

Updated to reflect amendments adopted through April 9, 2009.

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *</b>				
	<b>FY 2009-10</b>		<b>FY 2010-11</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
CASH FUNDS	272,000	240,000	240,000	240,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	272,000	240,000	240,000	240,000

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

This bill, as amended, would change ignition interlock device provisions and penalties. The amended bill outright repeals the Ignition Interlock Device Fund. Monies in this fund are transferred to the Probation Cash Fund, and fees that are collected will now be deposited into the Probation Cash Fund instead of the Ignition Interlock Device Fund.

Probation Administration may use no more than 5% of the interlock permit revenue collected for administrative costs. Expenditures from the Probation Cash Fund may also be used to offset the cost of installing, removing, and maintaining an ignition interlock device when a defendant is determined to be indigent. The amended bill limits the amount of the expenditures to the amount of funds available from the interlock permit. The amended bill has the emergency clause.

The Ignition Interlock Device Fund was enacted last year and had an operative date of January 1, 2009. As of March 31, 2009, approximately \$8,000 had been received into this fund.

The Supreme Court's estimate regarding this bill follows:

Revenue: The Supreme Court estimates that \$240,000 in fee revenue per year could be deposited into the Probation Cash Fund. This amount assumes 6,000 offenders will be ordered to have an interlock permit (\$40/permit is deposited into the Probation Cash Fund). The number of offenders is based on an assumption that 75% of offenders on probation will be so ordered. In 2007, according to the Department of Motor Vehicles, there were approximately 10,700 alcohol-related convictions. As of December 2008, approximately 8,000 persons were on probation for such convictions.

Expenditures: Probation Administration may use no more than 5% of the revenue collected for administrative costs. Based on the Court's revenue estimate, this is a maximum of \$12,000. The Supreme Court states that this amount would be used to offset a portion of accounting staff salaries to reflect their time processing payments and notifying the appropriate courts of any violations.

The amended bill limits the amount of the expenditures to the amount of funds available so expenditures would be limited to \$240,000 based on the Court's revenue estimate. If \$12,000 is used for Probation Administration's administrative costs, this leaves \$228,000 that could be used to offset the cost of installing, removing, and maintaining an ignition interlock device when a defendant is determined to be indigent.

On-going revenue and expenditures are difficult to estimate and would be dependent on the number of offenders, the type of interlock device used, and length of probation.

The Department of Motor Vehicles (DMV) states that the amended bill adds additional language to the back of the permit indicating for which purposes the permit may be used. Previous changes to the driver license system cost \$32,000 to implement. This is a one-time expenditure.

DEPARTMENT OF ADMINISTRATIVE SERVICES

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<b>COMMENTS</b>					
NEBRASKA DEPARTMENT OF MOTOR VEHICLES (AM1015): This fiscal note on AM1015 is the same as that for AM627. No basis to dispute agency analysis.					
SUPREME COURT: No basis to disagree with agency analysis on AM1015 to LB 497.					