Manage schedule and contracts	27,492	8,200	-	-	-	-	-	8,200
QUALITY ASSURANCE	Plan and carry out activities to assure project deliverables; e.g. preventative defect activities, align quality measures and business objectives.	31,668	19,000	-	-	-	-	-	19,000
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	27,144	5,400	-	-	-	-	-	5,400
DEVELOPERS	Modify programming and coding to all major systems	18,444	29,500	-	-	-	-	-	29,500
Project Contingency	Office of the Chief Information Officer designated rate of 10%	-	9,500	-	-	-	-	-	9,500
Totals			104,300	-	-	-	-	-	104,300

Support Services:

Administrative support is included at a rate of 12 percent of the direct program costs, captured in object EZ. This percentage is split 7 percent for Management and Support Services (MSS) and 5 percent for Information Services Division (ISD) functions. DOL uses a Fiscal Technician 2 (MSS) and an IT Specialist 4 (ISD) staffing costs as a proxy to determine FTE and display them under Indirect Staff in table 3.B.

Administrative support funding received covers agency-wide functions such as vendor payments, contract administration, financial management, mail processing, equipment management, help desk support, and technical assistance to DOL employees.

Part 3 – Expenditure Detail

3. A – Expenditures by Object or Purpose

Object Name	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
FTE Staff Years	0.2	-	0.1	-	-
Goods and Services	116,800	-	116,800	-	-
Total By Object Type	116,800	-	116,800	-	-

3. A.1 – Detail of Expenditures by Sub-Object (Goods and Services Only)

Object E - Description		FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
ER - Application Programmers		104,300	-	104,300	-	-
EZ - Indirect Costs		12,500	-	12,500	-	-
Total Goods & Services		116,800	-	116,800	-	-

3. B – FTE Detail

Position	Salary	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
Indirect FTE		0.2	-	0.1	-	-
Total FTE		0.2	-	0.1	-	-

3. C – Expenditures by Program (Optional)

Program		FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
100 - Mgmt & Support Services	MSS	7,300	-	7,300	-	-
200 - Information Services	ISD	109,500	-	109,500	-	-
Totals by Program		116,800	-	116,800	-	-

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

Yes. DOL is granted authority in section 4 of this bill to make rules to determine how much an individual will be charged to determine whether they qualify for the IID tolling exemption. DOL assumes no additional costs for this rule change.

Individual State Agency Fiscal Note

Bill Number: 1614 2S HB PL	Title: Impaired driving	Agency: 303-Department of Health
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2018	FY 2019	2017-19	2019-21	2021-23
Health Professions Account-State 02G-1		9,200	9,200	10,120	11,155
Total \$		9,200	9,200	10,120	11,155

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	0.1	0.5	0.3	0.2	0.2
Account					
Health Professions Account-State 02G-1	35,000	53,000	88,000	32,000	32,000
Total \$	35,000	53,000	88,000	32,000	32,000

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

☒

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

☐

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

☐

Capital budget impact, complete Part IV.

☒

Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 04/25/2017
Agency Preparation: Donna Compton	Phone: (360) 236-4538	Date: 05/01/2017
Agency Approval: Ryan Black	Phone: (360) 236-4530	Date: 05/01/2017
OFM Review: Bryce Andersen	Phone: (360) 902-0580	Date: 05/01/2017

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 fiscal impact has changed since the previous fiscal note (FN17-208). This bill version adds forensic phlebotomist credential as a new health profession.

Section 14: Adds the definition of forensic phlebotomist as a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who is certified by the Department of Health (department) under chapter 18.360 RCW and meets any additional training and proficiency standards of his or her employer to collect a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

Section 15: Requires no person may practice as a forensic phlebotomist unless he or she is certified under RCW 18.360.040.

Section 16: Establishes the Secretary of the Department of Health (secretary) shall adopt rules specifying minimum qualifications for a forensic phlebotomist. Requires qualifications for a forensic phlebotomist must include training consistent with the occupational safety and health administration guidelines and must include between twenty and thirty hours of work in a clinical setting with completion of more than one-hundred successful venipunctures. The secretary may not require more than forty hours of classroom training for initial training, which may include online pre-class homework.

