

PREPARED BY:
DATE PREPARED:
PHONE:

Doug Nichols
March 2, 2011
471-0052

LB 667

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	See the Supreme Court's response below	(117,500)		(192,500)
CASH FUNDS	(849,663)	(68,750)	(849,663)	(118,750)
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(849,663)	(186,250)	(849,663)	(311,250)

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

This bill would change provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation.

LB667 repeals Administrative License Revocation (ALR). The bill outright repeals the following sections:

- 60-498.01 Driving under influence of alcohol; operator's license; confiscation and revocation; procedures; appeal.
- 60-498.02 Driving under influence of alcohol; revocation of operator's license; reinstatement; procedure; eligibility for employment driving permit and ignition interlock permit.
- 60-498.03 Operator's license revocation decision; notice; contents.
- 60-498.04 License revocation; appeal; notice of judgment.
- 60-6,197.05 Driving under influence of alcoholic liquor or drugs; implied consent to chemical test; revocation; effect.

The following table summarizes the impact of this bill to Department of Motor Vehicles. The DMV response follows this table:

EXPENDITURE IMPACT:	FY2011-2012	FY2012-2013	FY2011-2012	FY2012-2013
ITEMS	Number of Positions		Expenditures	
Administrative Assistant II	(1.00)	(1.00)	(42,777)	(42,777)
Attorney II	(3.00)	(3.00)	(154,510)	(154,510)
Staff Assistant II	(3.00)	(3.00)	(103,507)	(103,507)
Word Processing Specialist	(1.00)	(1.00)	(33,270)	(33,270)
Bumping Right Costs			4,400	4,400
Benefits			(147,008)	(147,008)
Operating			(408,160)	(408,160)
Card production costs for interlock permits issued: 8,700 per year at a cost of \$4.87 each			42,369	42,369
Travel			(7,200)	(7,200)
Total Expenditure Impact (DMV Cash Fund)	(8.00)	(8.00)	(849,663)	(849,663)

REVENUE IMPACT:				
Driver license reinstatement fees reduced by 2,300:				
State General Fund			\$ (97,500)	\$ (172,500)
DMV Cash Fund			\$ (65,000)	\$ (115,000)
Subtotal			\$ (162,500)	\$ (287,500)
500 ALR work driving permits will be eliminated:				
General Fund			\$ (20,000)	\$ (20,000)
DMV Cash Fund			\$ (3,750)	\$ (3,750)
Subtotal			\$ (23,750)	\$ (23,750)
Total Revenue Impact By Fund Source:				
General Fund			(117,500)	(192,500)
DMV Cash Fund			(68,750)	(118,750)
Total Change in Revenues			(186,250)	(311,250)

DMV's response follows:

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

Fund Source:	FY2011-2012		FY2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS		(117,500)		(192,500)
DMV CASH FUNDS	(849,663)	(68,750)	(849,663)	(118,750)
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(849,663)	(186,250)	(849,663)	(311,250)

LB 667 changes provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation.

Expenditures

The Administrative License Revocation (ALR) process would be eliminated by LB 667. Currently, 12 employees have varying degrees of involvement in the process. An analysis of the work that would remain, indicates that four FTE will be needed to handle the workload. Major workload items include hearings for International Fuel Tax Agreement (IFTA), International Registration Plan (IRP), and .04 CDL Revocations, promulgate agency rules and regulations, agency contract preparation and review, annual review and approval of STOP programs and instructor certifications, investigate and prepare recommendations for Pardon's Board reprieve program, administer Lemon Law activity, legislation preparation and monitoring and other general agency related legal work.

Positions that would be eliminated include

Position	#FTE	FY 11 Salary
Administrative Assistant II	1.0	\$42,777
Attorney II	3.0	\$154,510
Staff Assistant II	3.0	\$103,507
Word Processing Specialist	1.0	\$33,270
Total Personal Services	8.0	\$334,064

The amount of the PSL savings would be reduced by the cost of employee bumping rights. Most of the affected employees are long-time state employees who have seniority bumping rights over other employees in the agency. This will have a rippling affect throughout various DMV divisions. The net cost of the employee bumping rights is \$4,400 per year.

