## **Multiple Agency Fiscal Note Summary**

Bill Number: 1470 HB

Title: Private detention facilities

### Estimated Cash Receipts

| Agency Name                                    |              | 2023-25           |                  |                   | 2025-27     |         |          | 2027-29     |         |
|--|--------------|-------------------|------------------|-------------------|-------------|---------|----------|-------------|---------|
|  | GF-State     | NGF-Outlook       | Total            | GF-State          | NGF-Outlook | Total   | GF-State | NGF-Outlook | Total   |
| Office of State<br>Treasurer                   | Non-zero but | indeterminate cos | t and/or savings | . Please see disc | ussion.     |         |          |             |         |
| Office of Attorney<br>General                  | 0            | 0                 | 108,000          | 0                 | 0           | 78,000  | 0        | 0           | 78,000  |
| Department of<br>Social and Health<br>Services | 0            | 0                 | 151,000          | 0                 | 0           | 148,000 | 0        | 0           | 148,000 |
| Total \$                                       | 0            | 0                 | 259,000          | 0                 | 0           | 226,000 | 0        | 0           | 226,000 |

| Agency Name         | 2023              | 3-25      | 2025      | -27   | 2027-     | -29   |
|---------------------|-------------------|-----------|-----------|-------|-----------|-------|
|                     | GF- State         | Total     | GF- State | Total | GF- State | Total |
| Local Gov. Courts   | No fiscal impac   | t         |           |       |           |       |
| Loc School dist-SPI |                   |           |           |       |           |       |
| Local Gov. Other    | Fiscal note not a | available |           |       |           |       |
| Local Gov. Total    |                   |           |           |       |           |       |

### **Estimated Operating Expenditures**

| Agency Name                                    |           | 20              | 023-25            |                 |            | 2            | 025-27          |               |             | 2027-29    |             |         |
|--|-----------|-----------------|-------------------|-----------------|------------|--------------|-----------------|---------------|-------------|------------|-------------|---------|
|  | FTEs      | GF-State        | NGF-Outlook       | Total           | FTEs       | GF-State     | NGF-Outlook     | Total         | FTEs        | GF-State   | NGF-Outlook | Total   |
| Administrative<br>Office of the<br>Courts      | .0        | 0               | 0                 | 0               | .0         | 0            | 0               | 0             | .0          | 0          | 0           | 0       |
| Office of State<br>Treasurer                   | .0        | 0               | 0                 | 0               | .0         | 0            | 0               | 0             | .0          | 0          | 0           | 0       |
| Office of State<br>Auditor                     | .0        | 0               | 0                 | 0               | .0         | 0            | 0               | 0             | .0          | 0          | 0           | 0       |
| Office of Attorney<br>General                  | .4        | 0               | 0                 | 108,000         | .3         | 0            | 0               | 78,000        | .3          | 0          | 0           | 78,000  |
| Department of<br>Labor and<br>Industries       | .0        | 0               | 0                 | 0               | .0         | 0            | 0               | 0             | .0          | 0          | 0           | 0       |
| Department of<br>Social and Health<br>Services | 1.0       | 123,000         | 123,000           | 274,000         | 1.0        | 120,000      | 120,000         | 268,000       | 1.0         | 120,000    | 120,000     | 268,000 |
| Department of<br>Health                        | .4        | 94,000          | 94,000            | 94,000          | .0         | 0            | 0               | 0             | .0          | 0          | 0           | 0       |
| Department of<br>Corrections                   | .0        | 0               | 0                 | 0               | .0         | 0            | 0               | 0             | .0          | 0          | 0           | 0       |
| Department of<br>Ecology                       | 1.2       | 328,336         | 328,336           | 328,336         | .3         | 82,085       | 82,085          | 82,085        | .0          | 0          | 0           | 0       |
| Department of<br>Ecology                       | ln additi | on to the estin | hate above, there | e are additiona | al indeter | minate costs | and/or savings. | Please see in | dividual fi | scal note. |             |         |
| Total \$                                       | 3.0       | 545,336         | 545,336           | 804,336         | 1.6        | 202,085      | 202,085         | 428,085       | 1.3         | 120,000    | 120,000     | 346,000 |

| Agency Name         |        | 2023-25          |       |      | 2025-27  |       |      | 2027-29  |       |  |
|---------------------|--------|------------------|-------|------|----------|-------|------|----------|-------|--|
|                     | FTEs   | GF-State         | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |  |
| Local Gov. Courts   | No fis | cal impact       |       |      |          |       |      |          |       |  |
| Loc School dist-SPI |        |                  |       |      |          |       |      |          |       |  |
| Local Gov. Other    | Fiscal | note not availab | le    |      |          |       |      |          |       |  |
| Local Gov. Total    |        |                  |       |      |          |       |      |          |       |  |

