



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2021 Biennium

**Bill #** HB0168

**Title:** Require investigators for the office of public defender to be licensed

**Primary Sponsor:** Mortensen, Dale

**Status:** As Introduced

- Significant Local Gov Impact     
 Needs to be included in HB 2     
 Technical Concerns  
 Included in the Executive Budget     
 Significant Long-Term Impacts     
 Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2020 Difference</u>	<u>FY 2021 Difference</u>	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>
<b>Expenditures:</b>				
General Fund	\$9,780	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>(\$9,780)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** HB 168 will require investigators employed by the Office of State Public Defender to be licensed as investigators through the Board of Private Security (board). Application and renewal fees associated with obtaining and keeping a license are waived. One-time costs for rulemaking to implement HB 168 will be incurred. The Office of the Public Defender will incur one-time training costs.

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Labor and Industry (DLI)**

1. The board will draft rules to implement HB 168. There will be a five-page rule notice and a two-page adoption notice estimated to cost the board \$420 for printing and publication.
2. The board will notify 36 interested parties of a public hearing regarding the rule notice and direct them to the board website to review the notice and receive information on attending the hearing and/or how to provide public comment. The estimated one-time cost is \$36.
3. There will be hearing officer and court reporter present to conduct the two-hour hearing and provide a transcript of comments received. The estimated one-time cost is \$444.

4. The board will utilize additional legal services to draft the notice, assist in responses to comments, and prepare the adoption notice. The estimated one-time cost to the board is \$3,880.
5. The total estimated one-time cost for rulemaking is \$4,780.
6. HB 168 waives all fees for OPD investigators. Costs will be funded from General Fund.

**Office of the Public Defender (OPD):**

1. The OPD will incur an increase in training costs during the initial year to prepare current investigators for licensing. The estimated one-time cost for trainers, travel, and facilities is \$5,000.

	<u>FY 2020</u> <u>Difference</u>	<u>FY 2021</u> <u>Difference</u>	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>
<b><u>Fiscal Impact:</u></b>				
<b><u>Expenditures:</u></b>				
Operating Expenses	\$9,780	\$0	\$0	\$0
<b>TOTAL Expenditures</b>	<u>\$9,780</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$9,780	\$0	\$0	\$0
State Special Revenue (02)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL Funding of Exp.</b>	<u>\$9,780</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL Revenues</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	(\$9,780)	\$0	\$0	\$0
State Special Revenue (02)	\$0	\$0	\$0	\$0

**Technical Notes:**

1. Background checks as required for a private investigator license are payable to the Department of Justice. It is assumed the cost of a fingerprint and background check would be paid by the applicant or the Office of Public Defender on the applicant's behalf.
2. The bill does not address whether a license issued to an investigator pursuant to the bill terminates when there is a severance of employment between the investigator and the Office of Public Defender.
3. HB 168 does not provide oversight to determine if investigators must attend trainings to become certified.

  
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 Sponsor's Initials

  
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 Date

  
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 Budget Director's Initials

  
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 Date