

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews
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## Estimated Cash Receipts

NONE

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

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of the Governor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Lieutenant Governor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Public Disclosure Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Leadership Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of the Secretary of State	.0	0	0	0	.0	0	0	0	.0	0	0	0
Governor's Office of Indian Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Commission on Asian Pacific American Affairs	.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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Financial Institutions	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Commerce	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Economic and Revenue Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Financial Management	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Health Care Authority	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Administrative Hearings	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Gambling Commission	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Commission on Hispanic Affairs	.0	550	550	550	.0	0	0	0	.0	0	0	0
Commission on African-American Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Human Rights Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Retirement Systems	.1	0	0	18,225	.1	0	0	36,450	.1	0	0	36,450
State Investment Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Revenue	.2	43,600	43,600	43,600	.0	0	0	0	.0	0	0	0

Board of Tax Appeals	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Minority and Women's Business Enterprises	.0	0	0	0	.0	0	0	0	.0	0	0	0
Housing Finance Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Insurance Commissioner	.1	0	0	26,143	.0	0	0	0	.0	0	0	0
Consolidated Technology Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Accountancy	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Registration for Professional Engineers & Land Surveyors	.0	0	0	0	.0	0	0	0	.0	0	0	0
Forensic Investigations Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Enterprise Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Horse Racing Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Industrial Insurance Appeals	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Pilotage Commissioners	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	9,063	.0	0	0	3,518	.0	0	0	3,518
Board for Volunteer Firefighters and Reserve Officers	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Traffic Safety Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Independent Investigations	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Labor and Industries	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	0	.0	0	0	0	.0	0	0	0
Military Department	.0	0	0	0	.0	0	0	0	.0	0	0	0
Public Employment Relations Commission	.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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Veterans Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.6	189,000	189,000	189,000	1.2	364,000	364,000	364,000	1.2	364,000	364,000	364,000
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Services for the Blind	.0	0	0	0	.0	0	0	0	.0	0	0	0
Student Achievement Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Superintendent of Public Instruction	.3	88,000	88,000	88,000	.5	164,000	164,000	164,000	.5	164,000	164,000	164,000
State School For The Blind	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Center for Childhood Deafness and Hearing Loss	.0	0	0	0	.0	0	0	0	.0	0	0	0
Workforce Training and Education Coordinating Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Archaeology and Historic Preservation	.0	0	0	0	.0	0	0	0	.0	0	0	0
University of Washington	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Central Washington University	Non-zero but indeterminate cost and/or savings. Please see discussion.											
The Evergreen State College	.0	12,040	12,040	12,040	.0	12,040	12,040	12,040	.0	12,040	12,040	12,040
Western Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Arts Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Historical Society	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington State Historical Society	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Transportation	Non-zero but indeterminate cost and/or savings. Please see discussion.											
County Road Administration Board	.0	0	0	0	.0	0	0	0	.0	0	0	0

Transportation Improvement Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Transportation Commission	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Freight Mobility Strategic Investment Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Columbia River Gorge Commission	.0	24,000	24,000	48,000	.0	48,000	48,000	96,000	.0	48,000	48,000	96,000
Columbia River Gorge Commission	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Ecology	.1	45,048	45,048	45,048	.2	49,232	49,232	49,232	.2	49,232	49,232	49,232
Pollution Liability Insurance Program	.0	0	0	0	.0	0	0	0	.0	0	0	0
Energy Facility Site Evaluation Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Recreation and Conservation Funding Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Environmental and Land Use Hearings Office	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Conservation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.0	5,000	5,000	5,000	.0	0	0	0	.0	0	0	0
Puget Sound Partnership	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Agriculture	.0	2,000	2,000	2,000	.0	0	0	0	.0	0	0	0
Employment Security Department	.0	0	0	0	.0	0	0	0	.0	0	0	0
Community and Technical College System	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>1.4</b>	<b>409,238</b>	<b>409,238</b>	<b>486,669</b>	<b>2.0</b>	<b>637,272</b>	<b>637,272</b>	<b>725,240</b>	<b>2.0</b>	<b>637,272</b>	<b>637,272</b>	<b>725,240</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									
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 the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Lieutenant Governor	.0	0	0	.0	0	0	.0	0	0
Public Disclosure Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Leadership Board	.0	0	0	.0	0	0	.0	0	0
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Governor's Office of Indian Affairs	.0	0	0	.0	0	0	.0	0	0
Commission on Asian Pacific American Affairs	.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
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Financial Institutions	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	.0	0	0	.0	0	0	.0	0	0
Economic and Revenue Forecast Council	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	.0	0	0	.0	0	0	.0	0	0
Commission on Hispanic Affairs	.0	0	0	.0	0	0	.0	0	0
Commission on African-American Affairs	.0	0	0	.0	0	0	.0	0	0
Human Rights Commission	.0	0	0	.0	0	0	.0	0	0
Department of Retirement Systems	.0	0	0	.0	0	0	.0	0	0
State Investment Board	.0	0	0	.0	0	0	.0	0	0
Department of Revenue	.0	0	0	.0	0	0	.0	0	0
Board of Tax Appeals	.0	0	0	.0	0	0	.0	0	0
Office of Minority and Women's Business Enterprises	.0	0	0	.0	0	0	.0	0	0
Housing Finance Commission	.0	0	0	.0	0	0	.0	0	0

Office of Insurance Commissioner	.0	0	0	.0	0	0	.0	0	0
Consolidated Technology Services	.0	0	0	.0	0	0	.0	0	0
Board of Accountancy	.0	0	0	.0	0	0	.0	0	0
Board of Registration for Professional Engineers & Land Surveyors	.0	0	0	.0	0	0	.0	0	0
Forensic Investigations Council	.0	0	0	.0	0	0	.0	0	0
Department of Enterprise Services	.0	0	0	.0	0	0	.0	0	0
Horse Racing Commission	.0	0	0	.0	0	0	.0	0	0
Board of Industrial Insurance Appeals	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Board of Pilotage Commissioners	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Board for Volunteer Firefighters and Reserve Officers	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Traffic Safety Commission	.0	0	0	.0	0	0	.0	0	0
Office of Independent Investigations	.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 Licensing	.0	0	0	.0	0	0	.0	0	0
Military Department	.0	0	0	.0	0	0	.0	0	0
Public Employment Relations Commission	.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 Veterans Affairs	.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 Services for the Blind	.0	0	0	.0	0	0	.0	0	0
Student Achievement Council	.0	0	0	.0	0	0	.0	0	0

Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board	.0	0	0	.0	0	0	.0	0	0
Superintendent of Public Instruction	.0	0	0	.0	0	0	.0	0	0
State School For The Blind	.0	0	0	.0	0	0	.0	0	0
Washington State Center for Childhood Deafness and Hearing Loss	.0	0	0	.0	0	0	.0	0	0
Workforce Training and Education Coordinating Board	.0	0	0	.0	0	0	.0	0	0
Department of Archaeology and Historic Preservation	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
Washington State Arts Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Historical Society	.0	0	0	.0	0	0	.0	0	0
Eastern Washington State Historical Society	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
County Road Administration Board	.0	0	0	.0	0	0	.0	0	0
Transportation Improvement Board	.0	0	0	.0	0	0	.0	0	0
Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Freight Mobility Strategic Investment Board	.0	0	0	.0	0	0	.0	0	0
Columbia River Gorge Commission	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Pollution Liability Insurance Program	.0	0	0	.0	0	0	.0	0	0
Energy Facility Site Evaluation Council	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0

Recreation and Conservation Funding Board	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
State Conservation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Puget Sound Partnership	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Department of Agriculture	.0	0	0	.0	0	0	.0	0	0
Employment Security Department	.0	0	0	.0	0	0	.0	0	0
Community and Technical College System	.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									
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Jake Clauson, OFM	<b>Phone:</b> (360) 407-8716	<b>Date Published:</b> Final 2/13/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 01/19/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/19/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/22/2024

191,237.00

Request # 096-1

## Part II: Narrative Explanation

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

This bill relates to limiting vexatious claims by modifying administrative and judicial review processes for public records requests and responses.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No fiscal impact to the Administrative Office of the Courts or the courts.

## Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

### III. D - FTE Detail

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

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

NONE

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 075-Office of the Governor
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/19/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/19/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/19/2024

## 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 1 of HB 2307 would require each agency to develop an internal administrative review process for reviewing the agency's response to a public records request. Requesters may petition the agency for such review within 30 days of denial or closure of the request. If an agency finds it improperly withheld records, it must provide them. This administrative review is a new requirement and the Governor's Office would be responsible for creating and facilitating the implementation of this review process.

The work of creating an administrative review process for public records requests, and then facilitating implementation of the process in the event of a petition, can be done within current staff resources, assuming that the number of petitions for review under the new process would be relatively small. However, if the new process resulted in a large volume of petitions for review, additional resources could be required.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 080-Office of Lieutenant Governor
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Diann Lewallen	Phone: (360) 407-8121	Date: 01/18/2024
Agency Approval: Diann Lewallen	Phone: (360) 407-8121	Date: 01/18/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/18/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Records Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Office of Lieutenant Governor anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 082-Public Disclosure Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: 3604078165	Date: 01/23/2024
Agency Approval: Seth Flory	Phone: 3604078165	Date: 01/23/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Public Disclosure Commission (PDC) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating the agency's Public Records policy.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 083-Washington State Leadership Board
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: 3604078165	Date: 01/19/2024
Agency Approval: Seth Flory	Phone: 3604078165	Date: 01/19/2024
OFM Review: Brian Fechter	Phone: (360) 688-4225	Date: 01/19/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Washington State Leadership Board (WSLB) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating the agency's Public Records rules.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 085-Office of the Secretary of State
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Mike Woods	Phone: (360) 704-5215	Date: 01/17/2024
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 01/17/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/17/2024

## 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 1 (4): Agencies...shall establish mechanisms for a prompt review of decisions denying inspection, and such review shall be deemed completed at the end of the 10th business day following the denial of inspection. Such review shall constitute final agency action for the purposes of judicial review unless the requester petitions the agency for an administrative review in accordance with subsection (5) of this section, in which case the entity's determination after the administrative review under subsection (5) of this section constitutes final agency action.

Section 1 (5): Agencies...shall establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The administrative review process must allow a requester to petition the agency, for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with this title.

Section 2 (4): If the court finds the agency was in substantial compliance with this title and acted reasonably and in good faith, then the court shall consider those factors in determining any award.

Section 2 (5): If the court finds that the party requested to inspect or copy a public record or participated in the civil action for an improper purpose, the court may consider that when deciding if they will award any costs or attorney fees to the party.

### 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.*

No fiscal impact to the Office of the Secretary of State (OSOS).

The proposed bill calls for the establishment of an agency administrative review process in the event that a public records requester petitions the agency to reconsider its decision to deny records or provide partial records. The OSOS would establish this review process using the available resources by involving management to audit the public records program's actions. The current law affords requesters the ability to ask for a review, but this proposed bill clarifies the timeline for agencies to respond and gives OSOS a longer time to provide the response (10 business days).

Currently, the frequency of customers requesting a review of denials or incomplete records is minimal and the OSOS has no reason to believe that future requests will result in a higher or lower number of records withheld in accordance with RCW 42.56. The minimal frequency of requesters petitioning the public records program's actions leads our agency to believe that we can absorb the provisions of this proposed bill.

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 086-Governor's Office of Indian Affairs
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: 360-407-8165	Date: 01/17/2024
Agency Approval: Seth Flory	Phone: 360-407-8165	Date: 01/17/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/18/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Records Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Governor's Office of Indian Affairs (GOIA) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 087-Commission on Asian Pacific American Affairs
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: 3604078165	Date: 01/23/2024
Agency Approval: Seth Flory	Phone: 3604078165	Date: 01/23/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Commission on Asian Pacific American Affairs (CAPAA) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating the agency's Public Records policy.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 090-Office of State Treasurer
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Mandy Kaplan	Phone: (360) 902-8977	Date: 01/19/2024
Agency Approval: Tammie Nuber	Phone: (360) 902-9011	Date: 01/19/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/22/2024

## 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.*

HB 2307 relates to limiting claims by modifying administrative and judicial review processes for public records requests.

There is no fiscal impact to the 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> 2307 HB	<b>Title:</b> Public records reviews	<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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Charleen Patten	Phone: 564-999-0941	Date: 01/18/2024
Agency Approval: Janel Roper	Phone: 564-999-0820	Date: 01/18/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/22/2024

## 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 1 (5) Directs agencies to establish an administrative review process for requestors to appeal the denial of a public records request or to make a claim that the response to a public records request is incomplete. In addition, it sets requirements for the administrative review process and timeline.

