

FISCAL NOTE
Requested by Legislative Council
01/21/2013

Bill/Resolution No.: SB 2240

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$1,137,948		\$1,187,766
Expenditures			\$8,485,259	\$1,200,399	\$34,029,338	\$1,216,108
Appropriations			\$8,485,259	\$1,200,399	\$34,029,338	\$1,216,108

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for increased incarceration requirements, license marking, and the use of ignition interlock devices.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Estimated impact to Department of Corrections - To arrive at an estimate the DOCR obtained DUI conviction data from the State's District Courts from the period January 1, 2007 thru December 31, 2012. Over that time period there was a total of 19,331 DUI related convictions for an average of 3,222 DUI related convictions per year. The following assumptions were used: 1) All time incarcerated for 1st and 2nd DUI offenses will be served at the county level and will have no fiscal impact to the DOCR; 2) All time incarcerated for 3rd and 4th and subsequent DUI offenses will be served at DOCR or DOCR contracted facilities, and treated as Felony C offenses; 3) Estimated number of 3rd offense DUI's per year - 102 and estimated number of 4th and subsequent DUI's per year 213; 4) All DUI offenses occur evenly throughout the year; 5) Actual time incarcerated is equal to minimum sentence; 6) No probation; 7) No deterrent effect was used in the estimate. Important to note: in estimating the fiscal effect of this bill the same inmate population projection was used as that to build the 2013-15 DOCR executive recommendation. The current actual average inmate population as of December 2012 (1,536) already exceeds the estimated June 30, 2015 ending inmate population (1,490). If actual inmate populations continue to exceed the project 2013-15 inmate population, the reported fiscal effect of this bill is understated. Estimated impact to DOT: License issuance will increase. It is estimated that of the roughly 6900 DUI's we receive each year, 95% will be eligible for the marked license. Of these, it is estimated that 95% will want to get a new license without the mark after one year. This will drive 25,565 additional license prints per biennium, except for the 2013 biennium, which will be 19,337 due to implementation lag. Effective management of this program will require an additional FTE. The most significant increase is the requirement for the DOT to fund costs for interlock use of indigent offenders.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

DOT revenue from duplicate license fees: \$154,698 1st biennium and \$204,516 2nd biennium. DOT revenue from non-indigent defendants: \$983,250 1st biennium and \$983,250 2nd biennium. Total revenue: \$1,137,948 1st biennium and \$1,187,766 2nd biennium.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The Department of Corrections impact was determined by estimating 102 3rd offenses per year and 213 4th or more offenses per year. These offenses would increase the prison population by 157 in FY14, 411 in FY15, 626 in FY16 and 845 in FY17. This would cause DOCR facilities to reach capacity in FY14 resulting in a need to contract for additional bed space as follows: FY15 - 257, FY16 - 475 and FY17 - 698. Costs estimated for the purpose of this fiscal note include medical, food, and contract housing. Est Fiscal Impact 2013-15 - \$8.5 million. Est Fiscal Impact 2015-17 - \$34 million. The DOT impact was determined by estimating number of DUI convictions received (6900) and using 95% for marked licensing (6555) and 95% for re-licensing (6227). We also used a 25% calculus for the number of indigents the DOT would fund for interlock use (1639). NDDOT's costs to implement this program during the first biennium would consist of training (\$1,200), IT costs (\$8,000), additional license card costs (\$77,349), 1 FTE (\$130,000), interlock device costs (\$983,850). Total first biennium NDDOT costs would be \$1,200,399. Second biennium NDDOT costs would total \$1,216,108

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Department of Corrections and the Department of Transportation would require additional appropriations as follows: 2013 Biennium: Dept of Corrections \$8,485,259 + NDDOT \$1,200,399 = \$9,685,658 2015 Biennium: Dept of Corrections \$34,029,338 + NDDOT \$1,216,108 = \$35,245,446

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