

Multiple Agency Fiscal Note Summary

Bill Number: 5916 SB	Title: Indigent defense task force
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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 Public Defense	.0	47,903	47,903	47,903	.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 Financial Management	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	47,903	47,903	47,903	0.0	0	0	0	0.0	0	0	0

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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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 Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

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

Estimated Capital Budget Breakout

Prepared by: Gaius Horton, OFM	Phone: (360) 819-3112	Date Published: Final 1/22/2024
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Judicial Impact Fiscal Note

Bill Number: 5916 SB	Title: Indigent defense task force	Agency: 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: Kevin Black	Phone: (360) 786-7747	Date: 01/09/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/17/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/17/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/17/2024

190,305.00

Request # 059-1

Form FN (Rev 1/00)

1

Bill # 5916 SB

Part II: Narrative Explanation

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

The bill would amend Chapter 10.101 RCW reinstating the indigent task force to study the current system in Washington for providing representation to persons who could not otherwise afford counsel.

II. B - Cash Receipts Impact

None

II. C - Expenditures

The bill would not have any fiscal impact to the Administrative Office of the Courts or the Supreme Court. The assumption is that no staff from either the Administrative Office of the Courts or the Supreme Court would be staffing the task force.

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

None

190,305.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 5916 SB	Title: Indigent defense task force	Agency: 056-Office of Public Defense
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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
Account					
General Fund-State 001-1	9,814	38,089	47,903	0	0
Total \$	9,814	38,089	47,903	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: Kevin Black	Phone: (360) 786-7747	Date: 01/09/2024
Agency Preparation: Katrin Johnson	Phone: 360-586-3164 1	Date: 01/21/2024
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 01/21/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	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.

SB 5916 amends Chapter 10.101 RCW and reinstates an Indigent Defense Task Force.

Section 1(1) reinstates an Indigent Defense Task Force which was previously created in law through Chapter 156, Laws of 1988, and Chapter 409, Laws of 1989.

Section 1(2) addresses Task Force membership which shall consist of 14 members representing: the Office of the Governor, the Office of Financial Management, the Office of Public Defense, the Washington Supreme Court, the Washington State Bar Association, the Washington State Association of Counties, the Association of Washington Cities, the Washington Association of Prosecuting Attorneys, the Washington House of Representatives, and the Washington Senate.

Section 1(3) directs the Indigent Defense Task Force to review current indigent defense systems and submit a report by January 1, 2025. The report shall summarize public defense service models and staffing levels in Washington, consider public defense workload standards and recruitment needs in rural and underserved jurisdictions, consider alternative delivery systems, and make recommendations for improvement.

Section 1(4) directs OPD to provide staff support for the Indigent Defense Task Force.

Section 1(5) requires co-chairs to be chosen from among legislative members, and guides the convening of the first meeting

Section 1(6) identifies the chapters of the RCW for reimbursement of legislative and non-legislative members' travel expenses.

Section 1(7) permits, subject to appropriation, contracting with persons with specific technical expertise, if such expertise is necessary.

Section 1(8) provides an expiration date of June 30, 2026.

Section 2 declares this act as an emergency.

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.

SB 5916 includes an emergency clause, which makes the bill effective immediately following the governor's signature. OPD assumes the task force will be implemented by May 2024, and OPD further assumes that the Task Force will meet 10 times - five times in-person, and five times virtually by remote technology. A final report is due January 1, 2025.

1. Expenditure Object C - Professional Services Contracts

OPD will enter into a professional services contract with an attorney to staff the Indigent Defense Task Force. It is anticipated that they will spend, on average, 25 hours of work per meeting. The Indigent Defense Task Force will hold 10 meetings. The contract attorney will be paid \$150 per hour. The total cost for their work will be \$37,500. (\$150/hour x 25 hours/meeting x 10 meetings) The work will be split over nine months, May 2024 - January, 2025. The average cost per month is \$4,167 (\$37,500 / 9 months) Two months' of the contract attorney's work will take place in FY 2024, and will cost \$8,334. Seven month's of the contract attorney's work will be in FY 2025, and will cost \$29,169. (Due to rounding, the combined total between fiscal years is \$37,503.)

OPD will enter into professional services contracts with up to three subject matter specialists to report out virtually to the Indigent Defense Task Force on topics necessary for their research and work. It is anticipated that the subject matter

specialists will each be paid \$1,000 for preparing and giving a presentation to the Indigent Defense Task Force. It is anticipated that these specialists will be utilized in FY 2025. (\$1,000/presentation x 3 presentations)

2. Expenditure Object E - Goods and Other Services

The Indigent Defense Task Force will hold five half-day in-person meetings. OPD will hold the in-person meetings in the SeaTac area in order to be convenient for task force members attending from Eastern Washington.

