

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> 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	43,000	0	0	60,000	0	0	60,000
Department of Health	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>43,000</b>	<b>0</b>	<b>0</b>	<b>60,000</b>	<b>0</b>	<b>0</b>	<b>60,000</b>

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	No fiscal impact					
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	.1	0	0	43,000	.2	0	0	60,000	.2	0	0	60,000
Department of Labor and Industries	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	3.6	1,388,000	1,388,000	1,388,000	4.0	1,322,000	1,322,000	1,322,000	4.0	1,322,000	1,322,000	1,322,000
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>3.7</b>	<b>1,388,000</b>	<b>1,388,000</b>	<b>1,431,000</b>	<b>4.2</b>	<b>1,322,000</b>	<b>1,322,000</b>	<b>1,382,000</b>	<b>4.2</b>	<b>1,322,000</b>	<b>1,322,000</b>	<b>1,382,000</b>

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	No fiscal impact								
Local Gov. Total									

### Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of State Treasurer	.0	0	0	.0	0	0	.0	0	0
Office of State Auditor	.0	0	0	.0	0	0	.0	0	0
Office of Attorney 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
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

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	No fiscal impact								
Local Gov. Total									

### Estimated Capital Budget Breakout

<b>Prepared by:</b> Breann Boggs, OFM	<b>Phone:</b> (360) 485-5716	<b>Date Published:</b> Final 2/25/2023
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 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.

Legislative Contact: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/21/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/21/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/21/2023

184,314.00

Form FN (Rev 1/00)

Request # 194-1

Bill # 1470 S 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

### II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts. There could be additional court filings for the original bill and slightly more because it adds private detention facility operators to the list of those subject to private suits and civil penalties, but the impact is expected to be minimal.

## 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

184,314.00

Form FN (Rev 1/00)

2

Request # 194-1

Bill # 1470 S HB

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 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: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Dan Mason	Phone: (360) 902-8990	Date: 02/20/2023
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 02/20/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/21/2023

## 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.*

SHB 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

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 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.*

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: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Charleen Patten	Phone: 564-999-0941	Date: 02/21/2023
Agency Approval: Janel Roper	Phone: 564-999-0820	Date: 02/21/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/21/2023



## 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.*

The original HB 1470 specified that the State Auditor may undertake performance audits of private detention facilities.

There is no fiscal impact as the substitute bill no longer mentions the State Auditor's Office.

### 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

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 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	13,000	30,000	43,000	60,000	60,000
<b>Total \$</b>	13,000	30,000	43,000	60,000	60,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.2	0.2	0.2	0.2
<b>Account</b>					
Legal Services Revolving Account-State 405-1	13,000	30,000	43,000	60,000	60,000
<b>Total \$</b>	13,000	30,000	43,000	60,000	60,000

### 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: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 02/21/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/21/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/21/2023

## 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 and detained individual to the statutory framework and includes a definition for private detention facility.

Section 2 – New Section to chapter 70.395 RCW. Requires the Department of Health (DOH) to adopt rules to effectuate intent of this section. Sets out requirements for private detention facilities.

Section 3 – New Section to Chapter 70.395 RCW. Requirements for DOH, the Department of Labor and Industries (L&I), and Department of Ecology (Ecology) to conduct specified inspections. The Attorney General’s Office (AGO) may enforce violations of this chapter.

Section 4 – New Section to Chapter 70.395 RCW. Requirements for private detention facility to comply with specific rules in this section. The AGO may enforce violations 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. DOH may adopt a penalty matrix. AGO may bring action to recover penalties. The state and its agencies are not liable for violation of this chapter.

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 – Act takes effect immediately.

Section 11 – Act is to be liberally construed.

Section 12 – 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 Health (DOH) and 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:

DOH will be billed for non-Seattle rates:

FY 2024: \$8,000 for 0.03 Assistant Attorney General FTE (AAG) and 0.02 Legal Assistant 3 FTE (LA).

FY 2025 and in each FY thereafter: \$27,000 for 0.11 AAG and 0.06 LA.

