

Multiple Agency Fiscal Note Summary

Bill Number: 1469 S HB	Title: Health care services/access
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Estimated Cash Receipts

NONE

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 Attorney General	.9	426,000	426,000	426,000	.7	339,000	339,000	339,000	.3	156,000	156,000	156,000
Washington State Patrol	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.9	426,000	426,000	426,000	0.7	339,000	339,000	339,000	0.3	156,000	156,000	156,000

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									
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 Attorney General	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.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									
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Cheri Keller, OFM	Phone: (360) 584-2207	Date Published: Final 2/15/2023
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Judicial Impact Fiscal Note

Bill Number: 1469 S HB	Title: Health care services/access	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: 02/09/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/09/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/09/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/14/2023

182,699.00

Form FN (Rev 1/00)

Request # 162-1

Bill # 1469 S HB

Part II: Narrative Explanation

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

The changes made in the substitute bill would not change the original bill's court impacts.

The bill would establish multiple civil and criminal procedure requirements and prohibitions concerning access to reproductive health care services and gender-affirming treatment in Washington.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts and the courts. There would be no need to make changes to case management systems or update court forms if this bill passed. While there are procedural changes included in this bill, the courts do not anticipate large impacts from time spent processing subpoenas and warrants.

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

182,699.00

Form FN (Rev 1/00)

2

Request # 162-1

Bill # 1469 S HB

None

182,699.00

Form FN (Rev 1/00)

3

Request # 162-1

Bill # 1469 S HB

Individual State Agency Fiscal Note

Bill Number: 1469 S HB	Title: Health care services/access	Agency: 100-Office of Attorney General
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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	0.9	0.9	0.9	0.7	0.3
Account					
General Fund-State 001-1	213,000	213,000	426,000	339,000	156,000
Total \$	213,000	213,000	426,000	339,000	156,000

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: 02/09/2023
Agency Preparation: Allyson Bazan	Phone: 360-586-3589	Date: 02/14/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/14/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/15/2023

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.

Sec. 1: "The Shield Law"

Sec. 2: Definitions

Sec. 3: Amends RCW 5.15.020 to require attestation under penalty of perjury stating whether the subpoena seeks evidence regarding protected health care service as defined in the act (attestation). False attestation subject to statutory penalty of \$10,000. Statutory court jurisdiction in Washington. Court Clerks shall not issue subpoena, and must quash existing subpoenas, based on foreign subpoena if it is seeking evidence of protected health care services, unless the evidence is related to certain tort, contract, or statutory claims that currently exists.

Sec. 4: Amends RCW 5.56.010 to not permit a witness to be compelled to appear in court if protected by this law.

Sec. 5: Amends RCW 9.73.040 to require ex parte orders for interceptions of communications or conversations to state if the application for the order is related to an investigation that alleges criminal liability for the provision or receipt of protected health care services. Prohibits court from issuing such an order if the protected health care services are lawful in the state of Washington.

Sec. 6: Amends RCW 9.73.260 to require applications for the installation and or use of a pen register, trap and trace device, or cell site simulator device for an investigation that alleges criminal liability for protected health care services to include attestation and limitations found in Sec. 3.

Sec. 7: Amends RCW 10.55.020 to include requirement for attestation by a judge of a court of record in any state when compelling witness to appear if it is related to an investigation that alleges criminal liability for the provision or receipt of protected health care services; provides penalties for false attestations. Prohibits summons of a witness to testify in a grand jury investigation in another state for investigations related to protected health care services lawful in Washington

Sec. 8: Amends RCW 10.88.250 to prohibit the governor from surrendering persons for charges related to protected health care services lawful under this act.

Sec. 9: Amends RCW 10.88.320 to require charging documents require attestation, penalty for false attestation, prohibits warrants for charges or complaints that are related to protected health care services

Sec. 10: Amend RCW 10.88.330 to prohibit arrest if it is for protected health care services.