The State Auditor's Office's current public records process includes a review of the response if a dispute is received. The 30-day timeline to allow a requester to petition for a review of the agency's response will not cause a significant change to our current process. This will require a slight update to language on the SAO website as well as a way for requestors to submit an appeal or claim. Fiscal impact of this bill would be negligible.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 100-Office of Attorney General
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Dan Jensen	Phone: 360-664-9429	Date: 01/19/2024
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 01/19/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/19/2024

## 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 Attorney General's Office (AGO) has reviewed this bill and determined it will both increase and decrease AGO divisional workloads but with a net zero impact. This bill provides for an additional internal agency process to review responses to requests for public records. It also requires a requester to exhaust these administrative processes before filing a lawsuit. If a suit is filed and a violation is found, the bill provides the court with certain mitigating factors it can consider in determining an award of costs, fees, and penalties. It also allows the court to consider in awarding costs and fees whether the requester had an improper purpose in making the request. The bill will allow errors in public records responses to be corrected timely and thereby reduce Public Records Act (PRA) litigation. The bill also gives the court additional factors to consider if there is litigation and a violation is found, which may mitigate the award paid by the agency. A reduction in litigation will reduce the legal services costs to an agency for AGO representation. Simultaneously, there will likely be more advice required as agencies establish and implement internal administrative review processes. Agencies may need more ongoing advice to assist them in their internal review to meet the administrative review timeframes and correct any errors to avoid litigation. The AGO would also have to establish an internal administrative review process, but costs for that process would be offset by the reduction in possible litigation and potential penalties from this bill. 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

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 101-Caseload Forecast Council
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Erik Cornellier	Phone: 360-664-9375	Date: 01/17/2024
Agency Approval: Erik Cornellier	Phone: 360-664-9375	Date: 01/17/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/19/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Disclosure Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

### 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 Caseload Forecast Council anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 102-Department of Financial Institutions
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Emily Fitzgerald	Phone: (360) 902-8780	Date: 01/19/2024
Agency Approval: Emily Fitzgerald	Phone: (360) 902-8780	Date: 01/19/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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.*

This legislation modifies the administrative and judicial review process for public records requests and responses. The Department of Financial Institutions (DFI) does not receive a significant number of requests for review of public records productions. While this legislation would require DFI to create an administrative review process, the staff time required to meet this requirement could be covered by existing resources. The costs of implementing this legislation would be absorbed

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 103-Department of Commerce
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## 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Chad Johnson	Phone: 360-725-5028	Date: 01/19/2024
Agency Approval: Chad Johnson	Phone: 360-725-5028	Date: 01/19/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/22/2024

## 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 1 outlines the states obligations when responding to public records requests.

Section 1 Part 4 of the legislation modifies language dealing with the denial of public records requests. The state entities named must create a mechanism for a prompt review of decision denying inspection and increasing the review completion date from the end of the second business day to the 10th business day. Section 1 part 4 is modified to state that unless the requestor petitions the agency, the final review constitutes final agency action.

Section 1 part 5 requires the state entities named to establish and administrative review process for requestors to appeal the denial of a request or make a claim the response was incomplete. The review process must allow the requestor to petition the agency within 30 days of the denial.

Section 2 is modified specifying that if a requestor prevails over a state entity named, that the agency may be required to cover reasonable costs incurred with the legal action. Language is added that allows the courts to include if state entities acted in reasonable and good faith to determine any costs awarded to the requestor.

The agency estimates that there would be costs involved for a staff member, versed in public disclosure laws to review the complaints and coordinate with the Attorney General's office but the workload is indeterminate at this time. The agency estimates that it could be around \$70,000 for half an FTE of a commerce specialist 3 salary, benefits, support costs, and agency indirect.

### 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 agency estimates that there would be costs involved for a staff member, versed in public disclosure laws to review the complaints and coordinate with the Attorney General's office but the workload is indeterminate at this time. The agency estimates that it could be around \$70,000 for half an FTE of a commerce specialist 3 salary, benefits, support costs, and agency indirect.

## 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

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 104-Economic and Revenue Forecast Council
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: (360) 407-8165	Date: 01/23/2024
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 01/23/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Economic and Revenue Forecast Council (ERFC) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating the agency's Public Records policy.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 105-Office of Financial Management
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/19/2024
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 01/19/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/19/2024

## 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 1 of HB 2307 would require each agency, including OFM, to develop an internal administrative review process for reviewing the agency's response to a public records request. Requesters may petition the agency for such review within 30 days of denial or closure of the request. If an agency finds it improperly withheld records, it must provide them. This administrative review is a new requirement and OFM's Public Disclosure team within the Legal and Contracts Services Division would be responsible for creating and facilitating the implementation of this review process.

The work of creating an administrative review process for public records requests, and then facilitating implementation of the process in the event of a petition, can be done within current staff resources, assuming that the number of petitions for review under the new process would be relatively small. However, if the new process resulted in a large volume of petitions for review, additional resources could be required.

### 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.*

The bill does not expressly require rulemaking, but the Public Records Act requires agencies to adopt rules “consonant with the intent of this chapter to provide full public access to public records.” Based on this requirement, OFM would need to update its current Public Disclosure rules in chapter 82-48 WAC to include the new administrative review process.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 107-Washington State Health Care Authority
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Sue Eckroth	Phone: 360-725-1899	Date: 01/19/2024
Agency Approval: Madina Cavendish	Phone: 360-725-0902	Date: 01/19/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 01/21/2024

## 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.*

See attached.

### 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.*

# HCA Fiscal Note

Bill Number: **2307 HB**

HCA Request #: 24-066

Title: **Public Records Reviews**

## 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.

# HCA Fiscal Note

Bill Number: **2307 HB**

HCA Request #: 24-066

Title: **Public Records Reviews**

## 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 amends the Public Records Act, Chapter 42.56 Revised Code of Washington (RCW), to limit vexatious claims by modifying administrative and judicial review processes for public records requests and responses.

### 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. Distinguish 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. Distinguish between one time and ongoing functions.*

No fiscal impact. Passage of this bill would not create a fiscal impact for the Health Care Authority (HCA) because the requirements of this bill can be absorbed using existing resources.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditure

**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**

## HCA Fiscal Note

Bill Number: **2307 HB**

HCA Request #: 24-066

Title: **Public Records Reviews**

### **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.

NONE

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 110-Office of Administrative Hearings
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Pete Boeckel	Phone: 360-407-2730	Date: 01/18/2024
Agency Approval: Rob Cotton	Phone: 360-407-2708	Date: 01/18/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/19/2024

## 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.*

No fiscal impact. This legislation will not measurably increase the appeal workload for the Office of Administrative Hearings (OAH).

OAH will need to update current review processes under WA 10-04-080, but this work can be performed with existing resources.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 116-State Lottery
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: John Iyall	Phone: 360-810-2870	Date: 01/19/2024
Agency Approval: Josh Johnston	Phone: 360-810-2878	Date: 01/19/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/22/2024

## 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 1 amends RCW 42.56.520 to grant requestors the ability to request administrative review following denial of a request for public records. An agency must establish an administrative review process for these cases. The process “must allow a requestor to petition the agency...for a review of the of the agency’s response within 30 days of the denial or closure of the request.” It is unclear whether the 30-day period relates to the time to submit the request or the time for the agency to resolve the petition. The Lottery assumes it is the time period for requesting review rather than resolution.

Section 2 amends RCW 42.56.550 to require a requestor to exhaust all administrative remedies provided in RCW 42.56.520 prior to seeking judicial review; makes penalties for an agency’s noncompliance with the Public Records Act (PRA) optional rather than mandatory; and allows courts to consider substantial compliance by the agency and/or a requestor’s “improper purpose” for making the request when awarding cost and attorney fees to a successful requestor. “Improper purpose” is defined as making a request with the primary intent to: harass; cause an unreasonable or frivolous increase in costs to the agency; cause delay in government action; pursue a monetary award; cause a violation of the PRA; or any other frivolous purpose.

The Lottery receives approximately 100 PRA requests per year. Approximately 10 are partially denied based on requests for personal information related to players, which is clearly statutorily exempt. No partial denials by the Lottery have been challenged in at least the prior six years.

Lottery rules currently allow either full administrative hearings or brief adjudicative proceedings (BAPs) depending on the case type. PRA requestors falling under this bill would likely be offered a BAP rather than a full hearing because the decision could be made based on the administrative record and written submissions by the parties. The Lottery assumes there will be no significant increase in the number of BAPs conducted each year.

An agency must indicate in rule which administrative case types may be resolved with a BAP. Therefore, minor rule making would be required to include this case type in WAC 315-20-125, the Lottery’s BAP rule. This rule making could be accomplished within existing resources.

### 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.*

An agency must indicate in rule which administrative case types may be resolved with a BAP. Therefore, minor rule making would be required to include this case type in WAC 315-20-125, the Lottery's BAP rule. This rule making could be accomplished within existing resources.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 117-Washington State Gambling Commission
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## 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/01/2024
Agency Approval: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/01/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	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 1 (4) of the bill states the entity's determination after the administrative review under subsection (5) of Section 1 constitutes final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review when the requester petitions the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for an administrative review in accordance with subsection (5) of Section 1.

Section 1 (5) requires agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives to establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The administrative review process must allow a requester to petition the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives, whichever is applicable, for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with this title (RCW 42.65.520).

Section 2 (3) requires that a party seeking judicial review must have exhausted all administrative remedies provided under RCW 42.56.520.

Section 2 (4) states any person who prevails... may be awarded all reasonable costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed one hundred dollars for each day that he or she was denied the right to inspect or copy said public record. If the court finds the agency was in substantial compliance with this title and acted reasonably and in good faith, then the court shall consider those factors in determining any award.

Section 2 (5) states if the court finds that the party requested to inspect or copy a public record or participated in the civil action for an improper purpose, the court may consider that when deciding if they will award any costs or attorney fees to the party.

Section 2 (8) For the purposes of this section, a request made for any "improper purpose" means the request to inspect or copy a public record or to bring a civil action pursuant to this section is made primarily: To harass; to cause an unreasonable or frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or other monetary award; to cause a violation of this chapter; or for any other frivolous purpose.

### 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.*

Section 1 (4) of the bill states the entity's determination after the administrative review under subsection (5) of Section 1 constitutes final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review when the requester petitions the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for an administrative review in accordance with subsection (5) of Section 1.

Section 1 (5) requires agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives to establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The administrative review process must allow a requester to petition the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives, whichever is applicable, for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with this title (RCW 42.65.520).

Section 2 (3) requires that a party seeking judicial review must have exhausted all administrative remedies provided under RCW 42.56.520.

Section 2 (4) states any person who prevails... may be awarded all reasonable costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed one hundred dollars for each day that he or she was denied the right to inspect or copy said public record. If the court finds the agency was in substantial compliance with this title and acted reasonably and in good faith, then the court shall consider those factors in determining any award.

Section 2 (5) states if the court finds that the party requested to inspect or copy a public record or participated in the civil action for an improper purpose, the court may consider that when deciding if they will award any costs or attorney fees to the party.

Section 2 (8) For the purposes of this section, a request made for any "improper purpose" means the request to inspect or copy a public record or to bring a civil action pursuant to this section is made primarily: To harass; to cause an unreasonable or frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or other monetary award; to cause a violation of this chapter; or for any other frivolous purpose.

The Gambling Commission estimates there will be costs for a staff member to review complaints and work with the Attorney General's Office, but the workload is indeterminate.

### **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.*

Section 1(5) requires agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives to establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The administrative review process must allow a requester to petition the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives, whichever is applicable, for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with this title (RCW 42.65.520).

Section 1(5) requires rulemaking to establish an administrative review process. This will involve a 'normal' rulemaking process expected to be completed in FY2025.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 118-Commission on Hispanic Affairs
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	0	550	550	0	0
<b>Total \$</b>	0	550	550	0	0

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Diann Lewallen	Phone: 3604078121	Date: 01/18/2024
Agency Approval: Diann Lewallen	Phone: 3604078121	Date: 01/18/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Records Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Commission on Hispanic Affairs (CHA) anticipates about eight hours of staff time to establish a new process. This additional workload would be considered part of our day-to-day operational workload which would be absorbed by our current staffing level. CHA also anticipates needing about three hours of Attorney General time to ensure sound policies are established.

### 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.

To establish sound policies CHA would work with the Office of Attorney General to review and modify their policies. CHA estimates they would need three hours of AG services for that task. The Attorney General bills at a rate of \$183.15. The cost would be \$183.15 x 3 hours = \$549.45.

## 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	0	550	550	0	0
<b>Total \$</b>			0	550	550	0	0

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services		550	550		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	550	550	0	0

**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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 119-Commission on African-American Affairs
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Diann Lewallen	Phone: 360-407-8121	Date: 01/18/2024
Agency Approval: Diann Lewallen	Phone: 360-407-8121	Date: 01/18/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Records Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Commission on African American Affairs anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 120-Human Rights Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Justinian Cariasini	Phone: (360) 753-4837	Date: 01/23/2024
Agency Approval: Justinian Cariasini	Phone: (360) 753-4837	Date: 01/23/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Records Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that Public Records Act requestors exhaust all administrative remedies under section 1 before seeking judicial review.