	FY2011-2012	FY2012-2013	FY2011-2012	FY2012-2013
POSITION TITLE	Number of Positions		Expenditures	
Various (see above)	(8.00)	(8.00)	(334,064)	(334,064)
Bumping Right Costs			4,400	4,400
Benefits			(147,008)	(147,008)
Operating			(365,791)	(365,791)
Travel			(7,200)	(7,200)
Total	(8.00)	(8.00)	(849,663)	(849,663)

Operating Costs would be reduced by:

Eliminating all outside attorney services for hearing officers and to the Office of Attorney General for ALR appeals and ALR transcript fees, and by reducing associated general operating such as postage, communications, office supplies. Costs associated with travel needs will also be reduced. The total reduction for operations is \$408,160 including \$200,000 to the Attorney General Office for ALR appeal services and \$7,200 in travel expenses.

DMV would expect costs to increase for card production due to an increase in the number of interlock permits issued. DMV estimates an increase of 8,700 per year at a cost of \$4.87 each for an annual increase of \$42,369.

Revenues

Without ALR, driver license reinstatement fees will be reduced by an estimated 2,300 reinstatements.

Revenue Change	FY2011-12	FY2012-13
State General Fund	\$ (97,500)	\$ (172,500)
DMV Cash Fund	\$ (65,000)	\$ (115,000)
	\$ (162,500)	\$ (287,500)

ALR work driving permits will be eliminated

	#	FY2011-12	FY2012-13
State General Fund	500	\$ (20,000)	\$ (20,000)
DMV Cash Fund		\$ (3,750)	\$ (3,750)
Total Change in Revenues		\$ (23,750)	\$ (23,750)

The Attorney General estimates no fiscal impact from the provisions of this bill.

The Nebraska Department of Correctional Services (NDCS) estimates an indeterminate impact from this bill and their response follows:

LB667 changes provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation.

Sections that may impact the Nebraska Department of Correctional Services include the following:

Sec 3, which amends the motor vehicle homicide statutes. The bill provides that motor vehicle homicide shall be treated as a separate and distinct offense from any other offense, and shall be consecutive to any other sentence imposed...

Section 3 Discussion: There were 13 admissions in 2008; 9 admissions in 2009; and 8 admissions in 2010 for motor vehicle homicide. The terms range from 0-1 year to 45 to 45 years. Out of these 30 admissions, 13 were also sentenced for other offenses, ranging from criminal mischief, to leaving the scene, to another count of motor vehicle homicide, to manslaughter. Of these 13, seven are serving concurrent sentences. If the sentence for motor vehicle homicide was changed to be

consecutive to any other sentence, significant time could be added to an inmate's sentence. The specific fiscal impact is not determinable, but could be significant. .

Sec 21, which amends 53-180-05. The provisions amend the penalty relating to selling or providing alcoholic liquors to minors or persons who are mentally incompetent. (53-180). The bill provides that a person violating section 53-180 shall be guilty of a Class III felony (penalty of 1-5 years imprisonment) if consumption of the alcoholic liquor provided by such person proximately caused serious bodily injury or death to the person consuming it or to another person..

Section 21 Discussion: This is a new felony penalty. NDCS is not able to determine the fiscal impact of this provision.

DCS current inmate population is 4,575 (2/1/2011 Tuesday Count)
The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625/yr.

The Supreme Court estimates that just for Douglas and Lancaster County, estimated expenditures could increase by \$97,000 per year. Their response follows:

LB 667, as introduced, contains several provisions which would significantly impact judicial and staff workload and resources. For example, the number of hearings before judges will increase since hearings will no longer be heard before the Department of Motor Vehicles (DMV). Although county courts throughout Nebraska will be affected, the county courts in Douglas and Lancaster County will be used as examples to illustrate the potential impact. According to DMV statistics, 5,664 petitions for hearing were received in CY 2010. It is estimated that approximately 50%, or 2,800, of the hearings are held in Douglas County and another 15%, or 850, in Lancaster County. Given the assumptions of 15 minutes per hearing and the need for a minimum of two court staff, not including the judge, required to be in the courtroom, there would be a greater demand on judicial resources and additional court staff required. Assuming one additional Records Clerk in Douglas County and a .5 FTE Records Clerk in Lancaster County, and related equipment, the additional General Fund expenditures would be approximately \$97,000 each fiscal year.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE	1/25/11	PHONE	471-2526
COMMENTS					
ATTORNEY GENERAL: No basis to dispute agency analysis for the Attorney General. DEPARTMENT OF CORRECTIONAL SERVICES: No basis to dispute agency analysis for DCS. DEPARTMENT OF MOTOR VEHICLES: No basis to dispute agency analysis for the DMV.					