## **Estimated Capital Budget Expenditures**

| Agency Name                                 |      | 2023-25 |       |      | 2025-27 | ,     | 2027-29 |       |       |
|---|------|---------|-------|------|---------|-------|---------|-------|-------|
|   | FTEs | Bonds   | Total | FTEs | Bonds   | Total | FTEs    | Bonds | Total |
| Administrative Office of the Courts         | .0   | 0       | 0     | .0   | 0       | 0     | .0      | 0     | 0     |
| Office of State Treasurer                   | .0   | 0       | 0     | .0   | 0       | 0     | .0      | 0     | 0     |
| Office of State Auditor                     | .0   | 0       | 0     | .0   | 0       | 0     | .0      | 0     | 0     |
| Office of Attorney<br>General               | .0   | 0       | 0     | .0   | 0       | 0     | .0      | 0     | 0     |
| Department of Labor and<br>Industries       | .0   | 0       | 0     | .0   | 0       | 0     | .0      | 0     | 0     |
| Department of Social and<br>Health Services | .0   | 0       | 0     | .0   | 0       | 0     | .0      | 0     | 0     |
| Department of Health                        | .0   | 0       | 0     | .0   | 0       | 0     | .0      | 0     | 0     |
| Department of<br>Corrections                | .0   | 0       | 0     | .0   | 0       | 0     | .0      | 0     | 0     |
| Department of Ecology                       | .0   | 0       | 0     | .0   | 0       | 0     | .0      | 0     | 0     |
| Total \$                                    | 0.0  | 0       | 0     | 0.0  | 0       | 0     | 0.0     | 0     | 0     |

| Agency Name         |        | 2023-25          |       |      | 2025-27  |       |      | 2027-29  |       |  |
|---------------------|--------|------------------|-------|------|----------|-------|------|----------|-------|--|
|                     | FTEs   | GF-State         | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |  |
| Local Gov. Courts   | No fis | cal impact       | -     |      |          |       |      |          |       |  |
| Loc School dist-SPI |        |                  |       |      |          |       |      |          |       |  |
| Local Gov. Other    | Fiscal | note not availab | le    |      |          |       |      |          |       |  |
| Local Gov. Total    |        |                  |       |      |          |       |      |          |       |  |

## **Estimated Capital Budget Breakout**

| Prepared by: Breann Boggs, OFM | Phone:         | Date Published: |
|--------------------------------|----------------|-----------------|
|                                | (360) 485-5716 | Preliminary     |

## **Judicial Impact Fiscal Note**

| Bill Number: 1470 HB                            | Title: Private detention facilities | Agency: 055-Administrative Office of the Courts |
|---|-------------------------------------|---|
| Part I: Estimates                               |                                     |   |
| X No Fiscal Impact                              |                                     |   |
| Estimated Cash Receipts to:                     |                                     |   |
| NONE  |                                     |   |
| Estimated Expenditures from:<br>NONE            |                                     |   |
| <b>Estimated Capital Budget Impact:</b><br>NONE |                                     |   |

*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 fo 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: 01/24/2023 |
|---------------------|----------------|-----------------------|------------------|
| Agency Preparation: | Angie Wirkkala | Phone: 360-704-5528   | Date: 01/25/2023 |
| Agency Approval:    | Chris Stanley  | Phone: 360-357-2406   | Date: 01/25/2023 |
| <b>OFM Review:</b>  | Gaius Horton   | Phone: (360) 819-3112 | Date: 01/25/2023 |

180,178.00

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

The bill would establish minimum requirements for private nongovernmental detention facilities operating under contract with federal, state, and local governments regarding detainee care and conditions of confinement. It would also provide detainees superior court cause of action against negligent violators with a 3-year statute of limitations and would subject violators to civil penalties with the Attorney General authorized to sue in Thurston County Superior Court or county where the facility is located.

#### II. B - Cash Receipts Impact

None

#### II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts and the courts.

### Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

III. D - FTE Detail

NONE

```
III. E - Expenditures By Program (optional)
```

NONE

### Part IV: Capital Budget Impact

### **IV. A - Capital Budget Expenditures**

NONE

IV. B1 - Expenditures by Object Or Purpose (State) NONE

- IV. B2 Expenditures by Object Or Purpose (County) NONE
- IV. B3 Expenditures by Object Or Purpose (City) NONE

#### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

None

180,178.00

Form FN (Rev 1/00)

| ill Number:          | 1470 HB          | <b>Title:</b> Private detention facilities        | Agency: 090-Office of State Treasure |
|----------------------|------------------|---|--------------------------------------|
| art I: Esti          | mates            |   |                                      |
| No Fisca             | ll Impact        |   |                                      |
| stimated Casl        | h Receipts to:   |   |                                      |
|                      | Non-2            | zero but indeterminate cost and/or savings. Pleas | e see discussion.                    |
| stimated Ope<br>NONE | erating Expendit | ures from:  |                                      |
| timated Capi         | ital Budget Impa | ect:  |                                      |
| 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.

X 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: 01/24/2023 |
|----------------------|--------------|-----------------------|------------------|
| Agency Preparation:  | Dan Mason    | Phone: (360) 902-8990 | Date: 01/27/2023 |
| Agency Approval:     | Dan Mason    | Phone: (360) 902-8990 | Date: 01/27/2023 |
| OFM Review:          | Amy Hatfield | Phone: (360) 280-7584 | Date: 01/27/2023 |

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

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

HB 1470 creates the Washington state attorney general humane detention account, coupled with the general fund as the recipient of the earnings from investments under RCW 43.79A.040(4).

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Projected cash flows are currently unavailable; therefore, estimated earnings from investments are indeterminable.

There may be an impact on the debt service limitation calculation. Changes to the earnings credited to the general fund impacts, by an equal amount, general state revenues.

#### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

### **Part III: Expenditure Detail**

- **III. A Operating Budget Expenditures** NONE
- III. B Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.* NONE

#### III. D - Expenditures By Program (optional)

NONE

### Part IV: Capital Budget Impact

- **IV. A Capital Budget Expenditures** NONE
- IV. B Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

Private detention facilities Form FN (Rev 1/00) 180,534.00 FNS063 Individual State Agency Fiscal Note IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

### Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

| Bill Number:          | 1470 HB          | Title:     | Private detention facilities | Agency: 095-Office of State Auditor |
|-----------------------|------------------|------------|------------------------------|-------------------------------------|
| Part I: Esti          | mates            | ·          |                              | ·                                   |
| X No Fisca            | al Impact        |            |                              |                                     |
| Estimated Cas         | h Receipts to:   |            |                              |                                     |
| NONE                  |                  |            |                              |                                     |
| Estimated Ope<br>NONE | erating Expendit | ures from: |                              |                                     |
| stimated Cap          | ital Budget Impa | nct:       |                              |                                     |
| 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: 01/24/2023 |
|----------------------|--------------|-----------------------|------------------|
| Agency Preparation:  | Janel Roper  | Phone: 564-999-0820   | Date: 01/31/2023 |
| Agency Approval:     | Janel Roper  | Phone: 564-999-0820   | Date: 01/31/2023 |
| OFM Review:          | Amy Hatfield | Phone: (360) 280-7584 | Date: 01/31/2023 |

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

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

Section 3 (5) Outlines that the State Auditor may undertake performance audits of private detention facilities.

There are currently no plans for the State Auditor's Office to pursue audits of private detention facilities.

#### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

### Part III: Expenditure Detail

### **III. A - Operating Budget Expenditures** NONE

## III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.* NONE

III. D - Expenditures By Program (optional)

NONE

### Part IV: Capital Budget Impact

- IV. A Capital Budget Expenditures NONE
- IV. B Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

**IV. D - Capital FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

### Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

| Bill Number: 1470 HB Title: Private detention facilit | ies Agency: 100-Office of Attorney General |
|---|--|
|---|--|

### **Part I: Estimates**

No Fiscal Impact

#### **Estimated Cash Receipts to:**

| ACCOUNT                                | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--|---------|---------|---------|---------|---------|
| Legal Services Revolving Account-State | 69,000  | 39,000  | 108,000 | 78,000  | 78,000  |
| 405-1                                  |         |         |         |         |         |
| Total \$                               | 69,000  | 39,000  | 108,000 | 78,000  | 78,000  |

#### **Estimated Operating Expenditures from:**

|                          | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years          | 0.5     | 0.3     | 0.4     | 0.3     | 0.3     |
| Account                  |         |         |         |         |         |
| Legal Services Revolving | 69,000  | 39,000  | 108,000 | 78,000  | 78,000  |
| Account-State 405-1      |         |         |         |         |         |
| Total \$                 | 69,000  | 39,000  | 108,000 | 78,000  | 78,000  |

#### **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:

 $\times$  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: 01/24/2023 |
|----------------------|--------------|-----------------------|------------------|
| Agency Preparation:  | Amy Flanigan | Phone: 509-456-3123   | Date: 01/27/2023 |
| Agency Approval:     | Dianna Wilks | Phone: 360-709-6463   | Date: 01/27/2023 |
| OFM Review:          | Cheri Keller | Phone: (360) 584-2207 | Date: 01/30/2023 |

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

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

Section 1 – Amends RCW 42.56.475, adds private detention facilities to the statutory framework and includes a definition for private detention facility.

Section 2 – New Section to chapter 70.395 RCW, requirements for private detention facilities.

Section 3 – New Section to chapter 70.395 RCW, requirements for the Department of Health, Department of Labor and Industries, and Department of Ecology to conduct specified inspections. Permits the auditor to audit these facilities and the Attorney General's Office may investigate violations of this chapter.

Section 4 – New Section to chapter 70.395 RCW, agencies responsible for oversight of private facilities may adopt rules to effectuate intent of this chapter.

Section 5 – New Section to chapter 70.395 RCW, provides for right of action for those detained and sets out rules and damages.

Section 6 – New Section to chapter 70.395 RCW, civil penalties for those who fail to complete with this chapter. The Department of Social and Health Services may adopt a penalty matrix.

Section 7 – New Section to chapter 70.395 RCW, creates a new account with state treasurer and only the Attorney General or designee may authorize expenditures from account.

Section 8 – Amends RCW 70.395.010, gives state broad authority to enforce health and safety laws against contractors operating private detention facilities and to set minimum requirements.

Section 9 – Amends RCW 70.395.020, adds definitions.

Section 10 – Amends RCW 70.395.030, removes reference to rehabilitative, counseling, and similar facilities.

Section 11 – Sections 1 and 3 take effect December 31, 2023, and Section 2 takes effect December 31, 2025.

Section 12 – Act is to be liberally construed.

Section 13 – Severability clause.

#### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agencies are the Department of Social and Health Services (DSHS), Department of Health (DOH) and the Department of Labor and Industries (L&I). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct

appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

AGO AGENCY ASSUMPTIONS:

DSHS will be billed for non-Seattle rates: FY 2024: \$61,000 for 0.24 Assistant Attorney General (AAG) and 0.12 Legal Assistant (LA). FY 2025: \$33,000 for 0.13 AAG and 0.07 LA and in each FY thereafter.

