

Multiple Agency Fiscal Note Summary

Bill Number: 1470 HB	Title: Private detention facilities
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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 Treasurer	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Office of Attorney General	0	0	108,000	0	0	78,000	0	0	78,000
Total \$	0	0	108,000	0	0	78,000	0	0	78,000

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of State Treasurer	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of State Auditor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.4	0	0	108,000	.3	0	0	78,000	.3	0	0	78,000
Department of Labor and Industries	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Social and Health Services	16.0	4,342,000	4,342,000	4,342,000	16.0	4,234,000	4,234,000	4,234,000	16.0	4,234,000	4,234,000	4,234,000
Department of Health	.5	94,000	94,000	94,000	.3	70,000	70,000	70,000	.3	70,000	70,000	70,000
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Ecology	1.2	328,336	328,336	328,336	.3	82,085	82,085	82,085	.0	0	0	0
Department of Ecology	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	18.1	4,764,336	4,764,336	4,872,336	16.9	4,386,085	4,386,085	4,464,085	16.6	4,304,000	4,304,000	4,382,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other			1,200,000						
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			1,200,000						

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 General	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Social and 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 Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of 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 fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Breann Boggs, OFM	Phone: (360) 485-5716	Date Published: Final 2/13/2023
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Judicial Impact Fiscal Note

Bill Number: 1470 HB	Title: Private detention facilities	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

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 for 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
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/25/2023

180,178.00

Form FN (Rev 1/00)

Request # 098-1

Bill # 1470 HB

Part II: Narrative Explanation

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)

Individual State Agency Fiscal Note

Bill Number: 1470 HB	Title: Private detention facilities	Agency: 090-Office of State Treasurer
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

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: 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

Part II: Narrative Explanation

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

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.

Individual State Agency Fiscal Note

Revised

Bill Number: 1470 HB	Title: Private detention facilities	Agency: 095-Office of State Auditor
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Part I: Estimates

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.

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- 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

Part II: Narrative Explanation

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.

Individual State Agency Fiscal Note

Bill Number: 1470 HB	Title: Private detention facilities	Agency: 100-Office of Attorney General
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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 405-1	69,000	39,000	108,000	78,000	78,000
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 Account-State 405-1	69,000	39,000	108,000	78,000	78,000
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:

- 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

Part II: Narrative Explanation

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	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services Revolving Account	State	69,000	39,000	108,000	78,000	78,000
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

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

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.

Individual State Agency Fiscal Note

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

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.
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- Capital budget impact, complete Part IV.
- 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

Part II: Narrative Explanation

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.

Individual State Agency Fiscal Note

Revised

Bill Number: 1470 HB	Title: Private detention facilities	Agency: 300-Department of Social and Health Services
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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	16.0	16.0	16.0	16.0	16.0
Account					
General Fund-State 001-1	2,225,000	2,117,000	4,342,000	4,234,000	4,234,000
Total \$	2,225,000	2,117,000	4,342,000	4,234,000	4,234,000

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: 01/24/2023
Agency Preparation: Mitchell Close	Phone: 3600000000	Date: 02/09/2023
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/09/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/13/2023

Part II: Narrative Explanation

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 impose the civil penalties in accordance with chapter 34.05 RCW.

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.

This is a revised fiscal note for the original bill.

The bill requires DSHS to collect civil penalties imposed on a private detention facility for violating chapter 70.395 in accordance with chapter 34.05 RCW. In order to carry out this work, the Aging and Long-Term Care Administration (AL TSA) would need 16 FTEs to establish the program, provide notification of violations, track and collect payments, and prepare and represent DSHS in administrative hearings.

