

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

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|------------------------------------|---|
| LRB Number 09-1424/1 | Introduction Number AB-0218 |
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Description
 Penalty surcharges, court fees, drivers' records, and drug and alcohol assessment for persons who commit certain offenses relating to driving while intoxicated

Fiscal Effect

State:

| | | |
|---|--|--|
| <input type="checkbox"/> No State Fiscal Effect | <input checked="" type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Increase Existing Appropriations | | <input type="checkbox"/> Decrease Costs |
| <input type="checkbox"/> Decrease Existing Appropriations | | |
| <input type="checkbox"/> Create New Appropriations | | |

Local:

| | | |
|--|---|---|
| <input type="checkbox"/> No Local Government Costs | | |
| <input type="checkbox"/> Indeterminate | | |
| 1. <input type="checkbox"/> Increase Costs | 3. <input checked="" type="checkbox"/> Increase Revenue | 5. Types of Local Government Units Affected |
| <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory | |
| 2. <input type="checkbox"/> Decrease Costs | 4. <input type="checkbox"/> Decrease Revenue | |
| <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | |
| | | |

Towns Village Cities
 Counties Others
 School Districts WTCS Districts

| | |
|---|---------------------------------------|
| Fund Sources Affected | Affected Ch. 20 Appropriations |
| <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS | |

| | | |
|---|---|--------------------------|
| Agency/Prepared By DHS/ William Emslie (608) 266-5380 | Authorized Signature Andy Forsaith (608) 266-7684 | Date 5/28/2009 |
|---|---|--------------------------|

Fiscal Estimate Narratives

DHS 5/28/2009

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|---|-----------|---------------------|---------|---------------|----------|
| LRB Number | 09-1424/1 | Introduction Number | AB-0218 | Estimate Type | Original |
| Description Penalty surcharges, court fees, drivers' records, and drug and alcohol assessment for persons who commit certain offenses relating to driving while intoxicated | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who commits an offense related to driving while intoxicated (OWI) is liable for a penalty surcharge for driver improvement programs. Currently, a person who commits his or her first offense related to OWI and who has a blood alcohol concentration of .08 or more but less than .1 at the time of this offense is not liable for the surcharge.

Under this bill, a person who commits his or her first offense related to OWI and who has a blood alcohol concentration between .08 and .1 at the time of the violation is liable for the surcharge.

Under current law, the surcharge is \$365. The amount of the surcharge would not change under this bill. The statutes direct that 40% of the revenue from surcharges for driver improvement programs from offenses related to OWI be deposited in the Department of Health Services (DHS) appropriation s. 20.435 (6) (hx). This revenue is transferred to multiple state agencies for services related to drivers, including the DHS appropriation s. 20.435 (7) (hy). The remaining 60% of the surcharge revenue is credited to the county department under s. 51.42 for services for drivers referred through assessment. This bill would increase s. 20.435 (6) (hx) revenue and revenue credited to county departments under s. 51.42 because first-time OWI offenders with a blood alcohol concentration between .08 and .1 would now be liable for the surcharge.

Department of Transportation (DOT) data shows a total of 40,260 OWI related convictions in CY 07 and 36,846 OWI related convictions in CY 08. Of these convictions, 1,699 in CY 07 and 2,152 in CY 08 were first-time offenders with a blood alcohol concentration between .08 and .1. Using the averages of CY 07 and CY 08 OWI conviction data, it is estimated that in SFY 08 there were 38,553 OWI related convictions and of those, 1,926 were first-time OWI related convictions with a blood alcohol concentration between .08 and .1.

Based on the estimated SFY 08 OWI convictions subject to the surcharge, it is estimated there were 36,628 SFY 08 OWI convictions that were liable for the surcharge. Therefore, under s. 20.435 (6) (hx), one would predict \$5,347,600 of revenue under current law in SFY 08 if all OWI offenders liable for the surcharge paid that surcharge. SFY08 actual revenue under s. 20.435 (6) (hx) was \$4,421,800. Actual SFY 08 revenue was 82.6% of the expected SFY 08 revenue if all OWI offenders had paid a surcharge.

This estimate assumes that there would be 1,926 first-time offenders annually that would now be liable for the surcharge under AB 218. This estimate assumes that 82.6% of first-time OWI offenders with a blood alcohol concentration between .08 and .1 would pay the surcharge and that under AB 218 state revenue under s. 20.435 (6) (hx) could increase by \$232,500 annually and local revenue could increase by \$348,700 annually.

This estimate assumes the change in the surcharge applies to offenses committed after the bill's effective date. It also assumes a nine month delay between the effective date of the legislation and the first convictions and surcharge payments. Further, this estimate assumes that the period of time between the violation and the final conviction could vary from nine months to fifteen months, so revenues would increase each month for six months, beginning in the tenth month after the effective date of this legislation.

The amount of s. 20.435 (6) (hx) revenue allocated to DHS and other state agencies is determined by the secretary of the Department of Administration (DOA), except that statutes direct that 9.75% of revenue shall be transferred to the Department of Transportation appropriation s. 20.395 (5) (ek) for the Safe-Ride Program. In SFY 07 and SFY 08, \$1,000,000 of s. 20.435 (6) (hx) revenue was transferred to DHS appropriation s. 20.435 (7) (hy). These funds are used to reimburse counties that report costs to DHS that exceed their collections for administering services to drivers referred through assessment under s. 51.42.

Assuming year 1 begins on the effective date of AB 218, it is anticipated that state revenue under s. 20.435 (6) (hx) could increase by \$19,200 in year 1, \$229,100 in year 2 and \$232,500 in year 3, and it is anticipated

that local revenue could increase by \$28,800 in year 1, \$338,800 in year 2 and \$348,700 in year 3.

Of this additional revenue, 9.75% or \$1,900 in year 1, \$22,300 in year 2, and \$22,700 in year 3 would be transferred to the DOT Safe Ride Program. The DOA secretary would have discretion to transfer the remaining new revenue to OWI surcharge funded programs in other agencies, including DHS.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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| Description Penalty surcharges, court fees, drivers' records, and drug and alcohol assessment for persons who commit certain offenses relating to driving while intoxicated | | |
| I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): | | |
| II. Annualized Costs: | | |
| | Annualized Fiscal Impact on funds from: | |
| | Increased Costs | Decreased Costs |
| A. State Costs by Category | | |
| State Operations - Salaries and Fringes | \$ | \$ |
| (FTE Position Changes) | | |
| State Operations - Other Costs | | |
| Local Assistance | | |
| Aids to Individuals or Organizations | | |
| TOTAL State Costs by Category | \$ | \$ |
| B. State Costs by Source of Funds | | |
| GPR | | |
| FED | | |
| PRO/PRS | | |
| SEG/SEG-S | | |
| III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | | |
| | Increased Rev | Decreased Rev |
| GPR Taxes | \$ | \$ |
| GPR Earned | | |
| FED | | |
| PRO/PRS | 232,500 | |
| SEG/SEG-S | | |
| TOTAL State Revenues | \$232,500 | \$ |
| NET ANNUALIZED FISCAL IMPACT | | |
| | State | Local |
| NET CHANGE IN COSTS | \$ | \$ |
| NET CHANGE IN REVENUE | \$232,500 | \$348,700 |
| Agency/Prepared By | | |
| Authorized Signature | | Date |
| DHS/ William Emslie (608) 266-5380 | | Andy Forsaith (608) 266-7684 |
| | | 5/28/2009 |