

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB693

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
 Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Petersen

3. Committee: Passed Senate

4. Title: Common interest communities; association complaint procedures.

5. Summary: Clarifies that audio and video recordings are considered records and shall be included with any final adverse decision provided by a complainant to the Common Interest Community Board.

6. Budget Amendment Necessary: Yes. Item 369, as Introduced.

7. Fiscal Impact Estimates: Preliminary.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2023	\$122,883	1	09222	\$117,883	1	02590
2024	\$115,625	1	09222	\$115,625	1	02590
2025	\$115,625	1	09222	\$115,625	1	02590
2026	\$115,625	1	09222	\$115,625	1	02590
2027	\$115,625	1	09222	\$115,625	1	02590
2028	\$115,625	1	09222	\$115,625	1	02590

8. Fiscal Implications: *This revised fiscal impact statement reflects updated impact estimates from the Department of Professional and Occupational Regulation (DPOR)*

This bill increases the administrative responsibilities of DPOR and the Office of the Common Interest Community Ombudsman by requiring that audio and video recordings be considered records as provided by a complainant when giving notice of a final adverse decision. Based on current volumes of complaints, DPOR estimates that approximately 50 complaints a year will include audio/video recordings of board and other meetings, interactions with board members, managers, and others, along with accompanying phone call records. DPOR estimates up to 3,000 hours a year of audio and video recordings will need to be reviewed from both the complaint perspective and to comply with the Freedom of Information Act (FOIA), and that additional nongeneral fund appropriation and positions will be required.

According to DPOR, due to privacy issues and potential liability resulting from the recordings becoming public record, especially recordings that could include private meetings

among private citizens, some of whom cannot be recorded due to their federal security positions, and other scenarios that the departments anticipates could compromise information security, many of the recordings may include information that will be required to be redacted. DPOR anticipates needing one pay band 4 classified position to allow for the review of recordings by the Ombudsman's Office. DPOR also anticipates needing one pay band 4 classified IT Specialist to review and potentially edit the recordings.

Based on the mid-point for the band 4 salary range, DPOR estimates that additional nongeneral fund appropriation in the amount of \$192,216 in FY2023 (assuming 23 pay periods) and \$201,700 annually beginning in FY2024, will be required for salary and benefits. Additionally, in FY2023, DPOR anticipates needing to purchase furniture and equipment for the new positions at an estimated one-time cost of \$14,000. Other operating costs beginning in FY2023 and recurring in future years include telephone, employee development, computer operating support, and supplies. These costs are estimated at \$29,550 each year. One position each would be required in Fund 02590 and 09222.

According to DPOR, the agency will need to establish a secure portal for submitting the audio or video recordings and add electronic storage capabilities to retain the recordings according to record retention policies and applicable privacy requirements. DOLI estimates the one-time cost of establishing the portal and additional electronic storage to be approximately \$5,000 in FY2023.

9. Specific Agency or Political Subdivisions Affected: Department of Professional and Occupational Regulation.

10. Technical Amendment Necessary: No.

11. Other Comments: None.