DOH will be billed for non-Seattle rates: FY 2024: \$3,000 for 0.01 AAG and 0.01 LA and in each FY thereafter.

L&I will be billed for Seattle rates: FY 2024: \$5,000 for 0.02 AAG and 0.01 LA. FY 2025: \$3,000 for 0.01 AAG and 0.01 LA and in each FY thereafter.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Attorney General's Office (AGO) Agency Assumptions:

Location of staffing housed is assumed to be in statewide office buildings.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a representative classification.

Assumptions for the AGO Social & Health Services Division (SHO) Legal Services for the Department of Social and health Services (DSHS)

The AGO will bill DSHS for legal services based on the enactment of this bill.

FY 2024: 440 hours

60 hours advising DSHS on the creation of penalty regulations.

20 hours advising DSHS on the establishment of administrative processes, including notice and Administrative Procedure Act hearing rights (APA), for assessing penalties.

120 hours defending against APA legal challenge to validity of DSHS penalty regulations.

80 hours (40 hours per case x 2) per year defending challenges to penalty assessments at Office of Administrative Hearings hearings.

80 hours (40 hours per case x2) per year defending judicial review under APA.

40 hours per year related to collection action (conversion of administrative order to judicial order; recording judicial orders with county auditors; garnishment; foreclosure; etc.).

40 hours per year related to independent AGO review and investigation under Section 3.

FY 2024 and in each FY thereafter: 240 hours

Defending against APA legal challenge to validity of DSHS penalty regulations.

Defending challenges to penalty assessments at Office of Administrative Hearings hearings.

Defending judicial review under APA.

Collection action (conversion of administrative order to judicial order; recording judicial orders with county auditors; garnishment; foreclosure; etc.).

Independent AGO review and investigation under Section 3.

SHO: Total non-Seattle workload impact:FY 2024: \$61,000 for 0.24 AAG and 0.12 LA.FY 2025: \$33,000 for 0.13 AAG and 0.07 LA and in each FY thereafter.

Assumptions for the AGO Agriculture & Health Division (AHD) Legal Services for the Department of Health (DOH):

The AGO will bill DOH for legal services based on the enactment of this bill.

This bill would require DOH to direct local health jurisdictions to conduct routine inspections of private detention facilities' food service/handling, sanitation and hygiene, and nutrition and coordinate with local health jurisdictions to review food items. The bill may also impact DOH's oversight of facilities in which individuals are involuntarily held for mental health and substance use disorder treatment creating a need for some new legal advice.

AHD: Total non-Seattle workload impact: FY 2024: \$3,000 for 0.01 AAG and 0.01 LA and in each FY thereafter.

Assumptions for the AGO Labor and Industries Division's (LNI) Legal Services for the Department of Labor and Industries (L&I)

The AGO will bill (L&I) for legal services based on the enactment of this bill.

This bill primarily clarifies that the named facilities and employers are subject to L&I's jurisdiction. L&I has already taken this approach with some programs, like workplace safety. To the extent this expands L&I's approach in other programs, some new legal services would be provided.

L&I Total Seattle workload impact: FY 2024: \$5,000 for 0.02 AAG and 0.01 LA. FY 2025: \$3,000 for 0.01 AAG and 0.01 LA and in each FY thereafter.

The AGO Revenue and Finance Division has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Office of the State Treasurer. Creating an account in the custody of the state treasurer is not likely to generate any request for legal advice.

The AGO Government and Compliance and Enforcement Division (GCE) has reviewed this bill and could result in an increased workload for the State Auditor's Office (SAO) because Section 3(5) of this bill would permit the SAO to undertake performance audits of private detention facilities. GCE has determined it will not significantly increase or decrease the division's workload in representing the SAO. New legal services are nominal, and costs are not included in this request.

The AGO Ecology Division has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Ecology. The referenced water and air sampling activity is limited in scope, will likely generate only nominal advice demands (if any) on the front end, is most likely not going to result in enforcement action requiring legal support. New legal services are nominal, and costs are not included in this request.

The AGO Civil Rights Division has reviewed this bill and determined it will not significantly increase or decrease the division's workload. New legal services are nominal, and costs are not included in this request.

### Part III: Expenditure Detail

#### **III. A - Operating Budget Expenditures**

| Account | Account Title     | Туре     | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|---------|-------------------|----------|---------|---------|---------|---------|---------|
| 405-1   | Legal Services    | State    | 69,000  | 39,000  | 108,000 | 78,000  | 78,000  |
|         | Revolving Account |          |         |         |         |         |         |
|         |                   | Total \$ | 69,000  | 39,000  | 108,000 | 78,000  | 78,000  |

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

|                            | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|----------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years            | 0.5     | 0.3     | 0.4     | 0.3     | 0.3     |
| A-Salaries and Wages       | 46,000  | 26,000  | 72,000  | 52,000  | 52,000  |
| B-Employee Benefits        | 15,000  | 9,000   | 24,000  | 18,000  | 18,000  |
| E-Goods and Other Services | 8,000   | 4,000   | 12,000  | 8,000   | 8,000   |
| Total \$                   | 69,000  | 39,000  | 108,000 | 78,000  | 78,000  |