L&I will be billed for Seattle rates:

FY 2024: \$5,000 for 0.02 AAG and 0.01 LA.

FY 2025 and in each FY thereafter \$3,000 for 0.01 AAG and 0.01 LA.

**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 is assumed to be effective immediately.

Location of staffing is assumed to be in a Seattle and non-Seattle 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. 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.

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.

FY 2024 advising DOH on the creation of penalty regulations and rulemaking under sections 2, 3, and 6: 32 hours.

FY 2024 advising DOH on the establishment of administrative processes, including notice and Administrative Procedure Act (APA) hearing rights, for assessing penalties: 20 hours.

FY 2025 defending challenges to penalty assessments at Office of Administrative Hearings (OAH) hearings: 80 hours (40 hours per case x 2).

FY 2025 defending judicial review under APA: 80 hours (40 hours per case x2).

FY 2025 related to collection action (conversion of administrative order to judicial order; recording judicial orders with county auditors; garnishment; foreclosure; etc.): 40 hours per year.

FY 2024: 52 AAG FTE hours.

FY 2025 and in each year thereafter: 200 AAG FTE hours.

AHD: Total non-Seattle workload impact:

FY 2024: \$8,000 for 0.03 AAG and 0.02 LA.

FY 2025 and in each FY: \$27,000 for 0.11 AAG and 0.06 LA.

AHD has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Department of Commerce (Commerce). Commerce was assigned this fiscal note request for its role in estimating the impact of bills on local governments. Commerce itself would not be given any new authorities or

responsibilities under this bill. Therefore, costs are not included in this request.

Assumptions for the AGO Labor and Industries Division (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. There will be a small increase in workload.

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

The AGO Civil Rights Division (CRD) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload. This bill would provide standalone enforcement authority to the AGO through Sections 2(2), 3(5), and 4(3). While CRD anticipates that it would use that authority and enforce actions under this bill, new legal services are nominal. Therefore, costs are not included in this request.

The AGO Revenue and Finance Division (REV) 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 (OST). New legal services are nominal, and costs are not included in this request.

The AGO Social & Health Services Division (SHO) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Department of Social and Health Services (DSHS). The references to DSHS in Section 6 of this bill has been replaced with the Department of Health (DOH). Therefore, costs are not included in this request.

The AGO Government Compliance and Enforcement (GCE) Division has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the State Auditor’s Office (SAO). The prior version would have permitted the SAO to undertake performance audits of private detention facilities, but that provision has been eliminated from this version. Therefore, costs are not included in this request.

The AGO Ecology Division (ECY) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Department of Ecology (Ecology). Section 3 no longer references water and air sampling activity. If such sampling occurs, it would be limited in scope and would likely generate only nominal (if any) advice demands. It is speculative to assume any enforcement action requiring legal support, and even such enforcement occurred, therefore, 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	13,000	30,000	43,000	60,000	60,000
<b>Total \$</b>			13,000	30,000	43,000	60,000	60,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.2	0.2	0.2	0.2
A-Salaries and Wages	8,000	20,000	28,000	40,000	40,000
B-Employee Benefits	3,000	7,000	10,000	14,000	14,000
E-Goods and Other Services	2,000	3,000	5,000	6,000	6,000
<b>Total \$</b>	13,000	30,000	43,000	60,000	60,000

**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	0.0	0.1	0.1	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	0.0	0.1	0.0	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		0.0	0.0	0.0	0.0
<b>Total FTEs</b>		0.1	0.2	0.2	0.2	0.2

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Agriculture & Health Division (AHD)	8,000	27,000	35,000	54,000	54,000
Labor & Industries Division (LNI)	5,000	3,000	8,000	6,000	6,000
<b>Total \$</b>	13,000	30,000	43,000	60,000	60,000

**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

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 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.
- 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: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Bobby Kendall	Phone: 902-6980	Date: 02/20/2023
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 02/20/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 02/20/2023



## 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, and the Offices of the State Auditor and the Attorney General.

SHB 1470 is different from HB 1470 in that it:

- This substitute bill has been substantially altered from the original, but with few substantive changes. The Department of Ecology is no longer part of the bill and the air and water testing is now with the Department of Health. The Department of Social and Health Services was also removed from having violation authority and this was given to the Department of Health. Amendments to 70.395.030 were removed and the bill is now effective immediately.