The Human Rights Commission anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 124-Department of Retirement Systems
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.1	0.1	0.1	0.1
<b>Account</b>					
Department of Retirement Systems	0	18,225	18,225	36,450	36,450
Expense Account-State 600-1					
<b>Total \$</b>	0	18,225	18,225	36,450	36,450

### 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Mike Ricchio	Phone: 360-664-7227	Date: 01/18/2024
Agency Approval: Mark Feldhausen	Phone: 360-664-7194	Date: 01/18/2024
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 01/21/2024

## 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.*

This bill creates an administrative remedy for public records disputes, amending RCW 42.56.520 and 42.56.550.

RCW 42.56.520 is amended to create an administrative review process for requesters to appeal the denial of a public disclosure request or make a claim that the response to a request is incomplete. This new process will allow the requester to petition the agency for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. If through the administrative review process, the agency finds that records were improperly withheld, then the agency must provide the responsive records.

RCW 42.56.550 is amended to add that parties seeking judicial review must have first exhausted all administrative remedies and that the court may consider whether or not the agency was in substantial compliance and acted reasonably and in good faith.

### 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.*

DRS estimates that these administrative reviews would require 20 hours per month increased workload for a Petitions Examiner. This estimate is based on the average number of public records requests DRS receives per month and the average amount of time that DRS usually spends responding to each request.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
600-1	Department of Retirement Systems Expense Account	State	0	18,225	18,225	36,450	36,450
<b>Total \$</b>			0	18,225	18,225	36,450	36,450

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.1	0.1	0.1	0.1
A-Salaries and Wages		14,119	14,119	28,238	28,238
B-Employee Benefits		4,106	4,106	8,212	8,212
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	18,225	18,225	36,450	36,450

**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
Petitions Examiner	122,824		0.1	0.1	0.1	0.1
<b>Total FTEs</b>			0.1	0.1	0.1	0.1

**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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 126-State Investment Board
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Celina Verme	Phone: (360) 956-4740	Date: 01/19/2024
Agency Approval: Celina Verme	Phone: (360) 956-4740	Date: 01/19/2024
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 01/21/2024

## 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.*

This bill requires agencies, among others, establish an administrative review process for public records requesters to appeal a denial of a public records request or to make a claim that the response to a request is incomplete. The administrative review process must allow a requester to petition the agency for a review of the agency's response to a public records request within 30 days of a denial or closure of a request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with RCW 42.56.

The State Investment Board does not anticipate additional resources will be necessary to implement this legislation.

### 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.*

# Department of Revenue Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 140-Department of Revenue
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.3	0.2		
<b>Account</b>					
GF-STATE-State 001-1		43,600	43,600		
<b>Total \$</b>		43,600	43,600		

**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: Connor Schiff	Phone: 60-786-7093	Date: 01/16/2024
Agency Preparation: Tyler McLeod	Phone: 60-534-1531	Date: 01/23/2024
Agency Approval: Valerie Torres	Phone: 60-534-1521	Date: 01/23/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

Request # 2307-2-2

## 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.*

Note: This fiscal note reflects a revision to the expenditure impact, and replaces fiscal note number 2307-1.

#### CURRENT LAW:

Under current law, an administrative review process does not exist for public records requests.

Currently, judicial review does not account for any of the following when determining awards:

- The agency acting reasonably and in good faith.
- The purpose of the requestor.

#### PROPOSAL:

This bill establishes an administrative review process for public records requests.

It clarifies that judicial review of public records requests may consider whether an agency acted reasonably and in good faith when determining awards and whether the request was made for an "improper purpose."

The bill defines an "improper purpose" as a request to inspect or copy a public record, or to bring a civil action made primarily to:

- Harass.
- Cause an unreasonable or frivolous increase in the cost of government operations or delay in government action.
- Pursue an award of statutory fees, cost, or other monetary award.
- Cause a violation of the Public Records Act
- Or for any other frivolous purpose.

#### EFFECTIVE DATE:

The bill takes effect 90 days after the final adjournment of the session.

### 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.*

#### REVENUE ESTIMATES

This legislation results in no revenue impact on taxes administered by the Department of Revenue (department).

### II. C - Expenditures

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

#### ASSUMPTIONS:

The administrative review will be treated as an Administrative Procedure Act (APA) process and handled through the Administrative Review and Hearings Division (ARHD).

This legislation affects approximately two requesters per fiscal year.

#### FIRST YEAR COSTS:

Request # 2307-2-2

The department will not incur costs in fiscal year 2024.

**SECOND YEAR COSTS:**

The department will incur total costs of \$43,600 in fiscal year 2025. These costs include:

- Labor Costs – Time and effort equate to 0.33 FTE.
- Amend one administrative rule.
- Process appeals.
- Division training.

**ONGOING COSTS:**

There are no ongoing costs.

**Part III: Expenditure Detail**

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.3	0.2		
A-Salaries and Wages		27,500	27,500		
B-Employee Benefits		9,100	9,100		
E-Goods and Other Services		4,800	4,800		
J-Capital Outlays		2,200	2,200		
<b>Total \$</b>		\$43,600	\$43,600		

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
EMS BAND 4	131,684		0.0	0.0		
EMS BAND 5	153,836		0.0	0.0		
MGMT ANALYST4	76,188		0.0	0.0		
TAX POLICY SP 2	78,120		0.0	0.0		
TAX POLICY SP 3	88,416		0.3	0.1		
TAX POLICY SP 4	95,184		0.0	0.0		
WMS BAND 3	111,992		0.0	0.0		
<b>Total FTEs</b>			0.3	0.2		

**III. C - 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

## **Part V: New Rule Making Required**

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

Should this legislation become law, the department will use the standard process to amend WAC 458-276-055-Rule, titled: "Review of denials of public records requests - Department's process - Attorney general and court review." Persons affected by this rulemaking would include public records requesters.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 142-Board of Tax Appeals
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: 3604078165	Date: 01/23/2024
Agency Approval: Seth Flory	Phone: 3604078165	Date: 01/23/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Board of Tax Appeals (BTA) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating the agency's Public Records policy.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 147-Office of Minority and Women's Business Enterprises
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Diann Lewallen	Phone: (360) 407-8121	Date: 01/19/2024
Agency Approval: Diann Lewallen	Phone: (360) 407-8121	Date: 01/19/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Records Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Office of Minority and Women's Business Enterprises anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 148-Housing Finance Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Daniel Page	Phone: 206-287-4476	Date: 01/17/2024
Agency Approval: Lucas Loranger	Phone: 206-254-5368	Date: 01/17/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/18/2024

## 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.*

No Fiscal Impact: Because the Commission is a non-appropriated, non-allocated agency, all the costs associated with the contemplated legislation connected to the Commission will flow through the Commission's operating funds, therefore the Commission believes it has no fiscal impact on the state's budget.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 160-Office of Insurance Commissioner
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.2	0.1	0.0	0.0
<b>Account</b>					
Insurance Commissioners Regulatory Account-State 138-1	0	26,143	26,143	0	0
<b>Total \$</b>	0	26,143	26,143	0	0

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Michael Walker	Phone: 360-725-7036	Date: 01/19/2024
Agency Approval: Bryon Welch	Phone: 360-725-7037	Date: 01/19/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 01/19/2024

## 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 1(4) changes the date that the review of decisions denying inspection is deemed completed from the end of the 2nd business day to the end of the 10th business day following the denial of the inspection.

Section 1(5) requires agencies to establish an administrative review process for requesters to appeal the denial of a request or make a claim that the response to a request is incomplete.

### 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.*

Section 1(4) changes the date that the review of decisions denying inspection is deemed completed from the end of the 2nd business day to the end of the 10th business day following the denial of the inspection.

Section 1(5) requires agencies to establish an administrative review process for requesters to appeal the denial of a request or make a claim that the response to a request is incomplete. The Office of Insurance Commissioner (OIC) currently has a process for internal administrative review laid out in WAC 284-03-040. Over the last eight years, no one has ever petitioned for review under this WAC and only two requesters have directly initiated a civil action in court under the Public Request Act; both cases were quickly dismissed. The OIC will be required to review and modify its current administrative review process, but the associated costs are considered minor and can be absorbed through the normal course of OIC business.

Sections 1 will require 'simple' rulemaking, in FY2025, to revise WAC 284-03-040 to include appeals for incomplete responses and to align with the timeline change for when the review of decisions denying inspection is deemed completed.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
138-1	Insurance Commissioners Regulatory Account	State	0	26,143	26,143	0	0
<b>Total \$</b>			0	26,143	26,143	0	0

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.2	0.1		
A-Salaries and Wages		15,951	15,951		
B-Employee Benefits		4,963	4,963		
C-Professional Service Contracts					
E-Goods and Other Services		5,229	5,229		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	26,143	26,143	0	0

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Functional Program Analyst 4	86,712		0.1	0.0		
Senior Policy Analyst	116,148		0.1	0.1		
<b>Total FTEs</b>			0.2	0.1		0.0

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

Sections 1 will require ‘simple’ rulemaking, in FY2025, to revise WAC 284-03-040 to include appeals for incomplete responses and to align with the timeline change for when the review of decisions denying inspection is deemed completed.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 163-Consolidated Technology 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Shaun Hanon	Phone: (360)407-9019	Date: 01/19/2024
Agency Approval: Christina Winans	Phone: 360-407-8908	Date: 01/19/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/19/2024

## 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 bill requires agencies, the Office of the Secretary of the Senate, and the Office of the Chief Clerk of the House of Representatives to establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. It also specifies what the court shall consider when determining awards or may consider when deciding if they will award any costs or attorney fees.

Sec. 1. Provides that a review of decisions denying inspection shall be deemed completed at the end of the 10th business day, rather than the second business day, following the denial of inspection. Provides an exemption for when a review of denial of inspection constitutes final action. Requires agencies, the Office of the Secretary of the Senate, and the Office of the Chief Clerk of the House of Representatives to establish and administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete.

Sec. 2. Specifies a party seeking judicial review must have exhausted all administrative remedies provided under RCW 42.56.520. Provides any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time “may” rather than “shall” be awarded all reasonable costs, including reasonable attorney fees, incurred in connection with such legal action. Authorizes the court, in determining any award, to consider if it finds the agency was in substantial compliance with this title and acted reasonably and in good faith. Authorizes the court, when deciding if they will award any costs or attorney fees to the party, to consider if it finds that the party requested to inspect or copy a public record or participated in the civil action for an improper purpose.

### 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 bill has no fiscal impact on Consolidated Technology Services (WaTech). The bill requires agencies to establish an administrative review process to appeal a denial of, or make a claim on, a response for requests. WaTech already has a review process; thus, no additional workload on WaTech to meet the bill requirements.

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 165-Board of Accountancy
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Diann Lewallen	Phone: (360) 407-8121	Date: 01/18/2024
Agency Approval: Diann Lewallen	Phone: (360) 407-8121	Date: 01/18/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Records Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Board of Accountancy anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 166-Board of Registration for Professional Engineers & Land Surveyors
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: (360) 407-8165	Date: 01/19/2024
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 01/19/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/19/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Board of Registration for Prof. Engineers & Land Surveyors (BORPELS) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating the agency's Public Records rules.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 167-Forensic Investigations Council
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Diann Lewallen	Phone: 360-407-8121	Date: 01/18/2024
Agency Approval: Diann Lewallen	Phone: 360-407-8121	Date: 01/18/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/19/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Records Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Forensic Investigation Council anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 179-Department of Enterprise 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Sara Standish	Phone: (360) 407-8229	Date: 01/18/2024
Agency Approval: Jessica Goodwin	Phone: (360) 819-3719	Date: 01/18/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/19/2024

## 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.*

This bill amends RCW 42.56.520, RCW 42.56.550, 2017 c 303 s 3, and 2017 c 304 s 5 to modify the administrative and judicial review processes for public records requests and responses.

Section 1(4) states that if a public record request is denied by an agency, the requester can petition the agency for an administrative review of the agency's response to the public record request.

Section 1(5) adds that agencies must establish a process for the administrative review mentioned in Section 1-(4). Petitions for an administrative review must be made within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records.

Section 2(3) states that a party must have exhausted all administrative remedies provided under RCW 42.56.520 before seeking judicial review of an agency's actions related to public records requests.

Section 2(4) clarifies that for any party who prevails against an agency in a judicial review, the amount that may be awarded to this party shall be reasonable and will take into account whether the agency acted reasonably and in good faith.

Section 2(5) adds that if the court finds that a party's public record request was for an improper use, the court may take that into consideration when deciding if they will award any costs or fees to the party.

Appeals made from public record requesters are rare for the Department of Enterprise Services. Most request issues are resolved in direct conversation with the requester and would not escalate to the point of petitioning for review. Therefore, we assume this bill can be implemented with existing resources.