Section 17: Establishes the secretary shall issue a certification as a forensic phlebotomist to any person who meets the qualifications for a forensic phlebotomist established under RCW 18.360.030 and a certifications are transferable between law enforcement agencies.

Section 18: Adds forensic phlebotomists to chapter 18.130 RCW (Uniform Disciplinary Act).

Section 19: Adds forensic phlebotomists to the definition of health professions under chapter 18.120 RCW (Regulation of Health Professions).

Section 20: For sections 18 and 19, takes effect July 1, 2017.

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.

Section 3: Current law, RCW 43.70.250, requires that health professions be fully self-supporting and that sufficient revenue collected through fees to fund expenditures in the Health Professions Account. The calculation of specific fees will happen during rulemaking and a fee proposal presented as part of the rules package. Revenue collection will start January 1, 2019.

The department is assuming that 80 applicants for forensic phlebotomist certification. The department is assuming a 5.1% annual growth rate in credential holders, which is the same as the other credentials under chapter 18.360 RCW Medical Assistants.

For the purpose of this fiscal note, fee estimates are based on the current Medical Assistant-Certified fee of \$115

for a two-year license. During the rulemaking process, a fee study is prepared with actual fees and provided for stakeholder input.

FY 2019 – 80 (80 new applications, 0 renewals) estimated \$9,200

FY 2020 – 4 (4 new applications, 0 renewals) estimated \$460

FY 2021 – 84 (4 new applications, 80 renewals) estimated \$9,660

FY 2022 – 8 (4 new applications, 4 renewals) estimated \$920

FY 2023 – 89 (5 new applications, 84 renewals) estimated \$10,235

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.

Rulemaking

Sections 16: Based on experience with other new professions, the department estimates that the rules will be complex and controversial and will take 18 months. The department will develop and adopt rules to establish the licensure requirements and fees. This will include three rules workshops and one formal rules hearing, all meetings will be held in free facilities. Attorney General time for \$9,000 will be five hours a month for twelve months. Costs will include travel and related expenses. In FY18, total costs for rulemaking will be 0.10 FTE and \$35,000. In FY19, total costs will be 0.10 FTE and \$16,000.

Health Technology Solutions (HTS)

Section 14, 19: During FY 2018, HTS staff will be required for implementing the new licensure program. This will include conducting a business analysis, configuration, and testing of a new credential types. Tasks include establishing credentialing workflows, user defined fields, templates, fee tables, renewals and modification or creation of reports in the department's Integrated Licensing and Regulatory System (ILRS). Total one-time costs include HTS staff and associated costs for 0.10 FTE and \$12,000 in FY 2019. Starting in FY 2020, ongoing costs will total \$4,000 each year.

Credentialing

Section 17: Starting in FY 2019, credentialing costs will be for staff to review and process applications, conduct background checks by running queries with the National Practitioner Databank and Washington State Patrol, provide technical assistance, and issue licenses for qualified applicants on an estimated 80 new applications for the first year, as well as renewals for following years. In FY 2019, implementation costs will be 0.20 FTE and \$18,000. Starting in FY 2020 and ongoing, costs will be 0.10 FTE and \$5,000 each year.

Discipline

Section 15: Based on experience in the medical assistant program, the department is estimating a complaint rate of one (1) percent of licensees or eight (8) complaints each year.

The complaint response process includes five steps: 1) intake, 2) assessment, 3) investigation, 4) case disposition, and 5) adjudication. Staff review the complaint, identify the history of the person complained about, and help assess whether an investigation is needed. In more than half the cases, investigation is needed. The

investigator obtains information about the complaint and the respondent and prepares a report detailing the findings. After investigation, the disciplining authority decides whether to pursue legal action. Staff attorneys, paralegals, and other staff work to develop the legal documents and charge the violation. Most cases are settled, and the staff attorney manages that process. If the respondent asks for a hearing, staff must schedule the hearing, and the health law judge considers all legal motions, presides over the hearing, and drafts the final order.

