

# FISCAL NOTE

Requested by Legislative Council  
03/25/2003

Amendment to: HB 1439

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				\$1,305,000		\$1,305,000
<b>Expenditures</b>				\$20,000		
<b>Appropriations</b>				\$20,000		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill addresses several issues in regard to driving while under the influence of alcohol and/or drugs. It differentiates how fees, jail times, and suspension times are assessed based on 1st, 2nd, 3rd, or subsequent offenses, mainly based on stricter sanctions for a BAC of .16% or above. The current First Engrossment with Senate Amendments removes the waiver of suspension (infraction) for those violators of the law who are between .08%-.10% BAC and subsequent 2-point suspension; again changes crime classifications; removes the proposed increased speed limit; and further amends section 39-20-04 by increasing the periods of revocation for refusal to submit to testing to 3 years (was 2) for 2nd offense and 5 years (was 3) for a 3rd or subsequent offense. It also amends subsection 1 of section 39-20-04.1 by changing suspension times in relation to BAC results.

The First Engrossment with Senate Amendments further removes the state fiscal impact of the .08% BAC previously amended under the First Engrossment. If passed, there will be no loss of federal highway funds because of the amendments now under consideration.

The NDDOT has no information on the present jail times assessed per individual, per conviction. Therefore, this NDDOT fiscal note does not include any additional revenue and/or expenditures relative to those aspects of HB1439. We also do not know the impact on the court system in relation to the new crime classifications HB1439 would impose.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The revenue figures are based on ESTIMATED increased fees assessed for 1st, 2nd, 3rd & subsequent offenses in relation to BAC results. These figures are estimates only (see attached) as we do not have any statistics for BAC levels per each offense. We are estimating based on 50% less than .16% BAC and 50% 16% + BAC.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Computer software would need to be upgraded to handle the changes in suspension/dates of convictions, etc. The programming charges are approximately \$15,000. An additional \$5,000 for printing of forms, manuals, and public information efforts is included.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The proposed budget for the biennium did not include this proposed legislation. Additional appropriation would be necessary to accommodate the change.

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