There is no fiscal impact to the Department of Enterprise Services.

### II. B - Cash receipts Impact

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

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 185-Horse Racing Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: (360) 407-8165	Date: 01/18/2024
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 01/18/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/19/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Washington Horse Racing Commission (WHRC) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating the agency's Public Records rules which can be done using existing resources.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 190-Board of Industrial Insurance Appeals
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: William Chase	Phone: 360-753-2790	Date: 01/26/2024
Agency Approval: Bob Liston	Phone: 360-753-6823	Date: 01/26/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/26/2024

## 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.*

Directs agencies and offices to establish an administrative review process for persons to appeal the denial or closure of a public records request.

- Requires persons to exhaust all administrative remedies before filing for judicial review of agency or office actions under the Public Records Act.

- Makes changes to the costs awarded by courts in judicial review of agency or office actions under the Public Records Act.

### 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 Board of Industrial Insurance Appeals has reviewed this bill and determined it will not significantly increase or decrease the agency's workload. The BIIA does not anticipate any additional costs associated with this proposed legislative change.

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 195-Liquor and Cannabis Board
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 01/17/2024
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 01/17/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/18/2024

## 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.*

This bill modifies RCW 42.56.520 (public records – prompt responses required) to make changes regarding denial of requests, administrative review process, and awarded costs.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 205-Board of Pilotage Commissioners
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Gwen McClanahan	Phone: 3604078165	Date: 01/18/2024
Agency Approval: Gwen McClanahan	Phone: 3604078165	Date: 01/18/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/18/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Board of Pilotage Commissioners anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating the agency's Public Records rules.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 215-Utilities and Transportation Commission
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.0	0.0	0.0	0.0
<b>Account</b>					
Public Service Revolving Account-State 111-1	7,304	1,759	9,063	3,518	3,518
<b>Total \$</b>	7,304	1,759	9,063	3,518	3,518

### 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Kim Anderson	Phone: 360-664-1153	Date: 01/18/2024
Agency Approval: Kim Anderson	Phone: 360-664-1153	Date: 01/18/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/19/2024

## 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.*

This bill requires agencies, such as the UTC, to establish a process for administrative review of denials of Public Records Act (PRA) requests. It is difficult to forecast the impact of other provisions on the UTC, such as the provisions allowing courts on review to consider additional factors when granting relief. The UTC has not seen any appeals of PRA denials in recent years.

### 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 at this time.

### 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.*

Simple rulemaking to establish the administrative review process for denials of Public Records Act (PRA) requests.

FY2024: \$7,304

(Administrative Law Judge, 0.02 FTE; Public Records Officer, 0.03 FTE)

Review of one hypothetical denial of a PRA request per year.

Based on conversations with our Public Records Officer, the Commission denies PRA requests very rarely. The Commission perhaps denies two such requests a year, and this is generally on the grounds that the requests are not proper PRA requests but are instead requests for the agency to compile information not already available in records. We therefore anticipate that review of PRA denials would be very infrequent, and the denials would likely continue to be of improper requests that do not actually meet the standards of the PRA. Based on recent experience, we do not anticipate that these would entail difficult or complex review of any underlying PRA issues, or close review of redactions or other time-consuming tasks.

FY2025-FY2029: \$1,759 per year

(Administrative Law Judge, 0.01 FTE)

The bill also allows courts on review to consider various factors when determining the appropriate relief to award the prevailing party. Because the UTC denies PRA requests so rarely, and it has not seen any lawsuits for PRA denials in recent years, it is difficult to anticipate what impact these provisions might have on the UTC.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
111-1	Public Service Revolving Account	State	7,304	1,759	9,063	3,518	3,518
<b>Total \$</b>			7,304	1,759	9,063	3,518	3,518

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.0	0.0	0.0	0.0
A-Salaries and Wages	4,969	1,196	6,165	2,392	2,392
B-Employee Benefits	1,739	419	2,158	838	838
C-Professional Service Contracts					
E-Goods and Other Services	596	144	740	288	288
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	7,304	1,759	9,063	3,518	3,518

**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
Administrative Law Judge	119,604	0.0	0.0	0.0	0.0	0.0
Public Records Officer	85,908	0.0		0.0		
<b>Total FTEs</b>		0.1	0.0	0.0	0.0	0.0

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

A simple rulemaking to establish the administrative review process.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 220-Board for Volunteer Firefighters and Reserve Officers
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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.

<b>Legislative Contact:</b> Connor Schiff	<b>Phone:</b> 360-786-7093	<b>Date:</b> 01/16/2024
<b>Agency Preparation:</b> Hailey Bryant	<b>Phone:</b> (360) 753-7318	<b>Date:</b> 02/08/2024
<b>Agency Approval:</b> Hailey Bryant	<b>Phone:</b> (360) 753-7318	<b>Date:</b> 02/08/2024
<b>OFM Review:</b> Marcus Ehrlander	<b>Phone:</b> (360) 489-4327	<b>Date:</b> 02/08/2024

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.

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.

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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 225-Washington State Patrol
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## 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Shawn Eckhart	Phone: 360-596-4083	Date: 01/19/2024
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/19/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/22/2024

## 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.*

In section 1, agencies are required to establish mechanisms for "the most prompt possible review" of decisions denying inspection of requested public records, and the review needs to be completed in two business days. This bill changes that from "the most prompt possible review" to "a prompt review" with a turnaround time of ten business days. Agencies are required to establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response for public records is incomplete. The requester has 30 days to appeal to the agency's administrative review process.

In Subsection 2(3), before seeking judicial review of denied requests for public records, all administrative remedies must first have been exhausted.

Subsection 2(4) changes the potential awards for requestors who have been denied access to public records and prevailed in the courts in their appeal. An award "may" be made, rather than "shall" and is limited to "reasonable" costs. There is no change to the award of reasonable attorney fees and an amount not to exceed one hundred dollars for each day that he or she was denied the right to inspect or copy said public records. Also, when determining an award, the court is required to consider as factors that an agency was in substantial compliance with the public records title and acted reasonably and in good faith, if the court finds that that is true.

In subsection 2(5), when determining an award, a court may consider if the requesting party made a request for public records or participated in the civil action for an "improper purpose." This is defined in subsection 2(8) as acting primarily "to harass; to cause an unreasonable or frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or other monetary award; to cause a violation of this chapter; or for any other frivolous purpose."

### 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.*

There are no cash receipts for the WSP in this bill.

### 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.*

There will be an indeterminate one-time fiscal impact for the agency to create the administrative review process, and future ongoing indeterminate costs to administer the review process. We do not know what these costs would be, but do not believe that they will be significant.

There could also be a future indeterminate savings depending on judicial interpretation of the changes in this bill. The courts leeway to consider good faith on the agency's behalf, or "improper purposes" on the requestor's behalf, could result in lower monetary awards that the agency needs to make.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

<b>Non-zero but indeterminate cost and/or savings. Please see discussion.</b>
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**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

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 227-Criminal Justice Training Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 01/18/2024
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 01/18/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/19/2024

## 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.*

This bill has no fiscal impact on the Criminal Justice Training Commission.

### 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.*

This bill has no cash receipt impact.

### 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 has no expenditure impact.

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 228-Traffic Safety Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Shelly Baldwin	Phone: 360-725-9889	Date: 01/23/2024
Agency Approval: Shelly Baldwin	Phone: 360-725-9889	Date: 01/23/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/23/2024

## 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 Washington Traffic Safety Commission (WTSC) has reviewed this bill and determined that it will increase workload and, at least initially, increase requests for assistance to the Attorney General's Office. The bill requires WTSC to create an internal review process for public disclosure requests that have been denied. The WTSC would most likely reach out to the AGO to ensure the process is sufficient. It is unknown who much this would cost. Once the process is developed, the WTSC would be required to deploy the process if a request is denied. The WTSC has received a varying number of public disclosure requests over the last five years from 10-36. We cannot know how many requests might result in denial. All of these steps would increase workload. It is also unknown if the costs of the increased workload would be off set by a reduction in possible litigation. Therefore, no costs are included in this assessment of the bill.

### 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.*

There is no impact to cash receipts to WTSC in HB 2307.

### 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 1 (4) requires WTSC to develop a process for reviewing a public disclosure request if WTSC denies the request. Section 1 (5) requires WTSC to develop an administrative review process for requestors to appeal the denial of their request. Work will be required to develop this policy and costs will be incurred for consulting with the AGO. However, these costs are indeterminate.

## 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

There is no impact to Capital budget.

**Part V: New Rule Making Required**

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

There are no provisions that would require WTSC to create, revise or repeal rules.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 229-Office of Independent Investigations
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/19/2024
Agency Approval: Jamie Langford	Phone: (360) 902-0422	Date: 01/19/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/21/2024

## 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 1: (4) Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish mechanisms for a prompt review of decisions denying inspection, and such review shall be deemed completed at the end of the 10th business day following the denial of inspection. Such review shall constitute final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review, unless the requester petitions the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for an administrative review in accordance with subsection (5) of this section, in which case the entity's determination after the administrative review under subsection (5) of this section constitutes final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review.

- The Office of Independent Investigations (OII) currently has a dedicated position to respond to requests for public records. This position reviews the requests, assists in determining the documents to be provided, works with the assigned Assistant Attorney General to determine which documents meet the statutory definition of non-disclosable documents, and then fulfills the request and/or completes the denial of the request and provides the specific reasons why. This section does not change any aspect of the work currently conducted by OII.

(5) Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The administrative review process must allow a requester to petition the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives, whichever is applicable, for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with this title.

- This section will have negligible impact to the current work the Office of Independent Investigations currently conducts. The dedicated position to address requests for public records will be required to create an administrative review process consistent with the office of the secretary of state, and the office of the chief clerk of the house of representatives within the OII process to determine if the public records request was complete. This administrative process would become part of the operating manual for this position within OII.

(4) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time may be awarded all reasonable costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed one hundred dollars for each day that he or she was denied the right to inspect, or copy said public record. If the court finds the agency was in substantial compliance with this title and acted reasonably and in good faith, then the court shall consider those factors in determining any award.

- OII assumes no fiscal impact because OII doesn't intend to violate the public records act by not disclosing all required documents.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Crystal Van Boven	Phone: 360-902-6982	Date: 01/18/2024
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 01/18/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/19/2024

## 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.*

This bill would require agencies to develop a review process for requesters to appeal a denial of records through a public records request. The requester can go to court once they exhaust the appeal process and be awarded costs or attorney's fees.

### 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 (L&I). L&I will develop a review process through existing resources. The number of appeals to the denial of records has been historically low and L&I does not anticipate costs associated with this.

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 240-Department of Licensing
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Deb Williams	Phone: 360-902-0015	Date: 01/17/2024
Agency Approval: Collin Ashley	Phone: (564) 669-9190	Date: 01/17/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/17/2024

## 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.*

This bill requires agencies to create an administrative review process for persons to appeal the denial of a public records request or to make a claim that the response to a request is incomplete. The bill prohibits judicial review until all administrative remedies have been exhausted. The bill directs the courts to consider several factors when determining any award to a petitioner, including whether the agency acted with substantial compliance and in good faith or whether the request or civil action was for an improper purpose (e.g., to harass, create costs, or “any other frivolous purpose”).

### 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

Agency 240 – Department of Licensing

Bill Number: 2307

Bill Title: Public Records Review

## Part 1: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts:

No Fiscal Impact

### Estimated Expenditures

No Fiscal Impact

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

Legislative Contact: Connor Schiff	Phone: (360) 786-7093	Date: 1/16/24
Agency Preparation: Deborah Williams	Phone: (360) 634-5083	Date: 1/17/24
Agency Approval: Collin Ashley	Phone: (360) 634-5384	Date:

Request #	1
Bill #	HB 2307

## **Part 2 – Explanation**

### **2.A – Brief Description Of What The Measure Does That Has Fiscal Impact**

This bill requires agencies to create an administrative review process for persons to appeal the denial of a public records request or to make a claim that the response to a request is incomplete. The bill prohibits judicial review until all administrative remedies have been exhausted. The bill directs the courts to consider several factors when determining any award to a petitioner, including whether the agency acted with substantial compliance and in good faith or whether the request or civil action was for an improper purpose (e.g., to harass, create costs, or “any other frivolous purpose”).

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

Cash receipts are not impacted by this legislation.

### **2.C – Expenditures**

Department of Licensing will address changes made by this legislation within existing resources. DOL currently has an administrative appeal process outlined in WAC 308-10-055. This process and the WAC would be updated to include the 30 day restriction for the administrative review process as stated in Section 1 (5).

## **Part 3 – Expenditure Detail**

### **3.A – Operating Budget Expenditures**

No Fiscal Impact

### **3.B – Expenditures by Object or Purpose**

No Fiscal Impact

### **3.C – FTE Detail**

No Fiscal Impact

## **Part 4 – Capital Budget Impact**

None.