Sec. 11: Amends RCW 10.96.020 to prohibit criminal process if it is for protected health care services

Sec. 12: Amends RCW 10.96.040 to require compliance with out of state service of process if it is related to an investigation that alleges criminal liability for the provision or receipt of protected health care services only if it contains attestation; penalties for false attestation; residents not required to comply with a criminal process if it is related to protected health care services

Sec. 13: A law of another state that authorizes the imposition of civil or criminal penalties or liability related to the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services that are lawful in the state of Washington is against the public policy of this state. Prohibits the state from issuing a warrant, subpoena, court order, or civil or criminal process in connection with protected health care services in any state. Prohibits a business entity in Washington from providing evidence or complying with a

subpoena from any state if it is related to protected health care services legal under the laws of Washington. Penalties. Exceptions for certain claims or causes existing in law.

Sec. 14: Creates a claim for interference with protected health care services

Sec. 15: Provides that any person in the state that receives a subpoena from any court, state or federal, in the US, may move to modify or quash the subpoena on the grounds that it is inconsistent with the public policy of Washington and the protections under this bill.

Sec. 16: The Attorney General may bring an action to enjoin any person from violating any provision of the act. The AG must maintain a list of laws of another state that impose criminal liability for protected health care services; the Washington State Patrol must monitor out of state warrants entered into shared systems to determine if the warrant is for acts that are related to protected health care service legal in Washington and removing the warrant or otherwise note it is not enforceable.

Sec. 17: Amend RCW 40.24.030 to allow privacy protections in public records for protected health care services providers, employees, or affiliated persons

Sec. 18: Severability

Sec. 19: Emergency clause

Sec. 20: Codification instructions

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.

Attorney General's Office (AGO) Complex Litigation (COM) activities are funded with General Fund-State dollars. No cash receipt impact. There is no client agency to bill for legal services.

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:

This bill has an emergency clause and is assumed to be effective immediately.

Location of staffing is assumed to be in a Seattle office building.

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. The Management Analyst 5 (MA), is used as a representative classification. An example ratio is 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 an MA.

1. Assumptions for the AGO Complex Litigation Division's (COM) Legal Services:

The civil enforcement of Section 16 will have a fiscal impact. COM assumes there will be less compliance with the statute

initially, and there will be a need to file more cases in the first number of years after enactment. COM assumes the enactment of this bill will require 0.4 AAG, 0.2 Paralegal (PL), and 0.2 LA with \$80,000 for direct litigation costs for filing fees, discovery costs, and experts for several enforcement actions in FY 2024 through FY 2026. FY 2027 will require 0.2 AAG, 0.1 PL, 0.1 LA, and \$60,000 for direct litigation costs. FY 2028 and in each FY thereafter, 0.1 AAG, 0.1 PL, 0.05 LA, and \$40,000 for direct litigation costs.

COM: Total Seattle FTE and direct cost workload impact:

FY 2024 – FY 2026 (each year): \$213,000 for 0.4 AAG, 0.2 LA, 0.2 PL, which includes direct litigation costs of \$80,000.

FY 2027: \$126,000 for 0.2 AAG, 0.1 LA, 0.1 PL, which includes direct litigation costs of \$60,000.

FY 2028: \$78,000 for 0.1 AAG, 0.05 LA, 0.1 PL, which includes direct litigation costs of \$40,000, and in each FY thereafter.

2. The AGO Administrative Division (ADM) 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.

3. The AGO Criminal Justice Division (CRJ) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Washington State Patrol (WSP). The enactment of this bill will not impact the provision of legal services to WSP; nor the criminal investigation and prosecution work conducted by CRJ and funded by General Fund State. This bill provides various protections related to reproductive health care. With respect to criminal law, Section 5 amends the Washington Privacy Act to prohibit the judicial authorization of recording of conversations about reproductive health care for criminal investigatory purposes.

