

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS		\$7,163		\$7,613
CASH FUNDS	\$108,421	\$12,825		\$12,285
FEDERAL FUNDS				
OTHER FUNDS		\$2,637		\$2,637
TOTAL FUNDS	\$108,421	\$23,075		\$23,075

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

LB 271 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 or every day and participants may elect to utilize a continuous alcohol monitoring device or similar technology. Costs for the continuous alcohol monitoring device or similar technology would be the responsibility of the participant. The sheriff or designated entity must establish a reasonable fee to cover the setup and operation of a 24/7 sobriety program. Reasonable program and testing fees may be charged and may vary by participant depending on the technology employed and reason the individual is in the program. 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).

Courts 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.

The fee for a sobriety program permit is \$45 which is remitted to the DMV Cash Fund (\$25), General Fund (\$15), and to the County General Fund of the participants county of residence (\$5). 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:

The DMV would 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. However, the DMV estimates that 400 of the 800 hours will be additional billable hours due to the workload of the contract employee. The cost associated with these hours is \$31,400 in FY22.

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

Revenue Estimate				
	Permits Issued	Permit Replacements	Change Endorsement	Total
DMV Cash Fund	\$12,500	\$300	\$25	\$12,825
General Fund	\$7,500	\$112.50	~	\$7,612.50
County General Fund	\$2,500	\$137.50	~	\$2,637.50

(continued)

*As a definition of "designated entity" is not contained in the bill, a city is an entity who could be designated by the county sheriff to provide a 24/7 Sobriety Program. Thus, fiscal notes from the cities of Imperial and Omaha were requested.

The City of Imperial and Crime Commission have indicated no fiscal impact is present. There is no basis to disagree.

The Supreme Court expects additional costs related to the education of judges and court staff, modifications to the Judicial Branch Case Management System (JUSTICE), new forms and procedures for working with the DMV, and a potential increase in judicial workload for additional hearings. However, they indicate these potential new costs can be absorbed within their existing appropriation.

The City of Omaha indicates there would be costs associated with operation of a 24/7 Sobriety Program; a designated officer to conduct testing and submit evidence, testing costs, purchase of a new breathalyzer machine (and annual maintenance/repair). Total costs are \$99,758 in FY22 and \$85,758 in FY23. Ongoing annual costs would appear to mirror the FY23 estimate.

Lancaster County provided estimates for operating expenses and staff using an assumption that 150 individuals would participate in FY22 and 200 in FY23. FY22 expenditures are estimated to be \$104,532 and FY23 expenditures to be \$124,813. Fee revenue is estimated to be \$109,500 in FY22 and \$146,000 in FY23.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 271	AM:	AGENCY/POLT. SUB: Nebraska Department of Motor Vehicles (24)
REVIEWED BY: Joe Wilcox	DATE: 01/15/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Motor Vehicles (DMV) estimate of potential one-time expenditure impact for the Agency from LB 271, or the estimated General Fund and Cash Fund Revenue impact from the bill.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 271	AM:	AGENCY/POLT. SUB: City of Imperial
REVIEWED BY: Joe Wilcox	DATE: 01/13/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Imperial estimate of No Fiscal Impact to the City from LB 271.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 271	AM:	AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (78)
REVIEWED BY: Joe Wilcox	DATE: 01/21/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of No Fiscal Impact to the Agency from LB 271.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 271	AM:	AGENCY/POLT. SUB: City of Omaha
REVIEWED BY: Joe Wilcox	DATE: 01/20/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Omaha estimate of potential Fiscal Impact to the City from LB 271.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 271	AM:	AGENCY/POLT. SUB: Lancaster County
REVIEWED BY: Joe Wilcox	DATE: 01/21/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Lancaster County estimate of potential Fiscal Impact to the County, from LB 271.		

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

2021

LB⁽¹⁾ 271

FISCAL NOTE

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

Prepared by: ⁽³⁾ Bart Moore Date Prepared: ⁽⁴⁾ January 15, 2021 Phone: ⁽⁵⁾ 402-471-3902

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS		7,612		7,612
CASH FUNDS	108,421	12,825		12,825
FEDERAL FUNDS				
OTHER FUNDS		2,637		2,637
TOTAL FUNDS	<u>108,421</u>	<u>23,075</u>		<u>23,075</u>

Explanation of Estimate:

Expenditures - 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 would need to be absorbed within current appropriation levels. We estimate this permit will take at least 800 hours of programming by the OCIO. We currently have an OCIO contracted employee that would be able to perform some of this programming, however due to the extensive programming requirement, we estimate 400 billable hours will be necessary for the OCIO to complete the programming. The estimated cost of this work will be \$31,400.

The DMV Cash Fund is not positioned to support these significant one-time expenditures. Therefore, an alternative funding source will need to be identified to offset these costs should this legislation be enacted.

