

Judicial Impact Fiscal Note

Bill Number: 1472 E 2S HB	Title: Chemical action plans	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

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 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.

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OFM Review:	Phone:	Date:

Request # E2SHB 1472-1

Part II: Narrative Explanation

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

None of the changes to the engrossed second substitute change the judicial impact.

The second substitute bill adds a section to RCW 70____ (the new chapter created in section 17 of this act). The new section (now section 16) would make the act null and void if specific funding for the purposes of this act is not provided by June 30, 2015. This does not change the judicial impact that was prepared for the original bill and the first substitute.

The substitute bill clarifies the requirements for the chemical action plans to require safer chemicals in Washington and does not change the judicial impact that was prepared for the original bill.

There may be judicial impacts resulting from the bill for hearing appeals from the pollution control hearings board, beginning in FY 2019.

A new chapter would be added to RCW 70 creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

A new section would be added to RCW 39.26 that would establish purchasing and procurement policies that provide a preference for products and products in packaging that do not contain priority Washington chemicals.

RCW 43.21B.110 would be amended to add that decisions regarding a restriction, order, or penalty issued under RCW 70____ (the new chapter created in section 16 of this act) would be heard by the pollution control hearings board. Appeals from the hearings board would be heard in superior court.

II. B - Cash Receipts Impact

none

II. C - Expenditures

Depending on the complexity of issues raised on appeal, there may be moderate court impacts (\$25,000 to \$100,000) for trials for appeals in Section 9 of the bill.

The Washington State Department of Ecology is estimating that there would be one appeal per year from the process in Section 9 of the bill and one appeal per biennium for fine penalties in Section 10 of the bill.

The department does not expect any appeals prior to FY 2019.

Issues subject to appeal are expected to be complex, highly technical, and require the use of expert witnesses. (Washington DOE). A trial of this nature could take two or more weeks of bench time depending on the complexity of the case. Two weeks of judicial time with supporting staff leads to an expenditure estimate of \$48,000. Each additional week adds to the cost.

Appeals of fines are likely to take less than a day of court time.

Part III: Expenditure Detail

Part IV: Capital Budget Impact