## **III. C - Operating FTE 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 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|------------------------------------|---------|---------|---------|---------|---------|---------|
| Assistant Attorney General         | 118,700 | 0.3     | 0.1     | 0.2     | 0.1     | 0.1     |
| Assistant Attorney General-Seattle | 124,635 | 0.0     | 0.0     | 0.0     | 0.0     | 0.0     |
| Legal Assistant 3                  | 55,872  | 0.1     | 0.1     | 0.1     | 0.1     | 0.1     |
| Legal Assistant 3-Seattle          | 67,044  | 0.0     | 0.0     | 0.0     | 0.0     | 0.0     |
| Management Analyst 5               | 91,524  | 0.1     | 0.0     | 0.1     | 0.0     | 0.0     |
| Total FTEs                         |         | 0.5     | 0.3     | 0.4     | 0.3     | 0.3     |

#### III. D - Expenditures By Program (optional)

| Program                             | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|-------------------------------------|---------|---------|---------|---------|---------|
| Agriculture & Health Division (AHD) | 3,000   | 3,000   | 6,000   | 6,000   | 6,000   |
| Labor & Industries Division (LNI)   | 5,000   | 3,000   | 8,000   | 6,000   | 6,000   |
| Social & Health Servces (All) (SHO) | 61,000  | 33,000  | 94,000  | 66,000  | 66,000  |
| Total \$                            | 69,000  | 39,000  | 108,000 | 78,000  | 78,000  |

### Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

#### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

#### IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

### Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

| Bill Number: 1470 HB Title: Private detention facilities | Agency: 235-Department of Labor and Industries |
|--|--|
|--|--|

### **Part I: Estimates**

X No Fiscal Impact

Estimated Cash Receipts to:

NONE

## **Estimated Operating Expenditures from:** NONE

**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.

X Requires new rule making, complete Part V.

| Legislative Contact: |               | Phone:                | Date: 01/24/2023 |
|----------------------|---------------|-----------------------|------------------|
| Agency Preparation:  | Bobby Kendall | Phone: 902-6980       | Date: 01/31/2023 |
| Agency Approval:     | Trent Howard  | Phone: 360-902-6698   | Date: 01/31/2023 |
| OFM Review:          | Anna Minor    | Phone: (360) 790-2951 | Date: 01/31/2023 |

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

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

This bill addresses conditions at private detention facilities. This bill also creates new sections and amends sections in RCW 70.395 (Private Detention Facilities) requiring new provisions regarding clothing, cleanliness, food, and other amenities. There are inspection and audit provisions placed upon the departments of Health, Labor and Industries, Ecology, and the Offices of the State Auditor and the Attorney General.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The proposed bill does not have fiscal impact for the Department of Labor and Industries. There is only one private detention facility in Washington State. The Division of Occupational Safety and Health (DOSH) already has jurisdiction over the employees and conducts inspections at this facility. Including work done by detained persons is not expected to result in a material amount of complaints from detainees employed in the facility. DOSH would be able to conduct the inspections of private detention facility with existing resources.

Rulemaking would be minimal and done within existing resources.

### Part III: Expenditure Detail

- **III. A Operating Budget Expenditures** NONE
- III. B Expenditures by Object Or Purpose NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.* NONE

III. D - Expenditures By Program (optional)

NONE

### Part IV: Capital Budget Impact

- IV. A Capital Budget Expenditures NONE
- IV. B Expenditures by Object Or Purpose

NONE

#### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

**IV. D - Capital FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

None.

### Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Minimal rulemaking will be required in 296-800 and 296-900.

| Bill Number:   1470 HB   Title:   Private detention facilities | Agency: 300-Department of Social and<br>Health Services |
|--|---|
|--|---|

### **Part I: Estimates**

No Fiscal Impact

#### **Estimated Cash Receipts to:**

| ACCOUNT              |       |          | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|----------------------|-------|----------|---------|---------|---------|---------|---------|
| General Fund-Federal | 001-2 |          | 77,000  | 74,000  | 151,000 | 148,000 | 148,000 |
|                      |       | Total \$ | 77,000  | 74,000  | 151,000 | 148,000 | 148,000 |

#### **Estimated Operating Expenditures from:**

|                      |          | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|----------------------|----------|---------|---------|---------|---------|---------|
| FTE Staff Years      |          | 1.0     | 1.0     | 1.0     | 1.0     | 1.0     |
| Account              |          |         |         |         |         |         |
| General Fund-State   | 001-1    | 63,000  | 60,000  | 123,000 | 120,000 | 120,000 |
| General Fund-Federal | 001-2    | 77,000  | 74,000  | 151,000 | 148,000 | 148,000 |
|                      | Total \$ | 140,000 | 134,000 | 274,000 | 268,000 | 268,000 |

### **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:

 $\times$  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.

X Requires new rule making, complete Part V.

| Legislative Contact: |                | Phone:                | Date: 01/24/2023 |
|----------------------|----------------|-----------------------|------------------|
| Agency Preparation:  | Mitchell Close | Phone: 3600000000     | Date: 02/01/2023 |
| Agency Approval:     | Dan Winkley    | Phone: 360-902-8236   | Date: 02/01/2023 |
| OFM Review:          | Breann Boggs   | Phone: (360) 485-5716 | Date: 02/05/2023 |

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

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

Section 6 of this bill creates a civil penalty for violators of chapter 70.395 RCW and requires the Department of Social and Health Services (DSHS) to collect these penalties.

