2010 Special Session FISCAL ANALYSIS OF PROPOSED LEGISLATION

Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3601 STATUS: A Engrossed

SUBJECT: Provides that implied consent hearings shall be conducted by telephone or other two-way electronic communication devices.

GOVERNMENT UNIT AFFECTED: Department of Transportation; Employment Department,

Oregon State Police

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REVIEWED BY: Susie Jordan, Michelle Deister, Doug Wilson

DATE: February 11, 2010

	2009-2011	2011-2013
EXPENDITURES:		
Employment Department		
Personal Services	\$ (104,975)	\$ (193,800)
Services and Supplies	\$ (69,205)	\$ (127,764)
Total Employment Department Other Funds	\$ (174,180)	\$ (321,564)
Department of Transportation		
Personal Services	\$ 22,500	\$ 0
Services and Supplies	\$ (145,680)	\$ (321,564)
Total Department of Transportation Other Funds	\$ (123,180)	\$ (321,564)
(Highway Fund)		
	<u>2009-2011</u>	<u>2011-2013</u>
REVENUES:		
Employment Department Other Funds	\$ (174,180)	\$ (321,564)
POSITIONS / FTE:		
Employment Department Administrative Law Judge	(1)(0.50)	(1)(1.00)

EFFECTIVE DATE: The bill establishes an effective date of the 91st day following adjournment sine die, and sunsets telephone or other two-way electronic communication device hearing provision on 12/31/2013.

INTERIM JOINT COMMITTEE ON WAYS AND MEANS: The budgetary impact of this bill was not reviewed and approved by the Interim Joint Committee on Ways and Means Committee and is not included in the omnibus budget bill to be introduced by the committee.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: HB 3601provides that implied consent hearings shall be conducted by telephone or other two-way electronic communication devices.

Implied consent hearings can be requested following a driver license suspension notice for driving under the influence of intoxicants (DUII). The Administrative Hearings Unit in the Employment Department (OED) conducts implied consent hearings for the Division of Motor Vehicles in the Department of Transportation (ODOT). OED assumes that the provisions of this bill that require hearings to be held by telephone or other two-way electronic communication device will reduce travel time and costs for its Administrative Law Judges and support staff. There will be some increase in other costs, such as telephone charges, for a net savings of \$174,180 Other Funds in the 2009-11 biennium and \$321,564 Other Funds in the 2011-13 biennium. OED anticipates eliminating 1 Administrative Law Judge position based on this workload reduction. This fiscal impact also assumes elimination of the position.

The Department of Transportation (ODOT) anticipates some start-up costs associated with the bill. Additional staff costs would be \$22,500 Other Funds. Services and supplies costs, including programming costs and the cost for new forms, equal \$28,500 Other Funds. These costs will be offset by the \$174,180 reduction in the amount billed to ODOT by OED for hearing costs resulting from reduced travel and other costs, for a net cost reduction to ODOT in the 2009-11 biennium of \$123,180 Other Funds.

The Oregon State Police (OSP) estimates that the bill may result in indeterminate savings related to officer travel and overtime expense for implied consent hearings. However, because of contract provisions guaranteeing 3 hours of overtime at time and a half for any officer call-back, OSP estimates that any savings would be minimal.