

Multiple Agency Fiscal Note Summary

Bill Number: 2287 S HB	Title: Corrections ombuds adv board
-------------------------------	--

Estimated Cash Receipts

NONE

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
Office of the Governor	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Val Terre, OFM	Phone: (360) 280-3973	Date Published: Final 2/ 6/2024
------------------------------------	---------------------------------	---

Individual State Agency Fiscal Note

Bill Number: 2287 S HB	Title: Corrections ombuds adv board	Agency: 075-Office of the Governor
-------------------------------	--	---

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/30/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/31/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/31/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/01/2024

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 2 of Substitute HB 2287 makes changes to the board member criteria. These changes do not change the Office's fiscal impact assumptions from the previous version.

Sec. 2. A new section is added to chapter 43.06C RCW to read as follows:

(1)(a) By December 1, 2024, and subject to the availability of amounts appropriated for this specific purpose, the governor shall convene an ombuds advisory board with several purposes in support of the ombuds function. The board shall work with the ombuds to create and participate in a priority setting process. The board shall receive briefings or reports from the ombuds relating to deidentified data, trends, and other relevant issues, and make recommendations to the ombuds regarding the accomplishment of its purposes. The board does not participate in any ombuds investigations and is not authorized to receive records that are confidential pursuant to RCW 43.06C.060.

(b) The board may issue its own annual report that provides the governor and legislature with recommendations regarding the ombuds performance, budget, and changes in the law that would enhance ombuds effectiveness.

(2) Upon each vacancy and during original creation of the board, the ombuds may provide the governor recommendations for appointment to the board. The governor may consider these recommendations when making appointments.

(3) The board initially consists of the following members: (a) Two currently incarcerated individuals, one from the men's division and one from the women's division, who have served at least five years of incarceration and have at least five years left on their sentence; (b) Two formerly incarcerated individuals, one from the men's division and one from the women's division, who have served at least five years of incarceration and have reintegrated recently into the community; (c) Two family members who have been affected by incarceration; (d) A community member with extensive knowledge and experience in issues related to racial, ethnic, or religious diversity within the correctional system; (e) A community member with extensive knowledge and experience in the accommodation needs of individuals with disabilities; (f) A community member with extensive knowledge and experience in reentry supports or reentry programming; (g) A community member with a medical background; and (h) A community member with a gender responsive background.

(4) After the full membership is attained, the board shall develop a process for replacing members in case of resignation or expiration of terms.

(5) Board members serve a term of two years, except that the board shall create and implement a system of staggered terms, and no member may serve more than two consecutive terms. The board will designate two cochairs by vote, and one must be currently or formerly incarcerated.

(6) Eligible members of the board, including incarcerated individuals, shall receive stipends according to RCW 43.03.220. The department of corrections shall work with the office of the corrections ombuds to develop a process where currently incarcerated and eligible board members may be paid stipends for their participation.

(7) The board shall convene at least quarterly.

(8) The board is subject to the open public meetings act, RCW 42.30.

(9) The office shall provide administrative and clerical assistance to the board.

(10) Board members must complete training to utilize an antiracist lens in their duties as board members.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

The cost of this bill is indeterminate: however, the Office of the Corrections Ombuds (OCO) estimates that if this bill is enacted, the new board will need \$415,000 in FY2025 and have ongoing costs of \$405,000, starting in FY 2026. OCO assumes implementing this bill will have the following impacts:

- Salaries: \$188,000 ongoing
- Benefits: \$63,000 ongoing
- Goods and Services: \$62,000 ongoing
- Travel: \$12,000 ongoing
- Capital Outlays: \$10,000 FY 2025
- Grants, benefits, and client services: \$20,000 ongoing
- OFM Service Fee: \$60,000 ongoing

OCO assumes hiring the following positions to implement the bill no earlier than July 1, 2024:

Program Manager – Advisory Board (1.0 FTE) \$110,000.00/year. Duties include:

- Prepare advisory board’s Annual Report
- Prepare briefings or reports relating to de-identified data, trends, and other relevant issues
- Event planning for advisory board quarterly meetings, including preparation of agenda and materials

Executive Assistant (1.0 FTE); \$78,000/year. Duties include:

- Assist with logistics of advisory board quarterly meetings
- Schedule venue
- Travel arrangements
- Coordinate IT needs
- Assist with production of advisory board’s Annual Report
- Coordinate compensation for advisory board members
- Arrange all required and optional trainings for board members
- Provide general administrative and clerical assistance to the board

Goods and services: Based on average employee costs, the Office requests ongoing funding for supplies and materials, communications and telecommunications services, lease space, training, software licensing and maintenance at \$3,000 per year, per FTE.

Travel: The Office requests ongoing funding for travel associated with these positions at \$6,000 per year, per FTE. OCO has unique needs because the population served is incarcerated. This accommodates frequent overnight travel to prisons and reentry centers around the state.

Capital Outlays: The Office requests one-time funding for purchasing equipment at \$5,000 per FTE.

Shared Service Costs: The Office of Financial Management provides administrative support for the Office of Financial Management, Office of the Governor, and Office of Independent Investigations. These services include IT support, budget and accounting services, facilities support, and human resource assistance. To fund these shared services, each budgeted

FTE is assessed an ongoing cost of \$30,000 and 0.22 of an FTE. Based on the average salary for those providing these services, we estimate the cost for a new FTE at \$60,000 per year including salary, benefits, equipment, and support costs.