## **Part 5 – New Rule Making Required**

None.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 245-Military Department
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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:

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- 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Serina Roberts	Phone: 2535127388	Date: 01/18/2024
Agency Approval: Regan Hesse	Phone: 253-512-7698	Date: 01/18/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/18/2024

## 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.*

There is no fiscal impact to the Military Department in this bill. All items in the bill related to the Military Department are either currently part of or can be absorbed within the Intergovernmental Affairs & Policy Division regular duties.

This bill amends both RCW 42.56.520 and 42.56.550, the administrative and judicial appeal processes for denied public records requests respectively.

HB 2307 provides more flexibility to agencies responding to requests and establishes an agency-created administrative review process for requestors to appeal denials and/or claim a received response was incomplete. The agency then has 30 days from date of appeal to respond. The requestor can proceed to the judicial appeal process after the administrative process is complete. The court will consider the requestor's reason for the original request in the appeal and can deny frivolous claims.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 275-Public Employment Relations Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Dario de la Rosa	Phone: 360-570-7328	Date: 01/17/2024
Agency Approval: Dario de la Rosa	Phone: 360-570-7328	Date: 01/17/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/18/2024

## 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.*

House Bill 2307 requires state agencies to establish an internal administrative review process for public records requesters to appeal the denial of a public records request or to make a claim that the response to a public records request is incomplete. The administrative review process must allow the requester to petition the agency for review of the agency's response to a public records request within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with the public records act.

In November 2022, the Public Employment Relations Commission amended its rules to adopt an internal administrative review process for public records requests, effective January 1, 2024. Accordingly, PERC anticipates no additional fiscal costs associated with implementing an internal public records administrative review process as required by HB 2307.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Teresa Elliott	Phone: 360-902-8177	Date: 01/17/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 01/17/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 01/18/2024

## 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.*

Modifies RCW 42.56.520 and RCW 42.56.550 related to Public Records Act (PRA) denials and adds language to prevent frivolous and costly lawsuits for agencies who are attempting to comply fully with the PRA.

This bill has no fiscal impact to the Department of Social and Health Services workload or client services.

### II. B - Cash receipts Impact

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

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 303-Department of Health
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Bekki Ayres	Phone: 3604703623	Date: 01/18/2024
Agency Approval: Amy Burkel	Phone: 3602363000	Date: 01/18/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/22/2024

## 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.*

This bill addresses vexatious claims by modifying administrative and judicial review processes for public records requests and responses in the Public Records Act. Changes in this bill can be managed with existing resources and will have no fiscal impact to the Department of Health.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 305-Department of Veterans Affairs
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Chony Culley	Phone: 3604808127	Date: 01/18/2024
Agency Approval: Yacob Zekarias	Phone: 253-545-1942	Date: 01/18/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/22/2024

## 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.*

2307 HB has no fiscal impact on the Washington State Department of Veterans Affairs (WDVA). The bill creates an agency administrative review process for denied records requests, and this process will be completed using existing public records staff.

Section 1 requires agencies to promptly respond to public records request within five business days of receiving a request. Section 2 codifies processes for denied records requests.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Saydee Wilson	Phone: 5098221418	Date: 01/24/2024
Agency Approval: Sarah Emmans	Phone: 360-628-1524	Date: 01/24/2024
OFM Review: Carly Kujath	Phone: (360) 790-7909	Date: 01/24/2024

## 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.*

HB 2307 amends RCWs 42.56.520 and 42.56.550 to mitigate the effects of improper/frivolous Public Records Act (PRA) lawsuits.

Section 1(4) extends the timeframe for an agency to respond to PRA denial appeals from 2 days to 10. It also directs the creation of an administrative review process as a means for requestors to petition the agency for further review of a denial for public records by the agency's public records officer. This second review will constitute the final agency action on the appeal (rather than the initial review being the final agency action).

Section 1(5) directs agencies to create an administrative review process for requestors to appeal denials or incomplete requests. The timeframe to request an administrative review is set at 30 days.

Section 2(3) specifies that a party must have completed both reviews (the appeals officer and the administrative reviewers) prior to seeking a judicial review or filing a PRA lawsuit.

Section 2(4) changes language regarding penalties awarded to requestors from "shall be awarded" to "may be awarded all reasonable costs". Adds language that allows the court to consider an agency's good faith efforts when determining any penalties awarded.

Section 2(5) allows the court to consider requests made for "improper purposes" when deciding whether or not to award penalties to the requester.

Section 2(8) defines "improper purpose" as "to harass, to cause an unreasonable or frivolous increase in the cost of government operations or delay in government action"

### 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.*

There is no fiscal impact to the Department of Children, Youth and Families (DCYF). Work outlined in bill is already being completed.

## 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.*

Section 1(5) will require amendments to WACs 44-14-080 and 110-01-0270 to include new process.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.2	0.6	1.2	1.2
<b>Account</b>					
General Fund-State 001-1	0	189,000	189,000	364,000	364,000
<b>Total \$</b>	0	189,000	189,000	364,000	364,000

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

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Ellen Hafer	Phone: (360) 725-8428	Date: 01/24/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 01/24/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/26/2024

## 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.*

House Bill 2307 relates to limiting vexatious claims by modifying administrative and judicial review processes for public records requests and responses.

Section 1(4) amends RCW 42.56.520 to increase the permitted time frame for agencies to complete a review of public records request denials from two business days to 10 business days.

Section 1(5) requires agencies to establish an administrative review process for requesters to appeal the denial of a public records request or to make a claim that the response to a request is incomplete within 30 days of the denial or closure of the request. If, through the administrative process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with this title.

Section 2(3) amends RCW 42.56.550 to require a party seeking judicial review of a public records request denial to have exhausted all administrative remedies provided under RCW 42.56.520.

The effective date is assumed to be 90 days after adjournment of the session in which this bill is passed.

### 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 fiscal impact of this bill to the Department of Corrections (DOC) is indeterminate, assumed to be greater than \$50,000 per Fiscal Year (FY).

Section 1(5) of this bill requires agencies to establish an administrative review process for requesters to appeal the denial of a public records request or to make a claim that the response to a request is incomplete. The DOC currently receives 11,000-12,000 public records requests per year, of which around 1% are appealed. The DOC already has an internal appeals process; however, it is anticipated that the number of appeals will significantly increase if this bill is enacted due to the requirement in Section 2(3) for individuals to exhaust all administrative remedies before seeking a judicial review. At this time, DOC is unable to reliably estimate how many more appeals would be received if this bill is enacted.

To meet the requirements of House Bill 2307, DOC would need to hire additional staff at a total cost of \$189,000 for FY 2025 and \$182,000 per FY thereafter:

- An Administrative Review Program Manager is needed at a cost of \$165,131 in FY 2025, and \$157,981 in FY 2026 and ongoing to perform the administrative review function required by this bill. This FTE would evaluate each request, review responsive documents for completeness, review any redactions for appropriateness, and possibly conduct some targeted searches to probe what might have been inadvertently omitted from the original response. This FTE would then draft a response explaining the steps that had been taken, the law that had been applied, and the result. This position may also supervise additional hires should the anticipated workload be underestimated.

FY 2025 includes salaries, benefits, and other support costs such as one-time for start-up and on-going costs per FTE. FY 2026 and future fiscal years include only ongoing costs.

The DOC requests funding for the indirect costs of agency administration which includes 0.2 FTEs and \$21,017 in FY 2025 and ongoing for the purpose of supporting Payroll, Human Resources, Information Technology, and other expenses associated with the hiring and employment of staff to implement this legislation. The approved agency indirect rate and associated administrative support costs are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

Total estimated annual increase by FY (rounded to the nearest thousand):

- FY 2025: \$189,000 total cost and 1.2 FTEs
- FY 2026: \$182,000 total cost and 1.2 FTEs
- FY 2027: \$182,000 total cost and 1.2 FTEs
- FY 2028: \$182,000 total cost and 1.2 FTEs
- FY 2029: \$182,000 total cost and 1.2 FTEs

**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	0	189,000	189,000	364,000	364,000
<b>Total \$</b>			0	189,000	189,000	364,000	364,000

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

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.2	0.6	1.2	1.2
A-Salaries and Wages		118,000	118,000	236,000	236,000
B-Employee Benefits		34,000	34,000	68,000	68,000
C-Professional Service Contracts					
E-Goods and Other Services		7,000	7,000	14,000	14,000
G-Travel		1,000	1,000	2,000	2,000
J-Capital Outlays		8,000	8,000	2,000	2,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		21,000	21,000	42,000	42,000
9-					
<b>Total \$</b>	0	189,000	189,000	364,000	364,000

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

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
ADMINISTRATIVE REVIEW PROGRAM MANAGER			1.0	0.5	1.0	1.0
MANAGEMENT ANALYST 5			0.2	0.1	0.2	0.2
<b>Total FTEs</b>			1.2	0.6	1.2	1.2

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

<b>Program</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>2023-25</b>	<b>2025-27</b>	<b>2027-29</b>
Administration & Support Services (100)		186,000	186,000	358,000	358,000
Interagency Payments (600)		3,000	3,000	6,000	6,000
<b>Total \$</b>		189,000	189,000	364,000	364,000

**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

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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 315-Department of Services for the Blind
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Lorie Christoferson	Phone: (360) 725-3840	Date: 01/19/2024
Agency Approval: Joseph Kasperski	Phone: 360-725-3847	Date: 01/19/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/19/2024

## 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.*

This bill modifies administrative and judicial review processes for public records requests and responses. The bill adds language that denials of requests must be accompanied by a written statement of the specific reasons unless the requester petitions the agency for an administrative review. Agencies are to establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The administrative review process must allow a requester to petition the agency for a review of the agency's response to a public records request within 30 days of the denial or closure of the requests. If the agency finds that the records were improperly withheld, the agency must provide the responsive records. A party seeking judicial review must have exhausted all administrative remedies. If a court finds the agency was in substantial compliance and in good faith, then the court shall consider those factors in determining any award. If a party requested to inspect or copy a public record or participated in the civil action for an improper purpose, the court may consider that when deciding if they will award any costs. A request made for improper purposes means the request is made primarily to harass; to cause an unreasonable or frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or monetary award; to cause a violation of this chapter or for any other frivolous purposes.

This bill does not fiscally impact the Department of Services for the Blind.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 340-Student Achievement Council
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Brian Richardson	Phone: 360-485-1124	Date: 01/18/2024
Agency Approval: Brian Richardson	Phone: 360-485-1124	Date: 01/18/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/22/2024

## 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.*

This bill would modify the administrative review process when a request for public records has been denied. The review period is extended from two to 10 business days and agencies, the Office of the Secretary of the Senate, and the Office of the Chief Clerk of the House of Representatives shall establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete (Section 1).

This bill would have no fiscal impact as any additional work would be absorbed using existing resources.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 341-Law Enforcement Officer and Fire Fighters' Plan 2 Retirement Board
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: (360) 407-8165	Date: 01/18/2024
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 01/18/2024
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 01/21/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Law Enforcement Officers' and Firefighters' Plan 2 Board (LEOFF) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating agency's Public Records rules.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 350-Superintendent of Public Instruction
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.5	0.3	0.5	0.5
<b>Account</b>					
General Fund-State 001-1	0	88,000	88,000	164,000	164,000
<b>Total \$</b>	0	88,000	88,000	164,000	164,000

### 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Troy Klein	Phone: (360) 725-6294	Date: 02/13/2024
Agency Approval: Amy Kollar	Phone: 360 725-6420	Date: 02/13/2024
OFM Review: Brian Fechter	Phone: (360) 688-4225	Date: 02/13/2024

## 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 1(4) of the bill requires that agencies establish mechanisms for a prompt review of decisions denying inspection, and such review shall be deemed completed at the end of the 10th business day following the denial of inspection. Such review shall constitute final agency action for the purposes of judicial review unless the requester petitions the agency for an administrative review in accordance with subsection (5) of this section, in which case the entity's determination after the administrative review under subsection (5) of this section constitutes final agency action.

Section 1(5) of the bill requires that agencies shall establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The administrative review process must allow a requester to petition the agency, for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with this title.

Section 2(4) of the bill states that if the court finds the agency was in substantial compliance with this title and acted reasonably and in good faith, then the court shall consider those factors in determining any award.

Section 2(5) of the bill state that if the court finds that the party requested to inspect or copy a public record or participated in the civil action for an improper purpose, the court may consider that when deciding if they will award any costs or attorney fees to the party.

### 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.*

This bill would have no cash receipt impact on the Office of the Superintendent of Public Instruction (OSPI).