### **II. B - Cash receipts Impact**

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

A portion of the costs incurred to implement this legislation will be funded with federal Title XIX - Medicaid funds.

#### **II.** C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The bill requires DSHS to collect civil penalties imposed on a private detention facility for violating chapter 70.395. This work would be a new program in Residential Care Services. There is a need for 1.0 FTE to set up the program, complete a rulemaking project to adopt a penalty matrix, establish communication with the regulating authorities, and develop and maintain a system of notification and payment of civil penalties.

### **Part III: Expenditure Detail**

### **III. A - Operating Budget Expenditures**

| Account | Account Title | Туре     | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|---------|---------------|----------|---------|---------|---------|---------|---------|
| 001-1   | General Fund  | State    | 63,000  | 60,000  | 123,000 | 120,000 | 120,000 |
| 001-2   | General Fund  | Federal  | 77,000  | 74,000  | 151,000 | 148,000 | 148,000 |
|         |               | Total \$ | 140,000 | 134,000 | 274,000 | 268,000 | 268,000 |

#### FY 2024 FY 2025 2023-25 2025-27 2027-29 FTE Staff Years 1.0 1.0 1.0 1.0 92,000 92.000 184.000 184.000 184.000 A-Salaries and Wages **B-Employee Benefits** 32.000 32.000 64.000 64.000 64.000 **C-Professional Service Contracts** 6.000 6.000 12.000 12.000 12.000 E-Goods and Other Services G-Travel 6,000 6.000 J-Capital Outlays M-Inter Agency/Fund Transfers N-Grants, Benefits & Client Services P-Debt Service S-Interagency Reimbursements 4,000 4,000 8,000 8,000 8,000 **T-Intra-Agency Reimbursements** 9-Total \$ 140,000 134,000 274,000 268,000 268,000

### **III. B - Expenditures by Object Or Purpose**

III. C - Operating FTE 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 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--------------------|--------|---------|---------|---------|---------|---------|
| WMS Band 2         | 92,376 | 1.0     | 1.0     | 1.0     | 1.0     | 1.0     |
| Total FTEs         |        | 1.0     | 1.0     | 1.0     | 1.0     | 1.0     |

1.0

### III. D - Expenditures By Program (optional)

| Program   | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|---|---------|---------|---------|---------|---------|
| Aging and Long-Term Services Administration (050) | 140,000 | 134,000 | 274,000 | 268,000 | 268,000 |
| Total \$  | 140,000 | 134,000 | 274,000 | 268,000 | 268,000 |

### Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

### Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

New rules would be required.

| Bill Numb | er: 1470 HB | Title: | Private detention facilities | Agency: 303-Department of Health |
|-----------|-------------|--------|------------------------------|----------------------------------|
|-----------|-------------|--------|------------------------------|----------------------------------|

### Part I: Estimates

No Fiscal Impact

#### Estimated Cash Receipts to:

NONE

### **Estimated Operating Expenditures from:**

|                          | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years          | 0.4     | 0.4     | 0.4     | 0.0     | 0.0     |
| Account                  |         |         |         |         |         |
| General Fund-State 001-1 | 46,000  | 48,000  | 94,000  | 0       | 0       |
| Total \$                 | 46,000  | 48,000  | 94,000  | 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.

X 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.

K Requires new rule making, complete Part V.

| Legislative Contact: |                   | Phone:                | Date: 01/24/2023 |
|----------------------|-------------------|-----------------------|------------------|
| Agency Preparation:  | Katie Osete       | Phone: 3602363000     | Date: 01/27/2023 |
| Agency Approval:     | Kristin Bettridge | Phone: 3607911657     | Date: 01/27/2023 |
| OFM Review:          | Breann Boggs      | Phone: (360) 485-5716 | Date: 01/29/2023 |

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

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

Section 3: This bill requires the Department of Health (DOH) to coordinate with the local health jurisdiction (LHJs) in the county where the private detention facility is located to regularly review the list of food items provided to detained persons to ensure the specific nutrition and calorie needs of each detained person are met, including any needs related to medical requirements, food allergies, or religious dietary restrictions.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

### Assumptions:

- There is only one facility in Washington State that meets the definition of "private detention facility".
- Private detention facilities will no longer be allowed past FY2025.

• The facility is already offering religious and dietary menus that meet the needs of the population being served and is making accommodations for food allergies.

• The facility is on a cyclical menu (e.g. a 4 or 6-week menu cycle) that changes no more than twice a year. This applies to both mainline menus and religious and dietary menus.

• The private detention facility employs or consults with a registered dietician on menus (mainline, religious and dietary menus) who is conducting and can provide nutritional analyses for all menus. The dietitian is also working with health services staff and incarcerated individuals to appropriately designate religious or dietary menus.

• Tacoma Pierce County Health Department does not have any current program or staff with the experience, ability and credentials (registered dietitian) able to address nutrition as written in this bill (e.g. review menus, conduct and/or review nutritional analyses, provide technical assistance on religious or dietary menus).