Cost estimates for the complaint response process associated with this bill were calculated using the department's Disciplinary Workload Model. Estimated discipline costs include staff and associated costs, and minimal travel. In FY 2019 and ongoing, costs will be 0.10 FTE and \$7,000.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	0.1	0.5	0.3	0.2	0.2
A-Salaries and Wages	15,000	33,000	48,000	18,000	18,000
B-Employee Benefits	6,000	12,000	18,000	8,000	8,000
E-Goods and Other Services	12,000	7,000	19,000	6,000	6,000
G-Travel	2,000	1,000	3,000		
Total:	\$35,000	\$53,000	\$88,000	\$32,000	\$32,000

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 2018	FY 2019	2017-19	2019-21	2021-23
Fiscal Analyst 2	48,060					
HEALTH SERVICES	48,060		0.1	0.1		
CONSULTANT 1 HEALTH SERVICES	71,316	0.1	0.1	0.1	0.1	0.1
CONSULTANT 4 Health Svcs Conslt 1	48,060		0.1	0.1	0.1	0.1
IT SPECIALIST 5	82,728		0.2	0.1		
Total FTE's	298,224	0.1	0.5	0.3	0.2	0.2

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.

Section 16: Requires the department to adopt rules necessary to implement this bill.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1614 2S HB PL **Title:** Impaired driving

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

Legislation Impacts:

- ☒ Cities: Costs for additional jail beds for some offenders charged with DUI and APC offenses.
- ☒ Counties: Same as above, plus costs for King and Spokane counties to implement pilot programs.
- ☐ Special Districts:
- ☒ Specific jurisdictions only: Funding for pilot programs in King and Spokane counties; minimal impacts for Clallam County and Centralia, the two jurisdictions currently offering 24/7 sobriety programs.
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☒ Legislation provides local option: Cities and counties continue to have the option to provide the 24/7 sobriety program; law enforcement and corrections agencies could choose to have employees complete forensic phlebotomist training.
- ☒ Key variables cannot be estimated with certainty at this time: Number of offenders arrested for DUI or APC who are currently charged with or awaiting arraignment for a prior offense.

Estimated revenue impacts to:

Jurisdiction	FY 2018	FY 2019	2017-19	2019-21	2021-23
County	300,000		300,000		
TOTAL \$	300,000		300,000		
GRAND TOTAL \$					300,000

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 05/05/2017
Leg. Committee Contact:	Phone:	Date: 04/25/2017
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 05/05/2017
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 05/09/2017

Part IV: Analysis

A. SUMMARY OF BILL

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

DIFFERENCES FROM PREVIOUS BILL VERSION:

The changes in the version of the bill that passed the Legislature include establishing a pilot program for two counties, and setting the requirements for training to be a forensic phlebotomist. The impacts are discussed below.

SUMMARY OF CURRENT BILL VERSION:

Sec. 2 amends RCW 9.96.060. An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if the offense was a violation of driving while under the influence (DUI) or actual physical control while under the influence (APC), and less than 10 years has elapsed.

Sec. 3 amends RCW 10.31.100. A police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has knowledge that the person has violated the DUI or APC statutes and is charged with or is awaiting arraignment for a prior offense.

Sec. 6 amends RCW 46.61.5055. If an offender has one prior offense in the last seven years and a blood alcohol concentration (BAC) of less than 15 percent, the court may order 180 days of electronic home monitoring or a 120 day period of 24/7 sobriety program monitoring. If the offender has a BAC greater than 15 percent, the court may order six months of electronic home monitoring or a 120 day period of 24/7 sobriety program monitoring.

Sec. 7 amends RCW 46.61.506. A blood test to determine its alcoholic or drug content may be performed by a person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or a forensic phlebotomist certified under chapter 18.360 RCW.

Se. 12 amends RCW 36.28A.370. A city or county may accept local account fund transfers and other assistance to defray the participating agency's costs of the 24/7 sobriety program.