### 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

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 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:**

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: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Mitchell Close	Phone: 3600000000	Date: 02/21/2023
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/21/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/21/2023

## 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.*

The substitute bill changes the collection of the civil penalty for violators of chapter 70.395 in section 6 from the Department of Social and Health Services (DSHS) to the Department Health. Therefore, there is no fiscal impact to DSHS.

### 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

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 303-Department of Health
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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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.9	3.2	3.6	4.0	4.0
<b>Account</b>					
General Fund-State 001-1	862,000	526,000	1,388,000	1,322,000	1,322,000
<b>Total \$</b>	862,000	526,000	1,388,000	1,322,000	1,322,000

### 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: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 02/24/2023
Agency Approval: Stacy May	Phone: (360) 236-4532	Date: 02/24/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/24/2023

## 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.*

The fiscal impact for the SHB 1470 has increased from the original bill. The increase results from; Department of Health (DOH) is required to adopt rules for private detention facilities relating to the use of personal belongings, cleaning and sanitizing living areas, laundry facilities, provision of basic personal hygiene items, food and diet, indoor air quality, room temperatures, and infection control program.

Section 2: DOH shall adopt rules as may be necessary to effectuate the intent and purposes of this section to ensure private detention facilities comply with measurable standards providing sanitary, hygienic, and safe conditions for detained persons

Section 3: DOH shall Conduct routine unannounced inspections of private detention; Conduct investigations of complaints, regularly review the list of food items provided to detained persons, Test water, post inspection results on its website; Adopt rules as may be necessary to effectuate the intent and purposes of this section in order to ensure private detention facilities allow regular inspections and comply with measurable standards providing sanitary, hygienic, and safe conditions for detained persons. DOH may delegate food safety inspections to local health jurisdictions.

Section 6(2): DOH may adopt rules for a penalty matrix to establish civil penalties.

### II. B - Cash receipts Impact

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

DOH could charge fines or civil penalties following rulemaking process to facilities which would generate revenue.

The Revenue impact is Indeterminate as we have no experience or data on these activities currently.

### 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.*

Section 3:

Inspections

DOH is required to adopt rules and conduct inspections for private detention facilities related to food service and handling, sanitation and hygiene, nutrition, and complaints. These costs will depend on inspection frequency and number of facilities, but we can assume at least two inspections per year involving three staff – two Public Health Advisor 3's for all tasks other than the infection control program, which will require a Nursing Consultation Advisor. We are aware currently of three facilities operating within the state.

Beginning in FY (fiscal year) 2026 and ongoing DOH will require:

1.5 FTE of a Public Health Advisor 3 to conduct inspections for private detention facilities related to food service and handling, sanitation and hygiene, nutrition, and complaints.

0.1 FTE of an Environmental Planner 5 to manage the inspection program and supervise the inspection staff. The position will provide quality assurance by reviewing staff work to ensure inspections are timely, accurate, and consistent.

0.1 FTE of a Nursing Consultation Advisor to: provide consultation to inspectors for private detention facilities related to

food service and handling, sanitation and hygiene, nutrition, and complaints.

Travel will be needed for these staff to inspect the three private detention facilities across Washington which are located in Parkland, Tacoma, and Spokane. DOH assumes two inspections of each facility per year. The estimated travel and per diem costs for six total inspections would be \$4,000 per FY.

FY 2026 and ongoing: \$256,000 and 1.6 FTE

#### Nutrition

This bill requires the department 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.

- DOH will need to purchase nutrition analysis software to spot check the menus but will not be solely responsible for conducting nutritional analysis on the menus.
- DOH will also provide technical assistance on providing a “nutritious and balanced diet, including fresh fruits and vegetables.
- The facility in Tacoma drops off in FY26 on cost assumptions because the facility will be closing.