AL TSA estimates 200 fines per year resulting in an administrative hearing. At 40 hours per hearing, there is a need for six attorneys, six paralegals, and four related staff:

- WMS 2 Program Manager - 1.0 FTE: Sets up the program, completes a rulemaking project to adopt a penalty matrix, establishes communication with the regulating authorities, and develops and maintains a system of notification and payment of civil penalties.
- WMS 2 Attorney - 6.0 FTEs: Prepares for and represents the department in administrative hearings and coordinates all legal matters related to HB 1470.
- Paralegal 2 - 6.0 FTEs: Prepares exhibits, conducts interviews, coordinates scheduling of administrative hearings, supports the work of the staff attorney, and conducts discovery and disclosure activities.
- WMS 2 Paralegal Manager - 1.0 FTE: Supervises the paralegal staff and provides oversight and guidance.
- WMS 3 Attorney Manager - 1.0 FTE: Manages the attorneys, making decisions to provide supervision and oversight.
- WMS 3 Unit Manager - 1.0 FTE: Oversees all activities related to this new body of work, supervises the two managers, oversees the development and implementation of policies and procedures related to this bill, collaborates with the Office of the Attorney General, and develops tracking.

The total cost for these staff is \$2,214,000 in FY24 and \$2,117,000 annually thereafter.

DSHS will consult with the Office of the Attorney General on rule making, policy draft and review, guidance and support for policy development, and risk assessment. DSHS estimates 80 hours of consultation in FY24 for \$11,000.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	2,225,000	2,117,000	4,342,000	4,234,000	4,234,000
Total \$			2,225,000	2,117,000	4,342,000	4,234,000	4,234,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	16.0	16.0	16.0	16.0	16.0
A-Salaries and Wages	1,357,000	1,357,000	2,714,000	2,714,000	2,714,000
B-Employee Benefits	484,000	484,000	968,000	968,000	968,000
C-Professional Service Contracts					
E-Goods and Other Services	201,000	201,000	402,000	402,000	402,000
G-Travel	6,000	6,000	12,000	12,000	12,000
J-Capital Outlays	96,000		96,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service	7,000	7,000	14,000	14,000	14,000
S-Interagency Reimbursements	11,000		11,000		
T-Intra-Agency Reimbursements	63,000	62,000	125,000	124,000	124,000
9-					
Total \$	2,225,000	2,117,000	4,342,000	4,234,000	4,234,000

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
Paralegal 2	71,515	6.0	6.0	6.0	6.0	6.0
WMS 2 Attorney	88,776	6.0	6.0	6.0	6.0	6.0
WMS 2 Paralegal Manager	88,776	1.0	1.0	1.0	1.0	1.0
WMS 2 Program Manager	92,376	1.0	1.0	1.0	1.0	1.0
WMS 3 Attorney Manager	97,654	1.0	1.0	1.0	1.0	1.0
WMS 3 Unit Manager	116,892	1.0	1.0	1.0	1.0	1.0
Total FTEs		16.0	16.0	16.0	16.0	16.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Aging and Long-Term Services Administrati (050)	2,214,000	2,117,000	4,331,000	4,234,000	4,234,000
Payments to Other Agencies (145)	11,000		11,000		
Total \$	2,225,000	2,117,000	4,342,000	4,234,000	4,234,000

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.

Individual State Agency Fiscal Note

Revised

Bill Number: 1470 HB	Title: Private detention facilities	Agency: 303-Department of Health
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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	0.5	0.5	0.5	0.3	0.3
Account					
General Fund-State 001-1	46,000	48,000	94,000	70,000	70,000
Total \$	46,000	48,000	94,000	70,000	70,000

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: 01/24/2023
Agency Preparation: Sharilynn Boelk	Phone: 3602363000	Date: 02/13/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 02/13/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/13/2023

Part II: Narrative Explanation

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 to coordinate with the local health jurisdiction 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:

This is based on information from the local government fiscal note that assumes:

- This bill applies to a facility in Tacoma (the NW detention facility); and
- Martin Hall – a county detention facility for youth who commit offenses but are not at the level of going to a state juvenile rehabilitation facility. Nine counties contract with Martin Hall; and a private entity runs the detention facility.
- The Department of Health 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.
- The Department of Health will also provide technical assistance on providing a “nutritious and balanced diet, including fresh fruits and vegetables.” (Section 2, page 4, lines 9-11)
- Private prisons will no longer be allowed past FY2025 so the facility in Tacoma drops off in FY26 on cost assumptions.
- Partial indeterminate on how many other facilities that may qualify under the definition of private detention facility.