Revenues – The DMV estimates that 500 permits per year will be issued, 50 replacement permits will be issued and 5 add or change endorsements will be necessary. The revenue generated based on the fee schedule will be:

DMV Cash Fund	\$12,825.00
State General Fund	\$7,612.50
County General Fund	\$2,637.50

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22 EXPENDITURES</u>	<u>2022-23 EXPENDITURES</u>
	<u>21-22</u>	<u>22-23</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

2021

LB⁽¹⁾ 271

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ City of Imperial

Prepared by: ⁽³⁾ Jo Leyland Date Prepared: ⁽⁴⁾ 01/13/2021 Phone: ⁽⁵⁾ 308-882-4368

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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:

No fiscal impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	=====	=====	=====	=====

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

2021

LB⁽¹⁾ 271

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ NE Commission on Law Enforcement and Criminal Justice
(Crime Commission)

Prepared by: ⁽³⁾ Bruce Ayers Date Prepared: ⁽⁴⁾ 1-20-2021 Phone: ⁽⁵⁾ 402-471-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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: LB 271 has no fiscal impact on the Crime Commission.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2021

LB⁽¹⁾ 271

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ City of Omaha

Prepared by: ⁽³⁾ Tyler Leimer Date Prepared: ⁽⁴⁾ 1/20/2021 Phone: ⁽⁵⁾ (402) 444-4514

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$99,758		85,758	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

This bill proposes sobriety testing twice a day as a diversion program to ensure individuals arrested for DUI are remaining sober. There are many potential factors that could fiscally impact OPD including whether or not OPD would provide designated testing sites, possible participation fees required by the defendant, use of daily testing devices versus continuous testing technology (i.e. interlock breath testing device), etc.

Some of the costs associated with the daily use of testing devices (if OPD were a designated testing site) would be maintenance & repair of breathalyzer/datamaster machines due to the increased test load, as well as dedicated staff to regularly conduct all the incoming tests for participants.

Uniform Patrol Bureau: \$85,758.40 annually.

- Designated officer to conduct breath tests & submit evidence into property if blood or urine tests are administered (blood & urine tests are approximately \$100 each at contracted hospitals) = \$85,758.40

Forensics Investigation Unit: \$14,000.00 1st year.

- Datamaster/breathalyzer annual maintenance & repair = \$5,000.00
- 1 new Datamaster breathalyzer machine = \$9,000.00

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22 EXPENDITURES</u>	<u>2022-23 EXPENDITURES</u>
	<u>21-22</u>	<u>22-23</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

2021

LB⁽¹⁾ 271

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County

402-441-3603

Prepared by: ⁽³⁾ Kim Etherton Date Prepared: ⁽⁴⁾ 1/15/2021 Phone: ⁽⁵⁾ 402-441-3603

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>104,532</u>	<u>109,500</u>	<u>124,813</u>	<u>146,000</u>
CASH FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
FEDERAL FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
OTHER FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL FUNDS	<u>104,532</u>	<u>109,500</u>	<u>124,813</u>	<u>146,000</u>

Explanation of Estimate:

Expenditures:

21-22: Estimates are based on 25% of current staff time, including Drug Testing Coordinator and 2 part-time Drug Screening Technician. Operating expenses include contract for respite for relapse, testing supplies, interpreter fees and office equipment.

22-23: Estimates are based on 25% of current staff time (Coordinator and 3 part-time testing techs) including COLA. Operating expenses include contract for respite for relapse, testing supplies, interpreter fees and office equipment.

Revenues: Estimates based on 150 individuals FY21-22 and 200 individuals 22-23.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Drug Testing Coordinator	<u>.25</u>	<u>.25</u>	<u>15,045</u>	<u>15,587</u>
Drug Screening Technician	<u>1.0</u>	<u>1.5</u>	<u>33,744</u>	<u>52,437</u>
Benefits.....			<u>18,428</u>	<u>20,359</u>
Operating.....			<u>37,315</u>	<u>36,430</u>
Travel.....			<u>0.00</u>	<u>0.00</u>
Capital outlay.....			<u>0.00</u>	<u>0.00</u>
Aid.....			<u>0.00</u>	<u>0.00</u>
Capital improvements.....			<u>0.00</u>	<u>0.00</u>
TOTAL.....			<u>104,532</u>	<u>124,813</u>

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2021

LB⁽¹⁾ 271

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/11/2021 Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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:

LB271 would have the following impact:

1. Additional education for judges and court staff
2. Modifications to JUSTICE, the Judicial Branch case management system for a new petition process and court actions.
3. New forms and procedures for integrating with the Department of Motor Vehicles
4. Potential increase in judicial workload for additional hearings.

Creating a 24/7 sobriety program is voluntary for each county. The initial state-wide financial impact is not estimated to be significant. 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>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____