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.
- Partial indeterminate on how many other facilities that may qualify under the definition of private detention facility.

Beginning in FY 2024 and ongoing DOH will require:

0.5 FTE for FY2024-25 and then to 0.4 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.

FY 2024: \$54,000 and 0.5 FTE

FY 2025: \$55,000 and 0.5 FTE

FY 2026: and ongoing: \$41,000 and 0.4 FTE

#### Section 6:

##### Enforcement:

DOH would need to create and implement a new system for intake and investigation as well as interpretation and translation needs. Intake of all complaints related to facility water and air quality, language access needs, restroom sanitation, Prison Rape Elimination Act, internet access are listed in this bill.

Beginning in FY 2024 and ongoing DOH will require:

1.0 FTE of a Management Analyst 5 to supervise, lead for rule making, program development, main connection with facility leaders, federal government, point of contact for state agencies, main contact with advocacy groups for detainee rights, families, visitors, contracts, and Legislative Inquiries.



1.0 FTE of a Health Services Consultant 3 to develop and manage database with HTS, receipt and triage of complaints, reports, PRR requests and media inquiries, and communicate with LHJs, DOH programs for inspections, invoicing for lab costs and other contracted services.

Estimated IT costs for FY 2024 will be of \$235,000 to implement a new online complaint form, external site that can process and intake penalty fees.

Attorney General time to review and advise on enforcement penalties will be \$27,000 in FY 2025 ongoing.

FY 2024: \$566,000 and 2.0 FTE

FY 2025 and ongoing: \$364,000 and 2.0 FTE

Rulemaking:

Rulemaking will begin July 1, 2023, and end December 31, 2024.

DOH is required to adopt rules for health, safety, and environmental standards and enforce those standards through surveys and investigations. Department staff with expertise in regulation of facility types, including performing surveys and investigations, will participate in rulemaking and provide consultation in the development of these standards.

Beginning in FY 2024 DOH will require:

0.1 FTE of an Environmental Planner 5 for FY 2024 and FY 2025. As program supervisor this individual will be involved with rulemaking development and Office of Attorney General coordination.

1.0 FTE of a Public Health Advisor 3 for FY 2024 and 0.5 FTE for FY 2025 to serve as subject matter expert and assist in rulemaking development.

0.3 FTE of a Communications Consultant 5 for FY 2024 and 0.1 FTE for FY 2025 to assist in rulemaking development.

Estimated IT costs of \$13,000 include work to expand capabilities of current licensing and inspection system to incorporate new facility type for inspections.

Nursing Consultation Advisor to participate in rulemaking and provide consultation in the development of health, safety, and environmental standards will be \$9,000 in FY 2024

Attorney General time to review and advise on rulemaking will be \$8,000 in FY 2024.

Rulemaking total costs:

FY 2024: \$242,000 and 1.4 FTE

FY 2025: \$107,000 and 0.7 FTE

Total costs for this fiscal note:

Total Cost FY 2024: \$862,000 and 3.9 FTE

Total Cost FY 2025: \$526,000 and 3.2 FTE

Total Cost FY 2026 and ongoing: \$661,000 and 4.0 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	862,000	526,000	1,388,000	1,322,000	1,322,000
<b>Total \$</b>			862,000	526,000	1,388,000	1,322,000	1,322,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.9	3.2	3.6	4.0	4.0
A-Salaries and Wages	325,000	273,000	598,000	680,000	680,000
B-Employee Benefits	120,000	99,000	219,000	248,000	248,000
E-Goods and Other Services	146,000	131,000	277,000	328,000	328,000
G-Travel				8,000	8,000
J-Capital Outlays	243,000		243,000		
T-Intra-Agency Reimbursements	28,000	23,000	51,000	58,000	58,000
9-					
<b>Total \$</b>	862,000	526,000	1,388,000	1,322,000	1,322,000