0.4 FTE for FY2024-25 and then to 0.3 FTE ongoing for Health Services Consultant 3 will be the program manager to complete the tasks above. This individual will need to be a Registered Dietitian. They will conduct regular menu reviews and may conduct site visits to ensure requirements are being met. They will coordinate outreach and education, calendar site visits, track documentation, and ensure the project runs efficiently. 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 0.4 FTE

Total Cost for FY 2025 is \$48,000 and 0.4 FTE

Total Cost for FY 2026 and ongoing is \$35,000 and 0.3 FTE

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	46,000	48,000	94,000	70,000	70,000
Total \$			46,000	48,000	94,000	70,000	70,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.3	0.3
A-Salaries and Wages	30,000	31,000	61,000	44,000	44,000
B-Employee Benefits	11,000	12,000	23,000	18,000	18,000
E-Goods and Other Services	3,000	3,000	6,000	4,000	4,000
T-Intra-Agency Reimbursements	2,000	2,000	4,000	4,000	4,000
9-					
Total \$	46,000	48,000	94,000	70,000	70,000

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
HEALTH SERVICES CONSULTAN 3	75,120	0.4	0.4	0.4	0.3	0.3
Health Svcs Conslt 1	53,000	0.1	0.1	0.1		
Total FTEs		0.5	0.5	0.5	0.3	0.3

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

Individual State Agency Fiscal Note

Bill Number: 1470 HB	Title: Private detention facilities	Agency: 307-Department of Children, Youth, and Families
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Part I: Estimates

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: Ashley McEntyre	Phone: 2533064501	Date: 02/09/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 02/09/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/10/2023

Part II: Narrative Explanation

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.

1470 HB

Section 1(1) adds private detention facilities to the statute regarding specific records being exempt from public inspection and copying.

Section 1(1)(c) adds the term “detained individual”.

Section 1(4)(d) defines “detained individual”.

Section 1(4)(e) defines “private detention facility”.

Section 2 adds minimum requirements for private detention facilities with contracts that have effective dates on or after the effective date of this section. The requirements cover the conditions of confinement for individuals held in private detention facilities.

Section 3(1) directs the Department of Health (DOH) to direct the local health jurisdiction where a private detention facility is located to conduct routine, unannounced inspections.

Section 3(2) directs DOH to regularly review the list of food items provided to detained persons.

Section 3(3) directs the Department of Labor and Industries to conduct routine, unannounced inspections of workplace conditions at private detention facilities.

Section 3(4) directs the Department of Ecology is to routinely test the water and air quality both inside and outside of the facility.

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

Section 3(6) directs the Office of the Attorney General may undertake review of private detention facility practices and investigate violations of this chapter on its own initiative and in response to complaints.

Section 4 allows agencies listed in Section 3 to adopt rules as are necessary to implement the purpose of the chapter subject to the availability of amounts appropriated for this purpose.

Section 5 provides for a right of action in superior court for a detained person with a grievance based on a violation of this chapter. The relief, amounts, and limitations are outlined in the section. The state and its agencies are not liable for a violation of this chapter.

Section 6 outlines the civil penalty for any person who fails to comply with this chapter and names the Department of Social and Health Services (DSHS) as the responsible state agency to impose, collect, and deposit the penalty in the general fund.

Section 7 creates the Washington State Attorney General Humane Detention Account in the custody of the state treasurer for all civil penalties to be deposited and used exclusively for the Attorney General's enforcement of the chapter.

Section 8(1) adds language to allow the state broad authority to enforce generally applicable health and safety laws against contractors operating private detention facilities within the state.

Section 9 adds additional definitions.

Section 10 amends RCW 70.395.030 by removing facilities providing rehabilitative, counseling, treatment, mental health, education, or medical services to juveniles who are subject to Title 13 RCW, or similarly applicable federal law from the list of facilities that are exempt from this chapter.

Section 11 adds effective dates.

Section 12 states that the act is to be construed liberally.

Section 13 states that any part of the act that is held invalid does not invalidate the rest of the chapter.

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.

No impact to the Department of Children, Youth and Families (DCYF). This bill does not specify DCYF and is specific to Department of Corrections and private detention facilities.

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.