Based on cost estimates provided by three potential vendors OPD anticipates costs associated with the rental of meeting space at a rate of \$850 per meeting. It is assumed that one in-person meeting will take place in FY 2024, and four in-person meetings will take place in FY 2025.

3. Expenditure Object G - Travel

The Indigent Defense Task Force will hold five half-day in-person meetings. OPD assumes that task force members will be reimbursed for travel by their government employers or appointing organizations as provided at Section 1(6) of the bill. For each in-person meeting OPD will reimburse travel expenses for the OPD Director and up to three additional OPD staff as well as the task force's contracted staff attorney. It is anticipated that OPD staff and the task force's contracted staff attorney will travel an average of 100 miles round-trip per meeting. Mileage is currently reimbursable at \$0.67/mile. It is also anticipated that pursuant to SAAM travel guidelines, these individuals will qualify for per diem for each meeting because of the travel time they will incur to set up, attend, and debrief from a half-day in-person meeting.

Travel expenses over both fiscal years are calculated at: \$1,675 (5 people x 100 miles x 5 meetings x \$0.67) + \$1,975 (5 people x \$79 per diem in King County x 5 meetings) = \$3,650. Split over five in-person meetings, the per-meeting travel cost is \$730. In FY 2024 there will be only one in-person meeting, costing \$730. In FY 2025 there will be four in-person meetings, costing \$2,920 (\$730 x 4).

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	9,814	38,089	47,903	0	0
Total \$			9,814	38,089	47,903	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	8,334	32,169	40,503		
E-Goods and Other Services	750	3,000	3,750		
G-Travel	730	2,920	3,650		
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	9,814	38,089	47,903	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

Bill Number: 5916 SB	Title: Indigent defense task force	Agency: 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: Kevin Black	Phone: (360) 786-7747	Date: 01/09/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/11/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/11/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/11/2024

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 Senate Bill 5906 reinstates the Indigent Defense Task Force to study the current system in Washington for providing representation to persons who could not otherwise afford counsel. This section expires on June 30, 2026.

Section 2 of the bill adds an emergency clause to take effect immediately after enactment.

The Governor's Office believes appointing the position to the task force will have a minimal, if any, fiscal impact.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 5916 SB	Title: Indigent defense task force	Agency: 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: Kevin Black	Phone: (360) 786-7747	Date: 01/09/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/11/2024
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 01/11/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/11/2024

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 Senate Bill 5906 reinstates the Indigent Defense Task Force to study the current system in Washington for providing representation to persons who could not otherwise afford counsel. The task force includes the director of OFM or their designee. This section expires on June 30, 2026.

Section 2 of the bill adds an emergency clause to take effect immediately after enactment.

OFM estimates participating in the task force can be accomplished with current resources and therefore doesn't have a fiscal impact.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5916 SB

Title: Indigent defense task force

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

Cities: Costs to attend and participate for appointed members of the Indigent Defense Task Force

Counties: Same as above

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs:

Legislation provides local option:

Key variables cannot be estimated with certainty at this time: Costs will depend on location of meetings and work required of members

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 01/10/2024
Leg. Committee Contact: Kevin Black	Phone: (360) 786-7747	Date: 01/09/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/10/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/11/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Sec. 1 adds a new section to RCW 10.101 to create the Indigent Defense Task Force. The members of the task force shall include two members appointed by the Washington State Bar Association, at least one of whom must currently provide indigent criminal defense representation; two members appointed by the Washington State Association of Counties, one from eastern Washington and one from western Washington; one member appointed by the Association of Washington Cities; and one member appointed by the Washington Association of Prosecuting Attorneys.

Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization.

This section expires June 30, 2026.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

The legislation would result in indeterminate costs for cities and counties.

It is not known whether meetings would be in person or conducted remotely, or a hybrid of the two. Nonlegislative members would not be entitled to receive travel reimbursements. Therefore, the Local Government Fiscal Note Program assumes that cities and counties would be responsible for the travel costs of members appointed to the Indigent Defense Task Force.

The members of the task force shall include two members appointed by the Washington State Bar Association, at least one of whom must currently provide indigent criminal defense representation; two members appointed by the Washington State Association of Counties, one from eastern Washington and one from western Washington; one member appointed by the Association of Washington Cities; and one member appointed by the Washington Association of Prosecuting Attorneys.

Staff from cities and counties serving on the Indigent Defense Task Force would also see costs associated with their time to participate, including time spent at meetings, preparing for meetings, and conducting other relevant business between meetings.

Total costs cannot be estimated at this time and are indeterminate.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The legislation would have no revenue impacts for local governments.