

**FISCAL NOTE**  
**Requested by Legislative Council**  
02/17/2009

Amendment to: Engrossed  
HB 1306

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				\$110,000		\$100,000
<b>Expenditures</b>			\$100,000	\$466,000	\$100,000	\$466,000
<b>Appropriations</b>			\$100,000	\$20,000		\$20,000

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

A statewide 24-7 Sobriety program is established in the Office of Attorney General. Second or subsequent offenders of N.D.C.C. 39-08-01 shall be issued a temporary restricted license if participating in the twenty-four seven program.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The 2007 Legislature authorized the Attorney General to establish a sobriety program pilot project called "24-7," the goal of which is to remove intoxicated drivers from the road and ultimately improve their ability to succeed in their treatment choices. This bill implements the 24-7 Sobriety program on a statewide basis.

Currently, temporary restricted licenses are denied for second or subsequent offenders of N.D.C.C. 39-08-01. Providing these could increase NDDOT workload by 30-50% creating the need for a part-time employee depending on the actual volume of requests.

The Office of the Attorney General will also incur additional costs as a result of this bill. They will need one additional FTE and will incur estimated total costs of \$546,000 for the FTE, training, and program expenses. \$100,000 of this cost is covered through a general fund appropriation provided in Section 6 of this bill. The remaining \$446,000 of expenditures to the Office of the Attorney General will be covered through a continuing special fund appropriation.

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.*

Based on available 2008 DUI data there were 4,650 first time and 1,750 second or subsequent offenders convicted. Current statute allows the 4,650 1st time offenders a temporary restricted license and of those only 1,461 were issued. This equates to 31.4% of eligible offenders requesting a temporary restricted license. Using this percentage as an estimate of second and subsequent offenders entering the Twenty-Four Seven Program and requesting a temporary restricted license is approximately 550 (1,750 x 31.4%).

DUI offenders are required to pay a reinstatement fee of \$100 and submit an application prior to being issued a temporary restricted license.

The revenue generated from issuing temporary restricted licenses to second and subsequent offenders is calculated

as 550 requests x \$100 reinstatement fee = \$55,000.

2009-2011 Biennium (\$55,000 x 2) = \$110,000

It is anticipated that second or subsequent offenders will be reduced as a result of this program in conjunction with other statewide efforts.

2011-2013 Biennium (\$50,000 x 2) = \$100,000

The special funds revenue impact for the Office of Attorney General, cities, and counties is unknown.

**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.*

**NDDOT**

A part-time employee may be needed to help process the additional requests, answer phone calls, and draft correspondence to requestors. The estimated additional temporary restricted license requests would account for a 37.6% increase in workload.

NDDOT Special Fund Expenditures (Part-time employee=\$10,000 per year)

2009-2011 Biennium Special Fund Expenditures = \$20,000

2011-2013 Biennium Special Fund Expenditures = \$20,000

**OFFICE OF ATTORNEY GENERAL**

The Office of the Attorney General will incur additional costs as a result of this bill. They will need one additional FTE and will incur estimated expenditures of \$546,000 for the FTE, training, and program expenses. \$100,000 of those expenditures will be covered through a general fund appropriation provided in Section 6 of this bill. The remaining \$446,000 of expenditures to the Office of the Attorney General will be covered through a continuing special fund appropriation.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

A general fund appropriation of \$100,000 from the general fund is provided to the Office of the Attorney General for the 2009-2011 biennium. They will need on additional FTE as a result of this bill.

A special fund appropriation to the NDDOT would be needed for the additional part-time employee in the amount of \$20,000 per biennium.

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