Individual State Agency Fiscal Note

Bill Number: 1470 HB	Title: Private detention facilities	Agency: 310-Department of Corrections
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Part I: Estimates

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

Part II: Narrative Explanation

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.

Individual State Agency Fiscal Note

Bill Number: 1470 HB	Title: Private detention facilities	Agency: 461-Department of Ecology
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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	0

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:

- 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

Part II: Narrative Explanation

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	Type	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

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
FTE Staff Years	1.2	1.2	1.2	0.3	
A-Salaries and Wages	89,292	89,292	178,584	44,646	
B-Employee Benefits	32,145	32,145	64,290	16,073	
E-Goods and Other Services	5,224	5,224	10,448	2,612	
G-Travel	1,563	1,563	3,126	782	
J-Capital Outlays	1,031	1,031	2,062	516	
9-Agency Administrative Overhead	34,913	34,913	69,826	17,456	
Total \$	164,168	164,168	328,336	82,085	0

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1470 HB	Title: Private detention facilities
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties: Costs for Pierce County for the NW Detention Center; costs for the nine counties that contract with Martin Hall due to legislation's new requirements for private detention facilities.
- Special Districts: Local health jurisdictions could incur costs of \$600,000 in FY24 and \$600,000 in FY25 for new staff, rulemaking & additional HR and training expenses. LHJs could incur additional expenditures if the definition of private detention facility is interpreted more broadly, resulting in LHJs monitoring more facilities.
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: How private detention facilities is interpreted; the number of staff local health jurisdictions will need to hire; county costs that may result if Martin Hall's expenses increase due to the legislation's new requirements for privately owned detention facilities.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
Special District	600,000	600,000	1,200,000		
TOTAL \$	600,000	600,000	1,200,000		
GRAND TOTAL \$					1,200,000

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

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/06/2023
Leg. Committee Contact:	Phone:	Date: 01/24/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/06/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/06/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Sec. 1 (4) (e) defines private detention facility as a detention facility operated by a private, nongovernmental entity and operating pursuant to a contract or agreement with a federal, state, or local governmental entity.

Sec. 2 adds a new section to chapter 70.395 outlining detention facility requirements. They must:

- Have areas used for sleeping, recreation, dining, telecommunications, visitation, and bathrooms.
- Bathrooms must be sanitized daily.
- Provide new clothing and footwear for indoor/outdoor use and protection against cold and heat.
- Clothing must be regularly laundered and replaced when no longer hygienic or serviceable.
- Laundry areas must provide adequate laundry equipment, separate areas for handling clean and soiled laundry, and laundry and linen must be handled, cleaned and stored according to acceptable methods of infection control including preventing contamination from other sources.
- Provide basic personal hygiene items to each person at no cost.
- Nutritious and balanced diet including fresh fruits and vegetables and recognize special diets.
- Any commissary food must be available at reasonable prices relative to the circumstances of detained persons.
- Telecommunication must be free, communication through it must also be free, and each detained person shall have access to at least 60 minutes of telecommunication per day.
- Visitation must be allowed daily and allow for the presence of children. Personal contact between visiting person and detained person may not be restricted. Detained people may receive reading and writing materials during visits.
- Solitary confinement is prohibited.
- TV and handheld radios must be provided to detained people at no cost.
- Computers, internet and a law library must be available.
- Verbal and written communication from the facility to the detained person must be in the detained person's primary language.
- Sexual violence and harassment grievances must be responded to immediately and shared with the local health jurisdiction in the county where the detention facility is located.
- Mental health evaluations should occur at intake and at least weekly. Mental therapy must be available and free.
- Heating and cooling equipment is required, and the temp must be at minimum 65 degrees year round.
- Requested medical care must be provided without delay, including requested medical accommodation.
- Detainee's rooms must have access to windows, natural light, and natural air circulation.
- Subject to safety concerns, sleeping rooms must have adjustable curtains, shades, blinds or the equivalent.
- Facility must be equipped to respond to natural and human-made disasters. Protective equipment in case of disease outbreaks must be on hand.
- Facility must implement and maintain infection control that prevents the transmission of infections and communicable disease.
- Nothing above may be restricted for disciplinary purposes.

