

Fiscal Estimate Narratives

DOA 12/12/2011

LRB Number	11-2144/2	Introduction Number	AB-0670	Estimate Type	Corrected
Description 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
Total Salary	0.55	1144		22,928
Fringe Benefits			39.88%	9,144
Supplies			Per FTE	
Office supplies			600	330
Copying			240	132
Printing			480	264
Postage			198	109
Total supplies			1,518	835
Other costs and assessments				
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
Total other costs & assessments			10,170	5,594
TOTAL				38,500

Fiscal Estimate Worksheet - 2011 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): One-time costs of \$38,500 for DOA program administration.			
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			
SEG/SEG-S			
TOTAL State Revenues	\$		\$
NET ANNUALIZED FISCAL IMPACT			
	<u>State</u>	<u>Local</u>	
NET CHANGE IN COSTS	\$		\$
NET CHANGE IN REVENUE	\$		\$
Agency/Prepared By		Authorized Signature	Date
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