

# FISCAL NOTE

Requested by Legislative Council

01/21/2003

Bill/Resolution No.: HB 1439

1A. **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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$1,350,600		\$1,350,600
Expenditures				\$47,638		
Appropriations				\$47,638		

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill addresses several issues in regard to driving while under the influence of alcohol and/or drugs. Most notably, it reduces the BAC from the present .10% to .08%; assesses a \$100 surcharge for each violation of section 39-08-01 or chapter 39-20, which shall be deposited in a special fund, subject to legislative appropriation, to purchase law enforcement equipment; increases fines, with the addition of more stringent fines based on the violators' level of BAC; and adds that any money collected from the seizure, forfeiture, and sale or disposition of motor vehicles for violations under this section shall be deposited in a special fund for alcohol/drug treatment, rehabilitation, prevention, and education programs.

Although the state fiscal impact is minimal should .08% BAC be passed (HB1161 specifically addresses .08% BAC passage), the federal dollars the state will not receive are quite dramatic if .08% BAC legislation is not enacted. Beginning in 2004, the penalty starts at 2% of certain federal highway funds and grows 2% each year through 2007. After that, the annual loss is 8%. The loss of federal highway funds is estimated at \$2.8 million in 2004, \$5.7 million in 2005, \$8.5 million in 2006, and \$11.3 million in 2007, and thereafter.

The NDDOT has no information on money collected annually from the seizure, forfeiture, and sale or disposition of motor vehicles, or the present jail times assessed per individual, per conviction. Therefore, this NDDOT fiscal note does not include any additional revenue and/or expenditures relative to those aspects of HB1439.

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.*

The revenue figures are based on the following

A. Passage of the \$100 surcharge, for either violation of section 39-08-01 or 39-20, amounts to \$800,000 per biennium (based on past history, the NDDOT processes approximately 4,000 convictions per year, additional \$100 per conviction).

B. During 2001, there were a total of 2,753 convictions in violation of 39-08-01, averaging \$459 per fine, per

conviction. Assuming an average additional fine of \$100 per DUI offense with an average of 2,753 convictions per year, the additional revenue generated from this provision would be \$275,300 per year (\$550,600 per 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.*

Computer software would need to be upgraded to handle the change in suspension/dates of convictions and new alcohol content change (.08% BAC). The programming charges are \$29,638 and \$8,000, respectively. An additional \$10,000 for printing of forms, manuals, and public information efforts is included.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The proposed budget for the biennium did not include this proposed legislation. Additional appropriation would be necessary to accommodate the change.

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