**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
COMMUNICATIONS CONSULTANT 5	87,144	0.3	0.1	0.2		
ENVIRONMENTAL PLANNER 5	98,592	0.1	0.1	0.1	0.1	0.1
HEALTH SERVICES CONSULTANT 3	75,120	1.4	1.4	1.4	1.3	1.3
Health Svcs Conslt 1	53,000	0.1	0.1	0.1	0.1	0.1
MANAGEMENT ANALYST 5	91,524	1.0	1.0	1.0	1.0	1.0
PUBLIC HEALTH ADVISOR 3	75,120	1.0	0.5	0.8	1.5	1.5
<b>Total FTEs</b>		3.9	3.2	3.6	4.0	4.0

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

None

**Part V: New Rule Making Required**

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

Section 2 & 3: DOH will need to do rulemaking to create a new rule chapter to implement the bill.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 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: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Ashley McEntyre	Phone: 2533064501	Date: 02/23/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 02/23/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/23/2023

## 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.*

Comparison of 1470 SHB and 1470 HB

Section 1(3) removes the term private detention facility.

Section 1(4)(e) is amended to remove the original bill's updated definition of private detention facility.

Section 2(2)(c), concerning a detained person being issued new clothing and new footwear, is moved to Section 4(2)(a).

Sections 3(4) is amended to remove the requirement of the Department of Ecology to routinely test the water and air quality both inside and outside of the facility.

Section 3(5) is amended to remove the direction of the Office of the State Auditor to undertake performance audits of private detention facilities.

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

Section 4 is amended to remove the provision of agencies responsible for oversight of private detention facilities to adopt rules as are necessary to implement the purpose of the chapter subject to the availability of amounts appropriated for this purpose.

Section 6 is amended to change responsibility of imposing, collecting, and depositing penalties from the Department of Social and Health Services to the Department of Health.

Section 10 is amended to remove the amendment to RCW 70.395.030 and include an emergency clause and an immediate effective date.

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1470 SHB

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" as having the same meaning as in RCW 70.395.020.

Section 2(1) is amended to require the Department of Health (DOH) to adopt rules necessary to ensure measurable standards providing sanitary, hygienic, and safe conditions for detained persons.

Section 2(1)(b) is amended to add language that bathrooms must be cleaned and sanitized regularly.

Section 2(1)(g) is amended to add language that excessive odors and moisture must be prevented.

Section 2(2) adds a provision that the Office of the Attorney General may enforce violations of this section on its own initiative or in response to complaints or violations.

Section 3(1)(a) directs DOH to conduct routine, unannounced inspections of private detention facilities.

Section 3(1)(b) directs DOH to conduct investigations of complaints received relating to any private detention facility located within the state.

Section 3(1)(c) directs DOH to regularly review the list of food items provided to detained persons.

Section 3(1)(d) directs DOH to test water used for drinking and bathing and air quality every six months at private detention facilities.

Section 3(1)(e) adds the provision that DOH must post inspection results on its website in a place viewable by detained persons and visitors, in English and in language spoken by detainees.

Section 3(2) directs DOH delegate food safety inspections to the local health jurisdiction.

Section 3(3) directs DOH to adopt rules necessary to ensure private detention facilities allow regular inspections and comply with measurable standards providing sanitary, hygienic, and safe conditions for detained persons.

Section 3(4) directs the Department of Labor and Industries to conduct routine, unannounced inspections of workplace conditions at private detention facilities.

Section 3(5) allows the Office of the Attorney General may enforce violations of this section on its own initiative or in response to complaints or violations

Section 4(1) is amended to state this section does not apply to private detention facilities operating under a valid contract prior to January 1, 2023.

Section 4(2)(a) is amended to add that a detained person must be issued new clothing and new footwear once it is no longer hygienic or serviceable.

Section 4(2)(l) is amended to require sexual violence and harassment grievances be reported to local law enforcement.

Section 4(3) is amended to add the Office of the Attorney General may enforce violations of this section.

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 DOH 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 adds an emergency clause.