### 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.*

OSPI expenditure impact:

The proposed bill calls for the establishment of an agency administrative review process in the event that a public records requester petitions the agency to reconsider its decision to deny records or provide partial records. OSPI estimates that the agency would require a 0.5 FTE Administrative Review Program Manager, exempt level at a cost of \$88,000 in FY 2025, and \$82,000 in FY 2026 and ongoing to perform the administrative review function required by the bill. This FTE would evaluate each request, review responsive documents for completeness, and review any redactions for appropriateness. This FTE would then draft a response explaining the steps that had been taken, the law that had been applied, and the result.

## 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	0	88,000	88,000	164,000	164,000
Total \$			0	88,000	88,000	164,000	164,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.5	0.3	0.5	0.5
A-Salaries and Wages		50,347	50,347	100,694	100,694
B-Employee Benefits		25,245	25,245	49,770	49,770
C-Professional Service Contracts					
E-Goods and Other Services		3,384	3,384	6,768	6,768
G-Travel		3,384	3,384	6,768	6,768
J-Capital Outlays		5,640	5,640		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	88,000	88,000	164,000	164,000

**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
Administrative Review Program Manager, Exempt	100,693		0.5	0.3	0.5	0.5
<b>Total FTEs</b>			0.5	0.3	0.5	0.5

**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

No capital budget impact anticipated.

**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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 351-State School For The Blind
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Phillip McCreary	Phone: 360-947-3314	Date: 01/19/2024
Agency Approval: Phillip McCreary	Phone: 360-947-3314	Date: 01/19/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/19/2024

*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.*

*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.*

*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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 353-Washington State Center for Childhood Deafness and Hearing Loss
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

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- If fiscal impact is 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: April Rupe	Phone: 360-901-4010	Date: 01/17/2024
Agency Approval: Jessica Sydnor	Phone: (360) 418-4326	Date: 01/17/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/17/2024

*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.*

*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.*

*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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 354-Workforce Training and Education Coordinating Board
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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:

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- 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Andrew Lenderman	Phone: 3607094600	Date: 01/19/2024
Agency Approval: Nova Gattman	Phone: 360-709-4600	Date: 01/19/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/22/2024

## 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.*

No fiscal impact.

This bill relates to the inspection of public records, and requires agencies to create an administrative review process when denying access to certain records held by the agency.

Section 1(4) requires agencies to establish a prompt review for decisions denying requests to inspect certain records held by the agency. This review shall be considered complete at the end of the 10th business day following the denial of inspection. This section also creates an opportunity for the requestor to petition the agency's decision.

Section 1(5). This section requires agencies to establish an administrative review process so that requestors may appeal an agency's decision to deny inspection of certain records or make a claim that the response is incomplete. This process must allow for an appeal within 30 days of the denial or closure of the request.

Section 2(3) specifies that a requestor seeking judicial review of an agency's decision must exhaust all administrative remedies first.

Section 2(4) states the court must consider whether an agency acted reasonably and in good faith when determining any civil award to the aggrieved plaintiff.

Section 2(5) states that if the court finds the requestor asked to access public records or file a lawsuit for an improper purpose, the court may consider this when determining any awards or attorney fees to the plaintiff.

Section 2(8) clarifies improper purpose as a request made primarily to harass; cause a frivolous increase in the cost of government operations or delay in government action; to pursue a monetary award; to cause a violation of RCW 42.56.520; or for any other frivolous purpose.

### 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.*

n/a

### 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 Board anticipates no additional resources are needed to establish an administrative review process for denials to access certain records held by the agency. This function can be managed by existing staff. No fiscal impact.

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 355-Department of Archaeology and Historic Preservation
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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.

<b>Legislative Contact:</b> Connor Schiff	<b>Phone:</b> 360-786-7093	<b>Date:</b> 01/16/2024
<b>Agency Preparation:</b> Diann Lewallen	<b>Phone:</b> 360-407-8121	<b>Date:</b> 01/17/2024
<b>Agency Approval:</b> Diann Lewallen	<b>Phone:</b> 360-407-8121	<b>Date:</b> 01/17/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/18/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Records Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Department of Archaeology and Historic Preservation anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 360-University of Washington
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Michael Lantz	Phone: 2065437466	Date: 01/19/2024
Agency Approval: Jed Bradley	Phone: 2066164684	Date: 01/19/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/22/2024

## 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.*

House Bill 2307 modifies provisions of the Public Records Act (RCW 42.56). It provides additional time for agencies to initially review decisions denying access to records (Section 1(4)). It also requires agencies to set up a final administrative review process for appeals of records denials, or incomplete responses, within 30 days (Section 1(5)). Only individuals who participate in the administrative review process may seek judicial review of the agency's decision (Section 2(3)). Finally, if a court finds that the agency was in substantial compliance with the Public Records Act and acted reasonably and in good faith, or the party filing the request acted for an improper purpose, the court may consider those factors when awarding costs and attorney's fees (Section 2(4-5)).

The University of Washington (UW) does not anticipate a fiscal impact from this bill. Any costs associated with developing and administering the appeals process can be absorbed using existing resources. Additionally, any savings to the UW associated with the judicial review provisions will likely be minimal.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 365-Washington State University
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Emily Green	Phone: 5093359681	Date: 01/19/2024
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 01/19/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/22/2024

## 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.*

HB 2307 concerns limiting vexatious claims by modifying administrative and judicial review process for public records requests.

Section 1 (4) of this bill requires that denials of public records requests must include a written statement specifying the reasons for the denial. This section provides mechanisms so that the denial may be reviewed. This review shall constitute the fiscal agency action on a request unless a requestor petitions the agency for an administrative review.

Section 1 (5) states that agencies must establish an administrative review process to review appeals. If the records were to be found improperly withheld, the agency must provide the records.

Section 2 outlines the judicial review process for denied public records requests.

This bill is not expected to fiscally impact Washington State University, and any costs associated to meet the requirements of this bill could be absorbed through existing resources.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 370-Eastern Washington University
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Keith Tyler	Phone: 509 359-2480	Date: 01/19/2024
Agency Approval: Tammy Felicijan	Phone: (509) 359-7364	Date: 01/19/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/22/2024

## 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.*

HB 2307 modifies administrative and judicial review processes for public records requests and responses. Section 1(5) amends 42.56.520 RCW to require that agencies establish an administrative review process for requesters of public records to appeal the denial of a request or make a claim that the response to a request is incomplete. EWU currently has an established administrative review process for the denial of public records requests (WAC 172-10-090). EWU would need to modify this process, but it would not be a significant change. EWU anticipates no fiscal impact as a result of this bill.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 375-Central Washington University
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## 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Alexa Orcutt	Phone: 5099632955	Date: 01/19/2024
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 01/19/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/08/2024

## 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 1: Amending RCW 42.56.520 and 2017 c 303 s 3 as follows: (4) Agencies, the office of the secretary of the senate (SoS) and the office of the chief clerk of the house of representatives (CCHR) will establish mechanisms for a prompt review of decisions denying inspection, and such review will be deemed completed at the end of the 10th business day following the denial of inspection. The review will constitute final agency action or final action by SoS or CCHR for judicial review unless the requester petitions for an administrative review in accordance with subsection (5) of this section. (5) Agencies, SoS, and CCHR will establish an administrative review process for requesters to appeal the denial of a request or to make claim that the response to a request is incomplete. The administrative review process must allow a requester to petition for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. By way of the administrative review process, if the agency finds records were improperly withheld, the agency must provide the responsive records.

Section 2: Amending RCW 42.56.550 and 2017 c 304 s 5 as follows: (3) Adding – A party seeking judicial review must have exhausted all administrative remedies provided under RCW 42.56.520. (4) Inserting “reasonable” ...may be awarded all reasonable costs... If the court finds the agency complied with this title, then the court will consider those factors in determining any award. (5) If the court finds that the party requested to inspect/copy a public record or took part in the civil action for an improper purpose, the court may consider that when determining if they will award costs/attorney fees to the party. (8) Describes “improper purpose”.

### 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.*

CWU's current administrative review process is completed by our program AAG and results in an hourly charge being billed to the University. This legislation would require CWU to establish and manage an administrative review process for requesters to appeal the denial of a request or to make claim that the response to a request is incomplete. CWU currently handles all public records requests with 1 FTE which isn't sufficient to keep up with timely responses under the current workload.

Though indeterminate, CWU expects to see an increase in appeal requests as a result of this legislation, which would require the effort of an additional .75 FTE costing an estimated \$48,742/year. Costs are shown for reference, though it is not known how much, if any increase in appeal requests would be realized if this legislation passes.

Program Specialist 2 (Records Analyst) at .75 FTE= (48,864 1 FTE salary\*.75) = \$36,648  
Benefits at 33% = (.33\*36,648= \$12,093.84) = \$12,094

## 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

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 376-The Evergreen State College
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	0	12,040	12,040	12,040	12,040
<b>Total \$</b>	0	12,040	12,040	12,040	12,040

### 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 01/19/2024
Agency Approval: Lisa Dawn-Fisher	Phone: 564-233-1577	Date: 01/19/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/08/2024

## 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.*

HB 2307 relates to limiting vexatious claims by modifying administrative and judicial review processes for public records requests and responses.

Section 1(4) relates to denials of requests. Agencies are currently required to establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the 2nd business day following the denial of inspection. This bill would revise the requirement to “a prompt review of decisions denying inspection,” and the review will be deemed completed at the end of the 10th business day following the denial of inspection. This review will be considered final agency action unless the requester petitions the agency for an administrative review in accordance with subsection (5), in which case the entity’s determination after that administrative review will constitute final agency action.

Section 1(5) states that agencies shall establish an administrative review process for requesters to appeal the denial of a request or make a claim that the response to a request is incomplete. The process must allow the requester to petition the agency for a review of the agency’s response to a public records request within 30 days of the denial or closure of the request. If the agency finds that the records were improperly withheld, they must be provided.

### 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 Evergreen State College estimates the need for legal services provided by our assistant attorney general. We estimate the need for 40 hours of legal services in FY 2025 and 20 hours of legal services per year in FY 2026 - FY 2029. We estimate legal services at the rate of \$300/hour.

We also anticipate some staff time to support the records review process, but we believe we can manage the work within existing resources.

## 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	0	12,040	12,040	12,040	12,040
Total \$			0	12,040	12,040	12,040	12,040

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts		12,040	12,040	12,040	12,040
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	12,040	12,040	12,040	12,040

**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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 380-Western Washington University
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Gena Mikkelsen	Phone: 3606507412	Date: 01/19/2024
Agency Approval: Anna Hurst	Phone: 360-650-3569	Date: 01/19/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/22/2024

## 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 1 of the provided text introduces amendments to RCW 42.56.520 and 2017 c 303 s 3, outlining procedures for responding to public record requests. The amendments mandate timely responses within five business days, offering the requested record, a website link, acknowledgment with a time estimate, seeking clarification, or denial with specified reasons. Additional time may be warranted for clarification or information location.

In Section 2, amendments to RCW 42.56.550 and 2017 c 304 s 5 empower individuals denied access to public records to file a motion in the superior court. The burden of proof rests on the agency to justify denial, with the court conducting de novo judicial review, considering time and cost estimates. Prevailing parties may be awarded costs, attorney fees, and potentially up to \$100 per day of denial. The court evaluates factors like substantial compliance and good faith. Actions must be filed within a year, and a "request for any 'improper purpose'" includes defined instances.

The university indicates no fiscal impact since we meet these requirements already.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 387-Washington State Arts Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Korja Giles	Phone: (360) 485-1106	Date: 01/18/2024
Agency Approval: Deane Shellman	Phone: 3606221743	Date: 01/18/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Disclosure Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Arts Commission anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 390-Washington State Historical Society
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Teresa Mattson	Phone: (360) 798-5906	Date: 01/24/2024
Agency Approval: Jennifer Kilmer	Phone: 253-798-5900	Date: 01/24/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/24/2024

## 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 creation of the new administrative process would take approximately 3 hours of Director time which comes to 97.10 per hour or under \$300 total, which the agency would absorb into existing budget amounts

### 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 creation of the new administrative process would take approximately 3 hours of Director time which comes to 97.10 per hour or under \$300 total, which the agency would absorb into existing budget amounts

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 395-Eastern Washington State Historical Society
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Flory Seth	Phone: 360-407-8165	Date: 01/23/2024
Agency Approval: Flory Seth	Phone: 360-407-8165	Date: 01/23/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/23/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

The Eastern Washington State Historical Society (EWSHS) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating EWSHS' Public Records policy.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 405-Department of Transportation
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## 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Ashley Holmberg	Phone: 360-705-6808	Date: 01/18/2024
Agency Approval: Sam Wilson	Phone: 360-704-6366	Date: 01/18/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/19/2024

## 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.*

See attached Fiscal Note.

