



## Fiscal Estimate Narratives

DHS 5/6/2013

LRB Number	13-0794/1	Introduction Number	AB-0032	Estimate Type	Original
<b>Description</b> Tribal treatment facility participation in the intoxicated driver program					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, an individual convicted of operating a motor vehicle while intoxicated (OWI) is required to pay a \$365 drivers improvement surcharge, among other fines and fees. Sixty percent of these dollars are retained by the county; the remaining forty percent are distributed by the Department of Administration to five state agencies, including the Department of Health Services (DHS). DHS distributes its allocation back to counties through supplemental grants to offset costs related to intoxicated driver services.

Under current law, an individual convicted of OWI is also required to schedule an intoxicated driver assessment at an authorized assessment facility in the individual's county of residence. The assessment is used to develop a driver safety plan, an individualized plan that specifies recommended treatment, education, other services, or a combination of these, directed toward reducing an individual's inclination to drive under the influence of a controlled substance.

Under current Administrative Rule DHS Ch. 62, a county board must designate a single assessment facility in its county. The Department administers standards for intoxicated driver assessments under Administrative Rule DHS Chapter 62 and treatment standards for certified substance abuse programs under Administrative Rule DHS Chapter 75.

AB 32 directs the Department to authorize a tribal facility to conduct assessments and prepare driver safety plans, if the tribal treatment facility agrees to several conditions. The bill allows an offender who is a tribal member or the family member of a tribal member to receive services at a tribal facility and specifies that a tribal facility may both conduct assessments and provide treatment, including traditional tribal treatment modes.

In addition, AB 32 specifies that a county remit to a tribal facility the county share of the driver improvement surcharge paid by an individual treated at a tribal facility and that tribal facilities are eligible for supplemental grant funds from DHS' allocation of surcharge dollars. The bill contains additional requirements for DOT.

This bill is not expected to have a fiscal impact on the Department. The Department will need to make changes to Administrative Rule DHS 62 to permit more than one authorized assessment facility per county and may experience additional workload if certification is required of tribal treatment facilities. This can be absorbed using existing resources.

This bill is expected to increase costs and decrease revenues to counties, but the precise fiscal impact cannot be estimated. County human service agencies will experience additional administrative workload to coordinate and manage: 1) an individual's completion of the driver assessment and treatment plan with the tribal treatment facility and the Department of Transportation and 2) the remittance of the county-retained portion of the driver improvement surcharge to the tribal facility proportionate to the number of individuals that are treated at the tribal facility. Counties that are eligible for the DHS supplemental grants would also likely see a reduction in the award level as more agencies (county and/or tribal) are potentially eligible for the grant awards. However, it is uncertain how many tribal facilities will be authorized, the number of individuals who will be treated at tribal facilities, or the number of agencies (county and/or tribal) that will apply for supplemental grants. Because of this uncertainty, the precise fiscal impact to counties is indeterminate.

### Long-Range Fiscal Implications