Sec. 13 amends RCW 46.61.5054. The Washington Traffic Safety Commission shall fund pilot programs in King and Spokane counties for persons with two or more prior offenses in seven years, if state funding is provided specifically for this purpose. A minimum of \$300,000 of these grant funds shall support the pilot programs. Fifty dollars of the fee assessed under subsection (1) must be distributed to the highway safety fund to be used solely for funding Washington Traffic Safety Commission grants to organizations within counties targeted for programs to reduce driving under the influence of alcohol or drugs.

Sec. 14 defines "forensic phlebotomist" as a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who is certified under this chapter and meets any additional training and proficiency standards of his or her employer to collect a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

Sec. 16 amends RCW 18.360.030. The qualifications for a forensic phlebotomist must include training consistent with the occupational safety and health administration guidelines and must include between 20 and 30 hours of work in a clinical setting with the completion of more than 100 successful venipunctures.

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 legislation would result in increased costs for city and county jails, due to the requirement that certain offenders arrested for DUI or APC be held until a court hearing.

The bill directs law enforcement officers to arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has knowledge, based on a review of information available, that the person has violated the DUI or APC statutes and is charged with or is awaiting arraignment for a prior offense. There is no data to assess the number of offenders who would meet this threshold. However, both city and county jails would see increased costs due to holding these individuals for longer periods of times. The average daily cost for a jail bed is \$103, according to the Local Government Fiscal Note Program (LGFN) 2017 analysis of jail costs.

Additionally, the bill would have an indeterminate but likely minimal impact on Clallam County and the City of Centralia, the only jurisdictions that currently offer the 24/7 sobriety program. Other jurisdictions would continue to have the option to implement the

program. To the extent that violations resulted in more offenders being sentenced to between one and seven days in jail for not adhering to the requirements of the program, there would be costs for Clallam County and Centralia jails.

Section 13 establishes pilot programs in King and Spokane counties, supported by a minimum of \$300,000. LGFN assumes this funding would be used for substance abuse treatment, law enforcement monitoring, and other services provided by the counties to address offenders who have two or more DUI or APC offenses in seven years.

Lastly, there would be costs for law enforcement and corrections agencies which elected to send their employees to training to be a forensic phlebotomist. The bill requires 20 to 30 hours work in a clinical setting. The average hourly wage for a sheriff's deputy is \$44 an hour, according to the Association of Washington Cities 2016 salary and benefit survey. Therefore, there would be costs for staff time, as well as costs to backfill the positions. Such backfill costs often require overtime for staff.

BACKGROUND:

The Washington Association of Sheriffs and Police Chief (WASPC) provided information about the 24/7 sobriety program. The program, established under RCW 36.28A.300, requires participants to submit to the testing of their blood, breath, urine, or other bodily substances in order to determine the presence of alcohol, marijuana, or any controlled substance in their body. WASPC held a 24/7 Sobriety Program Summit in May 2016. Over 140 participants representing law enforcement, judges, prosecutors, the defense bar, treatment professionals, and state legislators from Washington State and across the country attended the event. WASPC is currently working to set up informational meetings with several jurisdictions in Western and Eastern Washington to discuss expanding the program.

The Centralia Police Department was the first jurisdiction to establish a 24/7 sobriety program, as a pilot program. Centralia terminated the program in October 2015, but then re-joined the program in January 2017. Clallam County established the 24/7 sobriety program in 2015 and continues to offer it at this time. In 2016, 33 participants were enrolled in the Clallam County 24/7 sobriety program. Those participants completed 3,269 PBT sobriety tests with an overall pass rate of 99.81 percent (not including other violation types such as no-show). Thurston County also established a 24/7 Sobriety Program, which ended in September, 2015. The Thurston County Sheriff's Office is considering reinstituting the program, according to WASPC.

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 legislation would direct a minimum of \$300,000 to be used for pilot programs in King and Spokane counties to be used for treatment programs for repeat offenders.

SOURCES:

Caseload Forecast Council
Washington State Patrol
Local Government Fiscal Note Program 2017 analysis of jail costs
Local Government Fiscal Note, SB 6236, 2016
Washington Association of Sheriffs and Police Chiefs
Association of Washington Cities