

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2019-20		FY 2020-21	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS		\$113		\$113
CASH FUNDS	\$77,021	\$7,825		\$7,825
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$77,021	\$7,938		\$7,938

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 335 is the 24/7 Sobriety Program Act. The bill provides that each county, through its county sheriff or a designated entity may participate in a 24/7 sobriety program. The program must have a testing location or locations that can test twice a day, every day. A fee of no more than \$3.00 per day shall be established for participants to cover the setup and operation of the sobriety program. Reasonable program and testing fees may also be charged. These fees may be waived by a court if the person has an inability to pay.

The bill allows individuals who have been arrested for a driving under the influence violation who are participating in a 24/7 sobriety program to petition the court for an order allowing them to apply for a 24/7 sobriety program permit. If the individual is enrolled in the program and has gone at least 30 days without any sanctions, then the court shall issue an order allowing the individual to obtain a 24/7 sobriety program permit. Permits are only available for holders of a Class M or O operator’s license and are issued by the Department of Motor Vehicles (DMV).

The court may also place individuals in 24/7 sobriety programs as a condition of pretrial release and allow individuals to participate in the program as a condition of their bond. There must be no violations of any program conditions for drugs or alcohol after 30 days of testing in order to be in the program.

The fee for a sobriety program permit is \$15 which is remitted to the DMV Cash Fund (\$5) and the DMV Ignition Interlock Fund (\$10). The fee for a replacement sobriety program permit is \$11 which is remitted to the county (\$2.75), DMV Cash Fund (\$6), and the General Fund (\$2.25). The fee to add, change, remove a class, endorsement or restriction on a permit is \$5 and is remitted to the DMV Cash Fund.

DMV Expenditures: DMV will incur a one-time increase in expenditures to create a 24/7 sobriety program permit. The contractor for the department estimated a \$77,021 cash fund cost to create the permit. In addition, there will be an estimated 380 hours of programming by DMV staff which can be handled with existing staff and resources. The contract employee which DMV has at the OCIO will also have about 800 hours of programming related to the permit. This fiscal note assumes no increased costs for programming by the OCIO. If the contract employee cannot handle the increased programming, then the expenses for DMV may increase.

Revenues: It is unknown how many permits will be issued each year. DMV estimates the issuance of 500 sobriety permits, 50 replacements and 5 permits to change or add endorsements. The estimated fiscal impact is as follows:

	Est. #	DMV Cash Fund	Ignition Interlock Cash Fund	General Fund	County
Sobriety Permit	500	\$2,500	\$5,000		
Replacement Permit	50	\$300		\$113	\$138
Change or Endorsement	5	\$25			
Total Revenue		\$2,825	\$5,000	\$113	\$138

Supreme Court: The Supreme Court indicates the bill will increase the workload of the court in terms of computer programming related to the 24/7 sobriety program. The increased programming expenses can be handled with existing staff and resources. There also may be minimal costs related to educating judicial employees relative to the new program as well as modifications of bond forms and processes related to notifications to the DMV.

Counties: It is unknown how many counties will opt to participate in the 24/7 sobriety program act. Counties which opt to do so or designate an entity to operate a sobriety program will have increased set-up expenses for testing locations and on-going expenses to test participants in the programs. There will be costs to establish fee programs and track clients in the programs. It is assumed that fees charged to set-up, operate and provide testing will be sufficient to fund the testing programs.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 335	AM:	AGENCY/POLT. SUB: Nebraska Department of Motor Vehicles (024)
REVIEWED BY: Joe Wilcox	DATE: 01/24/2019	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Motor Vehicles estimate of potential Fiscal Impact to the Agency from LB 335.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 335	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court
REVIEWED BY: Lucas Martin	DATE: 2/12/2019	PHONE: (402) 471-4181
COMMENTS: No reason to disagree with Nebraska Supreme Court's assessment of no fiscal impact at this time.		

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2019

LB⁽¹⁾ 335

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Motor Vehicles

Prepared by: ⁽³⁾ Bart Moore Date Prepared: ⁽⁴⁾ January 23, 2019 Phone: ⁽⁵⁾ 402-471-3902

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS		113		113
CASH FUNDS	77,021	7,825		7,825
FEDERAL FUNDS				
OTHER FUNDS		137		137
TOTAL FUNDS	77,021	8,075		8,075

Explanation of Estimate:

There will be an increase in expenditures based on this legislation. The creation of a 24/7 permit will cost DMV \$77,021 (one time) based on an estimate received from our Contractor. There will also be an additional 380 hours of programming and testing by existing DMV staff which can be absorbed within current appropriation levels. We estimate this permit will take at least 800 hours of programming by the OCIO. We currently have a contract employee with the OCIO to perform programming. This work, in addition to our normal activities, will require significantly more time than is currently budgeted to the OCIO. If the OCIO requires additional resources be added for this project, the costs to the DMV will increase.

Revenues – The DMV estimates that 500 permits per year will be issued, 50 replacements will be issued and 5 add or change endorsements, based on the fees outlined in the bill the following revenue will be generated:

State General Fund \$112.50, DMV Cash Fund \$2,825, DMV Ignition Interlock Fund \$5,000, County General Funds \$137.50.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20 EXPENDITURES</u>	<u>2020-21 EXPENDITURES</u>
	<u>19-20</u>	<u>20-21</u>		
Benefits.....				
Operating.....			77,021	
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			77,021	

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2019

LB⁽¹⁾ 335

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/11/19 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Although the fiscal impact of LB335 is not estimated to be significant, the impact will include:

1. Additional education for judges
2. Modification to bond forms and processes related to the Department of Motor Vehicles
3. Adjustments to JUSTICE, the court case management system, for new court actions and judgment codes.

No additional resources required at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____