Section 11 states that the act is to be construed liberally.

Section 12 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 Health 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

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

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 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: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Amanda Pierpoint	Phone: (360) 725-8428	Date: 02/16/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/16/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/17/2023



## 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 states the following:

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.

SBH 1470 amends to state the following:

Substitute House Bill (SHB) 1470 relates to private detention facilities; amends RCW 42.56.475, 70.395.010, and 70.395.020; adds new sections to chapter 70.395 RCW; creates a new section; prescribes penalties; and declares an emergency.

Section 10 states that this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

### 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

<b>Bill Number:</b> 1470 S HB	<b>Title:</b> Private detention facilities	<b>Agency:</b> 461-Department of Ecology
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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: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Preparation: Leslie Connelly	Phone: 360-628-4381	Date: 02/17/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 02/17/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/21/2023

## 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.*

Compared to HB 1470, SHB 1470 has the following changes to Ecology:

- Section 3 of the previous bill would have required Ecology to provide air and water quality testing inside and outside private detention facilities. In the current version of this bill, Ecology has been taken out and the Department of Health is responsible for testing.

This change removes the fiscal impact of this bill to Ecology.

Section 3 of this bill requires the Department of Health to provide inspections of private detention facilities, including testing water and air quality.

There are no requirements of Ecology under this bill, therefore, there is no fiscal impact to Ecology.

### 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.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 1470 S HB

**Title:** Private detention facilities

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

## Legislation Impacts:

- Cities:
- Counties:
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

None

## Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/17/2023
Leg. Committee Contact: Martha Wehling	Phone: 360-786-7067	Date: 02/15/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/17/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/21/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

#### **CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The substitute bill modifies the original bill's definition of "private detention facility" to clarify that it only applies to for-profit detention facilities operated by a private, nongovernmental entity.

Additionally, the substitute bill would not allow local agencies to receive financial penalties for non-compliance, and it would not allow local agencies to have a private right of action brought against them.

The substitute bill also stipulates that the Department of Health (DOH) has the option to delegate "food safety inspections" to the local health jurisdiction where the private detention facility is located. All other rules and inspections shall be established and performed by DOH.

#### **SUMMARY OF CURRENT BILL:**

Sec. 1 amends RCW 42.56.475 by adding definitions.

Sec. 1 (4)(e) adds "for-profit" to the definition of "private detention facility" to clarify it means a detention facility that is operated by a private, nongovernmental for-profit 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.

Sec. 2 (1) the Department of Health (DOH) shall establish rules necessary to ensure private detention facilities comply with the standards stipulated in legislation.

Sec. 3 and Sec. 5 add new chapters to 70.395.

Sec. 3 (1) assigns DOH particular duties that would have been performed by local health jurisdictions in the original version of the bill.

Sec. 3 (2) gives DOH the option to delegate food safety inspections to the local health jurisdiction in which the private detention facility is located.

Sec. 5 (4) clarifies that neither the state nor any of its agencies may be held liable for a violation of this chapter.

### **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.*

#### **CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The substitute version of this bill eliminates all local government fiscal impacts by clarifying private detention facility's definition and by assigning the Department of Health (DOH) responsibilities that were assigned to local health jurisdictions in the original version of the bill.

#### **EXPENDITURE IMPACTS OF CURRENT BILL:**

This legislation would not impact local government expenditures because the Department of Health (DOH) is assigned duties previously assigned to local health jurisdictions, thereby eliminating local health jurisdictions' required work and associated expenditure impacts.

Additionally, by clarifying the definition of private detention facility, the legislation would only apply to one facility, so only

one facility would need inspection. The substitute bill would give DOH the option to delegate food safety inspections to the local health jurisdiction in which the private detention facility is located. However, according to the Washington State Association of Local Public Health Officials, this is optional. If local health jurisdictions elected to do that work, a fee would be assessed.

### **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.*

#### **CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The substitute bill does not impact local government revenue.

#### **REVENUE IMPACTS OF CURRENT BILL:**

The legislation does not impact 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