REV

Jan 25 2011

FISCAL NOTE LB667
Attorney General

Prepared By	Freudenberg, John
Date Prepared	1/25/2011
Prepared Phone	402-471-2687

LEGISLATIVE FISCAL

Estimate Provided By State Agency or Political Subdivision

	FY 2011-2012		FY 2012-2013	
	Expenditures	Revenue	Expenditures	Revenue
General Funds	0		0	
Cash Funds				
Federal Funds				
Other Funds				
Total Funds	0		0	

Explanation of Estimate:

No Fiscal Impact.

Major Objects of Expenditure

Position Title	Number of Positions		FY 2011-2012	FY 2012-2013
	FY 2011-2012	FY 2012-2013	Expenditures	Expenditures
		Benefits		
		Operating		
		Travel		
		Capital outlay		
		Aid		
		Capital improvements		
		Total		

RECEIVED

FEB 15 2011

LEGISLATIVE FISCAL

2011

Please complete ALL (5) blanks in the first three lines.

LB 667 FISCAL NOTE

State Agency OR Political Subdivision Name: (2) DEPARTMENT OF CORRECTIONAL SERVICES

Prepared by: (3) Kate Morris

Date Prepared: (4) 2/14/2011 Phone: (5) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	see below	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB667 changes provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation.

Sections that may impact the Nebraska Department of Correctional Services include the following:

Sec 3, which amends the motor vehicle homicide statutes. The bill provides that motor vehicle homicide shall be treated as a separate and distinct offense from any other offense, and shall be consecutive to any other sentence imposed...

Section 3 Discussion: There were 13 admissions in 2008; 9 admissions in 2009; and 8 admissions in 2010 for motor vehicle homicide. The terms range from 0-1 year to 45 to 45 years. Out of these 30 admissions, 13 were also sentenced for other offenses, ranging from criminal mischief, to leaving the scene, to another count of motor vehicle homicide, to manslaughter. Of these 13, seven are serving concurrent sentences. If the sentence for motor vehicle homicide was changed to be consecutive to any other sentence, significant time could be added to an inmate's sentence. The specific fiscal impact is not determinable, but could be significant. .

Sec 21, which amends 53-180-05. The provisions amend the penalty relating to selling or providing alcoholic liquors to minors or persons who are mentally incompetent. (53-180). The bill provides that a person violating section 53-180 shall be guilty of a Class III felony (penalty of 1-5 years imprisonment) if consumption of the alcoholic liquor provided by such person proximately caused serious bodily injury or death to the person consuming it or to another person..

Section 21 Discussion: This is a new felony penalty. NDCS is not able to determine the fiscal impact of this provision.

DCS current inmate population is 4,575 (2/1/2011 Tuesday Count)

The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625/yr.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011 -2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Other				
Capital improvements				
TOTAL				

FEB 24 2011

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

LEGISLATIVE

Prepared by: Gary Ryken

Date Prepared:

24-Feb-11

Phone: 471-3902

Fax: 471-9594

Email: gary.ryken@nebraska.gov

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS		\$ (117,500)		\$ (192,500)
DMV CASH FUNDS	\$ (849,663)	\$ (67,500)	\$ (849,663)	\$ (118,750)
FEDERAL FUNDS				
PROBATION CASH		\$ (20,000)		\$ (20,000)
TOTAL FUNDS	\$ (849,663)	\$ (205,000)	\$ (849,663)	\$ (331,250)

Explanation of Estimate:

LB 667 changes provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation.