### 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

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:** 2307 HB

**Title:** Public Records Reviews

**Agency:** 405-Department of Transportation

## Part I: Estimates

- No Fiscal Impact (Explain in section II. A)
- Indeterminate Cash Receipts Impact (Explain in section II. B)
- Partially Indeterminate Cash Receipts Impact (Explain in section II. B)
- Indeterminate Expenditure Impact (Explain in section II. C)
- Partially Indeterminate Expenditure Impact (Explain in section II. C)

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

## Agency Assumptions

## Agency Contacts:

Preparer: Ashley Holmberg	Phone: 360-870-2869	Date: 1/17/2024
Approval: Sam Wilson	Phone: 360-704-6366	Date: 1/18/24
Budget Manager: Doug Clouse	Phone: 360-705-7535	Date: 01/18/2024

## Part II: Narrative Explanation

### II. A - Brief description of what the measure does that has fiscal impact

There are several sections of the bill that have a potential fiscal impact:

Section 2(3) requires requestors seeking judicial review to first exhaust the new administrative process, which will save WSDOT from some associated legal costs.

Section 2(4) requires courts to consider an agency's "substantial compliance" and good faith efforts when assessing whether an agency will pay a penalty, which should reduce both the frequency of harassing/frivolous requests and the associated costs.

Section 2(5) enables courts to consider whether requestors engaged in their request activities of improper purposes, which should reduce both the frequency of harassing/frivolous requests and the associated costs. It also requires the agency to create and run a new administrative review process, which increases costs.

# Individual State Agency Fiscal Note

## II. B – Cash Receipts Impact

N/A

## II. C - Expenditures

### Expenditures:

Section 1(5) requires the department to create and administer an administrative review process allowing requesters to appeal the denial of a request or claim if the response was incomplete. Based on current complaints/concerns, this review process is estimated to happen as frequently as once per week and will require additional staff time to administer. The true labor hours would be spread between a Public Records Officer (WMS-1), a Forms and Records Analyst 3, a Records Custodian(s), and the Director of Business Support Services WMS-4). This is an indeterminate cost since it depends on the unknown number of administrative reviews.

### Potential Reduction of Expenditures:

Section 2(3) This section is edited to require any party seeking judicial review of their request must have first exhausted all administrative remedies. Since penalties under the public records act are calculated based on days the information was withheld, the administrative review process would potentially reduce the number of days a record is withheld and therefore reduce associated penalties, settlements, or damages that would have been paid.

Section 2(5) enables courts to consider if the party requested to inspect or copy a public record or participated in the civil action for an improper purpose. The department believes this would reduce the frequency and penalties paid for requests.

### Conclusion:

Overall, while this bill will result in additional workload and costs for the Business Support Services division of WSDOT, the department believes those costs will be outweighed by the expenditure reductions to other divisions, resulting in a net reduction of expenditure to WSDOT, which although indeterminate will likely be in excess of \$50,000.

## Part III: Expenditure Detail

### III. A - Expenditures by Object or Purpose

NA

## Part IV: Capital Budget Impact

NA

## Part V: New Rule Making Required

NA

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 406-County Road Administration Board
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Drew Woods	Phone: 360-753-5989	Date: 01/17/2024
Agency Approval: Drew Woods	Phone: 360-753-5989	Date: 01/17/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/17/2024

## 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.*

CRAB does not anticipate a fiscal impact from HB 2307. We endeavor to be as responsive and open as possible to any public records request, but it is difficult to estimate when, and if, a request would rise to the need for a judicial review and/or 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.*

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 407-Transportation Improvement Board
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Diann Lewallen	Phone: (360) 407-8121	Date: 01/17/2024
Agency Approval: Diann Lewallen	Phone: (360) 407-8121	Date: 01/17/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/17/2024

## 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 1 of the bill requires agencies to put in place an administrative review process so people who request records under the Public Disclosure Act can appeal the result of an agency's decisions or responses to a records request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

The Transportation Improvement Board anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 410-Transportation Commission
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## 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Aaron Halbert	Phone: 360-705-7118	Date: 01/19/2024
Agency Approval: Reema Griffith	Phone: 360-705-7070	Date: 01/19/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/19/2024

## 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.*

HB 2307 would modify the administrative and judicial review process for an agency's response to public records requests. In the event that an agency were to deny a public records request, the requester would have the ability to petition the agency for an administrative review, and would require agencies to establish an administrative review process for requesters to appeal the denial of a public records request or to make a claim that the response to a request is incomplete.

### 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.*

HB 2307 would modify the administrative and judicial review process for an agency's response to public records requests. In the event that an agency were to deny a public records request, the requester would have the ability to petition the agency for an administrative review, and would require agencies to establish an administrative review process for requesters to appeal the denial of a public records request or to make a claim that the response to a request is incomplete.

Because the number of administrative reviews that will be petitioned and the cost to establish an administrative review process are unknown, the fiscal impact of this legislation is indeterminate.

## 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

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 411-Freight Mobility Strategic Investment Board
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Sally See	Phone: 360-586-9695	Date: 01/19/2024
Agency Approval: Doug Clouse	Phone: 360-705-7535	Date: 01/19/2024
OFM Review: Erik Hansen	Phone: (360) 810-0883	Date: 01/19/2024

## 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(3) requires requestors seeking judicial review to first exhaust the new administrative process.

Section 2(4) requires courts to consider an agency's "substantial compliance" and good faith efforts when assessing whether an agency will pay a penalty, which should reduce both the frequency of harassing/frivolous requests and the associated costs.

Section 2(5) enables courts to consider whether requestors engaged in their request activities of improper purposes, which should reduce both the frequency of frivolous requests and the associated costs. It also requires the agency to create and run a new administrative review process.

### 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.*

Section 1(5) would require the board to create and administer an administrative review process allowing requesters to appeal the denial of a request or claim if the response was incomplete. Based on the low volume of current complaints/concerns, this review process can be completed within existing resources.

Section 2(3) This section is edited to require any party seeking judicial review of their request must have first exhausted all administrative remedies. Since penalties under the public records act are calculated based on days the information was withheld, the administrative review process would potentially reduce the number of days a record is withheld and therefore reduce associated penalties, settlements, or damages that would have been paid. But again, due to the low volume of complaints/concerns, any possible cost reductions would be small.

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 460-Columbia River Gorge Commission
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
All Other Funds-Private/Local 000-7	0	24,000	24,000	48,000	48,000
General Fund-State 001-1	0	24,000	24,000	48,000	48,000
<b>Total \$</b>	0	48,000	48,000	96,000	96,000

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

### Estimated Capital Budget Impact:

NONE

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- 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Seth Flory	Phone: (360) 407-8165	Date: 01/24/2024
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 01/24/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/24/2024

## 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 1: Requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2: Adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review.

Passage of this bill will also require CRGC to update its Public Records Rules.

### 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 Columbia River Gorge Commission (CRGC) anticipates some fiscal impact from this legislation but is unable to quantify the impact. CRGC is a small agency and the Executive Director is already involved in decisions involving denial of records, so CRGC would need to consider using an outside person or entity for administrative appeals, which CRGC would need to pay for. CRGC is a bi-state agency and pursuant to the Columbia River Gorge Compact, could consider using Oregon's review process, which requires a petition to the Oregon Attorney General. The Oregon Attorney General would likely charge CRGC for this service.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
000-7	All Other Funds	Private/Local	0	24,000	24,000	48,000	48,000
001-1	General Fund	State	0	24,000	24,000	48,000	48,000
<b>Total \$</b>			0	48,000	48,000	96,000	96,000

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

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts		48,000	48,000	96,000	96,000
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	48,000	48,000	96,000	96,000

In addition to the estimates above, there are additional indeterminate costs 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.*

Passage of this bill will also require CRGC to update its Public Records Rules. The National Scenic Area Act (16 U.S.C. sec. 544c(b)) as adopted by reference in the Gorge Compact (RCW 43.97.015 and ORS 196.150) requires the Gorge Commission to adopt a public records rule by rulemaking (in both states). So, the Gorge Commission would need to do rulemakings in both Washington and Oregon.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.3	0.2	0.2	0.2
<b>Account</b>					
General Fund-State      001-1	0	45,048	45,048	49,232	49,232
<b>Total \$</b>	0	45,048	45,048	49,232	49,232

### 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Allen Robbins	Phone: 360-706-3043	Date: 01/18/2024
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/18/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/24/2024

## 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.*

Under current law, RCW 42.56.520 requires agencies to promptly respond to requests for public records within five business days of receiving a public record request in one of several ways.

This bill would amend RCW 42.56.520 to require an administrative review "exhaustion" requirement before the requester could sue for a denial of public records. The requester would need to petition the agency within 30 days of denial (or closing of request) and the agency would need to respond. If, through the administrative review process, the agency finds that records were improperly withheld, the agency must provide the responsive records. A party seeking judicial review must have exhausted all administrative remedies provided under RCW 42.56.520.

Section 1(4) would change the deemed completion of review of decisions denying inspection from two business days to 10 business days following the denial of inspection.

Section 1(5) would establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The administrative review process would allow a requester to petition the agency for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with this title.

Section 2(3) would require a party seeking judicial review to have exhausted all administrative remedies provided under RCW 42.56.520.

Section 2(4) would allow, regarding any person who prevails against an agency in any action in the courts, if the court finds the agency was in substantial compliance with this title and acted reasonably and in good faith, to consider those factors in determining any award.

Section 2(5) would allow the court to consider when deciding if they will award any costs or attorney fees to the party requesting to inspect or copy a public record, whether the party participated in the civil action for an improper purpose.

Section 2(8) would define, for the purposes of this section, a request made for any "improper purpose" means the request to inspect or copy a public record or to bring a civil action pursuant to this section is made primarily: To harass; to cause an unreasonable or frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or other monetary award; to cause a violation of this chapter; or for any other frivolous purpose.

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

The expenditure impact to Ecology under this bill is estimated to be less than \$50,000 in Fiscal Year (FY) 2025 and ongoing to implement the requirements of section 1(5).

Section 1(5) would require Ecology to amend its existing rule (WAC 173-03-090) to accommodate the changes in this bill.

Ecology estimates that rulemaking would be minimally complex. It would require approximately six months; the start date was not specified in the bill so it is assumed it would begin in FY 2025. This type of rulemaking would include one public hearing to accept comments on the rule proposal. Ecology estimates no costs for facility rental costs since hearing(s) would be held on-site.

Rulemaking Lead: Ecology estimates that a Management Analyst 5 would spend 0.25 FTE in FY 2025 coordinating the rulemaking effort.

Section 1(5) would also require Ecology to establish an administrative review process to ensure that aggrieved requester (petitioner) was provided a fair administrative review process. This activity would be ongoing starting in FY 2026 and assumes approximately 20 administrative reviews would be conducted each year and take approximately 15 hours per review by a Management Analyst 4 (0.15 FTE).

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

Section 1(5) Rule Amendment is estimated to require:  
 FY 2025 one-time: \$45,048 and 0.3 FTE

Section 1(5) Administrative Review Process is estimated to require:  
 FY 2026 and ongoing: \$24,616 and 0.2 FTE

THE TOTAL EXPENDITURE IMPACT to Ecology under this bill is estimated to be:  
 FY 2025: \$45,048 and 0.3 FTE  
 FY 2026 and ongoing: \$24,616 and 0.2 FTE

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.  
 Benefits are the agency average of 34.1% of salaries.  
 Goods and Services are the agency average of \$6,048 per direct program FTE.  
 Travel is the agency average of \$2,205 per direct program FTE.  
 Equipment is the agency average of \$1,286 per direct program FTE.  
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.8% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	45,048	45,048	49,232	49,232
<b>Total \$</b>			0	45,048	45,048	49,232	49,232

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.3	0.2	0.2	0.2
A-Salaries and Wages		24,510	24,510	26,640	26,640
B-Employee Benefits		8,358	8,358	9,084	9,084
E-Goods and Other Services		1,512	1,512	1,814	1,814
G-Travel		551	551	662	662
J-Capital Outlays		322	322	386	386
9-Agency Administrative Overhead		9,795	9,795	10,646	10,646
<b>Total \$</b>	0	45,048	45,048	49,232	49,232

**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
FISCAL ANALYST 2			0.0	0.0	0.0	0.0
IT APP DEV-JOURNEY			0.0	0.0	0.0	0.0
MANAGEMENT ANALYST 4	88,798				0.2	0.2
MANAGEMENT ANALYST 5	98,041		0.3	0.1		
<b>Total FTEs</b>			0.3	0.2	0.2	0.2

**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.*

Current Ecology rule (WAC 173-03-090) would need to be amended to accommodate the changes associated with section 1(5) of this bill.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 462-Pollution Liability Insurance Program
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Phi Ly	Phone: 360-407-0517	Date: 01/19/2024
Agency Approval: Cassandra Garcia	Phone: 360-407-0520	Date: 01/19/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/23/2024

## 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.*

House Bill 2307 amends RCW 42.56.520 and 42.56.550 to limit vexatious claims related to public records requests.