• DOH will need to purchase nutrition analysis software to spot check the menus, but will not be solely responsible for conducting nutritional analysis on the menus.

• DOH will also provide technical assistance on providing a "nutritious and balanced diet, including fresh fruits and vegetables." (Section 2, page 4, lines 9-11)

### Fiscal Year 2024-2025

0.40 FTE Health Services Consultant 3 will be the program manager to complete the tasks above. This will require regular reviews with facility to ensure requirements are being met. A small portion of the FTE will be required for fiscal staff for managing the budget and assisting the program manager with other fiscal processes.

#### Software License

Nutrition analysis software will be purchased at a cost of \$300/FY to spot check the menus.

Also includes other standard agency costs that include staff and associated expenses (including goods and services, travel, intra-agency, and indirect charges.

Total Cost for FY 2024 is \$46,000 and 0.40 FTE

### Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

| Account | Account Title | Туре     | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|---------|---------------|----------|---------|---------|---------|---------|---------|
| 001-1   | General Fund  | State    | 46,000  | 48,000  | 94,000  | 0       | 0       |
|         |               | Total \$ | 46,000  | 48,000  | 94,000  | 0       | 0       |

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

|                               | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|-------------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years               | 0.4     | 0.4     | 0.4     |         |         |
| A-Salaries and Wages          | 30,000  | 31,000  | 61,000  |         |         |
| B-Employee Benefits           | 11,000  | 12,000  | 23,000  |         |         |
| E-Goods and Other Services    | 3,000   | 3,000   | 6,000   |         |         |
| T-Intra-Agency Reimbursements | 2,000   | 2,000   | 4,000   |         |         |
| Total \$                      | 46,000  | 48,000  | 94,000  | 0       | 0       |

## **III. C - Operating FTE 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 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|---------------------------|--------|---------|---------|---------|---------|---------|
| HEALTH SERVICES CONSULTAN | 75,120 | 0.4     | 0.4     | 0.4     |         |         |
| 3                         |        |         |         |         |         |         |
| Total FTEs                |        | 0.4     | 0.4     | 0.4     |         | 0.0     |

### III. D - Expenditures By Program (optional)

NONE

### Part IV: Capital Budget Impact

### **IV. A - Capital Budget Expenditures**

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

**IV. D - Capital FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

None

### Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

None

| Bill Number: 1470 HB Title: Private detention facilities Agency: 310-Department of Corrections |  |
|--|--|
|--|--|

### **Part I: Estimates**

X No Fiscal Impact

Estimated Cash Receipts to:

NONE

# **Estimated Operating Expenditures from:** NONE

**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: 01/24/2023 |
|----------------------|------------------|-----------------------|------------------|
| Agency Preparation:  | Amanda Pierpoint | Phone: (360) 725-8428 | Date: 01/31/2023 |
| Agency Approval:     | Ronell Witt      | Phone: (360) 725-8428 | Date: 01/31/2023 |
| OFM Review:          | Cynthia Hollimon | Phone: (360) 810-1979 | Date: 02/01/2023 |

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

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

House Bill (HB) 1470 relates to private detention facilities, amends RCW 42.563475, 70.395.010, 70.395.020, and 70.395.030, adds new sections to chapter 70.395 RW, creates a new section, prescribes penalties, and provides effective dates.

Section 11(1) is added to state that Section 1 and 3 through 10 of this act takes effect December 31, 2023.

Section 11(2) is added to state that Section 2 of this act takes effect December 31, 2025.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

This bill establishes standards and limits for privately owned and operated detention facilities within Washington (WA), which the Department of Corrections (DOC) still prohibits contracting with.

We assume this bill will have no fiscal impact to DOC.

### Part III: Expenditure Detail

#### **III. A - Operating Budget Expenditures** NONE

III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.* NONE

III. D - Expenditures By Program (optional)

NONE

### Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures NONE

### IV. B - Expenditures by Object Or Purpose

NONE

#### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

**IV. D - Capital FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

None.

### Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

| <b>Bill Number:</b> 1 | 1470 HB | Title: | Private detention facilities | Agency: 461-Department of Ecology |
|-----------------------|---------|--------|------------------------------|-----------------------------------|
|-----------------------|---------|--------|------------------------------|-----------------------------------|

### Part I: Estimates

No Fiscal Impact

#### Estimated Cash Receipts to:

NONE

### **Estimated Operating Expenditures from:**

|   |       | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |  |
|---|-------|---------|---------|---------|---------|---------|--|
| FTE Staff Years   |       | 1.2     | 1.2     | 1.2     | 0.3     | 0.0     |  |
| Account   |       |         |         |         |         |         |  |
| General Fund-State  | 001-1 | 164,168 | 164,168 | 328,336 | 82,085  | 0       |  |
| Total \$ 164,168 164,168 328,336 82,085   |       |         |         |         |         |         |  |
| In addition to the estimates above, there are additional indeterminate costs and/or savings. 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:

X 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: 01/24/2023 |
|----------------------|-----------------|-----------------------|------------------|
| Agency Preparation:  | Leslie Connelly | Phone: 360-628-4381   | Date: 02/03/2023 |
| Agency Approval:     | Erik Fairchild  | Phone: 360-407-7005   | Date: 02/03/2023 |
| OFM Review:          | Lisa Borkowski  | Phone: (360) 742-2239 | Date: 02/04/2023 |

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

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

This bill would establish minimum requirements for private nongovernmental detention facilities operating under contract with federal, state, and local governments regarding detainee care and conditions of confinement.