Sec. 3 (1) adds a new section to chapter 70.395 that states DOH shall direct local health jurisdictions in the county where private detention facilities are located to conduct routine, unannounced inspections. Inspections should at least inspect:

- Food service and handling
- Sanitation
- Hygiene
- Nutrition

Additionally, complaints about a detention facility shall be investigated by the local health jurisdiction.

Sec. 3 (2) Local health jurisdiction shall coordinate with DOH to review the list of food items provided to detained people to ensure nutrition and dietary restrictions are met.

Sec. 4: subject to amounts appropriated for this purpose, agencies responsible for overseeing private detention facilities

may adopt necessary rules to ensure detained people are treated humanely.

Sec. 5 adds a new section to chapter 70.395 that would allow a detained person who was hurt by a violation of this chapter to take action in superior court and may recover \$1,000 from any person who negligently violates this chapter, \$10,000 from any person who intentionally or recklessly violates this chapter, reasonable attorneys' fees, injunction or other relief.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

Local health jurisdictions could incur new expenses of \$600,000 (including \$200,000 to participate in rulemaking + \$300,000 for new staff + \$100,000 for HR/workforce development costs). Local health jurisdictions could experience additional indeterminate expenditures based on how nutrition is monitored, and how "private detention facilities" is interpreted. If private detention facilities applies broadly, it could increase the number of facilities local health jurisdictions would monitor. For these reasons, the expenditure impact is indeterminate, but costs that could be estimated are entered into the expenditure grid through fiscal year 2025. Current legislation bans all private detention facilities after fiscal year 2025.

RULEMAKING:

Local health jurisdictions would participate in the WAC rulemaking process. Washington State Association of Local Public Health Officials (WSALPHO) expects that local health jurisdictions would be active and involved in the rule-making process. As such, WSALPHO estimates the statewide cost for local health jurisdictions to participate in rulemaking throughout the entire process would be \$200,000. Because these rules would be new, they would have a more intense engagement process.

Local health jurisdictions could incur additional staffing costs of \$600,000 for completing the legislation's required inspections, investigations and reviews of private detention facilities. Each required work element is discussed in detail below. WSALPHO estimates one new FTE, an environmental health specialist, would be required for each of the private detention facilities with an average annual salary of \$150,000. An additional \$100,000 could be incurred for new training, certifications, or HR costs to bring this program to local health jurisdictions (LHJ).

INSPECTIONS:

WSALPHO expects inspections would likely occur once per year unless rulemaking or statute required more frequent inspections. If an inspection highlighted several critical issues, there might be a need for a re-inspection. In regard to random inspections, local health jurisdictions currently do not provide random inspections in other regulated work. This is a change in practice, but would not change the frequency of inspections.

INVESTIGATIONS:

The legislation would require LHJ to conduct investigations. There are different levels in an investigation for complaints so cost impacts would vary. Complaints that warrant an inspection or visit would take up significant staff time compared to a complaint that can be addressed through a phone call or virtually.

NUTRITION REVIEWS:

Local jurisdictions would be required to review the list of food items provided in the facility. This work is currently not done by local health jurisdictions. Because this work involves a different skill set, it would likely be done by a different staff than the environmental health specialist – more likely a nutritionist. These could require new hires for local jurisdictions. Because it is not known if LHJ will hire nutritionists or not, the cost impact is indeterminate.

ASSUMPTIONS:

The Local Government Fiscal Note Program assumes the legislation's definition of private detention facility applies to two facilities in the state: Northwest Detention Center and Martin Hall. The legislation defines these facilities as operated by a private, nongovernmental entity and pursuant to a contract or agreement with a federal, state, or local governmental entity.

Cost estimates provided are based on this interpretation of the definition.

However, if the definition of private detention facility is interpreted more broadly, and more facilities are included under the definition such as isolation and quarantine facilities, then local health jurisdictions could incur additional, indeterminate staff and training costs to serve those additional facilities.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

No impact to local government revenue.

SOURCES:

Caseload Forecast Council

Department of Children, Youth and Families

Department of Health Fiscal Note HB 1470 (2023)

Washington State Association of Counties

Washington State Association of Local Public Health Officials