Additional expenses are as follows:

1. Records retention and records request administrative and software costs associated with the implementation of this bill is estimated at \$23,000.00.
2. Legal services from AGO may be required as a result of this bill.
 - a. This bill may increase the amount of litigation brought against the OCO, which the AGO would defend. Based on the AGO's fiscal note, the impact of such litigation is unknown as the number and complexity of cases filed cannot be predicted.
 - b. OCO may require legal review and advice from the AGO with respect to Board activities, findings, legal compliance, and recommendations, including findings with respect to the Board's annual report. The OCO expect advice requests concerning application of Section 2(8) of the bill, concerning the open public meetings act. We also expect advice requests concerning application of public records requests (RCW 43.06C.060). Predicting the frequency and complexity of these requests with accuracy is difficult, but we assume the need for additional legal services will average 5-10 hours monthly (60-120 hours annually, or 90-hour mid-point), and assume these costs will be ongoing. Estimate of \$25,000.00.
3. Reimbursement Costs related to RCW 43.03.220. OEO estimates the costs associated with 11 members meeting at least quarterly will have an annual cost of \$20,000.00.
4. Per Section 2, Item 10 - Training costs associated with 11 non-WA state employees completing DES' A Path Toward Equity will cost \$7,500.00.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 2287 S HB	Title: Corrections ombuds adv board	Agency: 100-Office of Attorney General
-------------------------------	--	---

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: Lena Langer	Phone: 360-786-7192	Date: 01/30/2024
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 02/02/2024
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 02/02/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/02/2024

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.

Assumptions for the Attorney General's Office (AGO) Government Compliance and Enforcement Division (GCE) Legal Services.

The GCE has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Office of the Corrections Ombuds (OCO). New legal services are nominal and costs are not included in this request.

- 1) This bill would establish a new advisory board to provide advice and feedback to OCO.
- 2) The advisory board would be comprised of individuals with experience with the corrections system, including incarcerated individuals. The bill would require one of the co-chairs to be a currently or formerly incarcerated individual. The new advisory board would be subject to the Open Public Meetings Act (OPMA), including participation by the members who are incarcerated individuals and eligible members could receive volunteer stipends.
- 3) GCE assumes OCO would need initial and ongoing advice on Public Records Act (PRA) issues and that the new advisory board would need initial and ongoing advice on bylaws, PRA, OPMA and annual reports. OCO estimates that this bill would increase legal services to OCO but would be nominal in hours for advice on the bylaws and reports to the advisory board.

The AGO Corrections Division (COR) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Corrections (DOC). The bill would create an advisory board for the OCO, which is an independent agency that receives legal services from GCE. OCO's function would be to provide advice and feedback regarding OCO operations, including priority setting and would have authority to issue annual reports. Section 2 of the bill defines the OCO's membership, which includes current and former incarcerated individuals, and those individuals would be entitled to stipends for their services, pursuant to RCW 43.03.220. DOC might seek guidance from COR relating to incarcerated individual participation on the OCO advisory board, or other issues concerning the work of the board. Such requests for guidance are nominal. Therefore, no costs are included in this request.

The AGO Administration Division (ADM) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are included in this request.

The AGO Solicitor General's Office (SGO) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are included in this request.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 2287 S HB	Title: Corrections ombuds adv board	Agency: 310-Department of Corrections
-------------------------------	--	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/30/2024
Agency Preparation: Malika Feroz-Ali	Phone: (360) 725-8428	Date: 02/06/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/06/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/06/2024

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, 2287 SHB, differs from the original bill as it modifies the membership of the Ombuds Advisory board without altering the intent of it.

Section 2(2) is merged with Section 2(3) from the original bill and provides a list of the following modified members of the board:

Section 2(2)(a)(i) one person currently incarcerated in medium or close custody at the Department of Corrections (DOC) men's division;

Section 2(2)(a)(ii) one person currently incarcerated in medium or close custody at the DOC women's division;

Section 2(2)(a)(iii) one person currently incarcerated at the DOC who was sentenced to life.

The following impacts from the original bill remain unchanged in SHB 2287:

section 2(1)(a) requires the governor to convene the council by December 1, 2024, and establish the purpose of the board in support of the ombuds function, including to create and participate in a priority setting process, deidentified data, trends, and other relevant issues, and make recommendations to the Office of Corrections Ombuds regarding the accomplishment of purpose. The board does not participate in any ombuds investigations and is not authorized to receive records that are confidential pursuant to RCW 43.06C.060 and 43.06C.080.

Section 2(5) states that all eligible board members, including incarcerated individuals, will receive stipends as per RCW 43.03.220. The DOC will collaborate with the office of the Corrections Ombuds to establish a process for paying stipends to currently incarcerated and eligible board members.

Section 2(6) states the board shall convene at least quarterly.

Section 2(7) states that the board is subject to the open public meetings act, chapter 42.30 RCW.

Section 2(9) states that board members must complete training to utilize an antiracist lens in their duties as board members.

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.

We assume this bill will have a fiscal impact to DOC less than \$50,000 per Fiscal Year (FY).

The fiscal impact of HB 2287 remains unchanged with SHB 2287. Section 2(5) of SHB 2287 requires DOC to collaborate with the Office of Corrections Ombuds (OCO) to pay stipends to eligible incarcerated individuals to attend the advisory board meetings.

RCW 43.03.220(2)(b) states that a stipend shall not exceed \$200 per day for attending an official meeting or performing approved statutory duties. The DOC assumes that it would seek reimbursement for the cost of stipends from the OCO, so assumes no fiscal impact.

If the incarcerated individuals were required to attend advisory board meetings in person, DOC would need to assign custody transportation teams to transport and monitor the individuals at a cost \$134 per hour, per team. DOC estimates that this cost will be less than \$50,000 annually.

The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

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.