Section 3 amends chapter 70.395 RCW detailing the inspections needed by several state agencies inside and outside of private detention facilities, including air and water quality testing by the Department of Ecology.

Section 4 provides rulemaking authority for agencies responsible for implementation of section 3.

Section 11 makes sections 1 to 3 effective December 31, 2023. Section 4 is effective 90 days after signed into law.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2024 to FY 2026 to implement the requirements of section 3(4).

Section 3(4) would require Ecology to conduct air and water quality testing inside and outside of private detention facilities, effective December 31, 2023, per section 11. Based on Department of Health assumptions, the fiscal impact is based on one detention facility that will be operational until the end of calendar year 2025 (first half of FY 2026). Ecology assumes approximately half of the workload to implement this section would require an expert on water quality and half would require an expert on air quality.

Ecology estimates 1.0 FTE of an Environmental Planner 4 would be required to meet with stakeholders, develop a sampling and monitoring plan, and oversee implementation until the end of the calendar year 2025 (EP4: 1.0 FTE FY 2024 and FY 2025, 0.5 FTE FY 2026).

The sampling and monitoring plan would address the bill requirements to routinely test water and air quality at private detention facilities both inside and outside of the facility. Ecology assumes development of the sampling and monitoring plan would begin in July 2023 in order to have the plan developed in time to implement testing beginning January 2024. Sampling and analysis would continue through December 31, 2025.

Costs for sampling and analysis are currently indeterminate since the extent of the sampling locations, number of samples, and frequency are unknown until such time Ecology can assess the extent of the water and air sampling needs at the one existing detention facility. Potential sampling and analysis costs may include purchase of air and water sampling and monitoring equipment, personnel to collect the samples, safety equipment, travel, lab analysis, and producing monitoring reports. After development of the monitoring and sampling plan, depending on the level of effort, Ecology would be able to determine the resources necessary and request funding in the budget process to implement the sampling and analysis work, which may require a contract or additional staff and equipment.

Section 4 would provide rulemaking authority to agencies to implement the requirements of section 3. Ecology assumes the

requirements could be implemented without rulemaking.

SUMMARY: The expenditure impact to Ecology under this bill is:

FY 2024: \$164,168 and 1.15 FTE FY 2025: \$164,168 and 1.15 FTE FY 2026: \$82,085 and 0.58 FTE.

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36% of salaries.

Goods and Services are the agency average of \$5,224 per direct program FTE.

Travel is the agency average of \$1,563 per direct program FTE.

Equipment is the agency average of \$1,031 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

### **Part III: Expenditure Detail**

### III. A - Operating Budget Expenditures

| Account  | Account Title | Туре     | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |  |
|--|---------------|----------|---------|---------|---------|---------|---------|--|
| 001-1  | General Fund  | State    | 164,168 | 164,168 | 328,336 | 82,085  | 0       |  |
|  |               | Total \$ | 164,168 | 164,168 | 328,336 | 82,085  | 0       |  |
| $T = 1122^{2} + 41 + 4^{2} + 4 + 1 + 4 + 1122^{2} + 124 + 124 + 4 + 174 + 124$ |               |          |         |         |         |         |         |  |

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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

| FY 2024 | FY 2025  | 2023-25   | 2025-27  | 2027-29  |
|---------|--|---|--|--|
| 1.2     | 1.2  | 1.2   | 0.3  |  |
| 89,292  | 89,292   | 178,584   | 44,646   |  |
| 32,145  | 32,145   | 64,290  | 16,073   |  |
| 5,224   | 5,224  | 10,448  | 2,612  |  |
| 1,563   | 1,563  | 3,126   | 782  |  |
| 1,031   | 1,031  | 2,062   | 516  |  |
| 34,913  | 34,913   | 69,826  | 17,456   |  |
| 164,168 | 164,168  | 328,336   | 82,085   |  |
|         | 1.2       89,292       32,145       5,224       1,563       1,031       34,913 | 1.2     1.2       89,292     89,292       32,145     32,145       5,224     5,224       1,563     1,563       1,031     1,031       34,913     34,913 | 1.21.21.289,29289,292178,58432,14532,14564,2905,2245,22410,4481,5631,5633,1261,0311,0312,06234,91334,91369,826 | 1.21.21.20.389,29289,292178,58444,64632,14532,14564,29016,0735,2245,22410,4482,6121,5631,5633,1267821,0311,0312,06251634,91334,91369,82617,456 |

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. C - Operating FTE 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 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|-------------------------|--------|---------|---------|---------|---------|---------|
| ENVIRONMENTAL PLANNER 4 | 89,292 | 1.0     | 1.0     | 1.0     | 0.3     |         |
| FISCAL ANALYST 2        |        | 0.1     | 0.1     | 0.1     | 0.0     |         |
| IT APP DEV-JOURNEY      |        | 0.1     | 0.1     | 0.1     | 0.0     |         |
| Total FTEs              |        | 1.2     | 1.2     | 1.2     | 0.3     | 0.0     |

#### **III. D - Expenditures By Program (optional)**

NONE

### Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods. NONE

#### **IV. D - Capital FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

### Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.