

### Fiscal Estimate - 2011 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 11-2144/2	<b>Introduction Number</b> AB-0670
<b>Description</b> Offenses related to operating a vehicle while intoxicated, releasing persons arrested for offenses related to operating a vehicle while intoxicated, granting rule-making authority, and providing a penalty	
<b>Fiscal Effect</b>	
<b>State:</b>	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input checked="" type="checkbox"/> Create New Appropriations	<input checked="" type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input checked="" type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.505 (6) (q)	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>
DOA/ Debra G. Miller (608) 266-5877	Jana Steinmetz (608) 266-1359
<b>Date</b>	
9/16/2011	

## Fiscal Estimate Narratives

DOA 9/16/2011

LRB Number	11-2144/2	Introduction Number	AB-0670	Estimate Type	Original
<b>Description</b> Offenses related to operating a vehicle while intoxicated, releasing persons arrested for offenses related to operating a vehicle while intoxicated, granting rule-making authority, and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

LRB Draft 2144/2 makes substantial changes to Wisconsin's Operating Under the Influence of an Intoxicant (OWI) statutes. It also creates a new SEG fund to reimburse judicial agencies and counties for the increased costs anticipated as a result of these changes.

The bill establishes a separate nonlapsible trust fund, the Intoxicated and Drugged Driver Fund, which would receive its revenue from the wine and liquor tax. The bill requires that the first \$10,000,000 collected in each fiscal year from taxes imposed on wine and liquor be deposited into the fund. The bill requires the Department of Administration (DOA), Department of Health Services (DHS), the Public Defender Board, and the director of state courts to prepare budget requests for the 2013-15 biennium for allocation of funds deposited in the intoxicated and drugged driver fund.

LRB Draft 2144/2 would also require counties to submit to DOA an estimate for the biennium of the costs relating to first time OWI-related offenses, however, the bill does not specifically define all of the eligible costs. Therefore, DOA would have to work with the counties to uniformly and consistently define these costs. In addition, the bill directs DOA to develop an equitable distribution methodology for the funds authorized under s. 20.505(6)(q).

DOA estimates that working with 72 counties to develop eligible cost definitions and a distribution procedure would require a 0.35 FTE program planner and a 0.20 FTE for clerical and administrative support. The accounting for the payments could be absorbed within existing staff resources. The costs for these activities are estimated to be approximately \$38,500 on a one-time basis, assuming the activities are required for the 2013-2015 biennium only.

The bill makes changes relating to operating a vehicle while under the influence of an intoxicant (OWI-related offense). The bill changes the punishment for a first time OWI-related offense from a forfeiture to a Class C misdemeanor punishable by a fine of not more than \$500, imprisonment of not more than 30 days or both. The bill also requires the Law Enforcement Standards Board to establish rules for a sobriety checkpoint program and requires local law enforcement agencies to comply with the rules whenever they conduct a sobriety checkpoint.

The fiscal impact of LRB Draft 2144/2 on local governments is indeterminate. While localities may expend money on conducting sobriety checkpoints the bill does not require them to do so. It is unknown how many law enforcement agencies would conduct the checkpoints or how frequently and how many staff would be needed at any given event.

Because the bill changes first time convictions from a forfeiture to a Class C misdemeanor with the potential for jail time and a criminal record the bill may result in defendants waging more vigorous opposition to the charges against them which could result in higher court costs, higher costs in district attorney offices, and more law enforcement resources. However, it is not possible to determine whether this will occur and how much it may cost local governments.

On the other hand, local governments may receive new funding under the bill to help them target and prosecute OWI-related offenses. However, until the agencies submit their 2013-15 budget requests it cannot be determined how much all or any particular local government would receive.

### Long-Range Fiscal Implications

DOA anticipates that its costs of administering the payments to counties may decline after the program methodology and procedures are developed.

Local long-range fiscal implications are indeterminate at this time.

**Department of Administration**  
**Budget Detail worksheet for LRB Draft 11-21442 Fiscal Estimate**  
**Funding Assistance to Counties**

Position function	FTE	Annual hours	Salary	Annual Cost
Program Planner	0.35	728	22,026	16,035
Program Support	0.20	416	16,570	6,893
<b>Total Salary</b>	<b>0.55</b>	<b>1144</b>		<b>22,928</b>
<b>Fringe Benefits</b>			39.88%	<b>9,144</b>
<b>Supplies</b>			<b>Per FTE</b>	
Office supplies			600	330
Copying			240	132
Printing			480	264
Postage			198	109
<b>Total supplies</b>			<b>1,518</b>	<b>835</b>
<b>Other costs and assessments</b>				
E-grants			1,800	990
State Controller's Office			500	275
Space rent			5,100	2,805
Desktop computer support			2,000	1,100
Email			50	28
Phones			300	165
Fleet charges			144	79
LAB audit costs			276	152
<b>Total other costs &amp; assessments</b>			<b>10,170</b>	<b>5,594</b>
<b>TOTAL</b>				<b>38,500</b>

## Fiscal Estimate Worksheet - 2011 Session

Detailed Estimate of Annual Fiscal Effect

Original
  Updated
  Corrected
  Supplemental

<b>LRB Number</b> 11-2144/2		<b>Introduction Number</b> AB-0670	
<b>Description</b> Offenses related to operating a vehicle while intoxicated, releasing persons arrested for offenses related to operating a vehicle while intoxicated, granting rule-making authority, and providing a penalty			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>  One-time costs of \$37,645 for DOA program administration.			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
	State Operations - Salaries and Fringes	\$	\$
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR		
	FED		
	PRO/PRS		
	SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)</b>			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
DOA/ Debra G. Miller (608) 266-5877		Jana Steinmetz (608) 266-1359	
		<b>Date</b>	
		9/16/2011	