Expenditures

The Administrative License Revocation (ALR) process would be eliminated by LB 667. Currently, 12 employees have varying degrees of involvement in the process. An analysis of the work that would remain, indicates that four FTE will be needed to handle the workload. Major workload items include hearings for IFTA, IRP and .04 CDL Revocations, promulgate agency rules and regulations, agency contract preparation and review, annual review and approval of STOP programs and instructor certifications, investigate and prepare recommendations for Pardon's Board reprieve program, administer Lemon Law activity, legislation preparation and monitoring and other general agency related legal work.

		FY 11	
Positions that would be eliminated include	#FTE	Salary	
Administrative Assistant II	1.0	\$ 42,777	
Attorney II	3.0	\$ 154,510	
Staff Assistant II	3.0	\$ 103,507	
Word Processing Specialist	1.0	\$ 33,270	
Total Personal Services	8.0	\$ 334,064	

The amount of the PSL savings would be reduced by the cost of employee bumping rights. Most of the affected employees are long-time state employees who have seniority bumping rights over other employees in the agency. This will have a rippling affect throughout various DMV divisions. The net

MAJOR OBJECTS OF EXPENDITURE

POSITION TITLE	NUMBER OF POSITIONS		2011-2012	2012-2013
	11-12	12-13	EXPENDITURES	EXPENDITURES
Various (see above)	-8.0	-8.0	\$ (334,064)	\$ (334,064)
Bumping Right Costs			\$ 4,400	\$ 4,400
Benefits			\$ (147,008)	\$ (147,008)
Operating			\$ (365,791)	\$ (365,791)
Travel			\$ (7,200)	\$ (7,200)
Capital Outlay				
Aid				
Capital Improvements				
Total			\$ (849,663)	\$ (849,663)

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

Prepared by: Gary Ryken

Date Prepared: 24-Feb-11

Phone: 471-3902

Fax: 471-9594

Email: gary.ryken@nebraska.gov

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

cost of the employee bumping rights is \$4,400 per year.

Operating Costs would be reduced by:

Eliminating all outside attorney services for hearing officers and to the Office of Attorney General for ALR appeals and ALR transcript fees, and by reducing associated general operating such as postage, communications, office supplies. Costs associated with travel needs will also be reduced. The total reduction for operations is \$408,160 including \$200,000 to the Attorney General Office for ALR appeal services and \$7,200 in travel expenses.

DMV would expect costs to increase for card production due to an increase in the number of interlock permits issued. DMV estimates an increase of 8,700 per year at a cost of \$4.87 each for an annual increase of \$42,369.

Revenues

Without ALR, driver license reinstatement fees will be reduced by an estimated 2,300 reinstatements.

Revenue Change	FY2011-12	FY2012-13
State General Fund	\$ (97,500)	\$ (172,500)
DMV Cash Fund	\$ (65,000)	\$ (115,000)
	<u>\$ (162,500)</u>	<u>\$ (287,500)</u>

ALR work driving permits will be eliminated

	#	FY2011-12	FY2012-13
State General Fund	500	\$ (20,000)	\$ (20,000)
DMV Cash Fund		\$ (2,500)	\$ (3,750)
Total Change in Revenues		<u>\$ (22,500)</u>	<u>\$ (23,750)</u>

Please complete ALL (5) blanks in the first three lines.

LB⁽¹⁾ 667 FISCAL NOTE

LEGISLATIVE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/28/11 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below		See Below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 667, as introduced, contains several provisions which would significantly impact judicial and staff workload and resources. For example, the number of hearings before judges will increase since hearings will no longer be heard before the Department of Motor Vehicles (DMV). Although county courts throughout Nebraska will be affected, the county courts in Douglas and Lancaster County will be used as examples to illustrate the potential impact. According to DMV statistics, 5,664 petitions for hearing were received in CY 2010. It is estimated that approximately 50%, or 2,800, of the hearings are held in Douglas County and another 15%, or 850, in Lancaster County. Given the assumptions of 15 minutes per hearing and the need for a minimum of two court staff, not including the judge, required to be in the courtroom, there would be a greater demand on judicial resources and additional court staff required. Assuming one additional Records Clerk in Douglas County and a .5 FTE Records Clerk in Lancaster County, and related equipment, the additional General Fund expenditures would be approximately \$97,000 each fiscal year.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				