Section 1 of the bill requires agencies to establish an administrative review process so that Public Records Act requesters may appeal the agency's decision on a denial of a request. The review process must allow the requestor to make an appeal within 30 days of receiving a denial or closure of a request. Agencies must provide responsive records if the appeal is upheld after the review process is completed.

Section 2 of the bill adds the requirement that a Public Records Act requester exhaust all administrative remedies (under Section 1) before seeking judicial review. If, under judicial review, the court finds that the agency complied substantially with its process and in good faith, then the court shall consider these factors in determining an award. This section also defines "improper purpose" to mean that a requester seeking judicial review is doing so for a frivolous purpose.

The Pollution Liability Insurance Agency (PLIA) anticipates no fiscal impact from this legislation. Appeals of agency decisions have occurred infrequently so staff time required to conduct a review process can be absorbed. Passage of this bill will require updating PLIA's Public Records rules.

### 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.*

Chapter 374-20 WAC Public Records

The Pollution Liability Insurance Agency would need to make updates to this chapter to align with the changes reflected in HB 2307. Changes include the timeline and process for a Public Records Act requester seeking an administrative review of request denials.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 463-Energy Facility Site Evaluation Council
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Lisa McLean	Phone: 3606641345	Date: 01/19/2024
Agency Approval: Dave Walker	Phone: 360-664-1345	Date: 01/19/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/23/2024

*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.*

*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.*

*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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 465-State Parks and Recreation Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Colleen Maguire	Phone: (360) 902-8544	Date: 01/18/2024
Agency Approval: Van Church	Phone: (360) 902-8542	Date: 01/18/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/18/2024

## 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.*

2307 HB proposes legislation concerning the limiting of administrative and judicial review processes for public records requests and responses that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant.

If enacted, this bill would have no fiscal impact on State Parks.

### 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.*

None.

## 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 467-Recreation and Conservation Funding Board
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Mark Jarasitis	Phone: 360-902-3006	Date: 01/18/2024
Agency Approval: Brock Millierin	Phone: 360-789-4563	Date: 01/18/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/18/2024

## 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 1(4,5) Describes the circumstances under which denials of public records can be challenged and the method for challenge.

Section 2 (3-8) Describes the how to handle requests that were made for improper purposes and how it should be addressed if the agency did or tried to fulfill obligations.

Existing resources will cover any new required work.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 468-Environmental and Land Use Hearings Office
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 01/19/2024
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 01/19/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/23/2024

## 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.*

This bill amends the Public Records Act (RCW 42.56).

Sec. 1 – Requires review of denials of records inspection to be completed within 10 business days following the denial. Such review is considered final agency action unless the requester appeals the denial or claims that the response is incomplete. Agencies must allow petition/appeal of the agency’s response to a request within 30 days of denial or closure of the request.

No fiscal impacts to the Environmental and Land Use Hearings Office (ELUHO) are anticipated as a result of this bill.

### 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.*

None

## 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.*

ELUHO would need to update WAC Chapter 198-14 Environmental and Land Use Hearings Office, Public Records.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 471-State Conservation Commission
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Karla Heinitz	Phone: 360-878-4666	Date: 01/19/2024
Agency Approval: Sarah Groth	Phone: 360-790-3501	Date: 01/19/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/22/2024

## 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.*

No fiscal impact on the State Conservation Commission (SCC). Responses are completed within existing resources and an administrative review process would be included as part of the agency's response to records request.

The bill guides agencies on decisions denying inspection are completed on the 10th business day. The agencies must have an administrative review process for requests to appeal the denial of a request or a claim that the response is incomplete. The administrative review process must allow a request to petition the agency for a review of the agency's response within 30 days of the denial or closure of the request. If the agency improperly withheld records the agency must provide the responsive records.

A requester must have exhausted all administrative remedies before seeking a judicial review. The bill defines improper purposes for a 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

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State      001-1	0	5,000	5,000	0	0
<b>Total \$</b>	0	5,000	5,000	0	0

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Barbara Reichart	Phone: (360) 819-0438	Date: 01/19/2024
Agency Approval: Barbara Reichart	Phone: (360) 819-0438	Date: 01/19/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/22/2024

## 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 1 increases the review period from two days to ten days, allows agencies final action after the administrative review, and allows agencies to establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete.

Section 2 allows courts to consider if the agency was in substantial compliance with the law when determining awards. Allows courts to consider if public records were requested for an improper purpose when determining awards.

### 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.*

Section 1 will require rulemaking to make corresponding changes to WAC 220-120-080, review of denials of public records requests. Rulemaking will require \$2,500 for a public hearing and \$1,500 for rule adoption in fiscal year 2025.

WDFW assumes that the changes in Sections 1 and 2 may increase the number of requests for administrative review. WDFW currently has up to four appeals per fiscal year taking up to 12 hours per appeal. WDFW assumes that any additional work will be absorbed within existing resources.

The Department also assumes there will be a reduction in the number of initial cases brought against WDFW but will increase the number of appeals, potentially increasing costs for the Office of the Attorney General. WDFW assumes those costs will be incorporated into the central service model.

An infrastructure and program support rate of 36.03% is included in object T and is calculated based on WDFW's federally approved indirect rate.

## 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	0	5,000	5,000	0	0
<b>Total \$</b>			0	5,000	5,000	0	0

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services		4,000	4,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		1,000	1,000		
9-					
<b>Total \$</b>	0	5,000	5,000	0	0

**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.*

Section 1 will require rulemaking to make corresponding changes to WAC 220-120-080, review of denials of public records requests.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 478-Puget Sound Partnership
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Melissa Clarey	Phone: 3608190342	Date: 01/17/2024
Agency Approval: Sheridan Tabor	Phone: 360-706-4955	Date: 01/17/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/17/2024

## 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 proposed legislation amends RCW 42.56.520, Prompt Responses Required, to clarify language and change the response time from the 2nd business day to the 10th business day following denial of inspection.

adds to Sec 1 (4) unless the requester petitions the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for an administrative review in accordance with subsection (5) of this section, in which case the entity's determination after the administrative review under subsection (5) of this section constitutes final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review.

Adds to Sec 1(5) Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The administrative review process must allow a requester to petition the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives, whichever is applicable, for a review of the agency's response to a public records request within 30 days of the denial or closure of the request. If, through the administrative review process, the agency finds that the records were improperly withheld, the agency must provide the responsive records in accordance with this title.

Adds to Sec 2 (3) A party seeking judicial review must have exhausted all administrative remedies provided under RCW 42.56.520.

Adds to Sec 2 (4) If the court finds the agency was in substantial compliance with this title and acted reasonably and in good faith, then the court shall consider those factors in determining any award.

Adds to Sec 2(5) If the court finds that the party requested to inspect or copy a public record or participated in the civil action for an improper purpose, the court may consider that when deciding if they will award any costs or attorney fees to the party.

Adds to Sec 2 (8) For the purposes of this section, a request made for any "improper purpose" means the request to inspect or copy a public record or to bring a civil action pursuant to this section is made primarily: To harass; to cause an unreasonable or frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or other monetary award; to cause a violation of this chapter; or for any other frivolous purpose.

There is no fiscal impact to the Partnership as the agency currently responds to public record requests and the addition of the administrative review process is not anticipated to be time intensive. In addition, the proposed legislation changes the response time from the 2nd business day to the 10th business day following denial of inspection.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 490-Department of Natural Resources
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Andrew Hills	Phone: /	Date: 01/21/2024
Agency Approval: Brian Considine	Phone: 3604863469	Date: 01/21/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/23/2024

## 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.*

Department of Natural Resources Records Management & Public Disclosure office will establish an administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. This will be incorporated into current staff workload.

### 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> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 495-Department of Agriculture
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	2,000	0	2,000	0	0
<b>Total \$</b>	2,000	0	2,000	0	0

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- 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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Hannah Mosley-Gonzales	Phone: (360) 902-1809	Date: 01/18/2024
Agency Approval: Nicholas Johnson	Phone: (360) 902-2055	Date: 01/18/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/19/2024

## 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.*

House Bill 2307 is relating to limiting vexatious claims by modifying administrative and judicial review processes for public records requests and responses.

Section 1. (4) would change the amount of time agencies have to review a decision denying a public records request from two business days to ten business days.

Section 1. (5) would allow 30 days for requesters to appeal the denial of a request or to make a claim that the response to a request was incomplete.

Section 2. (3) would require parties seeking judicial review of an agency action to exhaust all administrative remedies under RCW 42.56.520.

Section 2. (4) would make it optional for a court to award reasonable costs instead of a requirement when a person prevails against an agency related to their right to inspect or copy any public record or the right to receive a response to a public records request within a reasonable amount of time; would require courts to consider if the agency was in substantial compliance with the Public Records Act and acted reasonably and in good faith when determining any award.

Section 2. (5) would allow courts to consider if the request to inspect or copy a public record or participate in a civil action was for an improper purpose when deciding if they will award any costs or attorney fees to the party.

Section 2. (8) would add a definition for “improper purpose” to include requests to inspect or copy a public record or to bring a civil action to harass; to cause an unreasonable or frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or other monetary award; to cause a violation of this chapter; or for any other frivolous purpose.

### 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.*

No cash receipts impact.

### 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 only expenditure would be costs related to conducting rule making to update administrative review provisions in WAC related to denial of public record requests or claims of an incomplete response to be consistent with the bill language.

There would be one time rule making costs for FY 2024 of \$2,000 to conduct expedited rulemaking to update the agency’s public records regulation. No additional costs 25-27 or 27-29.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	2,000	0	2,000	0	0
<b>Total \$</b>			2,000	0	2,000	0	0

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	2,000		2,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	2,000	0	2,000	0	0

**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.*

Rule making would be required to revise the Washington State Department of Agriculture existing administrative review process for requesters to appeal a denial of a request or to make a claim that the response to a request is incomplete.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 540-Employment Security Department
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Adam Oskvig	Phone: 360-763-2919	Date: 01/19/2024
Agency Approval: Lisa Henderson	Phone: 360-902-9291	Date: 01/19/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/21/2024

## 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 Employment Security Department would need to amend rules on making a request for public records and denial of requests. This bill will have no fiscal impact as the Employment Security Department already has established procedures for challenging public records denials through court, the cost for the rulemaking for the administrative alternative will be absorbed with current processes.

### 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.*

N/A

### 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

N/A

## **Part V: New Rule Making Required**

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

The bill will require minor rulemaking to amend:

WAC 192-02-060 - Making a request for public records. Would need to be updated to include a reference to the administrative review process for denied requests or requests where the requesters believe records were improperly withheld.

WAC 192-02-130 - Denials of requests. Would need to be updated to define the department's administrative review process for requesters to appeal the denial of a request or to make a claim that the response to a request is incomplete. The rulemaking would define the administrative review process that must allow a requester to petition the agency for a review of the agency's response to a public records request within 30 days of the denial or closure of the request.

The cost of this rulemaking will be absorbed by current resources.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2307 HB	<b>Title:</b> Public records reviews	<b>Agency:</b> 699-Community and Technica College System
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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: Connor Schiff	Phone: 360-786-7093	Date: 01/16/2024
Agency Preparation: Brian Myhre	Phone: 360-704-4413	Date: 01/22/2024
Agency Approval: Stephanie Winner	Phone: 360-704-1023	Date: 01/22/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/22/2024

## 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.*

This bill outlines the administrative review process for public records requests. If a court finds a public records request or civil action was done for “improper purposes” they may consider that when awarding any costs or attorney fees.

#### SECTION 1

Agencies are directed to establish an administrative review process for public records requesters to follow when appealing a denial of a request or a claim that the request is incomplete. The process must allow a requester to petition the agency for a review of the agency’s response to a request within 30 days of the denial or closure of the request.

#### SECTION 2

A party seeking judicial review must have exhausted all administrative remedies specified in section 1.

If a court finds that the party requested to inspect or copy a public record or participated in the civil action for an “improper purpose”, the court may consider that when deciding if they will award any costs or attorney fees to the party.

"Improper purpose" means a request to inspect or copy a public record or to bring a civil action pursuant to this section is made primarily: To harass; to cause an unreasonable or frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or other monetary award; to cause a violation of this chapter; or for any other frivolous purpose.

### 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.*

No cash receipts impact.

### 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 expenditure impact.

Agencies are directed to establish an administrative review process for public records requesters to follow when appealing a denial of a request or a claim that the request is incomplete.

Colleges, and the State Board for Community and Technical Colleges (State Board), have rules related to public records requests and the denial of public records requests. Revisions, if any, that are needed to update the rules, can be accomplished 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

**Part V: New Rule Making Required**

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

The State Board and individual colleges have rules related to public records requests and the denial of public records requests. Some revisions may be needed to update existing rules.

Under current law, agency reviews of decisions denying inspection of public record are deemed completed at the end of the 2nd business day following the denial of inspection. This bill would change the time period to ten days. This would require a minor change to update State Board and college rules.