Section 6 prohibits the judicial authorization of searches of telephone and cell phone communications for the purpose of investigating reproductive health services. Section 7 precludes judicial orders requiring a Washington citizen to give evidence in another state related to a criminal investigation or charge involving reproductive health care. Section 9 prohibits the judicial issuance of “fugitive warrants” for persons in Washington who are charged in another state with a crime involving reproductive health care. Section 10 prohibits Washington peace officers from arresting a person found in Washington who has an outstanding warrant from another state for a crime involving reproductive health care.

Sections 11 and 12 provides that criminal process is invalid if it relates to criminal liability for reproductive health care. Section 13 prohibits Washington State agencies from cooperating or participating in a criminal investigation or prosecution in another state related to criminal liability for reproductive health care. Section 16 allows the AGO to bring a civil action to enjoin any person from violating this act. The section further requires WSP to “continually monitor out of state warrants entered into any WSP system to determine if a warrant is for the arrest of any person in connection with reproductive health services.”

Sections 5-9, 10, and 11-13 should not have fiscal impact. WSP is already under a directive from the Governor that covers most of the statutory language included in this bill. WSP may seek legal advice on some of these issues, but requests for WSP to cooperate in an abortion-related crime in another state is unlikely; and in such circumstance, advice can be provided.

Section 16 also requires WSP to “continually monitor” out-of-state arrest warrants entered into criminal history databases controlled by WSP and accessible by Washington law enforcement. To aid WSP in this endeavor, Section 16(a) requires the AGO to monitor the laws of other states to maintain a current list of laws that impose criminal liability related to reproductive health care; and to provide such list to WSP so it can disseminate such information to WA law enforcement who encounter persons who are the subjects of out-of-state arrest warrants. This task will require initial legal research by CRJ AAG, and then at least annual research to update the list that is created. This should not have fiscal impact of more than 90 hours per year, but will require AAG hours to perform legal research on at an annual basis in order to maintain an accurate and comprehensive list. 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
001-1	General Fund	State	213,000	213,000	426,000	339,000	156,000
Total \$			213,000	213,000	426,000	339,000	156,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.9	0.9	0.9	0.7	0.3
A-Salaries and Wages	87,000	87,000	174,000	131,000	50,000
B-Employee Benefits	29,000	29,000	58,000	43,000	16,000
C-Professional Service Contracts	80,000	80,000	160,000	140,000	80,000
E-Goods and Other Services	16,000	16,000	32,000	24,000	10,000
G-Travel	1,000	1,000	2,000	1,000	
Total \$	213,000	213,000	426,000	339,000	156,000

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-Seattle	124,635	0.4	0.4	0.4	0.3	0.1
Legal Assistant 3-Seattle	67,044	0.2	0.2	0.2	0.2	0.1
Management Analyst 5	91,524	0.1	0.1	0.1	0.1	0.0
Paralegal 2-Seattle	75,096	0.2	0.2	0.2	0.2	0.1
Total FTEs		0.9	0.9	0.9	0.7	0.3

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Complex Litigation Division (COM)	213,000	213,000	426,000	339,000	156,000
Total \$	213,000	213,000	426,000	339,000	156,000

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: 1469 S HB	Title: Health care services/access	Agency: 225-Washington State Patrol
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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: 02/09/2023
Agency Preparation: Michael Middleton	Phone: (360) 596-4072	Date: 02/10/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/10/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	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.

There is no fiscal impact to the Washington State Patrol (WSP).

New Section 2 defines protected health care services in Washington to include reproductive health care services and gender-affirming treatment.

New Section 13 restricts the ability for a court to issue, and law enforcement to enforce, subpoenas, warrants, criminal process, extradition, and other court orders for civil or criminal liability that is based on the provision or receipt of protected health care services.

New Section 16 requires the WSP to monitor out of state warrants and determine if a warrant is for the arrest of any person in connection with protected health care services.

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.

Out-of-state warrants are not entered into the Washington Crime Information Center (WACIC), so there would be no information which we could track and remove. Out-of-state warrants are found within the Federal Bureau of Investigation's National Crime Information Center (NCIC). We have no ability to monitor or control the warrants in NCIC.

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.