

Misc

PREPARED BY: Sandy Sostad
DATE PREPARED: February 24, 2011
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LB 625

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	\$290,845	\$327,750	\$246,756	\$437,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$290,845	\$327,750	\$246,756	\$437,000

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

LB 625 changes penalties for driving under the influence (DUI). The bill changes current law to make it mandatory for a court to order persons convicted of driving under the influence to apply for an ignition interlock permit. The permit may not be issued until the Department of Motor Vehicles (DMV) has sufficient evidence that an ignition interlock device is installed on any vehicle the person operates and that such a person is eligible to use a device. DMV is required to certify that certain incidents have not occurred in the three months prior to the restoration of a person's license after a DUI conviction.

The bill includes a new penalty for persons convicted of driving under the influence with a child fifteen years of age or younger as a passenger. The person is guilty of a Class IV felony and must serve at least 120 days imprisonment in jail. LB 625 also changes penalties for persons having one or more DUI convictions who are at .15 or above.

Expenditures: DMV estimates that about 11,000 people will be ordered to apply for interlock devices each year. Currently, about 1,800 people are using interlock devices, so the projected annual increase in users pursuant to the bill will be 9,200 individuals.

DMV will have increased expenditures to monitor the compliance of persons prior to the restoration of driving privileges. The department projects the need for 4.0 FTE to monitor compliance of all the applicants for ignition interlock devices. The estimated increase in cash funds for staff and operating expenses is \$252,845 in FY2011-12 and \$246,756 in FY2012-13. There will also be an estimated one-time cash fund expense of \$38,000 in FY2011-12 for computer programming to enroll and track persons with ignition interlock devices through the compliance and reinstatement process.

The new penalty imposed by the bill for persons convicted of DUI with a child in the vehicle will increase the number of persons incarcerated in the state. The increase in number is unknown as is any additional cost at the local or state level for persons jailed. Likewise, the change in penalties for persons having one or more DUI convictions of .15 or above will reduce the number of days that people are jailed for DUI convictions which may decrease costs in some instances.

Revenues: The bill requires individuals to apply to DMV for an ignition interlock device permit. Based upon an annual increase of 9,200 individuals obtaining ignition interlock devices pursuant to LB 625, there will be revenue increases from the \$47.50 fee which will accrue to the DMV Cash Fund and the Probation Cash Fund. The estimated increase in revenue based upon an implementation date in September of 2011 is as shown:

	Ignition Interlock Permit Fee	FY 2011-12	FY 2012-13
DMV Cash Fund	\$7.50	\$51,750	\$69,000
Probation Cash Fund	\$40.00	\$276,000	\$368,000
Total	\$47.50	\$327,750	\$437,000

There may also be an increase in revenue from fines assessed persons convicted of DUI with a child in the vehicle. Any increase in revenue is unknown and will accrue to the county where the infraction occurred for use by the public schools.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE 2/24/11	PHONE 471-2526
COMMENTS			
NEBRASKA DEPARTMENT OF MOTOR VEHICLES: No basis to dispute agency analysis for the DMV.			

NEBRASKA DEPARTMENT OF MOTOR VEHICLES LEGISLATIVE FISCAL

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ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	\$ 290,845	\$ 327,750	\$ 246,756	\$ 437,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$ 290,845	\$ 327,750	\$ 246,756	\$ 437,000

Explanation of Estimate:

LB 625 makes changes to the driving under the influence statutes. These changes will cause a significant workload increase to the DMV relating to monitoring of interlock device compliance. DMV estimates that approximately 11,000 individuals would be eligible for interlock devices. DMV must certify that certain incidents have occurred in the three months prior to restoring full driving privileges to those opting for the interlock device.

DMV would have to have an additional four FTE and develop an web-based computer system to enroll and monitor those with interlock devices. At this time, DMV does not have a reliable estimate as to how much such a system would cost but it would need to tie into the existing reinstatement process. For the purposes of this fiscal note \$38,000 will used as an estimate. DMV will also need additional appropriation to cover the increase in the number of interlock permits issued.

Additional Permits 9200 at \$4.87 ea. \$ 44,804

Revenues

LB 625 could increase the number of interlock permits issued by the departement. Potentially an additional 9,200 permits could be issued each year.

	FY2011-12	FY2012-13
Probation Cash Fund	\$ 276,000	\$ 368,000
DMV Cash Fund	\$ 51,750	\$ 69,000
Total Change in Revenues	\$ 327,750	\$ 437,000

MAJOR OBJECTS OF EXPENDITURE

POSITION TITLE	NUMBER OF POSITIONS		2011-2012	2012-2013
	11-12	12-13	EXPENDITURES	EXPENDITURES
Interlock Compliance Officers	3.0	3.0	\$ 103,459	\$ 105,528
Interlock Compliance Division Supervisor	1.0	1.0	\$ 36,213	\$ 36,937
Benefits			\$ 55,869	\$ 56,986
Operating			\$ 95,304	\$ 47,304
Travel				
Capital Outlay				
Aid				
Capital Improvements				
Total			\$ 290,845	\$ 246,756